

and land application of egg wash **WASTEWATER** shall be constructed and permitted in accordance with applicable state and federal law and regulations, and shall comply with the state-mandated **SETBACKS** and **BUFFERS** as adopted in the Florida Administrative Code and incorporated by reference in section 3.06.10.

2. In the event the DEP requires an industrial **WASTEWATER** permit for any of the activities regulated pursuant to the Florida Administrative Code, the **DEVELOPMENT** shall comply with the criteria of section 3.06.12(P).

V. *Existing stormwater management systems.* All existing stormwater management systems in place and operational at the time this section becomes effective [November 18, 1991] shall be allowed to continue operation without any additional regulation under this section.

W. *Future stormwater management systems.* All future stormwater management systems shall be constructed and permitted in accordance with applicable state and SFWMD law and regulations, and shall comply with state or SFWMD mandated **SETBACKS** and **BUFFERS** as adopted in the Florida Administrative Code, the SFWMD's Basis of Review for Stormwater Management Systems, and as incorporated by reference in section 3.06.10.

X. *Existing wells and subsurface exploration*

1. In zones W-1, W-2, W-3, W-4, and GWP, all existing wells, which may be deemed to be abandoned within the meaning of the Florida Administrative Code, shall be plugged and grouted in accordance with those provisions.
2. In zones W-1, W-2, W-3, W-4, and GWP, all permitted wells, temporarily inactive or standby wells, shall be fitted with a well seal meeting the criteria of the Florida Administrative Code, or blind flange within six months of the effective date of this section [November 18, 1991].
3. In zones W-1, W-2, W-3, W-4, and GWP, all other unpermitted, inactive wells that do not meet construction standards specified in section XXXX, shall be plugged and grouted within one year of the effective date of this section [November 18, 1991].
4. In zones W-1, W-2, W-3, W-4, and GWP, existing monitoring wells, that require a well construction permit pursuant to the permit procedures set forth in Chapter 10, shall be secured with a locking cap/seal within six months of the effective date of this section [November 18, 1991].
5. In zones W-1, W-2, W-3, W-4, and GWP, hazardous waste shall not be disposed of by injection well, and injection wells, other than water resource related wells, are prohibited.

Y. *Future wells and subsurface exploration.*

1. In zones W-1, W-2, W-3, W-4, and GWP, all new wells, including without limitation, monitoring, drinking water, exploration, and

irrigation wells, shall be constructed in accordance with the standards in the Construction Standards Manual; section 3.06.11 of this section; and the Florida Administrative Code. In no event shall the inside diameter of such well casing be less than four (4) inches.

2. In zones W-1, W-2, W-3, W-4, and GWP, hazardous waste may not be disposed of by injection well, and injection wells, other than water resource related wells, are prohibited.

Z. *Existing and future excavations and mining operations*

1. In zones W-1, W-2, W-3, W-4, and GWP, all future and existing excavation and mining operations shall be in compliance with section XXXX.
2. In zones W-1, W-2, W-3, W-4, and GWP, future excavation and mining operations, and the continued operation of existing legal **NONCONFORMING** excavations and mining operations, shall be allowed pursuant to the owner and/or operator complying with the following conditions: Implementation of a County-approved stormwater drainage system, incorporating best management practices for handling vehicle fuel, hydraulic fluids, lubricants, and related materials, that will divert stormwater runoff from material processing and vehicle maintenance and storage areas away from mining excavation areas.

AA. *Existing and future petroleum exploration and production facilities.*

1. In zones W-1 and W-2, future petroleum exploration or production facilities, and expansion of existing petroleum exploration or production facilities, shall be prohibited.
2. In zones W-3 and W-4, the siting of future petroleum exploration and production facilities is prohibited in the absence of a wellfield **CONDITIONAL USE** permit.
3. In zone GWP, future petroleum product exploration shall be prohibited from directional drilling through any potable water **AQUIFER** within the vertical projection of the map boundaries of the wellfield risk management special treatment overlay zones.

**3.06.13 Countywide Groundwater Protection Standards**

A. *Groundwater classification and criteria.* The BCC adopts, by reference, and shall, to the extent permitted by general law and interpretations of courts of competent jurisdiction, be authorized concurrently with the DEP to enforce within the County, the requirements of the Florida Administrative Code with regard to groundwater protection standards, as may be amended on the effective date of this section [November 18, 1991], including all rules referenced therein.

B. *Recharge of **AQUIFERS***

1. The BCC finds that the criteria and standards for ensuring recharge to the surficial **AQUIFER** system, as set forth in the SFWMD's Basis of Review for Stormwater Management Systems, are adequate to address **AQUIFER** recharge at this time. This

finding does not preclude the County from developing additional criteria and standards at a future time.

2. In zones W-1, W-2, W-3, W-4, and GWP, all new or substantially modified **DEVELOPMENT**, for which site plan approval is required pursuant to this LDC, shall ensure compliance with all applicable design criteria for recharge to the surficial **AQUIFER** system as set forth in the SFWMD's Basis of Review for Stormwater Management Systems.

*C. Inspections*

1. *Reasonable notice.* To ensure compliance with the criteria of this section and section 3.06.12, the County may inspect the premises of a noncertificated but regulated **DEVELOPMENT**, reasonably believed to be a source of potential groundwater contamination, at reasonable times and after reasonable notice and consent of the owner/operator.
2. *Inspection warrants.* Where consent has been withheld, the County may apply for and obtain an inspection warrant in the same manner as provided for in § 403.091, *F.S.*
3. *Identification.* Agents of the County shall be provided with official identification, and shall exhibit this identification prior to any inspection.
4. *General prohibitions.* Discharges to sinkholes or other karst-related features with a direct hydrologic connection to the surficial or intermediate **AQUIFER** systems shall be prohibited. This prohibition shall not be interpreted or implemented to preclude **AQUIFER** recharge or other well injection authorized under section 3.06.12(Z).

## **CHAPTER 4**

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## CHAPTER 4 – SITE DESIGN AND DEVELOPMENT STANDARDS

### 4.01.00 GENERALLY

#### 4.01.01 Elevation Requirements for All DEVELOPMENTS

The elevation of all **BUILDING** sites and public or private roadways included within a **SUBDIVISION** or **DEVELOPMENT** for which a use other than conservation or recreation is proposed shall be not less than five and one-half (5½) feet NGVD when completed, or to such minimum elevations above the established NGVD datum as adopted by the BCC, FEMA/FIRM, or South Florida Water Management District (SFWMD) criteria. All lawful regulations with reference to **BULKHEAD LINES**, saltwater barrier lines, and other appropriate regulations regarding land filling, conservation, excavations, demolition, and related regulations shall be observed during the construction of any improvements within Collier County.

#### 4.01.02 Kitchens in DWELLING UNITS

A **DWELLING UNIT** containing less than 2,500 square feet of living area shall be limited to one **PRIMARY KITCHEN**. A **DWELLING UNIT** containing 2,500 square feet of living area, or greater, may have a **SECONDARY KITCHEN** provided all rooms are internally accessible and the **SECONDARY KITCHEN** is only accessible through the main **DWELLING UNIT**.

### 4.02.00 SITE DESIGN STANDARDS

#### 4.02.01 Dimensional Standards for Principle Uses in Base Zoning Districts

A. The following tables describe the dimensional standards pertaining to base zoning districts. Site design requirements apply to the **PRINCIPAL BUILDING** on each site.

**Table1. LOT Design Requirements for Principle Uses in Base Zoning Districts.**

Zoning District		Minimum Lot Area (square feet)	Minimum Lot Width (linear feet)		Maximum BUILDING Coverage (%)
GC		None	None		None
A		217,800	165		None
E		98,010	150		None
RSF-1		43,560	150		None
RSF-2		20,000	120		None
RSF-3		10,000	Corner LOT	Interior LOT	None
RSF-4		7,500	95	80	
RSF-5		6,000	75	70	None
RSF-6		6,000	70	60	None
RMF-6		6,500	60		None
S.F. Duplex		12,000	80		
3+ units		5,500 per unit	100		

RMF-12		43,560	150	None
RMF-16		43,560	150	None
RT		43,560	150	None
VR		6,000	60	None
S.F./MH		10,000	100	
Duplex M.F.		43,560	150	
MH		6,000	60	None
TTRVC site	Park  LOTS	20 acres 800	Travel trailers/Park models 40 Campsites 30	None
C-1		20,000	100	None
C-2		15,000	150	None
C-3		10,000	75	None
C-4		10,000	100	None
C-5		10,000	100	None
I		20,000	100	None
BP site	Park  LOTS	35 acres 20,000	100	45
CON		217,800	150	None
P		None	None	None
CF		10,000	80	None

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

Zoning District	Maximum BUILDING Height (feet)	Minimum Distance Between BUILDINGS	Minimum Floor Area of BUILDINGS (square feet)		FLOOR AREA RATIO (%)
GC	35	None	None		None
A	35	None	550		None
E	30	None	1,000		None
RSF-1	35	None	1-story 1,500	2-story 1,800	None
RSF-2	35	None	1,500	1,800	None
RSF-3	35	None	1,000	1,200	None
RSF-4	35	None	800	1,200	
RSF-5	35	None	600	1,200	None
RSF-6	35	None	600	800	None
RMF-6	Three (3) habitable floors	A	750		None
RMF-12	50	A	Efficiency 450 1 BR 600 2+ BR 750		None
RMF-16	75	A	Efficiency 450 1 BR 600 2+ BR 750		None

RT	10 stories, not to exceed 100'	A	300 (max. for hotel units = 500')	None
VR	S.F. 30 MH 30 Duplex 30 M.F. 35	None None None B	None	None
MH	30	None	None	None
TTRVC	30	10	None	None
C-1	35	None	1,000 (ground floor)	None
C-2	35	A	1,000 (ground floor)	None
C-3	50	None	700 (ground floor)	None
C-4	75	A	700 (ground floor)	Hotels .60 Destination resort .80
C-5	35	A	700 (ground floor)	Hotels .60 Destination resort .80
I	50	A	1,000	None
BP	35	A	1,000	None
CON	35	None	None	None
P	C	None	None	None
CF	Towers/antennas 40 Other 30	D	1,000 (ground floor)	None
Overlay Districts	See table of special design requirements applicable to overlay districts.			

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

B = 50% of the sum of the heights of the **BUILDINGS**.

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

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

**B. USABLE OPEN SPACE** shall include active and passive recreation areas such as playgrounds, golf courses, **BEACH FRONTAGE**, waterways, lagoons, **FLOOD PLAINS**, nature trails, and other similar **OPEN SPACES**. **OPEN SPACE** areas shall also include those areas set aside for preservation of **NATIVE VEGETATION** and landscaped areas. Open water area beyond the perimeter of the site, **STREET RIGHTS-OF-WAY**, **DRIVEWAYS**, off-**STREET** parking areas, and off-**STREET** loading areas shall not be counted in determining **USABLE OPEN SPACE**.

1. In residential **DEVELOPMENTS**, at least sixty (60) percent of the gross area shall be devoted to **USABLE OPEN SPACE**. This requirement shall not apply to individual single-family **LOTS** less than 2.5 acres in size.
2. In **DEVELOPMENTS** of commercial, industrial and mixed use including residential, at least thirty (30) percent of the gross area shall be devoted to **USABLE OPEN SPACE**. This requirement shall not apply to individual **PARCELS** less than five (5) acres in size.

3. Historical/archaeological resources that are to be preserved may be utilized to satisfy required **SETBACKS**, **BUFFER** strips or **OPEN SPACE** up to the maximum area required by **DEVELOPMENT** regulations. Conservation of such historic or archaeological resources shall qualify for any **OPEN SPACE** requirements mandated by the **DEVELOPMENT** regulations.

C. Specific Requirements for Uses Involving Shopping Carts

When the operating characteristics of a duly authorized business require the utilization of shopping carts by customers, provision shall be made for outside storage areas to be illustrated on a site **DEVELOPMENT PLAN**, and said shopping carts shall be collected at the close of business each day and stored at the front of that business establishment. It shall be the responsibility of the merchant to collect any and all shopping carts that stray from the premises upon which they are intended to be utilized. A name-plate on a shopping cart shall be prima facie evidence of ownership.

D. Exemptions and exclusions from design standards

1. The height limitations contained in Chapter 2 do not apply to infrastructure in support of the **BUILDING**, such as mechanical penthouses, elevator shafts, stair shafts, mechanical equipment, mechanical screening, spires, belfries, cupolas, flagpoles, antennas, communications **TOWERS**, water tanks, fire **TOWERS** when operated by a branch of government, ventilators, chimneys, feed storage **STRUCTURES**, silos, windmills, **AIRPORT** control **TOWERS**, or other appurtenances placed above the roof level and not intended for human occupancy or for commercial purposes as provided below:
  - a. Structural elements shall be no higher than necessary to accomplish the purpose it is intended to serve.
  - b. The aggregate area of **STRUCTURES** or appurtenances shall not exceed one-third the area of the supporting roof.
  - c. Where this section conflicts with section 5.05.08, the provisions of section 5.05.08 will control.
  - d. The heights of these **STRUCTURES** or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Agency or **AIRPORT** zoning regulations within the flight approach zone of **AIRPORTS**. (See section 2.03.07 C.).
2. In instances where off-**STREET** parking is provided within the **PRINCIPAL STRUCTURE**, the County Manager or designee may waive the maximum height requirements to the extent necessary to

permit off-**STREET** parking within the **PRINCIPAL STRUCTURE**, provided however: (1) the number of off-**STREET** parking spaces required by this LDC for the use involved may not be reduced; (2) the waiver in height shall not be greater than that necessary to provide for the off-**STREET** parking within the **PRINCIPAL STRUCTURE**, with a maximum of two parking levels; (3) the waiver of the maximum height requirements are compatible with the uses on **ADJACENT** properties; and (4) for each off-**STREET** parking space permitted within the **PRINCIPAL STRUCTURE** for which the maximum height waiver is granted, 300 square feet of additional **OPEN SPACE** beyond that which is otherwise required by this LDC shall be provided.

3. Every part of every required **YARD** shall be open and unobstructed from thirty (30) inches above the general ground level of the **GRADED LOT** upward to the sky except as hereinafter provided or as otherwise permitted in this LDC.
4. Sills and other architectural and design treatments shall not project over twelve (12) inches into a required **YARD**.
5. Movable awnings shall not project over three (3) feet into a required **YARD**, provided that where the **YARD** is less than five (5) feet in width the projection shall not exceed one-half (1/2) the width of the **YARD**.
6. Window- or wall-mounted air conditioning units, chimneys, fireplaces, bay windows, or pilasters shall not project over two (2) feet into a required **YARD**.
7. Fire escapes, stairways, and balconies which are unroofed (except as otherwise permitted within this section) and unenclosed shall not project over five (5) feet into a required side or rear **YARD** and three (3) feet into a **FRONT YARD** of a **MULTI-FAMILY DWELLING, HOTEL** or **MOTEL** and not over three (3) feet into a required front, side or rear **YARD** of a **SINGLE-FAMILY** residential **DWELLING**. Regardless of the extent of encroachment, the minimum requirement for separation of **STRUCTURES** shall be maintained.
8. Hoods, canopies, or roof overhangs shall not project over (3) three feet into a required **YARD**, but shall not come closer than one (1) foot to the **LOT LINE**.
9. Fences, walls and hedges, subject to section 5.03.02, and pad-mounted air conditioners are permitted in required **YARDS**, subject to the provisions of section 4.06.00.
10. Cornices, eaves or gutters shall not project over three (3) feet into a required **YARD**, provided that where the required **YARD** is less

than six (6) feet in width, such projection shall not exceed one-half (1/2) the width of the **YARD**.

11. Except as otherwise provided by this LDC, when **LOTS** on both sides of an undeveloped recorded **LOT** contain a residential **STRUCTURE** whose **FRONT YARD SETBACK** is less than is now required, the average of the **SETBACKS** of the two (2) contiguous developed **LOTS** shall serve to establish the minimum **FRONT YARD** requirement for the vacant **LOT**.
12. In commercial, industrial and multi-family residential **DEVELOPMENTS**, carports which are open on all sides may encroach into the required **YARDS** provided they do not encroach into the required **LANDSCAPE BUFFERS**, as required by this LDC; and furthermore, if the landscaping is deficient where the carports are proposed, the landscaping must be upgraded to comply with the LDC requirements to the greatest extent possible prior to the issuance of a **BUILDING** permit for said carports. This shall be accomplished by a site **DEVELOPMENT PLAN** amendment or a site improvement plan approval.

#### 4.02.02 Dimensional Standards for **CONDITIONAL USES** and **ACCESSORY Uses** in Base Zoning Districts

##### A. GC District.

1. **ACCESSORY USES:** Pro shops with equipment sales are allowable, provided that the shops are no more than 1,000 square feet in size; **RESTAURANTS** with a seating capacity of 150 seats or less are allowable, provided that the hours of operation are no later than 10:00 p.m.
2. **CONDITIONAL USES:** Commercial establishments oriented to the permitted uses of the district including gift shops; pro shops with equipment sales in excess of 1,000 square feet; **RESTAURANTS** with seating capacity of greater than 150 seats; cocktail lounges, and similar uses, primarily intended to serve patrons of the golf course.

##### B. A District.

1. **ACCESSORY USES:**
  - a. Packinghouse or similar agricultural processing of farm products produced on the property subject to the following restrictions:
    - (i) Agricultural packing, processing or similar facilities shall be located on a major or minor **ARTERIAL STREET**, or shall have **ACCESS** to an **ARTERIAL STREET** by a public **STREET** that does not **ABUT** properties zoned RSF-1,

RSF-6, RMF-6, RMF-12, RMF-16, RT, VR, MH, TTRVC and PUD or residentially used.

(ii) A **BUFFER YARD** of not less than 150 feet in width shall be provided along each boundary of the site which **ABUTS** any residentially zoned or used property, and shall contain an alternative B type **BUFFER** as defined within section 4.06.00 of this LDC. Such **BUFFER** and **BUFFER YARD** shall be in lieu of front, side, or rear **YARDS** on that portion of the **LOT** which **ABUTS** those districts and uses identified in section 2.03.01(A).

(iii) The facility shall emit no obnoxious, toxic, or corrosive dust, dirt, fumes, vapors, or gases which can cause damage to human health, to animals or vegetation, or to other forms of property beyond the **LOT LINE** of the use creating the emission.

b. Excavation and related processing and production subject to the following criteria:

(i) The activity is clearly incidental to the agricultural **DEVELOPMENT** of the property.

(ii) The affected area is within a surface water management system for **AGRICULTURAL USE** as permitted by the SFWMD.

(iii) The amount of excavated material removed from the site cannot exceed 4,000 cubic **YARDS**. Amounts in excess of 4,000 cubic **YARDS** shall require **CONDITIONAL USE** approval for earthmining, pursuant to the procedures and conditions set forth in Chapter 10.

2. **CONDITIONAL USES – LOT area requirements:**

Animal breeding, raising, training, stabling, or kenneling	20 acres
Asphalt plants	10 acres
Commercial production, raising or breeding of exotic animals, other than animals typically used for agricultural purposes or production <sup>1</sup>	20 acres
Dairy	20 acres
Livestock raising	20 acres
Poultry and egg production	20 acres
Reptile breeding and raising (non-venomous) <sup>1</sup>	20 acres

<sup>1</sup>Roofed **STRUCTURES** shall be a minimum of 100 feet from any **LOT LINE**.

3. **CONDITIONAL USES – design requirements:**

a. Asphaltic and concrete batch making plants:

(i) Principal **ACCESS** shall be from a **STREET** designated **COLLECTOR** or higher classification.

- (ii) Raw materials storage, plant location and general operations around the plant shall not be located or conducted within 100 feet of any exterior boundary.
  - (iii) The height of raw material storage facilities shall not exceed a height of fifty (50) feet.
  - (iv) Hours of operation shall be limited to two (2) hours before sunrise to sunset.
  - (v) The minimum **SETBACK** from the principal road **FRONTAGE** shall be 150 feet for operational facilities and seventy-five (75) feet for supporting administrative offices and associated parking.
  - (vi) An earthen **BERM** achieving a vertical height of eight feet or equivalent vegetative screen with eighty (80) percent opacity one (1) year after issuance of certificate of occupancy shall be constructed or created around the entire perimeter of the property.
  - (vii) The plant shall not be located within the Greenline Area of Concern for the Florida State Park System as established by the Department of Environmental Protection (DEP); within the Area of Critical State Concern as depicted on the Future Land Use Map GMP; within 1,000 feet of a **NATURAL RESERVATION**; or within any County, State or federal jurisdictional **WETLAND** area.
- c. Tour operations, such as, but not limited to airboats, swamp buggies, horses, and similar modes of transportation, shall be subject to the following criteria:
- (i) Permits or letters of exemption from the U.S. Army Corps of Engineers, the Florida DEP, and the SFWMD shall be presented to the County Manager or designee prior to site **DEVELOPMENT PLAN** approval.
  - (ii) The petitioner shall post the property along the entire property line with no trespassing **SIGNS** approximately every 300 **YARDS**.
  - (iii) The petitioner shall utilize only trails identified and approved on the site **DEVELOPMENT PLAN**. Any existing trails shall be utilized before the establishment of new trails.
  - (iv) Motor vehicles shall be equipped with engines which include spark arrestors and mufflers designed to reduce noise.
  - (v) The maximum size of any vehicle, the number of vehicles, and the passenger capacity of any vehicle



shall be determined by the Board of Zoning Appeals during the **CONDITIONAL USE** process.

- (vi) Motor vehicles shall be permitted to operate during daylight hours which means, one (1) hour after sunrise to one (1) hour before sunset.
- (vii) Molestation of wildlife, including feeding, shall be prohibited.
- (viii) Vehicles shall comply with state and United States Coast Guard regulations, if applicable.

C. E District. Extraction or earthmining, and related processing and production not incidental to the **DEVELOPMENT** of the property, may be permissible as a **CONDITIONAL USE** where the site area does not exceed twenty (20) acres.

D. RT District. **CONDITIONAL USES** shall not exceed 125 feet in height.

E. VR District

Minimum lot area	1 acre
Minimum lot width	100 feet
Front Yard	35 feet
Side Yard	15 feet
Rear Yard	30 feet
Maximum height*	50 feet

\*No **BUILDING** may contain more than three levels of habitable space.

F. MH District. **ACCESSORY USES** shall not exceed twenty (20) feet in height.

G. C-1 District.

1. **CONDITIONAL USE** – mixed residential and commercial use, subject to the following:
  - a. The commercial uses in the **DEVELOPMENT** may be limited in hours of operation, size of delivery trucks, and type of equipment;
  - b. The residential uses are designed so that they are compatible with the commercial uses;
  - c. Residential **DWELLING UNITS** are located above **PRINCIPAL USES**;
  - d. Residential and commercial uses do not occupy the same floor of a **BUILDING**;
  - e. The number of residential **DWELLING UNITS** shall be controlled by the dimensional standards of the underlying district, together with the specific requirement that in no instance shall the residential uses exceed fifty (50%) percent of the gross **FLOOR AREA** of the **BUILDING**;
  - f. **BUILDING HEIGHT** may not exceed two (2) stories;
  - g. Each residential **DWELLING UNIT** shall contain the following minimum **FLOOR AREAS**: efficiency and one-bedroom, 450

square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;

- h. A minimum of thirty (30) percent of the mixed use **DEVELOPMENT** shall be maintained as **OPEN SPACE**. The following may be used to satisfy the **OPEN SPACE** requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or **SETBACK** areas not covered with **IMPERVIOUS SURFACE** or used for parking (parking lot islands may not be used unless existing **NATIVE VEGETATION** is maintained);
- i. The mixed commercial/residential **STRUCTURE** shall be designed to enhance **COMPATABILITY** of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular accessways and parking areas from residential units, to the greatest extent possible.

H. C-2 District.

- 1. **ACCESSORY USES** - Where play areas are constructed as an **ACCESSORY USE** to a permitted use, the following conditions shall apply:
  - a. A minimum five and one-half (5½) foot high reinforced fence shall be installed on all sides of the play area which are not open to the **PRINCIPAL STRUCTURE**;
  - b. Ingress to and egress from the play area shall be made only from the **PRINCIPAL STRUCTURE**, however an emergency exist from the play area shall be provided which does not empty into the **PRINCIPAL STRUCTURE**;
  - c. The play equipment shall be set back a minimum distance of five (5) feet from the required fence and from the **PRINCIPAL STRUCTURE**.
- 2. **CONDITIONAL USE** – mixed residential and commercial use, subject to the following:
  - a. All standards for the mixed residential and commercial use in the C-1 District.
  - b. The residential **DWELLING UNITS** shall be restricted to occupancy by the owners or lessees of the commercial units below.

I. C-3 District. Mixed residential and commercial use may be allowable as a **CONDITIONAL USE**, subject to the same standards as the mixed residential and commercial use in the C-2 District.

J. C-5 District. Child day care may be allowable as a **CONDITIONAL USE**, subject to the following standards:

1. All areas and surfaces readily accessible to children shall be free of toxic substances and hazardous materials. This shall include all **ADJACENT** and **ABUTTING** properties lying within 500 feet of the **CHILD CARE CENTER'S** nearest property line.
2. It shall not be located within 500 feet of the nearest property line of land uses encompassing wholesale storage of gasoline, liquefied petroleum, gas, oil, or other flammable liquids or gases.
3. It shall not be located on the same **STREET** customarily utilized by construction truck traffic from asphalt plants and excavation quarries.
4. It shall have a minimum **LOT** area of 20,000 square feet and a minimum **LOT** width of 100 feet.
5. It shall provide a minimum **USABLE OPEN SPACE** of not less than thirty (30) percent of the total square footage of the **LOT** area.
6. It shall provide that all **OPEN SPACES** to be used by children will be bounded by a fence of not less than five (5) feet in height, to be constructed of wood, masonry, or other approved material.
7. It shall provide a **LANDSCAPE BUFFER** in accordance with section 4.06.00.
8. It shall comply with the State of Florida Department of Health and Rehabilitative Services Child Day Care Standards of the Florida Administrative Code.
9. Where a **CHILD CARE CENTER** is proposed in conjunction with, and on the same **PARCEL** as, a facility which is a permitted use, the requirements set forth in subparagraphs a through h above, with the exceptions of subparagraphs d and e, shall be used to provide the protections to children using the **CHILD CARE CENTER** intended by this section consistent with the **DEVELOPMENT** of the proposed permitted use.

K. I District.

1. **CONDITIONAL USES.**

a. Adult day care, subject to the following requirements:

- (i) Shall not be located within 500 feet of the nearest property line of land uses encompassing wholesale storage of gasoline, liquefied petroleum, gas, oil, or other flammable liquids or gases.
- (ii) Shall not be located on the same **STREET** customarily utilized by construction truck traffic from asphalt plants and excavation quarries.
- (iii) Shall have a minimum **LOT** area of 20,000 square feet and a minimum **LOT** width of 100 feet.

(iv) Shall provide a minimum **USABLE OPEN SPACE** of not less than thirty (30) percent of the total square footage of the **LOT** area.

b. Child day care, subject to the same standards as for the C-5 District.

**4.02.03 Specific Standards for Location of ACCESSORY BUILDINGS and STRUCTURES**

A. For the purposes of this section, in order to determine **YARD** requirements, the term "**ACCESSORY STRUCTURE**" shall include detached and attached **ACCESSORY USE STRUCTURES** or **BUILDINGS** notwithstanding the attachment of such **STRUCTURE** or **BUILDING** containing the **ACCESSORY** use to the **PRINCIPAL USE STRUCTURE** or **BUILDING**. **ACCESSORY BUILDINGS** and **STRUCTURES** must be constructed simultaneously with or following the construction of the **PRINCIPAL STRUCTURE** and shall conform with the following **SETBACKS** and **BUILDING** separations.

**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
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

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 <sup>1</sup>
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
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

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.

**B. ACCESSORY BUILDINGS** shall not occupy an area greater than five (5) percent of the total **LOT** area in all residential zoning districts, or occupy an area greater than forty (40) percent of any **BUILDING** envelope (i.e., area of **LOT** remaining for **BUILDING** purposes after accounting for required **SETBACKS**), whichever is the lesser, provided the total maximum coverage provision of this ordinance for all **PRINCIPAL** and **ACCESSORY BUILDINGS** is not exceeded. Nothing

herein contained shall serve to prevent the construction of an **ACCESSORY BUILDING** containing an area of less than 500 square feet provided all **YARD** and **BUILDING** spacing requirements can be met.

**4.02.04 Standards for CLUSTER Residential Design**

- A. The purpose of **CLUSTER DEVELOPMENT** is to provide a unique and innovative alternative to the conventional residential **DEVELOPMENT** in the RSF 1 through 6, RMF-6, PUD and VR districts by creating a more varied, efficient, attractive, and economical residential **DEVELOPMENT** containing a more usable pattern of **OPEN SPACE**. It is intended to implement the (GMP)by, among other things, encouraging compact urban growth, discouraging urban sprawl, and encouraging the conservation of environmental resources.
- B. This section shall apply to all **PARCELS** of land under single ownership within the RSF 1 through 6, RMF-6, VR and PUD zoning districts which permit **CLUSTER DEVELOPMENT**.
- C. **CONDITIONAL USES** approved for **CLUSTER DEVELOPMENT** may reduce the **LOT** area, **LOT** width, and **YARD** requirements within a zoning district, subject to the criteria enumerated in this section. The **LOT** area, **LOT** width, coverage, and **YARD** regulations of the residential zoning district in which the **CLUSTER DEVELOPMENT** is located shall be used as the basis for all computations of allowed reductions. The following reductions in **LOT** area, **LOT** width, coverage and **YARD** regulations of the underlying zoning district shall be permissible pursuant to the grant of a **CONDITIONAL USE** for **CLUSTER DEVELOPMENT**.
  - 1. The maximum allowable **GROSS DENSITY** in any **CLUSTER DEVELOPMENT** shall not exceed the maximum allowable **GROSS DENSITY** of the residential zoning district in which the **CLUSTER** housing **DEVELOPMENT** is located.
  - 2. The following site design and dimensional standards shall apply to **CLUSTER DEVELOPMENT**:

**Table 5. Table of Design Standards for CLUSTER DEVELOPMENT.**

Design Standard	
Minimum lot area per single-family unit	3,000 sq. ft.
Minimum lot width	
Cul-de-sac lots	20 feet
All other lots	40 feet
Minimum setbacks	
Front yard	
front entry garage	20 feet
side entry garage	10 feet
Side yards	

zero lot line on one side no zero lot line	10 feet remaining side 5 feet each side
Rear yard principle STRUCTURE ACCESSORY STRUCTURE	10 feet 3 feet

D. Requirements for **ZERO LOT LINE DEVELOPMENTS:**

1. The zero (0) **LOT LINE** portion of the **DWELLING UNIT** shall be void of doors or windows where such wall is contiguous to an adjoining **LOT LINE**.
2. Where the nature of the construction of a residence has provided for zero (0) side **YARD**, footings and roof overhang encroachments may be permitted onto the adjoining **LOT**. A roof drainage system shall be put in place to prevent roof drainage from falling onto the **ABUTTING** property **ADJACENT** the walls of the residence with the zero (0) side **YARD** tolerance. Furthermore, provision shall be made for a three (3)-foot **EASEMENT** on the **ABUTTING** property, which shall be recorded running with the land with the residence enjoying the zero (0) **LOT** side **YARD**, for maintenance purposes.
3. Roof overhangs shall be prohibited over **ADJACENT** property lines, unless a recorded restrictive covenant creating the requisite **EASEMENT** interest for encroachment, maintenance, and repair of the **BUILDING** overhang is an element of the project.

E. **COMMON OPEN SPACE.**

1. All reductions in the minimum **LOT** area, **LOT** width, and **YARD** requirements below that which would otherwise be required within the district in which the **CLUSTER DEVELOPMENT** is located shall be required to provide an equal amount of **COMMON OPEN SPACE** within the same phase and general area of each **CLUSTER** of homes in the **DEVELOPMENT** unless said **CLUSTER DEVELOPMENT** is part of a planned unit **DEVELOPMENT** where the **OPEN SPACE** requirements of this LDC have been satisfied.
2. **COMMON OPEN SPACE** shall be reserved for recreational uses.
3. Any commercial uses recreational facility subject to membership, registration, fees, or aimed at attracting outside users, shall not be counted as **COMMON OPEN SPACE**.
4. The sale, lease, or other disposition of **COMMON OPEN SPACE** shall be prohibited except to a nonprofit corporation or homeowners' association or other similar entity established under the laws of Florida to administer and maintain the facilities subject to a deed restriction acceptable to the County to limit the use of said property to **COMMON OPEN SPACE**. Provisions shall be

included to assure the continued maintenance of the **COMMON OPEN SPACE** area.

5. **ACCESS** rights to **COMMON OPEN SPACE** for all residents within the **CLUSTER** housing **DEVELOPMENT** shall be guaranteed.
  6. Land utilized for **COMMON OPEN SPACE** shall be restricted to **COMMON OPEN SPACE** in perpetuity by appropriate legal instruments satisfactory to Collier County. Such instrument shall be binding upon the owner, developer, his successors, and assigns, and shall constitute a covenant running with the land, and be in recordable form.
- F. Additional reduction to the **DEVELOPMENT** standards provided at sections 4.02.04 C. - E. may be approved by the Collier County Planning Commission for projects defined as common architectural theme projects. In determining whether or not a project qualifies as a common architectural theme project the BCC shall determine that all of the following design features are incorporated into the project:
1. The architectural style of the **DWELLING UNITS/STRUCTURES** shall be similar in design and in the use of materials and color.
  2. The residential project shall have a signature entranceway which serves to identify the **DEVELOPMENT** as having a common architectural theme. The entranceway design and improvement elements shall include some or all of the following: the use of landscape materials, gated **STRUCTURE**, water features, sculpture, and ornamental pavement surfaces.
  3. **STREET** materials, signage, and lighting shall be complementary and the same throughout the project's accessways.

#### 4.02.05 **Specific Design Standards for Waterfront LOTS**

- A. It is the intent and purpose of this section to permit the placement of **PRINCIPAL STRUCTURES**, except **SINGLE-FAMILY**, two-family and **DUPLEX DWELLING UNITS**, at the **BULKHEAD** line or **SHORELINE** where such placement at the water's edge can enhance the character of waterfront **DEVELOPMENT** without detriment to adjoining or nearby properties or without damage to a particular environmental situation. The provisions of this section have their greatest potential application in planning for the use of tidewater inlands or areas of the county of such size and location that the use of this provision will meet its intent and purpose. If the provisions of this section are met, such provisions govern regardless of any requirement for waterfront **YARDS** in the zoning district involved. In those cases where the coastal control line is involved, the coastal construction control line shall apply.
- B. **PRINCIPAL STRUCTURES** shall not be erected waterward under this section beyond the following limits for the situations outlined:



1. For waterfront lands along which a **BULKHEAD** line has been established, **BUILDINGS** may be erected out to, but not beyond, the **BULKHEAD** line.
  2. For waterfront lands along which an **OFFSHORE BUILDING** limit has been established by the BCC, **BUILDINGS** may be erected out to, but not beyond, the **BUILDING** limit line.
  3. For waterfront lands along which neither a **BULKHEAD** nor a **BUILDING** limit line has been established, **BUILDINGS** may be erected out to, but not beyond, the **SHORELINE**, as that **SHORELINE** exists prior to **DEVELOPMENT** and construction.
- C. Since this section applies only to the placement of **STRUCTURES** in waterfront **YARDS**, there shall be no use permitted under this section which is not permitted or permissible in the district involved. A **STRUCTURE** approved under this section, however, may be attached to or made an integral part of a **BOATHOUSE** or **DOCK**, if such **BOATHOUSE** or **DOCK** is permitted or permissible in the district involved.

**4.02.06 Standards for DEVELOPMENT in AIRPORT Zones**

- A. There are hereby created and established certain surfaces which include all of the land lying beneath the approach, transitional, primary, horizontal, and conical surfaces as they apply to a particular **AIRPORT**. Such zones are shown on the Naples Municipal, Marco Island Executive, Everglades City, and Immokalee Regional **AIRPORT** zoning maps and declared to be made a part of this LDC. An area located in more than one of the described zones is considered to be only in the zone with the most restrictive height limitation.
- B. *Primary surface.* An area longitudinally aligned along the runway centerline, extending 200 feet beyond each end of the runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.
- C. *Primary surface height.* No **STRUCTURE** or obstruction will be permitted within the primary surface area that is not part of the landing and takeoff area and is of greater height than the nearest point on the runway centerline with the exception of FAA approved navigation aids.
- D. The width of each primary surface is as follows:

**Table 6. Primary Surface Width**

<b>AIRPORTS</b>	<b>Runway</b>	<b>Type</b>	<b>Width (feet)</b>
Naples Municipal	14-32	Other than utility/non-precision instrument	500
	5-23	Other than utility/ precision instrument	1,000
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	500
Everglades City Airpark	15-33	Utility/Visual	250
Immokalee Regional Airport	9-27	Other than utility/ precision instrument	1,000
	18-36	Other than utility/non-precision instrument	500

E. *Horizontal zone.* A horizontal plane 150 feet above the established **AIRPORT** elevation, the perimeter of which is constructed by swinging arcs for specified radii from the center of each end of the primary surface of each runway of each **AIRPORT** and connecting the **ADJACENT** arcs by lines tangent to those arcs. The radius of each arc is as follows:

**Table 7. Horizontal Zone Radius.**

AIRPORTS	Runway	Type	Radius (feet)
Naples Municipal	14-32	Other than utility/non-precision instrument	10,000
	5-23	Other than utility/ precision instrument	10,000
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	10,000
Everglades City Airpark	15-33	Utility/Visual	5,000
Immokalee Regional Airport	9-27	Other than utility/ precision instrument	10,000
	18-36	Other than utility/non-precision instrument	10,000
	4-22	Utility/Visual	5,000

F. *Horizontal zone height.* No **STRUCTURE** or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the **AIRPORT** height.

G. *Conical zone.* The conical zone is the area extending outward and upward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for **STRUCTURES** in the conical zone are 150 feet above **AIRPORT** height at the inner boundary with permitted height increasing one (1) foot vertically for every twenty (20) feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above **AIRPORT** height at the outer boundary.

H. *Approach zone.* The approach zone is an area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach zone is designated for the end of each runway based upon the type of approach available or planned for that runway end.

1. *Approach zone width.* The inner edge of the approach zone is the same width as the primary surface. The outer width of the approach zone is prescribed for the most precise approach existing or planned for that runway end expanding uniformly to the following widths:

**Table 8. Approach Zone Width (feet)**

AIRPORTS	Runway	Type	Width
Naples Municipal	14-32	Other than utility/non-precision instrument	3,500

	5	Other than utility/precision instrument	16,000
	23	Other than utility/precision instrument	16,000
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	3,500
Everglades City Airpark	15-33	Utility/visual	1,250
Immokalee Regional Airport	9	Other than utility/precision instrument	16,000
	27	Other than utility/non-precision instrument	3,500
	18	Other than utility/non-precision instrument	3,500
	36	Other than utility/visual	1,500
	4-22	Utility/visual	1,250

2. *Approach zone lengths.* The approach zone extends for the applicable horizontal distance as follows:

**Table 9. Approach Zone Length (feet).**

AIRPORTS	Runway	Type	Length
Naples Municipal	14-32	Other than utility/non-precision instrument	10,000
	5	Other than utility/non-precision instrument	10,000
	23	Other than utility/non-precision instrument	50,000
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	10,000
Everglades City Airpark	15-33	Utility/visual	5,000
Immokalee Regional Airport	27	Other than utility/non-precision instrument	10,000
	9	Other than utility/precision instrument	50,000
	18	Other than utility/non-precision instrument	10,000
	36	Other than utility/visual	5,000
	4-22	Utility/visual	5,000

3. *Approach zone height.* Permitted height limitation within the approach zone shall not exceed the runway end height at the inner edge and increases uniformly with horizontal distance outward from the inner edge as follows:

**Table 10. Approach Zone Height.**

AIRPORTS	Runway	Type	Height
Naples Municipal	14-32	Other than utility/non-precision instrument	34:1
	5	Other than utility/precision instrument	50:0/40:1
	23	Other than utility/precision instrument	50:1/40:1
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	20:1

Everglades City Airpark	15-33	Utility/visual	20:1
Immokalee Regional Airport	9	Other than utility/non-precision instrument	50:1/40:1
	27	Other than utility/non-precision instrument	34:1
	18	Other than utility/non-precision instrument	34:1
	36	Other than utility/visual	20:1
	4-22	Utility/visual	20:1

4. *Precision instrument runway(s)*. One (1) foot vertically for every fifty (50) feet horizontally for the first 10,000 feet, increasing to one (1) foot vertically for every forty (40) feet horizontally for additional 40,000 feet.
  5. *Non-precision instrument runways*. One (1) foot vertically for every thirty-four (34) feet horizontally.
  6. *Visual runways*. One (1) foot vertically for every twenty (20) feet horizontally.
- I. *Transitional zones*. The area extending outward from the sides of the primary surface and approach zones connecting them to the horizontal zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone. Height limits within the transitional zone are the same as the primary surface or approach zone at the boundary line where it adjoins and increases at a rate of one (1) foot vertically for every seven (7) feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline until the height matches the height of the horizontal zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.
  - J. *Heliport primary zones*. The area of the primary zone coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the established heliport elevation.
    1. *Heliport approach zone*. The approach zone begins at each end of the heliport primary zone with the same width as the primary zone, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach zone is eight (8) to one (1) (one (1) foot vertically for every eight (8) feet horizontally.)
    2. *Heliport transitional zone*. These zones extend outward and upward from the lateral boundaries of the heliport primary zone and from the approach zone at a slope of two (2) to one (1) (one (1) foot vertically for every two (2) feet horizontally) for a distance of 250 feet measured horizontally from the centerline of the heliport primary and approach zone.

- K. *Other areas.* In addition to the height limitations imposed in sections 4.02.06(E)-(H) above, no **STRUCTURE** or obstruction will be permitted within Collier County that would cause a minimum obstruction clearance altitude (MOCA), a minimum descent altitude (MDA), decision height (DH), or a minimum vectoring altitude (MVA) to be raised nor which would impose either the establishment of restrictive minimum climb gradients or nonstandard takeoff minimums.
1. Except as expressly provided in these APO regulations, no **STRUCTURE** or object of natural growth shall be erected, **ALTERED**, allowed to grow, or be maintained to a height which exceeds the height of any zone created in these APO regulations.
  2. Except as otherwise provided in these APO regulations, no **STRUCTURE**, or object of natural growth shall be erected, **ALTERED**, allowed to grow or be maintained, which is or would be an obstruction to air navigation within Collier County or of a height greater than any of the following:
    - a. A height of 500 feet above ground level at the site of the object.
    - b. A height that is 200 feet above ground level or above the established **AIRPORT** elevation, whichever is higher, within three (3) nautical miles of the established reference point of an **AIRPORT**, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the **AIRPORT** up to a maximum of 500 feet.
    - c. A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance. (Refer to FAR 77.23.(a.)(2).
- L. *Exemptions.* **DEVELOPMENT** of the Marco Shores Golf Course Community that comports with the location and height requirements of Ordinance No. 81-6, as amended by Ordinance No. 85-56 and Ordinance No. 94-41, is exempted from the provisions of section 4.02.06 only to the following extent:
1. The agreement between Johnson Bay **DEVELOPMENT** Corporation Collier County **AIRPORT** Authority and the BCC, dated August 8, 1995.
  2. Prior issuance of a Federal Aviation Administration "Determination Of No Hazard To Air Navigation."
- M. **AIRPORT** land use restrictions.

Notwithstanding any other provision of this LDC, no use may be made of land or water within any zones established by this LDC in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

1. All lights or illumination used in conjunction with **STREET**, parking, **SIGNS**, or use of land or **STRUCTURES** shall be arranged and operated in such a manner that it is not misleading to pilots or dangerous to aircraft operating from a public use **AIRPORT** or in the vicinity thereof.
  2. All **FLOOD** lights, spot lights, or any type of pulsating, flashing, rotating, or oscillating light shall be modified or prohibited if determined by the executive director who has authority over that public **AIRPORT** to be a possible risk to safety of aircraft operation.
  3. No operations of any type shall produce smoke, glare, or other visual impairment to pilots within three (3) miles of any usable runway of a public **AIRPORT**.
  4. No operations of any type shall produce electronic interference with navigation signals or radio communication between the **AIRPORT** and aircraft, or other air traffic control facility.
  5. Land within runway clear zones (runway protection zones) shall be prohibited from use for high **DENSITY** residential use, schools, **HOSPITALS**, storage of explosives, or flammable material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.
  6. Based on the possibility that **SOLID WASTE** management facilities may attract birds, any **SOLID WASTE** management facility located so that it places the runways and/or approach and departure pattern of an **AIRPORT** between bird feeding, water, or roosting areas shall be considered as an incompatible use and is therefore prohibited in and around the **AIRPORTS** in Collier County.
  7. Any type of tethered dirigible, balloon, or other type of hovering or floating object the height of which exceeds the airspace notification limits outlined in section 4.02.06 E. shall be limited as provided in section 4.02.06 E.
  8. No **STRUCTURE** of any height, type or material shall be constructed or **ALTERED** which could possibly cause interference to any **AIRPORT** surveillance radar system as determined by the Federal Aviation Administration, or by the executive director who has jurisdiction over the **AIRPORT** deemed to be effected.
- N. Naples Municipal **AIRPORT** noise zones, land use restrictions, sound level requirements (SLR) for **BUILDINGS** or **STRUCTURES**, and SLR design requirements.

1. The purpose of this section 4.02.06 is to establish standards for land use and for sound level reduction requirements with respect to exterior noise resulting from the legal and normal operations at the **AIRPORTS** within Collier County. This section establishes noise zones of differing intensities and land use in the vicinity of the Naples Municipal **AIRPORT**, as identified in the most recent Naples **AIRPORT** FAA Part 150 Study; establishes permitted land uses in the noise zones; establishes soundproofing requirements for residential **DEVELOPMENT** within the noise zones; and establishes notification procedures to prospective purchasers of real estate within the noise zones.
2. In addition to the prior three (3) noise zones, there is hereby created and established a fourth noise zone D; there are now noise zones A, B, C, and D. Such zones are shown on the Naples **AIRPORT** noise zone map(s) which are incorporated and made a part herein and are described in section 4.02.06 N.3. below. The noise zones contained herein are based on a projection of future aircraft operations at the Naples Municipal **AIRPORT**. The purpose of these noise zones is to define and set forth specific regulations for all properties within the described areas.
3. Noise zone boundaries.
  - a. *Zone A*. That area commencing at the outermost boundary of the **AIRPORT** and extending outward therefrom to a boundary indicated on the noise zone map as "B." The outer contour of noise zone A approximates a noise level of seventy-five (75) Ldn.
  - b. *Zone B*. That area commencing at the boundary indicated on the noise zone map as the outer boundary of noise zone A and extending outward therefrom to the boundary indicated on the noise zone map as "C." The outer contour of noise zone B approximates a noise level of seventy (70) Ldn.
  - c. *Zone C*. That area commencing at the boundary indicated on the noise zone map as the outer boundary of noise zone B and extending outward therefrom to the boundary indicated on the noise zone map as "D". The outer contour of noise zone C approximates a noise level of sixty-five (65) Ldn.
  - d. *Zone D*. This new noise zone commences at the boundary indicated on the noise zone map as the outer boundary of noise zone C and extending outward therefrom to the furthestmost boundary indicated on the noise zone map. The outer contour of noise zone D approximates a noise level of sixty (60) Ldn and is the Naples **AIRPORT** noise zone (This area is referenced in the 1996 Naples **AIRPORT** FAA Part 150 Study).

4. Where boundaries of a described noise zone are shown to extend over a portion, but not all, of a platted **LOT** or unsubdivided property, the owner or owners of the entire property will be notified of potential noise impact in accordance with notice procedures set forth in Chapter 10.
  - a. Where boundaries of a described noise zone are shown to extend over a portion, but not all of a platted **LOT** or unsubdivided property, the owner or owners of the entire property will be notified of potential noise impact in accordance with notice procedures set forth in Chapter 10.
  - b. Where boundaries of more than one (1) described noise zone are shown on a platted **LOT** or unsubdivided property, provisions of the most restricted zone shall apply.
5. Land use restrictions.
  - a. *Permitted and restricted activities.* All land uses shall be permitted in the noise zone pursuant to the applicable zoning district and as provided in the activities and/or land use guidance chart made a part hereof. Those activities and land uses not specifically listed in the land use guidance chart are permitted or restricted in the noise zones based on their similarity to noise tolerance as exhibited by the activities and land uses which are listed in the guidance chart.
  - b. **NONCONFORMING uses.** The regulations prescribed by this section shall not be construed to require the sound conditioning or other changes or **ALTERATION** of any preexisting **STRUCTURE** not conforming to this part as of the effective date of this section or to otherwise interfere with the continuance of any such preexisting **NONCONFORMING** use. Nothing herein contained shall require any such change in the construction of or **ALTERATION** of a **STRUCTURE** which has commenced construction prior to the effective date of this section and which is diligently pursued.
6. Sound level requirements (SLR) for **BUILDINGS** or **STRUCTURES**.
  - a. The provisions of these APO special regulations shall apply to the construction, **ALTERATION**, moving, demolition, repair, and use of any **BUILDING** or **STRUCTURE** within unincorporated Collier County except work located primarily in a public **RIGHT-OF-WAY**, on public utility **TOWERS**, poles, and mechanical equipment not specifically regulated by these APOs. Additions, **ALTERATIONS**, repairs, and changes of use in all **BUILDINGS** and **STRUCTURES** shall comply with the provisions of these APOs.



- b. **BUILDINGS** or **STRUCTURES** constructed prior to the initial adoption of this amended section, to which additions, **ALTERATION**, or repairs are made to the exterior walls and ceilings of rooms having one (1) or more exterior walls or ceilings shall be required to meet the SLR requirements of these APOs.
- c. **ALTERATIONS** or repairs which are nonstructural and do not affect the exterior walls or ceilings of an existing **BUILDING** or **STRUCTURE** may be made with the same materials of which the **BUILDING** or **STRUCTURE** is constructed and shall not be required to meet SLR requirements.
- d. **BUILDINGS** in existence at the time of the initial adoption of these APOs may have their existing use or occupancy continued if such use or occupancy was legal at the time of the initial adoption of these APOs provided such continued use is not dangerous to life. A change in the use of a **STRUCTURE** may require additional sound level reduction.
- e. **BUILDINGS** or **STRUCTURES** moved into or within the vicinity of the established noise zone must comply with applicable provisions of these APOs.
- f. The County Manger or his designee may approve any type construction that complies with the SLR requirements of the activities and/or land use guidance chart (appendix III of Appendix D). The SLR requirements specified in appendix III of Appendix D shall be achieved by the use of assemblies having the South Transmission Class Ratings specified in table 403.2, Minimum Sound Transmission of Assemblies, of the Southern **BUILDING** Code Congress International, Inc., Standard for Sound Control, SSTD 8-87, incorporated herein and adopted by reference as appendix IV of appendix D.
- g. The SLR requirements of the land use guidance chart at appendix III of Appendix D may be achieved by any suitable combination of **BUILDING** design, choice of **BUILDING** materials, and execution of construction details in accordance with established architectural and acoustical principles. The SLR requirements shall apply to the exterior walls and ceilings only of all rooms having one (1) or more exterior walls or ceilings. Regulations to achieve the SLR requirements specified in appendix III of Appendix D, shall be found in appendix IV of Appendix D and shall be used by the County Manger or his designee during the **BUILDING** plan review process.
- h. No **BUILDING** or **STRUCTURE** for which an SLR 25, SLR 30, or SLR 35 is required by appendix III of Appendix D may be constructed, **ALTERED**, moved, demolished, or repaired unless

and until a **BUILDING** permit has been issued. No such permit shall be issued unless and until the requirements contained in appendix III of Appendix D are met as indicated by plans and specifications for the **BUILDING** or **STRUCTURE**. Such plans and specifications shall result in a sound level reduction for the applicable exterior walls and ceilings only of room(s) having one (1) or more exterior walls or ceilings, at least as great as the SLR value specified in appendix III of Appendix D for the particular usage involved. These plans and specifications shall be reviewed during the **BUILDING** plan review process in accordance with the sound transmission ratings specified in table 403.2 of appendix IV of Appendix D.

**4.02.07 Standards for Keeping Animals**

Zoning District	Maximum Number of Animals
A (Individual property owner)	Poultry or fowl – total of 25 Horses and livestock – 2 per acre Hogs – none
E	Poultry or fowl – total of 25 <sup>1</sup> Horses and livestock – 2 per acre <sup>1</sup> Hogs – none

<sup>1</sup> Enclosures shall be a minimum of thirty (30) feet from any **LOT LINE**, and a minimum of 100 feet from any residence on an **ADJACENT PARCEL**

**4.02.08 Outside Lighting Requirements**

- A. Lights on golf courses shall be located and designed so that no light is aimed directly toward property designated residential, which is located within 200 feet of the source of the light.
- B. Specific height requirements in zoning districts.
  - 1. GC – twenty-five (25) feet
  - 2. C-1 – twenty-five (25) feet
  - 3. CF – twenty-five (25) feet

**4.02.09 Design Requirements for SHORELINES**

The use of vertical seawalls as a method of protecting **SHORELINES** and lands **ADJACENT** to waterways shall be discouraged except for **DEVELOPMENT** lakes, and **APPLICANTS** shall be encouraged to utilize alternate methods of accomplishing **SHORELINE** protection and waterway facilities installation. Whenever possible, all proposed construction of seawalls, **BULKHEADS**, **SHORELINE**, and waterway **ALTERATIONS** and additions shall be designed to afford the maximum protection to the environment of the area.

**4.02.10 Design Standards for Recreation Areas Within MOBILE HOME Rental Parks**

- A. The following amount of land or water shall be set aside and developed for recreational purposes within the **MOBILE HOME** rental park site:
1. 300 square feet for each **LOT**, for the first 100 **LOTS**.
  2. 200 square feet for each **LOT** in excess of 100 **LOTS**.
  3. One-half (½) of the water surface within the park may be credited toward the required recreation area, except that at least fifty (50) percent of the required recreation area shall be land area.

**4.02.11 Design Standards for Hurricane Shelters Within MOBILE HOME Rental Parks.**

All new, or existing **MOBILE HOME SUBDIVISIONS** in the process of expanding, which are twenty-six (26) units or larger in size shall be required to provide emergency shelters on-site or provide funding to enhance existing public shelters off-site.

- A. The minimum shelter size shall be determined by the following formula:

Minimum shelter size = a (sq. ft.) × b × c (units) × d (%)

a = The area approved for short-term shelter by the American Red Cross for sleeping space per person.

b = The occupancy rate of each **MOBILE HOME** or unit.

c = The total number of **LOTS** in the **SUBDIVISION**.

d = The average population rate occupying the **SUBDIVISION** during the June through November timeframe.

Example: 20 sq. ft. × 1.75 × units × 50%

- B. The shelter shall be elevated to a minimum height equal to, or above, worst case category three (3) **FLOODING** level (+16 feet above MSL) utilizing the current National Oceanic and Atmospheric Administration's storm surge model, known as Sea, Lake and Overland Surges from Hurricanes (SLOSH).
- C. The design and construction of the required shelters shall be guided by the wind loads applied to **BUILDINGS** and **STRUCTURES** designated as "essential facilities" in the Standard **BUILDING** Code/1988 edition, table 1205.
- D. All shelters shall provide the following:
1. Adequate glass protection by shutters or boards.
  2. Equipment for adequate emergency power.
  3. Adequate ventilation.
  4. First aid equipment.
  5. Potable water storage at the rate of ten (10) gallons for each unit, divided by two (2).

6. Kitchen facilities operated by natural or LP gas.
  7. Toilets and showers at the minimum rate of one (1) fixture for every fourth (40) units, divided by two (2).
  8. A minimum 144-square-foot locked storage room.
  9. Separate rooms that can be used for nursing and office/administration.
  10. Available year-round.
  11. Have a shelter team trained by the Red Cross Shelter Management Training Program, provided by the park management, developer, association or other acceptable body.
  12. Have the park management confirm the availability of a shelter team to the County Manager or designee, prior to June 1 of each year.
  13. A permanent exterior wall **SIGN** size two (2) feet by two (2) feet to be located at the main entrance which shall identify the **BUILDING** as an emergency storm shelter, and capacity limits.
  14. A telephone and battery-operated radio within the shelter.
  15. A written agreement specifying the use of a shelter management team and the designated emergency storm shelters shall be entered into with Collier County.
  16. A certificate of occupancy shall be issued for the emergency storm shelter before occupancy of the 26th unit is authorized. The shelter team shall be formed, trained and operational before a certificate of occupancy is issued for the shelter.
  17. Any required shelter space as herein provided may be equally designed to incorporate the above requirements and to serve a double purpose for the day-to-day needs of **MOBILE HOME PARK** residents as part of the common amenities regularly available to park residents.
- E. A **MOBILE HOME PARK** developer or owner may, subject to the approval of the BCC, provide a cash contribution in lieu of on-site shelter facilities.
1. The cash contribution will be computed by the following formula:
    - $a \times b \times c \times d = \text{Cash Contribution}$
    - a = Per capita rate
    - b = Occupancy rate of each **MOBILE HOME** or unit
    - c = Total number of **LOTS** in **SUBDIVISION** (including existing and proposed)
    - d = Average population rate occupancy **SUBDIVISION** during June through November

Example:  $\$800 \times 1.75 \times 60 \text{ units} \times 50\% = \$42,000$
  2. Said monies shall be placed in a special account managed by the County Manager or designee. Expenditures will only be made for capital improvements (window/door protection, generators, etc.) for American Red Cross designated shelter facilities that will benefit the area for which the cash-in-lieu of on-site sheltering originated.

To the maximum extent possible, shelter enhancements will be made at facilities within eight (8) road miles of proposed park or **SUBDIVISION** expansion.

#### 4.02.12 **Design Standards for Outdoor Storage**

- A. Outdoor storage **YARDS** may be permissible in the C-4 district, provided that the **YARD** is located no closer than twenty-five (25) feet to any public **STREET** and that such **YARD** shall be completely enclosed, except for necessary ingress and egress, pursuant to the requirements of this LDC. This provision shall not be construed to allow, as a permitted or **ACCESSORY** use, wrecking **YARDS**, junkyards, or **YARDS** used in whole or part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or secondhand **BUILDING** materials, junk automotive vehicles, or secondhand automotive vehicle parts.
- B. Within the C-5 district, outside storage or display of merchandise is prohibited within any **FRONT YARD**. Temporary display of merchandise during business hours is permissible, provided it does not adversely affect pedestrian or vehicular traffic or public health or safety. Merchandise storage and display shall be allowed within the side and rear **YARDS** of **LOTS**.
- C. All permitted or **CONDITIONAL USES** allowing for outdoor storage , including but not limited to storage of manufactured products, raw or finished materials, or vehicles other than vehicles intended for sale or resale, shall be required to screen such storage areas with a fence, or equivalent landscaping or combination thereof, not less than seven (7) feet in height above ground level. Said fence or wall shall be opaque in design and made of masonry, wood, or other materials approved by the County Manager or designee.

#### 4.02.13 **Design Standards for DEVELOPMENT in the BP District**

The following requirements shall apply to the business park district.

- A. Business parks shall be a minimum of thirty-five (35) contiguous acres. The term contiguous shall include properties separated by either an intervening planned or developed public **STREET RIGHT-OF-WAY**; provided, however, no portion of such separated properties shall be less than five (5) acres.
- B. Business parks shall be permitted to develop with a maximum of thirty (30) percent commercial uses. For the purposes of this section, commercial uses are defined as financial institutions, fitness centers, **CHILD CARE CENTERS, RESTAURANTS**, retail sales that are accessory to the **PRINCIPAL USE** and limited to twenty (20) percent of the gross **FLOOR AREA**, and recreational facilities.
- C. Business parks within the Urban-Industrial district of the Future Land Use Map of the GMP shall have direct **ACCESS** to a road classified as

an **ARTERIAL** or **COLLECTOR STREET** on the Five Year Future Traffic Circulation Map of the GMP, and shall have an internal circulation system that prohibits traffic from traveling through predominantly residential areas. Business parks within the Urban Mixed-Use and Urban Commercial districts of the Future Land Use Map of the GMP shall have direct **ACCESS** to a road classified as an **ARTERIAL STREET** on the Five Year Future Traffic Circulation Map of the GMP, and shall have an internal circulation system that prohibits traffic from having direct **ACCESS** to the **ARTERIAL ROADWAY** and from traveling through predominantly residential areas.

- D. **ACCESS** shall be in accordance with the Collier County GMP.
- E. Business parks shall have central water and sewer, and shall not generate light, noise, or odors so as to be incompatible with surrounding land uses.
- F. Business parks located within Interstate Activity Center quadrants that permit **INDUSTRIAL USES** shall also be required to meet the standards as stated under the Interstate Activity Center subdistrict of the Future Land Use Map of the GMP for commercial and industrial land uses. These standards include site **DEVELOPMENT PLAN** approval; landscaping, **BUFFERING**, and/or **BERMING** installed along the Interstate; fencing that is wooden or masonry; no direct **ACCESS** to the interstate **RIGHT-OF-WAY**; joint **ACCESS**, and **FRONTAGE** roads established when **FRONTAGE** is not adequate to meet the **ACCESS** spacing requirements of the **ACCESS** Management Policy, Activity Center **ACCESS** Management Plans, or State **ACCESS** Management Plans, as applicable; **ACCESS** points and median openings designed to provide adequate turning radii to accommodate truck traffic and to minimize the need for U-turn movements; the developer to provide all necessary traffic improvements-to include traffic signals, turn lanes, deceleration lanes, and other improvements deemed necessary-as determined necessary during the rezoning process; and, a maximum **FLOOR AREA RATIO (FAR)** for the designated industrial land uses component of the projects of 0.45.
- G. A twenty-five (25)-foot wide **LANDSCAPE BUFFER** shall be provided around the boundary of the business park. A six (6)-foot tall opaque architecturally finished masonry wall, or **BERM**, or combination thereof, shall be required and two (2) staggered rows of trees spaced no more than thirty (30) feet on center shall be located on the outside of the wall, **BERM**, or **BERM/wall** combination.
- H. No outside storage or display shall be permitted. The parking of commercial vehicles may be permitted on improved property, provided that such parking shall be limited to the rear **YARD**. Furthermore, such parking areas, when located on a **LOT ABUTTING** a residential district, shall be screened from said residential district. Such screen

may be in the form of walls or fences, and shall be at least six (6) feet in height. Said walls or fences shall be opaque in design and made of masonry, wood, or other materials approved by the County Manager or designee. Chain linked fences are prohibited in the business park district.

- I. Motor freight transportation and warehousing (4225 mini- and self-storage warehousing only and subject to the following criteria:
  1. The use of metal roll-up garage doors located on the exterior of the perimeter **BUILDINGS** and walls of **BUILDINGS** which are visible from a public **RIGHT-OF-WAY** is prohibited;
  2. **ACCESS** to individual units whether direct or indirect must be from the side of a **BUILDING** that is oriented internally;
  3. No **BUILDING** shall exceed 100 feet in length when **ADJACENT** to a residential zoning district;
  4. No outdoor storage of any kind is permitted: and
  5. Storage units shall be utilized for storage purposes only.

**4.02.14 Design Standards for DEVELOPMENT in the ACSC-ST District**

- A. All **DEVELOPMENT ORDERS** issued within the ACSC-ST area shall comply with the Florida Administrative Code, as amended, Boundary and Regulations for the Big Cypress Area of Critical State Concern.
- B. All **DEVELOPMENT ORDERS** issued for projects within the Big Cypress Area of Critical State Concern shall be transmitted to the State of Florida, Department of Community Affairs, for review with the potential for appeal to the administration commission pursuant to Florida Administrative Code, **DEVELOPMENT ORDER** Requirements for Areas of Critical State Concern.
- C. **Site ALTERATION.**
  1. Site **ALTERATION** shall be limited to ten (10) percent of the total site size, and installation of nonpermeable surfaces shall not exceed fifty (50) percent of any such area. However, a minimum of 2,500 square feet may be **ALTERED** on any permitted site.
  2. Any nonpermeable surface greater than 20,000 square feet shall provide for release of surface runoff, collected or uncollected, in a manner approximating the natural surface water flow regime of the area.
  3. Soils exposed during site **ALTERATION** shall be stabilized and retention ponds or performance equivalent **STRUCTURES** or system maintained in order to retain runoff and siltation on the construction site. Restoration of vegetation to site **ALTERATION** areas shall be substantially completed within 180 days following completion of a **DEVELOPMENT**. Revegetation shall be

accomplished with preexisting species except that undesirable exotic species shall not be replanted or propagated. Exotic species included are enumerated in section 3.05.08 of this code.

4. No mangrove trees or salt marsh grasses shall be destroyed or otherwise **ALTERED**. Plants specifically protected by this regulation include: all **WETLAND** plants listed by the Florida DEP in the Florida Administrative Code.
5. Fill areas and related dredge or borrow ponds shall be aligned substantially in the direction of local surface water flows and shall be separated from other fill areas and ponds by **UNALTERED** areas of vegetation of comparable size. Dredge or borrow ponds shall provide for the release of stormwaters as sheet flow from the downstream end into **UNALTERED** areas of vegetation. **ACCESS** roads to and between fill areas shall provide for the passage of water in a manner approximating the natural flow regime and designed to accommodate the fifty (50)-year storm. Fill areas and related ponds shall not substantially retain or divert the tidal flow in or to a slough or strand or significantly impede tidal action in any portion of the estuarine zone.
6. Manmade lakes, ponds, or other containment works shall be constructed with a maximum slope of thirty (30) degrees to a depth of six (6) feet of water. When mineral extraction is completed in new quarrying lakes, **SHORELINE** sloping, planting of littoral shelves with nursery-grown aquatic vegetation, restoration or revegetation of the property, and disposal of spoils or tailings shall be completed before abandonment of the site. Existing quarrying lakes are exempt from this provision, except that whenever any person carries out an activity defined in § 380.04, F.S. as amended, as **DEVELOPMENT** or applies for a **DEVELOPMENT** permit as defined in § 380.031, F.S. as amended, to develop any existing quarrying lake area, these regulations shall apply.
7. Finger canals shall not be constructed in the ACSC-ST area.
8. This rule shall not apply to site **ALTERATIONS** undertaken in connection with the **AGRICULTURAL USE** of land or for the conversion of land to **AGRICULTURAL USE**.
9. Drainage.
  - a. Existing **DRAINAGE FACILITIES** shall not be modified so as to discharge water to any coastal waters, either directly or through existing **DRAINAGE FACILITIES**. Existing **DRAINAGE FACILITIES** shall not be expanded in capacity or length except in conformance with subsection 4.02.14 C.9.b. immediately following; however, modifications may be made to existing facilities that will raise the groundwater table or limit saltwater



intrusion.

- b. New **DRAINAGE FACILITIES** shall release water in a manner approximating the natural local surface flow regime, through a spreader pond or performance equivalent **STRUCTURE** or system, either on-site or to a natural retention or filtration and flow area. New **DRAINAGE FACILITIES** shall also maintain a groundwater level sufficient to protect **WETLAND** vegetation through the use of weirs or performance equivalent **STRUCTURES** or system. Said facilities shall not retain, divert, or otherwise block or channel the naturally occurring flows in a strand, slough or estuarine area.
  - c. New **DRAINAGE FACILITIES** shall not discharge water into any coastal waters whether directly or through existing **DRAINAGE FACILITIES**.
  - d. This rule shall not apply to **DRAINAGE FACILITIES** modified or constructed in order to use land for agricultural purposes or to convert land to such use.
10. Transportation.
- a. Transportation facilities which would retain, divert or otherwise block surface water flows shall provide for the reestablishment of sheet flow through the use of interceptor spreader systems or performance equivalent **STRUCTURES** and shall provide for the passage of stream, strand, or slough waters through the use of bridges, culverts, piling construction, or performance-equivalent **STRUCTURES** or systems.
  - b. Transportation facilities shall be constructed parallel to the local surface flow, and shall maintain a historic ground level sufficient to protect **WETLAND** vegetation through the use of weirs or performance-equivalent **STRUCTURES** or systems and as feasible, the flows in such works shall be released to natural retention filtration and flows areas.
  - c. Transportation facility construction sites shall provide for siltation and runoff control through the use of settling ponds, soil fixing, or performance-equivalent **STRUCTURES** or systems.
11. **STRUCTURE** installation.
- a. Placement of **STRUCTURES** shall be accomplished in a manner that will not adversely affect surface water flow or tidal action.
  - b. Minimum low floor elevation permitted for **STRUCTURES** shall be at or above the 100-year **FLOOD** level, as established by the administrator of the federal **FLOOD** Insurance Administration. The construction of any **STRUCTURE** shall meet additional federal **FLOOD** insurance land management and use criteria,.

c. This rule shall not apply to **STRUCTURES** used or intended for use in connection with the **AGRICULTURAL USE** of the land.

D. *Port of the Islands, Copeland, and Plantation Island* **MOBILE HOME sites**. Port of the Islands, Copeland, and Plantation Island **MOBILE HOME** sites are developments located within the urban designated area, but are also located totally within the Big Cypress Area of Critical State Concern. A portion of the **DEVELOPMENT** was determined "vested" by the State of Florida, thus exempting it from the requirements of F.S. ch. 380. There is an existing **DEVELOPMENT AGREEMENT** between Port of the Islands, Inc., and the State of Florida department of community affairs dated July 2, 1985, which regulates land uses at Port of the Islands. **DEVELOPMENT** within Port of the Islands shall be regulated by the **DEVELOPMENT AGREEMENT** and the **RESIDENTIAL DENSITY** and commercial intensities shall not exceed that permitted under zoning at time of adoption of the GMP.

**DEVELOPMENT** within the urban designated areas of Copeland and Plantation Island **MOBILE HOME** sites shall be subject to review and administrative approval by the County Manager or his designee for compliance with Area of Critical State Concern regulations. **DEVELOPMENT** will not be required to go through the process of filing a petition for site **ALTERATION** or site **DEVELOPMENT** plan approval, pursuant to section 4.02.14 G. This does not exempt site **DEVELOPMENT** plans required in section 10.02.03 of the Code.

E. *Site* **ALTERATION plan** or *site* **DEVELOPMENT plan approval required**. Prior to the clearing, **ALTERATION**, or **DEVELOPMENT** of any land designated ST or ACSC-ST, the property owner or his legally designated agent shall apply for and receive approval of a site **ALTERATION** plan or site **DEVELOPMENT** plan, as the case may be, by the BCC as provided in section 4.02.14 F. below.

F. *Procedures for site* **ALTERATION plan** or *site* **DEVELOPMENT plan approval for DEVELOPMENT in ST or ACSC-ST designated land**.

1. *Preapplication conference*. Prior to filing a petition for site **ALTERATION** or site **DEVELOPMENT** approval of ST or ACSC-ST land, the petitioner shall request and hold a preapplication conference with the planning services director and appropriate county staff. The preapplication conference is for the purpose of guidance and information, and for ensuring insofar as is possible, that the petition is in conformity with these regulations. No petition for the site **ALTERATION** or site

**DEVELOPMENT** approval will be accepted for formal processing until the planning services director has reviewed the petition to determine that all required data is included; a minimum of 30 days shall be allowed for this phase of the review process. County staff shall visit the site, where appropriate.

2. *Review and recommendation by Planning services director, planning commission and environmental advisory council.* The site **ALTERATION** plan or site **DEVELOPMENT** plan shall be submitted to the planning services director who shall have it reviewed by the appropriate county staff. The planning services director shall then forward the site **ALTERATION** plan or site **DEVELOPMENT** plan and the county staff recommendations to the planning commission and the environmental advisory council (EAC) for review and recommendation. Neither the planning commission nor the EAC review shall require a public hearing nor notice to the **ABUTTING** property owners, but shall be held in a regular meeting. The planning commission and EAC recommendations and county staff recommendations shall be forwarded to the BCC for final action.
  3. *Final action by board of county commissioners.* Final action on the site **ALTERATION** plan or site **DEVELOPMENT** plan lies with the BCC. The board shall review the proposed site **ALTERATION** plan or site **DEVELOPMENT** plan in regular session and shall act formally by resolution stipulating reasons for approval, or approval with modification, or denial of the site **ALTERATION** plan or **DEVELOPMENT** plan.
  4. *Other permits required.* The petitioner may at any time during the county review process apply for the appropriate local, state and federal permits for the **ALTERATION** or **DEVELOPMENT** of the subject property.
  5. *Commencement of site **ALTERATION** or site development.* Upon obtaining all required local, state and federal permits in order to **ALTER** or develop the subject property, the petitioner may commence **ALTERATION** or **DEVELOPMENT** in accordance with the conditions and requirements of said permits.
- G. *Submission requirements for site **ALTERATION** plan or site **DEVELOPMENT** plan approval for **DEVELOPMENT** in ST or ACSC-ST designated land.* The following shall be submitted in a

petition for site **ALTERATION** or site **DEVELOPMENT** approval of ST or ACSC-ST land:

1. Submission and approval of a site **ALTERATION** plan or site **DEVELOPMENT** plan containing the following as determined applicable to the petition by the planning services director:
  - a. Title of the project.
  - b. Names of the project planner and developer.
  - c. Date.
  - d. North directional arrow.
  - e. Exact survey showing the project boundaries, any existing **STREET**, watercourses or **EASEMENTS** within or **ADJACENT** to the proposed **DEVELOPMENT**. **DEVELOPMENTS** shall identify, protect, and conserve native vegetative communities and wildlife habitat. Habitats and their boundaries will be consistent with the Florida Department of Transportation Florida Land Use Cover and Forms Classification System and shall be depicted on an aerial photograph having a scale of one inch equal to at least 200 feet when available from the county, otherwise, a scale of at least one inch equal to 400 feet is acceptable. Information obtained by ground-truthing surveys shall have precedence over information presented through photographic evidence. For proposed site **ALTERATION(S)** within [or] on shorelines and/or undeveloped or developed coastal barriers habitat identification shall comply with the siting criteria in accordance with chapter 10 of this code.
  - f. Location of all proposed **BUILDINGS** and **STRUCTURES** with dimensions showing **SETBACKS** to property lines, roads, watercourses and other **STRUCTURES ADJACENT** to the **BUILDING(S)**.
  - g. **ACCESS** and traffic flow plan.
  - h. Off-street parking and off-street loading areas.
  - i. Proposed screening and **BUFFERING**.
  - j. Refuse collection areas and **SOLID WASTE**.
  - k. **ACCESS** to utilities and points of utilities hookups.
  - l. Locations for **BEACH ACCESS** as required the Beach Access Ordinance No. 76-20 [Code ch. 146, art. III] or its successor in function.

The above items shall be prepared by a Florida registered surveyor, engineer, or architect or practicing land planner or environmental consultant as may be appropriate to the particular item.

2. Tabulation of total gross acreage in the project and the percentages thereof proposed to be devoted to the various permitted uses; ground coverage by **STRUCTURES** and impervious surface coverage.
3. Architectural definitions for types of **BUILDINGS** in the **DEVELOPMENT**; number of dwelling units, sizes, and types, together with typical floor plans of each type.
4. Computation sheet including the following data:
  - a. **LOT** area.
  - b. Totally enclosed area of each floor.
  - c. Number and **FLOOR AREA** of units by type.
  - d. Landscaped areas to be provided including any existing areas of **NATIVE VEGETATION**.
  - e. Parking area.
  - f. Number of parking spaces.
  - g. Indoor and outdoor recreation areas.
  - h. Plans for providing potable and irrigation water requirements.
  - i. Storm drainage and sanitary sewage plans.
  - j. Plans for **SIGNS**, if any.
  - k. Such additional data as the planning services director may believe is pertinent to the review and evaluation of the site **ALTERATION** plan or site **DEVELOPMENT** plan. Items shall be prepared by a Florida registered surveyor, engineer, or architect or practicing land planner or environmental consultant as may be appropriate to the particular item.
  - l. Transfer of **DEVELOPMENT** rights data required in section 4.02.14 J.
  - m. Submission and approval of an environmental impact statement as required by Collier County laws or regulations.
  - n. The developer shall be subject to Chapter 3, tree/vegetation removal regulations, in existence at the time of permitting, requiring a tree removal permit prior to any

land clearing. A site clearing plan shall be submitted to the planning services director for his review and subject to approval in phases to coincide with the **DEVELOPMENT** schedule. The site clearing plan shall indicate the retention of **NATIVE VEGETATION** to the maximum extent practical and how roads, **BUILDINGS**, lakes, parking lots, and other facilities have been oriented to accommodate this goal. One criterion to be used in evaluating the extent of **NATIVE VEGETATION** to be retained shall be a consideration of the land use.

- o. Submission and approval of an excavation plan as required by the Collier County Code of Laws and Ordinances, if applicable.
- p. A **DEVELOPMENT** of regional impact review as required by F.S. § 380.06, as amended, if applicable.
- q. An appropriate protected species survey using methodology of the Florida game and freshwater fish commission shall be required. An appropriate protected species survey should include considerations for species known or likely to occur in or around habitats in the **DEVELOPMENT** area.
- r. All exotic plants as defined in section 1.08.02 shall be removed during each phase of construction from **DEVELOPMENT** areas, open space areas, and preserve areas. Following site **DEVELOPMENT**, a maintenance program shall be implemented to prevent reinvasion of the site by exotic species. This plan, which will describe control techniques and inspection intervals, shall be filed with and subject to approval by the community planning services director in accordance with the standards established in Chapter 3.

H. *Exceptions from public hearing requirements.* The planning services director may administratively approve a site alteration plan or site **DEVELOPMENT** plan for land designated ST without the public hearing otherwise required by this section if:

- 1. The area of the proposed alteration or **DEVELOPMENT** is five (5) acres or less in gross area; there are no transfer of **DEVELOPMENT** rights involved, and the following conditions, where applicable, exist:
  - a. The proposed site alteration or site **DEVELOPMENT** will occur on land that was lawfully cleared and no more than ten

percent of the cleared lands have re-grown with **NATIVE VEGETATION**.

- b. Where the proposed alteration or **DEVELOPMENT** involves a single-family principal **STRUCTURE** or the renovation or replacement of a single-family **STRUCTURE** and the proposed site alteration or site **DEVELOPMENT** plan will not require any significant modification of topography, drainage, flora, or fauna on the site. "Significant modification" shall mean modification greater than 15 percent of the site.
  - c. No pollutants will be discharged from the area that will degrade the air, water or soil below the levels existing at the time of application.
  - d. Water management berms and structures proposed for the protection and/or enhancement of the ST areas will meet the minimum dimensions permitted by the South Florida Water Management District.
2. Temporary site alteration for oil and gas geophysical surveys and testing. "Temporary site" alteration shall mean only those alterations involving and cutting of vegetation for surveys and equipment entry, drill shot holes not exceeding six inches in diameter and rutting associated with vehicle access. Trimming of vegetation for access routes shall be kept to the minimum width necessary for surveying and testing. The site shall be restored as required by federal, state and county permits within 90-days of the start of the project.
  3. Where a conditional use has been approved, along with an environmental impact statement (EIS) or an exemption from the requirement for an EIS has been granted pursuant to section 10.02.02 of this Code.
  4. Site alteration or site **DEVELOPMENT** around existing communication towers to expand or construct accessory structures associated with an already existing tower, not to exceed five acres.
  5. All other site alteration or site **DEVELOPMENT** plan approvals of any size shall be as required to comply with the provisions in sections 4.02.14 D., E. and F., as applicable.

1. *Exemptions.* The following activities shall be exempt from the requirements of section 4.02.14 E. and F.

1. Removal and control of exotic vegetation as defined in Chapter 3 of this code.

2. Prescribed fires and associated firebreaks as approved by the Florida Department of Forestry.
  3. Removal of non-native vegetation pursuant to Chapter 3 of this code.
- J. *Modification of site alteration plan or site development plan.* Any modification of the site alteration plan or site **DEVELOPMENT** plan as approved by the county, which would alter the intent and purpose of these ST regulations, requires the procedure and approval as if for a new petition.

**4.02.15 Design Standards for DEVELOPMENT in the SBCO District**

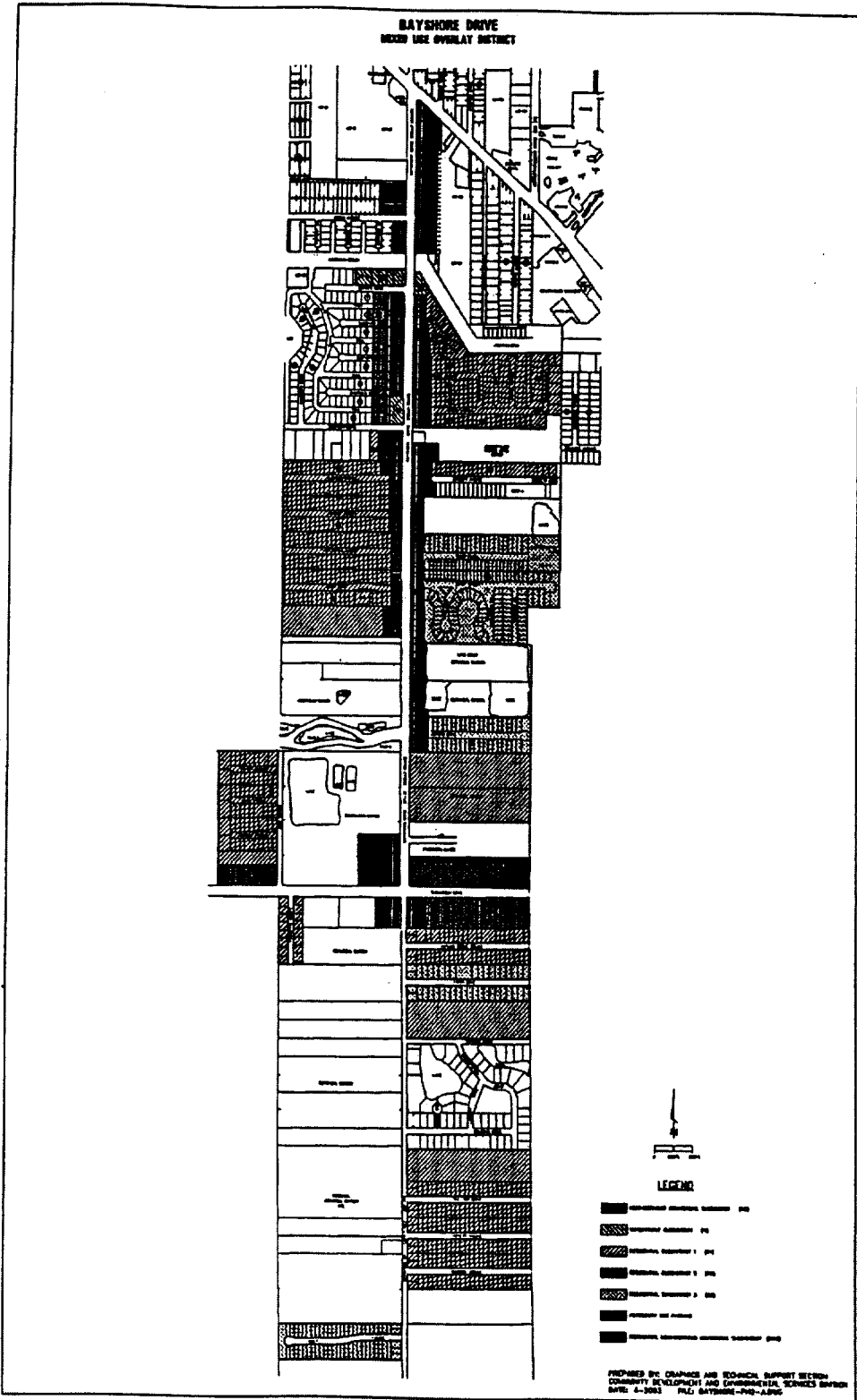
- A. The standards described in this section shall apply to all uses in this overlay district.
  1. Where specific **DEVELOPMENT** criteria and standards also exist in the Golden Gate Area Master Plan, or the Future Land Use Element of the GMP, they shall supersede any less stringent requirement or place additional requirements on **DEVELOPMENT**.
  2. Existing residential uses must cease to exist no later than ten years after the effective date of the adoption of the Santa Barbara Commercial Subdistrict in the Golden Gate Area Master Plan (April 19, 1999). This does not require the removal of the residential **STRUCTURES** if they can be, and are, converted to uses permitted in this district, within one additional year. This requirement to cease existing residential uses does not apply to **DWELLING UNITS** which were owner-occupied as of April 19, 1999.
- B. In support of the purpose and intent of the SBCO, all **STRUCTURES** within the overlay district shall be designed so as to be compatible with nearby residential areas and shall have a common architectural style. To the extent possible and practicable, **STRUCTURES** shall be designed to have a residential appearance. During the site **DEVELOPMENT PLAN** review process, architectural drawings shall be submitted to demonstrate adherence to these requirements. All commercial **BUILDINGS** and projects shall be subject to the provisions of section 5.05.08 of the LDC, except where those requirements conflict with the goal of designing **BUILDINGS** to have a residential appearance.
- C. Projects shall be encouraged to be in the form of a PUD. There shall be no minimum acreage requirement for PUD rezones except for the requirement that all requests for rezoning must be at least 40,000 square feet in area unless the proposed rezone is an extension of an existing zoning district consistent with the Golden Gate Area Master Plan.
- D. Minimum project area. One (1) acre.



- E. Maximum height. **BUILDINGS** shall have a maximum height of two (2) stories.
- F. Transportation System Standards.
  - 1. **ACCESS** via a rear property **RIGHT-OF-WAY** shall be required, if available, in lieu of direct **ACCESS** to Santa Barbara Boulevard. **ABUTTING** projects shall be required to share **ACCESS**.
  - 2. Projects shall be required to provide off-**STREET** parking and are encouraged to make provisions for shared parking arrangements with adjoining **DEVELOPMENTS**.
  - 3. Projects shall provide deceleration lanes as may be determined necessary by the County Manager or designee, based upon the requirements of the "work within the **RIGHT-OF-WAY** ordinance" (Ordinance No. 93-64) and sound engineering practices.
  - 4. Projects shall provide **SIDEWALKS** so as to encourage pedestrian and bicycle traffic. **ADJACENT** projects shall coordinate the location and intersection of **SIDEWALKS**.

**4.02.16 Design Standards for DEVELOPMENT in the BMUD – Neighborhood Commercial Subdistrict**

- A. The purpose and intent of this subdistrict is to encourage a mix of low intensity commercial uses and residential uses. **DEVELOPMENTS** will be small-scale and pedestrian-oriented.
- B. Special requirements for **ACCESSORY** uses.
  - 1. Uses and **STRUCTURES** that are **ACCESSORY** and incidental to the permitted uses allowed within in this subdistrict are allowed unless otherwise prohibited in this subdistrict.
  - 2. Properties immediately **ADJACENT** to Haldeman Creek may engage in boat rental operations.
  - 3. **LOTS ADJACENT** to the Neighborhood Commercial (NC) and Waterfront district (W) subdistricts, as indicated on BMUD Map No. 1 below, may construct a **DOCK** provided the **LOTS** are under the same ownership and have been approved by the County Manager or designee, a site **DEVELOPMENT PLAN** shall be submitted to the County Manager or designee.



**BMUD Map No. 1**

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

1. No automatic **FLOOD** 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 must be architecturally integrated within the project site.
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 and as indicated on the proprietors' occupational license.
  - b. The outdoor display/sale of merchandise is permitted on improved commercially zoned properties and is subject to the submission of a site **DEVELOPMENT PLAN** that demonstrates that provision will be made to adequately address the following:
    - i. Vehicular and pedestrian traffic safety measures.
    - ii. Location of sale/display of merchandise in relation to parking areas.
    - iii. Fire protection measures.
    - iv. Limited hours of operation from dawn until dusk.
    - v. Merchandise must be displayed in a vendor cart that complements the architectural style of the **BUILDING** that it is **ACCESSORY** to.
    - vi. Vendor carts located on **SIDEWALKS** must afford a five (5)-foot clearance for non-obstructed pedestrian traffic.

D. Dimensional Standards

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

Design Standard	
Minimum setbacks	
Front yard	<b>BUILDINGS</b> containing commercial or residential uses are required to a minimum depth of 35 feet from the front setback line on all floors. The remaining depth may be used for parking. At five feet, 80 percent of the structure must be located at the required front setback line.
Front yard – infill project	Consistent front yard with <b>ADJACENT</b> exiting structures.
Side yards – abutting residential	15 feet

Side yards – all other	5 feet
Rear yard	20 feet
Waterfront <sup>1,2</sup>	25 feet
<b>BUILDING standards</b>	
Locations on Bayshore Drive	First floor elevation level with the sidewalk. The first floor of the <b>BUILDINGS</b> must be utilized for commercial purposes
<b>BUILDING</b> Design	Where possible <b>BUILDINGS</b> facing Bayshore Drive wrap around the corner as depicted on BMUD Figure 1.
Maximum <b>DENSITY</b>	For the residential component--12 units per acre.
Minimum floor area	700 square foot gross floor area for each <b>BUILDING</b> on the ground floor.
Maximum height of structures Commercial use <b>BUILDINGS</b>  Residential use only  Mixed-use residential over commercial uses	3 stories, or 42 feet above the sidewalk <b>GRADE</b> to the <b>BUILDING</b> eave. 3 stories or 42 feet above the sidewalk <b>GRADE</b> to the <b>BUILDING</b> eave. 4 stories or 56 feet above the sidewalk <b>GRADE</b> to the <b>BUILDING</b> eave. The first floor of the <b>BUILDING</b> at the sidewalk level 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.

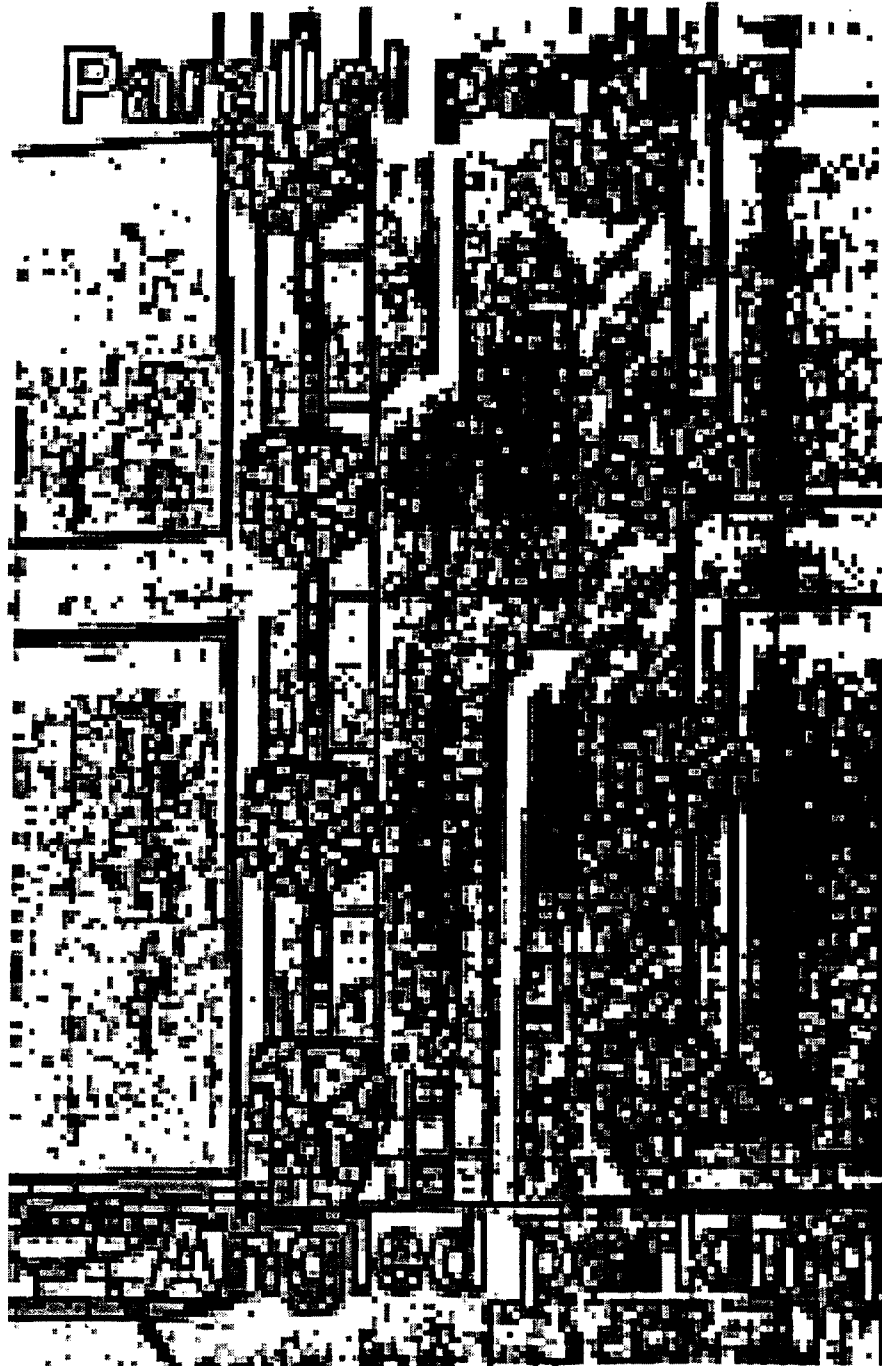
<sup>1</sup>Outdoor seating areas, canal walkway, water management facilities, and landscaping area may be located within the required **SETBACK**.

<sup>2</sup>To allow the maximum use of the waterfront, **BUILDING** placement on a **LOT** can vary from the required **SETBACKS**, provided such variation is recommended by the CRA staff and the county architect and approved by the County Manager or designee.

E. Parking standards.

1. Three spaces per 1,000 square feet of **FLOOR AREA** open to the general public for commercial use.
2. Minimum one parking space for each residential unit.
3. Outdoor cafe areas shall be exempt from parking calculations.
4. **ACCESS** to the off-**STREET** parking facility must be from the local **STREET** unless restricted due to **LOT** size.
5. Should the property owner develop on-**STREET** parking spaces on local **STREETS** within the same **BLOCK** of the project site, then each space so provided shall count as one space toward the parking requirement of this subsection.
6. On-**STREET** parking on local **STREETS** excluding Bayshore Drive requires an agreement with the county to use the public **RIGHT-**

**OF-WAY** for parking. Angle or parallel parking (as depicted on BMUD Figure 2 below) is permissible based on the site **DEVELOPMENT PLAN** as approved by the planning services department and built to county standards. The property owner must agree to maintain that portion of the public **RIGHT-OF-WAY** where the parking is located.



## MUD Figure 2 - Typical on-STREET parking

7. **LOTS ADJACENT** to the Neighborhood Commercial (NC) and Waterfront district (W) subdistricts, as indicated on BMUD Map No. 1 above, may be used for off-site parking provided the **LOTS** are under the same ownership, meet the standards of section 4.05.02 of this LDC and have been approved by the County Manager or designee a site **DEVELOPMENT PLAN** shall be submitted to the County Manager or designee.
  8. On-STREET parking on Bayshore Drive shall be made available to the property owner on a first come first serve basis at the time of site **DEVELOPMENT PLAN** (SDP) or site improvement plan (SIP) approval provided the parking does not interfere with the on-STREET **BIKE LANES** and is located within the **BLOCK** in which the **BLOCK** that the property it serves is located.
  9. Construction or renovation of any **BUILDING** must occur within ninety (90) days of the SDP or SIP approval and be completed within six (6) months of commencement in order to secure the on-STREET parking spaces. Due to circumstances beyond the control of the **APPLICANT** the property owner may request an extension from the County Manager or designee. These spaces must be used toward the fulfillment of the parking requirements set forth herein.
  10. The off-site parking requirements of section 4.05.02 J. of the LDC shall apply. Vehicular egress points may be located on local **STREETS** opposite residential homes provided they are within the Bayshore Mixed Use Overlay District.
  11. 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 Board of Zoning Appeals or Planning Commission. Shared parking spaces may be separated by Bayshore Drive provided the two properties are located within the BMUD.
- F. Design standards for awnings, loading docks, and dumpsters.
1. Retractable awnings shall be exempt from fire sprinkler requirements. Fixed awnings under 145 square feet shall be subject to sprinkler requirements but only from the potable water supply without requirements for backflow protection.
  2. Loading docks and service areas shall not be allowed on the **FRONTAGE** line.
  3. All dumpsters must be located in the rear **YARD** and not visible from Bayshore Drive.
- G. Architectural standards.

1. All **BUILDINGS** shall meet the requirements set forth in section 5.05.08 unless otherwise specified below.
2. All **BUILDINGS ADJACENT** to Bayshore Drive will have the principal pedestrian entrance fronting Bayshore Drive.
3. Thirty-five (35) percent of the **BUILDING FACADE** that faces Bayshore Drive will be clear glass.
4. Clear glass windows between the height of three (3) and eight (8) feet above **SIDEWALK GRADE** are required on the primary **FACADE** of the first floor of any **BUILDING**.
5. Attached **BUILDING** awnings may encroach over the **SETBACK LINE** by a maximum of five (5) feet.
6. Neon colors shall not be used as accent colors.

**4.02.17 Design Standards for DEVELOPMENT in the BMUD – Waterfront Subdistrict**

**A. Special conditions for MARINAS:**

1. Repair and storage areas shall not be visible from the local **STREET**.
2. Boats available for rental purposes shall be located in the water or properly screened from the local roadways and not visible from Bayshore Drive.
3. All boat racks shall be enclosed.
4. Height of **STRUCTURES** may be increased to a maximum height of fifty (50) feet by the Board of Zoning Appeals (BZA) upon approval of a variance petition. The BZA, in addition to the findings in Chapter 9, shall consider whether or not the literal interpretation of the provisions of this LDC imposes a financial hardship on the **APPLICANT**.
5. Outdoor displays of new boats for sale on properties fronting Bayshore Drive shall be limited to the following:
  - a. All areas used for new boat sales activities shall occupy no more than thirty-five (35) percent of the linear **FRONTAGE** of the property.
  - b. All boat sale activities are limited to new boat sales.
  - c. All new boat sale areas shall not be closer to the **FRONTAGE** line than the primary **BUILDING** they serve unless it is otherwise recommended by the CRA staff and administratively approved by the County Manager or designee.
  - d. All new boats located within an outdoor sale area shall not exceed the height of seventeen (17) feet above existing **GRADE**.

- e. Outdoor sales areas shall be connected to the parking area and primary **STRUCTURE** by a pedestrian walkway.
  - f. An additional **LANDSCAPE BUFFER** is required around the perimeter of the outdoor boat sales area. This **BUFFER** must include, at a minimum fourteen (14)-foot high trees, spaced at thirty (30) feet on center and a three (3)-foot high double row hedge spaced at three feet on center at the time of planting.
6. Outdoor displays of boats on properties fronting Haldeman Creek shall be limited to the following:
- a. All areas used for boat sales shall utilize no more than fifty (50) percent of the linear **FRONTAGE** of the property.
  - b. All boat sale areas shall be no closer to the **FRONTAGE** line than the primary **BUILDING** they serve unless it is otherwise recommended approved by the County Manager or designee.
  - c. All boats located within outdoor sales areas shall not exceed a height of thirty-five (35) feet above the existing **GRADE**. Sailboat masts are exempt from this limitation.
  - d. Outdoor sales areas shall be connected to the parking area and primary **STRUCTURE** by a pedestrian walkway.
  - e. An additional **LANDSCAPE BUFFER** is required around the perimeter of the outdoor sales area. This **BUFFER** must include, at a minimum fourteen (14) foot high trees, spaced at thirty (30) feet on center and a three (3)-foot high double row hedge spaced at three (3) feet on center at the time of planting.
7. One (1) parking space per five (5) dry boat storage spaces.
8. On-site traffic circulation system shall be provided that will accommodate areas for the loading and unloading of equipment that will not encroach on residential **DEVELOPMENTS**.

**4.02.18 Design Standards for DEVELOPMENT in the BMUD – Residential Subdistrict (R1)**

**A. Dimensional and Design Standards**

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

Design Standard			
Maximum <b>DENSITY</b>		12 units per acre	
Minimum Lot Width (feet)			
Single-family and Two-family		50 feet	
Townhouses		25 feet	
Multi-family		100 feet	
Minimum setbacks			
	Front Yard At*	Min. Side Yard	Min. Rear Yard (feet)



One (single) family units	10 feet dwelling	7 1/2 feet unless abutting commercial property, then 5 feet	15
Two family dwelling units	10 feet	5 feet unless abutting single-family unit, then 7.5 feet	15
Townhouse	10 feet	0 feet when abutting another townhouse, if not then the same standards as a two family dwelling unit	15
Multi-family (three or more) dwelling units	10 feet	5 feet unless abutting single family unit, then 7.5 feet	15
<b>BUILDING standards</b>			
Minimum floor area		750 square feet per unit	
Maximum height of principal structures		3 habitable floors or 40 feet	
Maximum height of accessory screen enclosures		Same as principal structure, not to exceed 35 feet	
Maximum height of all other <b>ACCESSORY STRUCTURES</b>		15 feet	
<b>Parking Standards</b>			
All uses		1 space per dwelling unit	

\*Shall be ten feet from the property line to the **BUILDING** footprint.

#### B. Specific Design Requirements

1. There shall be no visible parking area from the **FRONTAGE** road.
2. **BUILDINGS** and their elements shall adhere to the following: (See BMUD figure 4 below):
  - a. **BUILDINGS** shall be divided using articulation and/or modulation at least every eighty (80) feet. **FACADE** modulation is stepping back or extending forward a portion of the **FACADE** at least six (6) feet measured perpendicular to the front **FACADE** for each interval. Articulation includes porches, balconies, bay windows and/or covered entries.
  - b. The primary residence shall be oriented to the **STREET**. Orientation is achieved by the provision of a front **FACADE** including an entry door that faces the **STREET**.
  - c. On corner **LOTS**, both **STREET FACADES** of a **BUILDING** shall have complementary details; in particular, **BUILDING** materials and color, rooflines and shapes, window proportions and spacing, and door placement.
  - d. All mechanical equipment must be screened with a three (3)-foot high hedge spaced three (3) feet on center or an opaque fence or wall at any height to completely screen the mechanical equipment.
  - e. Stem wall construction is required, no monolithic construction is allowed.



**BMUD Figure 4 - Typical front elevation, residential DEVELOPMENT**

3. **BUILDINGS** shall adhere to the following elevation requirements:
  - a. The first habitable floor at the **STREET FACADE** may not be greater than one (1) foot over the minimum first floor elevation designated in the National **FLOOD** Insurance Program by the Federal Emergency Management Agency (FEMA). A maximum of forty (40) percent of the first habitable floor may be greater than one (1) foot over the FEMA-designated minimum first floor elevation.

- b. Open stilt-type construction is not permitted. On **FRONT YARDS**, the **FACADE** area below the first floor must be treated with a solid **FACADE** or lattice which is consistent with the architectural style of the **BUILDING**.
  - c. The garage floor shall not exceed twenty-four (24) inches above the elevation of the **RIGHT-OF-WAY** from which it is **ACCESSED**.
4. Front porches that adhere to the following standards may encroach seven (7) feet into the **FRONT YARD SETBACK**, with an additional three (3)-foot encroachment allowable for entry stairs.
- a. Front porches must cover a minimum of forty (40) percent of the horizontal length of the **FRONT YARD FACADE** of the primary residence.
  - b. Front porch design and material shall be consistent with the architectural design and construction material of the primary residence.
  - c. Front porches shall not be air-conditioned nor enclosed with glass, screen, or other material.
  - d. Second-story porches are encouraged, but no enclosed room is permitted above the front porch.
5. Garages and **DRIVEWAYS**.
- a. The rear **SETBACK** may be reduced to ten (10) feet if a front-**ACCESS** garage is constructed on the rear of the residence.
  - b. Garage doors shall have a maximum width of sixteen (16) feet.
  - c. Only one (1) **DRIVEWAY** is allowed per fifty (50) linear feet of front property line. The **DRIVEWAY** shall have a maximum width of eighteen (18) feet in the **RIGHT-OF-WAY** area.
  - d. Other than the permitted **DRIVEWAY**, the **FRONT YARD** may not be paved or otherwise used to accommodate parking.
  - e. Garages shall be recessed a minimum of three (3) feet behind the front **FACADE** of the primary residence.
  - f. No carports are permitted.
6. An **ACCESSORY** unit is a separate **STRUCTURE** located at the rear of the property and related to the primary residence for uses which include, but are not limited to: Library studio, workshop, playroom, or **GUEST QUARTERS**. Ownership of an **ACCESSORY** unit shall not be transferred independently of the primary residence.
- a. Only one (1) **ACCESSORY** unit is permitted per **PRINCIPAL STRUCTURE**.

- b. The maximum area of an **ACCESSORY** unit is 550 square feet, limited to one (1) habitable floor.
  - c. The **ACCESSORY** unit may be above a garage or may be connected to the primary residence by an enclosed breezeway or corridor not to exceed eight (8) feet in width.
  - d. The maximum height of a **STRUCTURE** containing a guest unit over a garage is limited to eighteen (18) feet, measured from the level of **GRADED LOT** to the eave, and with a maximum overall **BUILDING HEIGHT** of twenty (24) feet to the top of the roof. A **STRUCTURE** containing only a guest unit is limited to one (1) story and ten (10) feet, measured from the FEMA first habitable floor height requirement to the eave, with a maximum overall **BUILDING HEIGHT** of sixteen (16) feet to the top of the roof.
  - e. For purposes of calculating **DENSITY**, an **ACCESSORY** unit will count as one-half (1/2) a **DWELLING UNIT**.
7. Fencing forward of the primary **FACADE** of the **STRUCTURE** is permitted subject to the following conditions:
- a. The fence does not exceed four (4) feet in height.
  - b. The fence is not opaque but provides an open view.
  - c. Chain link fence is prohibited.
  - d. The fence material shall be wood, vinyl, or iron.
  - e. A masonry wall is permitted and shall not exceed three (3) feet in height.
  - f. Fencing and walls must architecturally complement the primary **STRUCTURE** as determined by the County Manager or designee.
- C. Specific standards for bed and breakfast lodging as a **CONDITIONAL USE**:
- 1. A site **DEVELOPMENT PLAN** pursuant to Chapter 10.
  - 2. Minimum number of guest rooms or suites is two (2) with a maximum number of six (6). Guest occupancy is limited to a maximum stay of thirty (30) days. The minimum size of bedrooms for guest occupancy shall be 100 square feet.
  - 3. No cooking facilities shall be allowed in guest rooms.
  - 4. Separate toilet facilities for the exclusive use of guests must be provided. At least one (1) bathroom for each two (2) guestrooms shall be provided.
  - 5. All automobile parking areas shall be provided on-site based upon a minimum of two (2) spaces plus one (1) space for each two (2)

bedrooms. All other applicable provisions of this LDC relative to parking facilities shall apply.

6. One (1) **SIGN** with a maximum **SIGN** area of four (4) square feet containing only the name of the proprietor or name of the residence. **SIGN** lettering shall be limited to two (2) inches in height and shall not be illuminated.
7. An on-site manager is required.
8. The facility shall comply with all business license, certifications, and health laws of Collier County and the State of Florida.

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

A. **DEVELOPMENT** standards for the subdistrict are the same as those set forth for the Residential subdistrict 1, unless set forth below.

**Table 13. SETBACK Standards for BMUD Residential Subdistrict (R2)**

	Front Yard At*	Min. Side Yard	Min. Rear Yard
One (Single) Family Dwelling Units	25 feet	7.5 feet	15 feet
Two Family Dwelling Units	25 feet	6 feet unless abutting single family unit, then 7.5 feet	15 feet
Townhouse	25 feet	6 feet unless abutting single family unit, then 7.5 feet	15 feet
Multi- Family (Three or more) Dwelling Units	25 feet	6 feet unless abutting single family unit, then 7.5 feet	15 feet

\*Shall be 25 feet from the property line to the **BUILDING** footprint.

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

A. The purpose of this district is to allow the **DEVELOPMENT** of **MOBILE HOME**, modular home, **TOWNHOUSES** and single-family residences. All new **DEVELOPMENT** in this Subdistrict shall be compatible with the **BUILDING** patterns and façade articulation of traditional neighborhood design. The intent is to create a row of residential units with consistent **FRONT YARD SETBACKS** and **ACCESS** to the **STREET**. **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	40 feet
Modular homes	40 feet

Townhouses 25 feet  
 Mobile homes 40 feet

C. **YARD** requirements.

	Front Yard At	Min. Side Yard	Min. Rear Yard
One (Single) Family Dwelling Units	10 feet	5 feet	8 feet
Modular Dwelling Units	10 feet	5 feet	8 feet
Townhouse	10 feet	0 feet when abutting another townhouse, if not then 5 feet.	8 feet
Mobile Homes	10 feet	5 feet	8 feet

4.02.21 **Design Standards for DEVELOPMENT in the BMUD - Residential Neighborhood Commercial Subdistrict (RNC)**

- A. Home occupation in section 5.02.00 of the LDC, shall apply unless specified otherwise below. **DEVELOPMENT** standards for the subdistrict are the same as those set forth for the residential subdistrict 2, unless otherwise set forth below.
- B. The home occupations permitted include: Accounting (8721), auditing and bookkeeping services (8721), barber shops and beauty salons (7231 except beauty culture schools, cosmetology schools, or barber colleges), engineer or architectural services (8713, 8712, 8711), insurance agents and brokers (6411), legal services (8111), and real estate agents (6531 except **MOBILE HOME** brokers, on-site; housing authorities, operating).
- C. The home occupation shall be clearly incidental to and secondary to the use of the **DWELLING** for residential purposes and shall not change the character of the **DWELLING UNIT**. The following conditions shall be met:
  1. There shall be a minimum of one (1) residential **DWELLING UNIT**.
  2. The resident of the home shall be the owner and operator of the home occupation.
  3. The home occupation shall not occupy more than (thirty) 30 percent of the primary residential **STRUCTURE**.
  4. The home occupation shall not employ more than two (2) employees at any given time.

5. One (1) wall **SIGN** shall be permitted provided it does not exceed six (6) square feet in area, and shall not project more than four (4) feet from the **BUILDING** on which the **SIGN** is attached.
6. A total of two (2) parking spaces shall be provided for clients or customers. Two (2) additional parking spaces shall be provided for employees, if any. The required parking area or areas shall not be located in the **FRONT YARD** of the residence.
7. Parking areas shall consist of a dust free surface such as: Mulch, shell, or asphalt. A single row hedge at least twenty-four (24) inches in height at the time of planting shall be required around all parking areas.
8. There shall be no additional **DRIVEWAY** to serve such home occupation.
9. There shall not be outdoor storage of materials or equipment used or associated with the home occupation.

**4.02.22 Design Standards for the GZO District**

A. These regulations are intended to supplement the existing **land DEVELOPMENT** regulations found in this LDC. In the event of a conflict between other provisions of this LDC and these regulations, these regulations contained in this overlay shall control.

**B. Dimensional Standards**

**Table 14. Design and Dimensional Standards in the GZO District.**

Design Standard	
Maximum <b>BUILDING</b> height	Same as the VR District, but not more than 2 levels of habitable space for residential purposes
Minimum lot requirements  Single family dwelling or mobile home Minimum lot area Minimum lot width	Same as the VR District, except as follows:  4,275 square feet 45 feet
Minimum lot requirements  Minimum lot area Minimum lot width	Same as the RSF-4 District, except as follows:  5,000 square feet 50 feet
Minimum setback requirements  Side yard	Same as the RSF-4 District, except as follows:  5 feet

**C. Specific design standards**

1. 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.

- a. No recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored.
  - b. No **RECREATIONAL VEHICLE** or equipment shall exceed thirty-five (35) feet in length.
  - c. No **RECREATIONAL VEHICLE** or equipment shall be parked, stored nor encroach in any county **RIGHT-OF-WAY** or **EASEMENT**.
  - d. **RECREATIONAL VEHICLES** or equipment that exceed thirty-five (35) feet in length shall be subject to the provisions of the County Code regarding parking of commercial or **RECREATIONAL VEHICLES**.
  - e. Personal vehicles may be parked in drainage swales in the VR and RSF-4 zoning districts subject to the following conditions: No vehicle shall block or impede traffic.
2. Within the VR and RSF-4 zoning districts, fishing equipment, such as crab traps, anchors and other similar items, may be displayed or stored in any **YARD** subject to the following conditions.
- a. The storage of fishing related equipment is permitted only in association with a fishing-related business.
  - b. Storage of toxic materials is prohibited.
  - c. The storage or display area shall be located a minimum of five (5) feet from any property line or County **RIGHT-OF-WAY**.
  - d. Fishing related items may be used for decorative purposes.

**4.02.23 Design Standards for DEVELOPMENT in the Activity Center #9 Zoning District**

- A. All **BUILDINGS** and projects within Activity Center #9 shall be developed or redeveloped in accordance with one (1) or more of the design themes defined in the Activity Center #9 Interchange Master Plan. The design themes shall be incorporated into architecture, landscape, signage, gateway features, and roadway lighting.
- B. **BUILDINGS** within the Activity Center #9 shall be limited to three (3) complementary character themes: Everglades, Rural and Old Florida, as defined in the Vision Statement of the Activity Center #9 Interchange Master Plan.
- C. In addition to the requirements of section 5.05.08, **BUILDINGS** shall have features that characterize the area character themes. These elements include:
  - 1. All primary **FACADES** of a **BUILDING** shall feature one (1) or more of the following design elements listed below:
    - a. Porch.



- b. Portico.
  - c. Elevated first floor or elevated entry.
  - d. Any other treatment which the County Manager or designee determines to represent the character themes of this overlay district.
2. Roof treatment.
- a. **BUILDINGS** with gross **FLOOR AREAS** of less than 10,000 square feet shall have pitched roofs. Pitched roofs shall have a minimum of 4/12 slope.
  - b. **BUILDINGS** with gross **FLOOR AREAS** of 10,000 square feet or greater shall have one or more of the following roof treatments:
    - i. Pitched roof with a minimum slope of 4/12.
    - ii. Flat roof with mansard edge treatment.
    - iii. Flat roof with a combination of pitched and mansard roof elements that extend along a minimum of fifty (50) percent of the length of any primary **FACADE**, and a minimum of thirty (30) percent of the attached **FACADES** as measured from the connection point.
  - c. **INDUSTRIAL USE BUILDINGS** shall have one (1) or more of the following roof treatments:
    - i. Pitched roof with a minimum slope of 3/12.
    - ii. Flat roof with mansard edge treatment.
    - iii. Flat roof with a combination of pitched and mansard roof elements that extend along a minimum of thirty (30) percent of the length of any primary **FACADE**, and twenty (20) percent of the attached **FACADES** as measured from the connection point.
  - d. Roof material shall be tile or metal.
  - e. Roof overhangs shall be deep, no less than three (3) feet beyond the supporting walls.
  - f. To create articulation, roofs shall include a minimum of one (1) of the following architectural elements:
    - i. Clearstory windows.
    - ii. Cupolas.
    - iii. Dormers.
    - iv. Any other treatment which the County Manager or designee determines to represent the character themes of this overlay district.

D. Lighting fixtures and signage within the Activity Center #9 shall be designed to complement the architectural themes of this overlay district. Lighting shall also be subject to the requirements pursuant to section 5.05.08 regardless of the gross **BUILDING** area.

**4.02.24 Corridor Management Overlay District (CMO) - Special Regulations for Properties Abutting Golden Gate Parkway West of Santa Barbara Boulevard and Goodlette-Frank Road South of Pine Ridge Road.**

**A. Required SETBACKS**

1. Goodlette-Frank Road. Fifty (50) feet.
  2. Fifty (50) feet for the first floor of all commercial **DEVELOPMENT**, 100 feet for the first floor of all other **DEVELOPMENT** except for properties zoned estates district (E), which shall be set back seventy-five (75) feet.
  3. As **BUILDING HEIGHT** increases, the **FRONT YARD SETBACK** shall be increased by twenty-five (25) feet for each additional floor or **BUILDINGS** shall be stepped back to provide a vertical slope **SETBACK** of two (2) to one (1). Single-family residence **DEVELOPMENT** shall be exempt from this provision.
- B. Two-way ingress and egress shall be a minimum of 330 feet from the nearest **STREET** intersection (measured from intersecting **RIGHT-OF-WAY** lines). One-way ingress and egress shall be a minimum of 150 feet from the nearest intersection. If a property **ABUTS** a side **STREET** except that if the property is five (5) acres or less in size, **ACCESS** shall be limited to the side **STREET**.
- C. *Golden Gate Parkway*. Property identification **SIGNS** shall not be higher than four (4) feet above the ground or exceed sixty (60) square feet per side in size. Post-mounted **SIGNS** shall not be allowed. **SIGNS** shall be set back a minimum of fifteen (15) feet from the road **RIGHT-OF-WAY**.

**4.02.25 MOBILE HOME Overlay District (MHO) - Special Regulations for MHO in Rural Agricultural (A) Districts.**

The minimum area that may be petitioned for rezoning to the MHO overlay district shall be forty (40) acres. However, acreage and **SETBACK** requirements must comply with the base zoning district for each individual **LOT OF RECORD** within the established overlay district.

**4.02.26 Golden Gate Parkway Professional Office Commercial Overlay District (GGPPOCO) - Special Conditions for the Properties ABUTTING Golden Gate Parkway East of Santa Barbara Boulevard as Referenced in the Golden Gate Parkway Professional Office Commercial District Map (Map 2) of the Golden Gate Area Master Plan.**

- A. The following standards shall apply to all uses in this overlay district. Where a specific **DEVELOPMENT** criteria and standards also exist in the Golden Gate Master Plan, or the Future Land Use Element of the GMP, they shall supersede any less stringent requirement or place additional requirements on **DEVELOPMENT**.
- B. In support of the purpose and intent of the GGPPOCO a common architectural style is required for all proposed **DEVELOPMENT** within the overlay district. During the site **DEVELOPMENT PLAN** review process, architectural drawings shall be submitted indicating that all proposed **BUILDINGS** will have an architectural style which is similar to that approved for the existing PUDs within the district boundaries. Such architectural drawings shall depict, at a minimum, the following: the use of stucco, except for trim; pastel colors; pedestrian pockets, including benches and lampposts; tile roofs, except that where tile roofs are not provided, decorative parapet walls shall be constructed above the roof line.
- C. Projects shall be encouraged in the form of a PUD (there shall be no minimum acreage requirement for PUD rezones except for the requirement that all requests for rezoning must be at least 40,000 square feet in area unless the proposed rezone is an extension of an existing zoning district consistent with the Golden Gate Area Master Plan).
- D. Minimum project area shall be two (2) acres.
- E. **BUILDINGS** shall be set back from Golden Gate Parkway a minimum of forty (40) feet and from rear **LOT LINE** a minimum of twenty-five (25) feet.
- F. **BUILDINGS** shall have a maximum height of twenty-five (25) feet plus ten (10) feet for under **BUILDING** parking.
- G. Transportation
  - 1. **ACCESS** to projects shall be provided exclusively via Golden Gate Parkway and shall be limited to one (1) per 450 feet commencing at the centerline of Santa Barbara Boulevard but shall nonetheless comply with the **ACCESS** Control Policy (Res. 01-247) in place at the time of **DEVELOPMENT**.
  - 2. Projects shall be required to provide off -**STREET** parking and may make provisions for shared parking arrangements with adjoining **DEVELOPMENTS**.
  - 3. Projects shall provide deceleration and acceleration lanes as may be determined by the County Manager or designee or his designee based upon the requirements of the "work within the **RIGHT-OF-WAY** ordinance" (Ordinance No. 93-64) and sound engineering practices.

4. Projects shall encourage pedestrian traffic by providing **SIDEWALKS**. **ADJACENT** projects shall coordinate location of **SIDEWALKS**.
- H. Each project shall be limited to one (1) **SIGN** not to exceed twenty (20) square feet and six (6) feet in height. No flashing or mechanical **SIGNS** shall be allowed. **SIGNS** shall be located at a minimum fifteen (15) feet from the **RIGHT-OF-WAY**. Wall, mansard, canopy or awning **SIGNS** are permitted under section 5.06.00. Exceptions to these **SIGN** restrictions are those **SIGNS** permitted under section 5.06.00 (**SIGNS** exempt from permitting).
- I. Landscaping.
  1. Projects shall provide a ten (10)-foot **BUFFER** between vehicular **RIGHT-OF-WAY** and required **SIDEWALK** and shall provide landscaping of one (1) shade tree per thirty (30) linear feet. Such trees shall be minimum of eight (8) feet in height and one and one-half (1½) inches in diameter at the time of planting that shall have a minimum canopy of fifteen (15) feet at maturity. In addition, a hedge or **BERM** planting combination shall be planted along the entire length of this ten (10)-foot **BUFFER** consistent with section 4.06.00.
  2. A minimum of ten (10) percent of the gross **VEHICULAR USE AREA** shall be landscaped to provide visual relief. One (1) tree, as described in section 4.02.26 I.1., shall be provided for each seventy-five (75) square feet of this landscaped area. This landscaping shall be placed within the **VEHICULAR USE AREA**.
- J. Central water and sewer facilities shall be available prior to **DEVELOPMENT**.

**4.02.27 Specific Design Standards for the Immokalee – State Road 29 A Commercial Overlay Subdistrict**

- A. **ACCESS** points to SR-29 shall comply with Florida State Department of Transportation (FDOT) permitting regulations. **PARCELS** that do have a minimum of 440-feet of **STREET FRONTAGE** shall provide **ACCESS** off existing **ADJACENT** roadways, when possible, and should not **ACCESS** to SR-29.
- B. Owners of **LOTS** or combinations of **LOTS** having less than the required **STREET FRONTAGE** may petition the Board of Zoning Appeals for a variance from the standard in this subdistrict as will not be contrary to the public interest when owing to special conditions peculiar to the property, a literal enforcement of these standards would result in unnecessary and undue hardship.
- C. **BUILDING** design standards

1. **BUILDINGS** shall be set back from SR-29 a minimum of twenty-five (25) feet and from the rear **LOT LINE** a minimum of twenty-five (25) feet.
2. Projects with a total **BUILDING** square footage of less than or equal to 5,000 square feet shall provide a ten (ten)-foot Type A **LANDSCAPE BUFFER** as described in section 4.06.00 between vehicular **RIGHTS-OF-WAY** with required **SIDEWALKS** and **ADJACENT** residential **DEVELOPMENT**. **ADJACENT** commercial projects shall provide coordinated landscape plans.
3. Projects with a total **BUILDING** square footage of less than or equal to 5,000 square feet shall provide an area equal to a minimum of two and one-half (2½) percent of the total interior **VEHICULAR USE AREA** which shall be landscaped to provide visual relief.
4. Projects with a total **BUILDING** square footage exceeding 5,000 square feet shall provide **LANDSCAPE BUFFERING** in accordance with section 4.06.00 of this LDC.
5. **BUILDINGS** shall have a maximum height of fifty (50) feet.

D. Transportation

1. Shared parking arrangements between adjoining **DEVELOPMENTS** shall be encouraged.
2. Deceleration and acceleration lanes shall be provided.
3. Pedestrian traffic shall be encouraged by providing **SIDEWALKS**. The location of these **SIDEWALKS** shall be coordinated with **ADJACENT** projects.

4.02.28 **Specific Design Standards for the Immokalee – Jefferson Avenue Commercial Overlay Subdistrict**

A. **BUILDING** design standards

1. Projects with a total **BUILDING** square footage of less than or equal to 5,000 square feet shall provide a ten (10)-foot Type A **LANDSCAPE BUFFER** as identified in section 4.06.00 of this LDC on Jefferson Avenue.
2. Projects with a total **BUILDING** square footage exceeding 5,000 square feet shall provide **LANDSCAPE BUFFERING** in accordance with section 4.06.00 of this LDC.
3. Commercial **BUILDINGS** shall be set back from Jefferson Avenue a minimum of twenty-five (25) feet.
4. Commercial **BUILDING** shall have a maximum height of fifty (50) feet excluding ten (10) feet for under-**BUILDING** parking.

B. Transportation

1. **ACCESS** points for future commercial **DEVELOPMENT** shall be limited to a maximum one (1) per 150 feet of **STREET FRONTAGE**. Properties with less than the required **STREET FRONTAGE**, shall be encouraged, and may be required as a condition of site **DEVELOPMENT PLAN** approval, to utilize shared **ACCESS** points with adjoining commercial **DEVELOPMENT**.
2. Owners of **LOTS** or combination of **LOTS** having less than the 150-foot of required **FRONTAGE** may petition the Board of Zoning Appeals for a variance from the standard in this subdistrict as will not be contrary to the public interest when owing to special conditions peculiar to the property, a literal enforcement of these standards would result in unnecessary and undue hardship.
3. Provisions for shared parking arrangements with adjoining **DEVELOPMENTS** shall be encouraged.

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

- A. Dimensional standards shall be as required for the C-5 zoning district except that the minimum **FLOOR AREA** shall be 500 square feet gross **FLOOR AREA** for permitted principal agricultural **STRUCTURES**.
- B. The following uses, as identified in the Standard Industrial Classification Manual (1987), are exempt from the provisions set forth in section 5.05.08, Architectural and Site Design Standards for Commercial **BUILDINGS** and Projects.
  1. Agricultural Services (0723)
  2. Wholesale Trade (5148)
  3. Agricultural Outdoor Sales
- C. Outdoor sales of **AGRICULTURAL PRODUCTS** are permitted on improved or unimproved properties provided the **APPLICANT** submits a site **DEVELOPMENT PLAN** which demonstrates that provisions will be made to adequately address the following:
  1. Vehicular and pedestrian traffic safety measures.
  2. Parking for undeveloped properties will be calculated at a rate of 1/250 square feet of merchandise area. A maximum of ten (10) percent of the parking required by section 4.05.00 of this LDC may be occupied or otherwise rendered unusable by the placement of temporary **STRUCTURES**, equipment, **SIGNS**, and merchandise. The minimum number of disabled parking spaces pursuant to section 4.05.00 shall be required.
  3. Limited hours of operation.
  4. Fencing, lighting.

5. Fire protection measures.
6. Sanitary facilities.
7. The **APPLICANT** shall provide a notarized letter from the property owner granting permission to utilize the subject property for agricultural outdoor sales.
8. The placement of one (1) **SIGN**, a maximum of thirty-two (32) square feet, or two (2) such **SIGNS** for properties containing more than one (1) **STREET FRONTAGE** shall be permitted.
9. **AGRICULTURAL PRODUCTS** may be sold from a vehicle provided that the vehicle is not located in the road **RIGHT-OF-WAY**.
10. **AGRICULTURAL PRODUCTS** may be displayed within any **FRONT YARD** provided it does not adversely affect pedestrian or vehicular traffic or public health or safety and is not located within the road **RIGHTS-OF-WAY**.
11. A minimum five (5)-foot **LANDSCAPE BUFFER** shall be required **ADJACENT** to any road **RIGHTS-OF-WAY**.

**4.02.30 Specific Design Standards for the Immokalee – Agribusiness Overlay Subdistrict**

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

**4.02.31 Specific Design Standards for the Immokalee – Central Business Overlay Subdistrict**

Parking within the Immokalee Central Business Subdistrict shall meet the following standards:

- A. **LOTS, PARCELS**, or uses which have **FRONTAGE** on West Main **STREET** (SR 29) or First **STREET** (CR 846) shall comprise the primary areas.
  1. Uses in existence as of the effective date of this LDC are exempt from the minimum parking requirements as set forth in section 4.05.00 except that existing uses shall not reduce the number of spaces below that which is provided as of the effective date of this LDC.
  2. The expansion of any use shall require parking at fifty (50) percent of the minimum requirement as set forth in section 4.05.00 for the expansion only.

3. A change of any use shall be exempt from the minimum parking requirements as set forth in section 4.05.00 up to an intensity level of one (1) parking space per 100 square feet. A change of use to an intensity of greater than one (1) space per 100 square feet shall require parking at one (1) parking space per 150 square feet.
  4. Any use in a **BUILDING** constructed after the effective date of this LDC will be required to provide parking at fifty (50) percent of the minimum requirement as set forth in section 4.05.00.
- B. LOTS, PARCELS, or uses which do not have FRONTAGE on Main STREET or First STREET shall comprise the secondary area.**
1. Uses in existence as of the effective date of this LDC are exempt from the minimum parking requirements as set forth in section 4.05.00 except that existing uses shall not reduce the number of spaces below that which is provided as of the effective date of this LDC.
  2. The expansion of any use shall require an addition to any parking of the minimum number of required spaces as set forth under section 4.05.00, for the expansion only.
  3. A change of any use shall be exempt from the minimum parking requirements as set forth in section 4.05.00 up to an intensity level of one (1) parking space per 100 square feet. A change of use to an intensity greater than one (1) parking space per 100 square feet shall require parking at fifty (50) percent of the minimum requirement as set forth under section 4.05.00. No change in use shall allow for a reduction of the current number of parking spaces provided.
  4. Any use in a **BUILDING** constructed after the effective date of this LDC will be required to provide parking at sixty-seven (67) percent of the minimum requirement as set forth in section 4.05.00.
- C. In no way shall the provisions of the Immokalee central business subdistrict (ICBSD) be construed so as to prevent establishments within the boundaries from taking advantage of off-site parking arrangements as set forth in section 4.05.00. Furthermore, the maximum distances set forth in section 4.05.00 shall be increased to 600 feet within the boundaries of the ICBSD, Properties within the ICBSD entering into off-site parking agreements with properties outside the ICBSD may utilize the 600-foot rule.**

**4.02.32 Specific Design Standards for the Immokalee – Main STREET Overlay Subdistrict**

**A. Dimensional Standards**



1. **FRONT YARD.** Ten (10) feet except in the event of an awning, arcade or colonnade which may extend up to seven (7) feet into the required **YARD**.
  2. **Side YARD.** Zero (0) in the event a wall is contiguous to another wall on an **ADJACENT** property, otherwise ten (10) feet.
  3. **Rear YARD.** Five (5) feet.
  4. **Rear YARD ABUTTING residential.** Twenty (20) feet.
  5. **STRUCTURES** shall be no more than thirty-five (35) feet in height, except that **HOTEL/MOTEL** uses shall be no more than fifty (50) feet in height.
- B. Minimum off-**STREET** parking and off-**STREET** loading. As permitted by section 4.02.31. standards for parking within the Immokalee Central Business district, and as set forth below:
1. Outdoor cafe areas, shall be exempt from parking calculations.
  2. All properties within the Main **STREET** Overlay subdistrict, having **FRONTAGE** on Main **STREET**, First **STREET** or Ninth **STREET** are required, by this subdistrict to locate all parking areas in the rear **YARD** and/or in side **YARDS**.
- C. **SIGNS.**
1. Projecting **SIGNS** are permitted in addition to permitted **SIGNS** provided such **SIGNS** do not exceed six (6) square feet in size and are elevated to a minimum of eight (8) feet above any pedestrian way.
  2. Sandwich boards are permitted, one (1) per eating establishment, not to exceed six (6) square feet in size and shall only be displayed during business hours.
- D. **DEVELOPMENT** shall be subject to the provisions of section 5.05.08, Architectural and site design standards for commercial **BUILDINGS** and projects, except as set forth below:
1. Properties having **FRONTAGE** on Main **STREET** or First **STREET** or Ninth **STREET** are required to locate their primary business entrance on that **STREET**. **PARCELS** fronting both Main **STREET** and First **STREET** or both Main **STREET** and Ninth **STREET** are required to locate their primary business entrance on Main **STREET**.
  2. Reflective or darkly tinted glass is prohibited on ground floor windows.
  3. Properties with less than fifty (50) feet of road **FRONTAGE** shall only require a minimum of one (1) roof change.

4. Commercial projects 5,000 square feet in size or less shall only require a minimum of two (2) design features, as described within section 5.05.08 of this LDC.
  5. To encourage reDEVELOPMENT within the Main STREET Overlay subdistrict, for proposed reDEVELOPMENT of existing projects that do not increase IMPERVIOUS SURFACE area and whose total BUILDING area is less than or equal to 5,000 square feet in size, the APPLICANT shall be exempt from section 4.06.00 of the landscaping and BUFFERING provisions, requiring the seal of a landscape architect and shall also be exempt from section 5.05.08., Architectural and Site Design Standards and Guidelines for Commercial BUILDINGS and Projects, requiring the seal of an architect.
  6. The minimum commercial design criteria, as set forth above, shall be applicable to projects with a total BUILDING square footage of less than or equal to 5,000 square feet.
- E. To encourage reDEVELOPMENT, the following landscape criteria shall apply to all commercially zoned properties and those residential properties with permitted commercial uses, except where otherwise prohibited by this subdistrict. The following LANDSCAPE BUFFERING criteria shall be applicable to projects with a total BUILDING square footage of less than or equal to 5,000 square feet:
1. Properties ADJACENT to residentially zoned LOTS/PARCELS shall provide a minimum ten (10) foot wide LANDSCAPE BUFFER, six (6) foot high hedge or wall (four (4) feet at planting; six (6) feet within one (1) year) with trees spaced no more than twenty (25) feet on center;
  2. Properties ADJACENT to commercially zoned LOTS/PARCELS shall provide a minimum five (5)-foot wide LANDSCAPE BUFFER with a single row hedge and trees spaced no more than thirty (30) feet on center. The hedge shall at a minimum consist of three (3) gallon plants, two (2) feet in height spaced a minimum of three (3) feet on center at planting.
  3. A minimum five (5)foot BUFFER, with at least two (2) trees per LOT/PARCEL or one (1) tree per forty (40) linear feet whichever is greater, shall be required ADJACENT to all RIGHTS-OF-WAY;
  4. LOTS/PARCELS that are unable to meet the above minimum landscape criteria, shall be required to provide landscape planters and/or flower boxes for each such property, as recommended by the County Manager or designee.
- F. Special requirements for outdoor display and sale of merchandise.

1. Outdoor display and sale of merchandise, within the front and side **YARDS** on improved properties, are permitted subject to the following provisions:
  - a. The outdoor display/sale of merchandise is limited to the sale of comparable merchandise sold on the premises and as indicated on the proprietors' occupational license.
  - b. The outdoor display/sale of merchandise is permitted on improved commercially zoned properties and is subject to the submission of a site **DEVELOPMENT PLAN** that demonstrates that provisions will be made to adequately address the following:
    - i. Vehicular and pedestrian traffic safety measures.
    - ii. Location of sale/display of merchandise in relation to parking areas.
    - iii. Fire protection measures.
    - iv. Limited hours of operation from dawn until dusk.
2. Outdoor display and sale of merchandise within the **SIDEWALK** area only shall be permitted in conjunction with "Main **STREET**" approved vendor carts, provided the **APPLICANT** submits a site **DEVELOPMENT PLAN** which demonstrates that provisions will be made to adequately address the following:
  - a. Location of sale/display of merchandise in relation to road **RIGHTS-OF-WAY**;
  - b. Vendor carts are located on **SIDEWALKS** that afford the **APPLICANT** a five (5) foot clearance for non-obstructed pedestrian traffic; and
  - c. Limited hours of operation from dawn until dusk.

**4.02.33 Specific Design Standards for the MOBILE HOME PARK Overlay Subdistrict**

**A. Dimensional standards**

**Table 15. Dimensional standards for the MOBILE HOME PARK Overlay**

Design Standard	
Minimum lot requirements	
Single-wide units	2,400 square feet
Double-wide units	3,500 square feet
Minimum lot width	
Single-wide units	35 feet
Double wide units	45 feet
Minimum setback requirements	
Interior roads	
Front yard	10 feet

Side yard	5 feet
Rear yard	8 feet
Public road frontages	20 feet
Minimum space between structures for cluster <b>DEVELOPMENT</b> or zero lot line <b>DEVELOPMENT</b>	10 feet
Minimum floor area for replacement units	320 square feet

- B. Where a public water line is available, a hydrant will be required to serve the park. Should water line pressure be inadequate, arrangements shall be made to seek approval of the Immokalee Fire Department to confirm that supplemental fire apparatus is adequate for fire protection.
- C. A dumpster or enclosure for individual containers is required in accordance with section 5.03.04. of this LDC. No dumpster shall be located closer than fifteen (15) feet from any public **STREET**.
- D. Private roads leading to and serving the **MOBILE HOME PARK** or **MOBILE HOME LOTS** must be improved and maintained, and shall consist of a dust free surface with a minimum width of twenty (20) feet. The dust free surface may consist of aggregate material treated with oil-based material that will bind the aggregate material into a form of macadam road finish. A drainage ditch capable of storing the first one inch of rainfall shall be incorporated into the **RIGHT-OF-WAY** design-cross section, exclusive of the required twenty (20) feet. Drainage shall be directed to a public road via the private road and/or **EASEMENT** conveyance, unless it can be proved that the on-site percolation rates exceed the on-site retention requirement.

**4.02.34 Specific Standards for Shopping Centers**

A. A **SHOPPING CENTER** must consist of eight (8) or more retail business or service establishments containing a minimum total of 20,000 square feet of **FLOOR AREA**. A **MARINA, HOTEL, or MOTEL** with accessory retail shops is not considered a **SHOPPING CENTER**.

B. For specific standards regarding parking/additional parking, see section 4.05.04.

**4.03.00 SUBDIVISION DESIGN AND LAYOUT**

**4.03.01 Generally**

The purpose of this section is to establish procedures and standards for the **DEVELOPMENT** and **SUBDIVISION** of real estate within the unincorporated areas of Collier County, Florida. Furthermore, the purpose of this section is to carry out the goals, policies and objectives of the Collier County GMP. These procedures and standards are provided in an effort to, among other things:

- A. Ensure proper legal description, identification, documentation and recording of real estate boundaries;

- B. Aid in the coordination of land **DEVELOPMENT** in Collier County in accordance with orderly physical patterns to encourage state of the art and innovative design;
- C. Discourage haphazard, premature, uneconomic or scattered land **DEVELOPMENT**,
- D. Ensure an economically stable and healthy community;
- E. Ensure adequate public facilities and utilities;
- F. Maintain the community's quality of life by properly preserving and conserving natural resource features;
- G. Prevent periodic and seasonal **FLOODING** by providing protective **FLOOD** control and **DRAINAGE FACILITIES**;
- H. Provide **OPEN SPACES** for recreation; ensure land **DEVELOPMENT** with installation of adequate and necessary public facilities and physical improvements;
- I. Ensure that the citizens and taxpayers of Collier County will not have to bear the costs resulting from haphazard **SUBDIVISION** of land;
- J. Provide the county with the authority to require installation by the developer of adequate and necessary physical improvements so that the taxpayers and citizens of Collier County will not have to bear the costs for the same;
- K. Ensure to the purchasers of subdivided land that necessary improvements of lasting quality have been installed; comply with Chapter 177, F.S. as amended.

#### 4.03.02 **Applicability**

It shall be unlawful for any person to transfer, sell, or otherwise convey, to sell any land by reference to, exhibition of, or other use of, a plat of a **SUBDIVISION** of such land without having submitted a final **SUBDIVISION** plat of such land for approval to the BCC as required by this section and without having recorded the approved final **SUBDIVISION** plat as required in this section.

#### 4.03.03 **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 designee. Procedures for application, review, and decision regarding exemptions from these **SUBDIVISION** requirements are set forth in Chapter 10. To the extent approved, the following may be exempted from these **SUBDIVISION** requirements.

- A. 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 GMP and the Collier County official zoning atlas, except **SINGLE-FAMILY DWELLINGS** and farm labor housing subject to section 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.

- B. A minor **SUBDIVISION**, as defined in Chapter 1, 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.
- C. A minor **SUBDIVISION**, as defined in Chapter 1 for multi-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 section 4.04.00, water management plans under Chapter 6, final **SUBDIVISION** plats under the procedures set forth in Chapter 10, and site **DEVELOPMENT PLANS** under procedures set forth in Chapter 10, 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.
- D. An integrated phased **DEVELOPMENT**, as defined in Chapter 1 and which has been previously approved in accordance with procedures set forth in Chapter 10, shall be exempt from the requirements, standards and procedures for preliminary **SUBDIVISION** plats (Chapter 10) and improvement plans (Chapter 10); provided, however, nothing contained herein shall exempt such integrated phased **DEVELOPMENT** from the requirements and procedures for design requirements for **ACCESS** under section 4.04.00, water management plans under Chapter 6, final **SUBDIVISION** plats and **SUBDIVISION** performance security under Chapter 10; and major site **DEVELOPMENT PLANS** under Chapter 10. 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 Chapter 10 applicable to site **DEVELOPMENT PLANS**.

- E. The division of land into cemetery **LOTS** or **PARCELS** shall be exempt from the requirements and procedures for preliminary **SUBDIVISION** plats and improvement plans; provided, however, nothing contained herein shall exempt such division of land into cemetery **LOTS** or **PARCELS** from the requirements and procedures for final **SUBDIVISION** plats and, where required **SUBDIVISION** improvements are contemplated, the posting of **SUBDIVISION** performance security; and provided, further, that such division of land into cemetery **LOTS** or **PARCELS** shall be subject to and comply with the requirements and procedures for site **DEVELOPMENT PLANS** under Chapter 10, and shall obtain site **DEVELOPMENT PLAN** approval for the entire property proposed for such division of land into cemetery **LOTS** or **PARCELS**.
- F. The division of land which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court, shall be exempt from this section; if and only if the County Manager or designee and the County Attorney are given timely written notice of any such pending action and given the opportunity to signify that the county be joined as a party in interest in such proceeding for the purpose of raising the issue of whether or not such action would circumvent or otherwise avoid the purposes or provisions of this section, i.e., the **SUBDIVISION** regulations, prior to the entry of any court order; and, if and only if an appropriate pleading is not filed on behalf of the County within twenty (20) days after receipt of such notice. However, if a pleading is filed on behalf of the county within twenty (20) days after receipt of such notice, such division of land created by the court shall not be exempt from this section.
- G. The division of land which creates an interest or interests in oil, gas, or minerals which are now or hereafter severed from the surface ownership of real property shall be exempt from this section.
- H. All division of land occurring prior to the effective date of this LDC and conforming to the purposes of this section, shall be exempt from this section; provided, however, that any property so divided which is resubdivided or further divided on or after January 10, 1989, shall not be exempt from this section. For agricultural/residential **SUBDIVISIONS** within the rural area of Collier County as defined herein, refer to section 4.03.04; Also see "**LOT OF RECORD**" in Chapter 1.
- I. The division of property, occurring prior to July 15, 1998, meeting the definition of rural **SUBDIVISION** shall not require the subdivider to record a final plat nor comply with the **SUBDIVISION** regulations provided in section 4.03.00. Nor shall the division of property occurring

after July 15, 1998, in the rural area require the property owner to record a final plat nor comply with the **SUBDIVISION** regulations provided in section 4.03.00, if the property so divided has been the subject of a rezoning hearing by the BCC within the twenty-four (24) month period preceding July 15, 1998. The **SUBDIVISION** of properties occurring after July 15, 1998 shall not be exempt from platting and filing a preliminary **SUBDIVISION** plat (PSP). However, the applicability of all required **SUBDIVISION** improvements and standards as set forth in section 4.03.00, required improvements, of this LDC shall be determined by the County Manager or designee on a case by case basis. The **APPLICANT**, through the preliminary **SUBDIVISION** plat (PSP) process may request waivers from certain "required improvements". The subdivider and purchaser of property meeting definition (a) of rural **SUBDIVISION** shall comply with section 4.03.03 of this LDC. The division of property not meeting the definition of rural **SUBDIVISION** is required to comply with all requirements of section 4.03.00.

- J. The division of property of Chokoloskee Island shall not require the subdivider to record a final plat nor comply with the **SUBDIVISION** regulations provided in section 4.03.00. The subdivider and purchaser of the property shall comply with the regulations provided in section 4.03.03. The division of property not on Chokoloskee Island is required to comply with all requirements to section 4.03.00. All **PARCELS** of land existing on Chokoloskee Island as of October 30, 1991, and identified in the property appraiser's official records, which do not conform to the minimum **LOT** area and **LOT** width requirements of the overlying zoning district shall be considered conforming **LOTS**. Any **SUBDIVISION** of land on Chokoloskee Island occurring after October 30, 1991, shall comply with the minimum **LOT** area and width requirements for the overlying zoning district in effect at the time the land is subdivided. In any case, except as described above, the minimum applicable **DEVELOPMENT** standards set forth in the LDC shall apply, unless a variance therefrom is obtained.

#### **4.03.04 LOT LINE Adjustments**

An adjustment of a **LOT LINE** between contiguous **LOTS** or **PARCELS** which may be platted or unplatted and which are under separate ownership or the same ownership shall be exempt from this section if all of the following conditions are met. Procedures for demonstration of compliance with the following conditions are set forth in Chapter 10.

- A. It is demonstrated that the request is to correct an engineering or surveying error in a recorded plat or is to permit an insubstantial boundary change between **ADJACENT PARCELS**; and
- B. Both landowners whose **LOT LINES** are being adjusted provide written consent to the **LOT LINE** adjustment; and



- C. Instrument(s) evidencing the **LOT LINE** adjustment shall be filed in the official records of Collier County, Florida, upon approval, and shall indicate that the result of the **LOT LINE** adjustment will meet the standards of, and conforms to, the requirements of this LDC, including the dimensional requirements of the zoning district and the **SUBDIVISION** in which the **LOTS** are located. However, in cases of an existing **NONCONFORMING LOT OF RECORD**, the adjustment shall not increase the nonconformity of the **LOT**; and
- D. It is demonstrated that the **LOT LINE** adjustment will not affect the **DEVELOPMENT** rights or permitted **DENSITY** or intensity of use of the affected **LOTS** by providing the opportunity to create a new **LOT(S)** for resale or **DEVELOPMENT**.

**4.03.05 SUBDIVISION Design Requirements**

- A. **BLOCKS.** The length, width and shape of **BLOCKS** shall be determined with due regard to:
  - 1. Zoning requirements as to **LOT** size and dimensions.
  - 2. Need for convenient **ACCESS**, circulation, control and safety of vehicular and pedestrian traffic.
  - 3. Limitations and opportunities of topography, including all natural and preserved features identified.
  - 4. Where special topographical conditions exist, **BLOCK** lengths greater than 660 feet shall be approved by the County Manager or designee pursuant to procedures set forth in Chapter 10. Traffic calming devices, as approved in the Neighborhood Traffic Management Program, shall be provided in **BLOCK** lengths greater than 660 feet.

**4.03.06 Golden Gate Estates LOT Divisions.**

When a five (5) acre **PARCEL** in Golden Gate Estates is subdivided into two (2) **LOTS**, where one of the **LOTS** is not on the existing **RIGHT-OF-WAY**, the owner may create an **ACCESS EASEMENT** to and through the **PARCEL** which is not on the **RIGHT-OF-WAY**. The **EASEMENT** must be at least twenty (20) feet in width, and extend at least 150 feet into the otherwise landlocked **LOT**. The **EASEMENT** shall provide for **ACCESS** to the **LOT**, and satisfy the **FRONTAGE** requirement.

**4.03.07 Monuments.**

The design and location of permanent reference monuments, "P.R.M.s," and permanent control points, "P.C.P.s," shall be as prescribed by Chapter 177, F.S. as amended. Where monuments would occur within **STREET** pavement areas, they shall be installed utilizing appropriate offset monuments as prescribed by Chapter 177, F.S. as amended. All information pertaining to the location of P.R.M.s shall be indicated in note form on the plat, such as underground installations and the like.

#### 4.03.08 Facility and Service Improvement Requirements

The following improvements in this section are required in conjunction with the **SUBDIVISION** and **DEVELOPMENT** of any and all property pursuant to procedures set forth in Chapter 10 within the unincorporated areas of Collier County. Any required improvements shall be designed and constructed in accordance with the design requirements and specifications of the entity having responsibility for approval, including all federal, state, and local agencies.

##### A. **STREET** System.

The design and construction of all **SUBDIVISION STREETS, ACCESS** improvements and related facilities shall be in conformance with the design requirements, regulations and standards established in Chapter 6 of this LDC and the Collier County Construction Standards Manual and shall include but not be limited to the pavement **STRUCTURE**, drainage, **SIDEWALKS** and traffic control/safety devices.

1. **ACCESS** to **LOTS** within a **SUBDIVISION** shall be designed to accomplish **ACCESS** to the **LOTS** by use of local **STREETS**. **ACCESS** to residential **LOTS** shall be in accordance with Ordinance No. 82-91 [superseded by ordinance found in LDC ch. 110, art. II], construction standards handbook for work within the public **RIGHT-OF-WAY** Ordinance No. 93-63, as may be amended.
2. Intermittent **ACCESS** points to the marginal **ACCESS** road shall be a minimum of 660 feet apart. **ACCESS** points to the marginal **ACCESS** roads shall be provided with appropriate turn lanes, signalization or other necessary traffic control measures. When double-**FRONTAGE LOTS** are created **ADJACENT** to a **COLLECTOR** or **ARTERIAL STREET** and a local **STREET**, they shall front on the local **STREET**, which shall provide **ACCESS** to said **LOT**. **ACCESS** to the **LOT** shall not be provided by means of the major **COLLECTOR** or **ARTERIAL STREET**. In such cases, the **LOT** shall be **BUFFERED** as required herein. **ACCESS** management regulations as required by the Growth Management Act, when implemented, shall supersede this section where applicable. Where **ACCESS** locations are not consistent with the county's **ACCESS** management policy, a separate **ACCESS** capacity analysis shall be required to identify capacity impacts and appropriate mitigation.
3. In the case of commercial or industrial **SUBDIVISIONS** which contain or include **PARCELS** which are separated by common parking area or other common area, sometimes referred to as "**OUTPARCELS**", "anchor store **PARCELS**", or "fee simple footprint **PARCELS**", or an integrated phased **DEVELOPMENT** as defined in Chapter 1, **ACCESS** shall be created through an internal

**ACCESS** provision documented on the final **SUBDIVISION** plat. Internal **ACCESS** provisions shown on the final **SUBDIVISION** plat shall include by way of example, but not limited to, cross-covenants, cross-**EASEMENTS**, dedicated **ACCESS** tracts, or the like, and shall clearly and specifically identify the dominant and servient estates involved, and the scope and duration of such internal **ACCESS** provision.

4. The **STREET** system of a **SUBDIVISION** approved pursuant to this section shall be connected to a public road, which is State or County maintained, with adequate capacity as defined by the GMP to accept the traffic volumes generated by the proposed **DEVELOPMENT**. Unless topography, or a compliance with the county's **ACCESS** Control Policy (Resolution No. 01-247) as may be amended, or LDC section 4.04.00. prohibits it, the number of **ACCESS** points to public roads shall ensure that there are no more than 4,000 **AVERAGE DAILY TRIPS (ADT)** per **ACCESS** point (existing or future). The maximum number of **ACCESS** points required by this section shall be six (6). Proposed **DEVELOPMENTS ACCESSING** public roads shall be subject to the requirements of the Adequate Public Facilities provisions set forth in Chapter 6. The connection of any property to a public or private road shall be carried out in conformance with Collier County Ordinance No. 82-91, as amended.

B. Water management system.

An adequate water management system, including necessary open swales, ditches, storm sewers, drain inlets, manholes, headwalls, endwalls, culverts, bridges, retention basins, water level control **STRUCTURES** and other appurtenances shall be required in all **SUBDIVISIONS** or **DEVELOPMENTS** for the management of surface water and groundwater. The water management system shall provide for stormwaters affecting the **SUBDIVISION** or **DEVELOPMENT** and shall be in compliance with applicable federal, state and local design regulations and specifications.

1. The water management system shall comply with the design requirements of Chapter 6 of this LDC and the Constructions Standards Manual.
2. Any navigable canal or waterway designed as part of a **DEVELOPMENT** or **SUBDIVISION**, intended to serve two (2) or more properties, shall be designed in compliance with the requirements of the County's water management master plan and requirements in the County Code regarding excavation, or other governmental entities with jurisdiction, where applicable. The slopes of the canal banks shall be stabilized with suitable riprap, **NATIVE VEGETATION** or other proven erosion control measures.

C. Potable water system.

A complete water distribution and transmission system to include provision for separate potable and reuse water lines, and interim water treatment or interim water treatment and supply facilities, if required, shall be provided or employed by the **APPLICANT**, at no cost to Collier County for all **SUBDIVISIONS** and **DEVELOPMENTS**. Reuse water lines, pumps, and other appurtenances will not be maintained by Collier County. County potable water will not be permitted for irrigation unless other sources of supplemental water are not permitted or available, therefore the developer will need to provide irrigation water from a source until such time that reuse water may be available. All facilities shall be constructed in accordance with federal, state and local regulations. When required, the water distribution and transmission facilities shall be conveyed to Collier County, or the Collier County Water-Sewer District or other dependent district where appropriate, upon completion of construction pursuant to County Ordinance No. 88-76.

1. The design and construction of the water facilities shall comply with the requirements of Chapter 6 of this LDC and the Collier County Construction Standards Manual.
2. If County central water facilities are not available for connection, the water distribution and transmission facilities conveyed to the county shall be leased to the **APPLICANT** of the interim water treatment facilities, with operation and maintenance responsibilities, until the County's central water facilities are available for connection. All water facilities shall be maintained and operated at no cost to the County, in a manner equal to the operation and maintenance standards for water distribution and transmission facilities and water treatment and supply facilities maintained by Collier County or the Collier County Water-Sewer District, until connection to the county's central facilities is made. Any interim water treatment facilities owned, operated and maintained by the **APPLICANT**, or their assigns or successors, shall be abandoned in accordance with an agreement entered into between the county or the Collier County Water-Sewer District and the **APPLICANT** prior to the approval of improvement plans pursuant to this section and the requirements of Collier County Ordinance [No.] 88-76, as amended.
3. When county central water facilities become available for connection, connection shall be completed within ninety (90) days from approval of improvement plans for those facilities by the County utilities division. The terms and conditions controlling the connection shall be contained in an agreement between Collier County or the Collier County Water-Sewer District, where appropriate, and the **APPLICANT** which will be entered into prior to the approval of the project's improvement plans. Upon

connection to the County's central water facilities, the interim water supply source shall be abandoned in the manner consistent with applicable federal, state and local standards.

D. Sewage collection, treatment, and disposal facilities

1. The design and construction of the sewage collection, treatment, and disposal facilities shall comply with the requirements of Chapter 6 of this LDC and the Construction Standards Manual.
2. A complete sewage collection and transmission system and interim sewage treatment and disposal facilities, if required, shall be provided by the **APPLICANT**, for all **SUBDIVISIONS** and other types of **DEVELOPMENT**. All facilities shall be designed in accordance with federal, state and local requirements. When required, the sewage collection and transmission facilities shall be conveyed to Collier County, or the Collier County Water-Sewer District or other dependent district where appropriate, upon completion of construction pursuant to County Ordinance No. 88-76.
3. If County central sewer facilities are not available to connect with, the sewage collection and transmission facilities conveyed to the County shall be leased to the **APPLICANT** of the interim sewage treatment facilities, with operation and maintenance responsibilities, until the County's central sewer facilities are available for connections. All sewer facilities shall be maintained and operated at no cost to the county, in a manner equal to the operation and maintenance standards for sewage collection and transmission facilities and sewage treatment facilities maintained by Collier County or the Collier County Water-Sewer District, until connection to the County's central facilities is made. Any interim sewage treatment facilities owned, operated and maintained by the **APPLICANT**, or their successors and assigns, shall be abandoned in accordance with an agreement entered into between the County or the Collier County Water-Sewer District and the **APPLICANT** prior to the approval of improvement plans pursuant to this section and to the requirements of Collier County Ordinance No. 88-76 as amended.
4. In the event individual sewage facilities designed in accordance with Florida Administrative Code, i.e., septic systems, are allowed under required state and local regulations on an interim basis, the developer shall construct a "dry" sewage collection and transmission system for future connection to the County's central sewer facilities, when available to serve the **SUBDIVISION** or **DEVELOPMENT**. Any such "dry" sewer facilities shall be designed and constructed in accordance with the requirements of the County Ordinance No. 88-76, as amended. Operation and maintenance

responsibilities for the "dry" facilities shall be specified pursuant to a lease agreement with Collier County or where applicable the Collier County Water-Sewer District. When County central sewer facilities are available to connect the "dry" system, connection shall be completed within ninety (90) days from approval of improvement plans for those facilities by the County utilities division. The terms and conditions controlling the connection shall be contained in an agreement between Collier County, or the Collier County Water-Sewer District where appropriate, and the **APPLICANT** which must be entered into prior to the approval of the improvement plans. Upon connection to the county's central sewer facilities, all **INDIVIDUAL SEWAGE SYSTEMS** shall be abandoned in the manner required by federal, State and local regulations.

5. On-site sewage disposal systems may be utilized if permitted by the GMP and where the conditions of the Florida Administrative Code can be satisfied. In the event the **LOTS** are sized such that Florida Administrative Code does not require central sewer or water, or if the **LOTS** are sized such that only central water and no sewer is required, construction of a "dry system" will not be required unless Collier County can confirm future service within five (5) years.

#### 4.04.00 TRANSPORTATION SYSTEM STANDARDS

##### 4.04.01 Generally

- A. All **DEVELOPMENT** shall comply with the **STREET** system design standards in section 6.06.00.
- B. Every **BUILDING** hereafter erected or moved shall be on a **LOT ADJACENT** to a public **STREET** or with actual and legal **ACCESS** to an approved private **STREET**, and all **STRUCTURES** shall be so located on **LOTS** as to provide safe and convenient **ACCESS** for servicing, fire protection, and required off-**STREET** parking.
- C. No **LOT** or **PARCEL** which is residentially zoned or designated shall be used for **DRIVEWAY**, walkway or **ACCESS** purposes to any land which is nonresidentially zoned or designated, or used for any purpose not permitted in a residential district except for ingress and egress to a use existing at the effective date of Collier County Ordinance No. 82-2 [January 14, 1982] which does not **ABUT** on a **STREET**, except as may be further provided in this LDC.
- D. On a corner **LOT** in all zoning districts, no fence, wall, hedge, planting, or **STRUCTURE** shall be erected, planted, or allowed to grow in such a manner as to obstruct vision between a height of 30 inches and eight feet above the centerline **GRADES** of the intersecting **STREETS** in the area bounded by the **RIGHT-OF-WAY** lines of such corner **LOTS** and

a line joining points along said **RIGHT-OF-WAY** lines 25 feet from the point of intersection. Parking is prohibited in this area. Trees are permitted, so long as the foliage is cut away and maintained within the 30-inch and eight-foot clearance requirement. Posts for illuminating fixtures, traffic control, fences and street name **SIGNS** are permitted, so long as the **SIGN** or equipment is not within the prescribed clear space and the fence does not visually impede the clear sight of the intersection. (See section 4.06.01 D.1.)

#### 4.04.02 **ACCESS Management**

##### A. Purpose and intent.

1. This section pertains to transportation **ACCESS** within mixed-use activity centers as designated on the Future Land Use Map of the GMP. The location and type of **ACCESS** (existing and future) points shall be based upon the Collier County **ACCESS** Control Policy (Res. No. 01-247) as may be amended, existing and future land use conditions, with the objective to minimize the number of **ACCESS** points to the roadway network. This section restricts the location and type of ingress and egress points and median openings; restricts the location of traffic signals; identifies areas appropriate for shared **ACCESS** and interconnection; and otherwise regulates transportation **ACCESS**, all within mixed-use activity centers. **ACCESS** to all properties is controlled by the **ACCESS** Control Policy (Res. No. 01-247, and as may be amended), the Collier County Construction Standards, for work within **RIGHTS-OF-WAY** (Ordinance No. 93-64 and as may be amended), and any other applicable regulations.
2. Nothing in this section of the LDC (shall preclude Collier County from enforcing conditions of a **RIGHT-OF-WAY** permit issued pursuant to Ordinance No. 93-64, the Collier County Construction Standards for Work Within **RIGHTS-OF-WAY**, as it may be amended or superceded, e.g, removal of an **ACCESS** point, etc.
3. **ACCESS** points, median openings, etc., on state controlled roads are subject to approval by the FDOT.

##### B. Regulations.

1. Future **DEVELOPMENT ORDERS** within mixed-use activity centers can only be approved if the **ACCESS** location(s) and type(s) comply with the Collier County **ACCESS** Control Policy and the Collier County Construction Standards for work within the **RIGHT-OF-WAY** and any other regulations as may be amended.
2. For the purposes of this section, mixed-use refers to a project with a residential component and one or more of the following components: commercial, industrial, and institutional. Future mixed-use projects are required to provide an internal interconnection among major project phases, sections, or types of

uses, unless one or more of the four circumstances listed below is applicable.

- a. It is not physically possible to provide the interconnection.
  - b. The location of environmentally sensitive lands precludes the interconnection.
  - c. During **DEVELOPMENT** or re**DEVELOPMENT** of commercial **LOTS**, shared **ACCESS** or interconnection shall be encouraged and may be required as a condition of site **DEVELOPMENT PLAN** approval.
  - d. The interconnection provides minimal or no benefit, e.g. the non-residential component contains a single low traffic generating use such as a small general office **BUILDING**.
3. During **DEVELOPMENT** or re**DEVELOPMENT** of commercial **LOTS**, shared **ACCESS** and/or interconnection shall be encouraged.
4. The County Manager or designee may approve, or impose, a variation in the ingress/egress points and/or median openings shown on the **ACCESS** management plan maps, without necessitating a map amendment (other than information update amendment, , generated by staff), under any of the following circumstances:
- a. *Approved ingress/egress unbuilt:* For existing PUDs (approved prior to the adoption of this amendment) which contain language providing flexibility in the location or type of **ACCESS** point(s) and/or median opening(s), the County Manager or designee may approve or require the utilization of this flexibility if such change to the **ACCESS** point(s) and/or median opening(s) will cause one or more of the following conditions to occur and will not have a detrimental effect on the safety, capacity and operating conditions of the **ABUTTING** roadway(s):
    - i. Interconnection of projects
    - ii. Shared **ACCESS**
    - iii. Alignment of **ACCESS** points on opposite sides of the roadway where there is no restricted median
    - iv. Reduce the number of authorized **ACCESS** points on the **ABUTTING** roadway(s)
    - v. Promote safer traffic conditions on the **ABUTTING** roadway(s)
    - vi. Facilitate improved traffic flow on the **ABUTTING** roadway(s)
    - vii. Preservation/conversation of a variable environmentally sensitive area.



- b. A minor change (ten (10%) percent of the **PARCEL FRONTAGE**) to the location of a new ingress/egress point(s), and any accompanying median opening(s), may be approved during review of a **DEVELOPMENT ORDER** (the same **DEVELOPMENT ORDERS** identified in Chapter 10 if such minor change one or more of the above conditions to occur and will not have a detrimental effect on the safety, capacity and operating conditions of the **ABUTTING** roadway(s).
- c. Where multiple **PARCELS** under single ownership are identified to each have their own **ACCESS** point, and one (1) or more **PARCELS** are undeveloped, during review of a **DEVELOPMENT ORDER** (the same **DEVELOPMENT ORDERS** are identified in Chapter 10.), the number, type and location of **ACCESS** points, and any accompanying median openings, authorized by the County Manager or designee may be more restrictive than that identified on the **ACCESS** management plan maps if such change(s) will cause one or more of the above conditions to occur and will not have a detrimental effect on the safety, capacity and operating conditions of the **ABUTTING** roadway(s).
- d. For existing **ACCESS** points being monitored (monitoring consists of review and analysis of accident reports, traffic volumes and operating conditions within close proximity to the site), the County Manager or designee may, whether during review of a **DEVELOPMENT ORDER** (the same **DEVELOPMENT ORDERS** identified in Chapter 10 or independent of **DEVELOPMENT ORDER** review, approve or required the modification or removal of the **ACCESS** point(s), if such modification or removal is deemed appropriate and necessary based upon monitoring; and if such modification or removal will cause one or more of the above conditions to occur and will not have a detrimental effect on the safety, capacity and operating conditions of the **ABUTTING** roadway(s).
- e. During review of a **DEVELOPMENT ORDER** (the same **DEVELOPMENT ORDERS** identified in Chapter 10) the County Manager or designee may approve or require elimination of the separate entrance and exit points and their replacement with a single ingress/egress point if such change will cause one or more of the above conditions to occur and will not have a detrimental effect on the safety, capacity and operating conditions of the **ABUTTING** roadway(s).

#### **4.05.00 OFF-STREET PARKING AND LOADING**

##### **4.05.01 Generally**

- A. Purpose and intent.

It is the intent of this section that the public health, safety, comfort, order, appearance, convenience, morals, interest, and general welfare require that every **BUILDING** and use erected or instituted after the effective date of this LDC shall be provided with adequate off-**STREET** parking facilities for the use of occupants, employees, visitors, customers or patrons. It is also the intent of this LDC that certain uses must provide adequate off-**STREET** loading facilities. Such off-**STREET** parking and off-**STREET** loading facilities shall be maintained and continued so long as the use continues.

**B. General applicability.**

1. Wherever in any zoning district off-**STREET** facilities are provided for the parking or display of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use (including "drive-in" facilities) hereinafter referred to as "other vehicular uses," such off-**STREET** facilities and land shall conform to the minimum requirements of this LDC.
2. Off-**STREET** parking and off-**STREET** loading facilities shall be provided as set forth in this section. Conforming **BUILDINGS** and uses existing as of the effective date of this LDC may be modernized, **ALTERED**, or repaired without providing additional off-**STREET** parking or off-**STREET** loading facilities, providing there is no increase in **FLOOR AREA** or capacity or change in use which would require additional off-**STREET** parking.
3. Where a conforming **BUILDING** or use existed as of the effective date of this LDC and such **BUILDING** or use is enlarged in **FLOOR AREA**, volume, capacity, or space occupied, off-**STREET** parking and off-**STREET** loading as specified in this LDC shall be provided for the additional **FLOOR AREA**, volume, capacity, or space so created or used.
4. Where a use and **BUILDING** existed at the effective date of this LDC and the use is changed after the effective date of this LDC and where this LDC requires such later and changed use to have greater required off-**STREET** parking, then additional off-**STREET** parking shall be provided for the later and changed use as required under this LDC.
5. Unless otherwise provided, areas designated as the central business district of a community shall not be required to meet the requirements for off-**STREET** parking and loading herein. Such central business districts may be designated on a map or such other documents and materials as are necessary and adopted by the BCC upon recommendation of the planning commission for the

purpose of exempting such area from off-**STREET** parking and loading regulations.

**4.05.02 Design Standards**

- A. Parking lots and spaces shall be identified as to purpose and location when not clearly evident.
- B. Parking lots and spaces shall meet the following standards:
  - 1. Be surfaced with asphalt, bituminous, concrete or dustless material and maintained in smooth, well-graded condition. Upon approval of the County Manager or designee, a suitable material (lime rock excluded) with a suitable stabilized subgrade may be substituted for the above materials.
  - 2. Up to seventy (70%) percent of the parking spaces for houses of worship and schools may be surfaced with grass or lawn. When the County Manager or designee determines that the paving of some or all parking spaces for houses of worship and schools will have significant negative environmental impacts, the County Manager or designee may require that these parking spaces not be paved.
  - 3. Spaces that are not paved shall be compacted, stabilized, well drained and surfaced with a durable grass cover.
  - 4. **DRIVEWAYS**, handicapped spaces and **ACCESS** aisles shall be paved.
- C. Parking lots shall be drained and sloped so as not to cause any nuisance to **ADJACENT** property or to public property or **RIGHTS-OF-WAY**. Such facilities must also be sloped to meet the provisions of the Americans with Disabilities Act.
- D. Parking lots shall be so lighted, if lighted, as to shield **STREETS** and all **ADJACENT** properties from direct glare, excessive light, and hazardous interference with automotive and pedestrian traffic.
- E. **ACCESS** shall meet the following standards:
  - 1. Be arranged for convenient and safe **ACCESS** of pedestrians and vehicles.
  - 2. Off-**STREET** parking areas must be accessible from a **STREET**, **ALLEY** or other public **RIGHT-OF-WAY**.
  - 3. **ACCESS** via a rear property **RIGHT-OF-WAY** shall be required if available in lieu of direct **ACCESS**.
  - 4. For any nonresidential **DEVELOPMENT** which **ABUTS** an **ALLEY**, a maximum of ten (10) parking spaces, not to exceed thirty (30%) percent of the required parking for the proposed use, may be accessed solely from the **ALLEY**. Said parking spaces shall be clearly marked and arranged in such a manner so that each

parking space meets the minimum size required in section 4.05.02 of this LDC. Additionally, these spaces shall be arranged in a manner which allows for full compliance with any required landscaped **BUFFER** requirement. These spaces shall be for the exclusive use of employees and service vehicles and shall be clearly designated as such by appropriate signage.

- F. Be arranged so that no vehicle shall be forced onto any **STREET** to gain **ACCESS** from one aisle to another aisle. All off-**STREET** parking facilities must be so arranged that no motor vehicle shall have to back onto any **STREET**, excluding **SINGLE-FAMILY** and two-family residential **DWELLINGS** and **CHURCHES**.
- G. Whenever the number of off-**STREET** parking spaces required by this LDC is five (5) or more, all parking spaces shall be striped or marked with paint or other suitable pavement marking material. Whenever any part of an off-**STREET** parking area is redesigned, those pavement markings which no longer apply shall be completely obliterated.
- H. Be constructed so that interior portions of off-**STREET** vehicular facilities not utilized specifically as a parking space or maneuvering or other **VEHICULAR USE AREA** shall not be paved but shall be landscaped in accordance with this LDC, specifically section 4.06.00.
- I. Off-**STREET** parking areas shall be designed so as not to create dead-end aisles except as may be permitted in accordance with provisions of the Florida **BUILDING** Code, or other applicable codes referenced within Chapter 1. Aisles designed for one-way traffic flow shall have painted arrows not less than four (4) feet at each end of the aisle indicating the direction of travel.
- J. All off-**STREET** parking facilities shall be located on the same **LOT** they serve, on a contiguous **LOT** under the same ownership that is zoned for use as a parking lot.
- K. Exemptions to locational requirements
  - 1. Off-site parking on non-contiguous **LOTS** under same ownership. The County Manager or designee may approve off-site parking on **LOTS** under the same ownership that are separated by a roadway that is not designated an **ARTERIAL** or a **COLLECTOR ROADWAY** of greater than two (2) lanes in the traffic circulation element of the GMP. A site **DEVELOPMENT PLAN** shall be submitted to the County Manager or designee which indicates that:
    - a. At least sixty-seven (67%) percent of the required parking is on the **LOT** with the **PRINCIPAL STRUCTURE**; or
    - b. The off-site **LOTS** are zoned for use as a parking lot or are zoned the same as the **LOT** with the **PRINCIPAL STRUCTURE**; or

- c. The off-site parking will serve a water-dependent and/or a water-related use or will only be used for valet parking.
- 2. Off-site parking on **LOTS** under different ownership. The County Manager or designee may approve off-site parking on contiguous **LOTS** that are under different ownership. A site **DEVELOPMENT PLAN** shall be submitted to the County Manager or designee which includes:
  - a. A minimum ten (10)-year lease agreement between the property owners, including a provision that if and when the lease expires, the property owner requiring the off-site parking shall make other provisions for the required parking. The County attorney shall review this agreement for form and legal sufficiency. The petitioner shall record the lease in the official records of Collier County before approval of the site **DEVELOPMENT PLAN**; and
  - b. At least sixty-seven (67%) percent of the required parking is on the **LOT** with the **PRINCIPAL STRUCTURE**; or
  - c. The off-site **LOTS** are zoned for use as a parking lot or are zoned the same as the **LOT** with the **PRINCIPAL STRUCTURE**; or
  - d. The off-site parking will serve a water dependent and/or water related use or will only be used for valet parking.

L. Minimum aisle widths shall be as follows:

**Table 16. Minimum Aisle Width in Parking Lots.**

Angle of Parking	Aisle Width (One-Way)	Aisle Width (Two-Way)
Parallel	12 feet*	20 feet
30 degrees	12 feet*	22 feet
45 degrees	12 feet*	22 feet
60 degrees	18 feet	24 feet
90 degrees	22 feet	24 feet

\*Fire districts may require these to be increased to fourteen (14) feet where an acute turning radius is present.

M. Each parking space shall be a minimum of nine (9) feet by eighteen (18) feet in size or sixteen (16) feet in depth measured from the aisle width to the face of the wheel stop except in the case of parallel parking where the dimension of the space shall be nine (9) feet by twenty-three (23) feet for spaces running parallel to the **DRIVEWAY** which affords **ACCESS** to said spaces. As an alternative, nine (9) feet by eighteen (18) feet spaces may be used in which case there must be a six (6) foot marked clear zone space in front of or in back of every space. See Exhibit "A" for typical off-**STREET** parking design. All parking spaces for the exclusive use of compact vehicles indicated on an approved site **DEVELOPMENT PLAN**, and any subsequent amendments thereto, shall be counted as standard parking spaces.



**4.05.03 Specific Parking Requirements for Residential Uses in Mixed Use Urban Residential Land Use**

All automobile parking or storage of automobiles in connection with residential **STRUCTURES** which are located on property which is designated as Mixed Use Urban Residential on the Future Land Use Map and which are zoned or used for residential uses, shall occur on specifically designed surfaces in a specifically designated area of the **LOT** upon which the residential **STRUCTURE** is located. The parking and/or storage of automobiles in connection with the residential **DWELLING UNITS** they are ancillary and **ACCESSORY** to shall be regulated as follows:

- A. **SINGLE-FAMILY DWELLING UNITS:** Unless otherwise parked or stored in an enclosed **STRUCTURE**, the parking or storing of automobiles in connection with **SINGLE-FAMILY DWELLING UNITS** shall be limited to stabilized pervious or **IMPERVIOUSLY** treated surface areas of the **LOT** specifically designed for the parking of automobiles which may not comprise an area greater than forty (40%) percent of any required **FRONT YARD**, which nonetheless may not serve to limit a **DRIVEWAY** to a width less than twenty (20) feet. All parked automobiles shall utilize only the designated pervious or **IMPERVIOUS SURFACE** areas.
- B. Two-family **DWELLING UNITS:** Unless otherwise parked or stored in an enclosed **STRUCTURE**, the parking or storing of automobiles in connection with a two-family **STRUCTURE** shall be limited to pervious or **IMPERVIOUSLY** treated areas of the **LOT** which may not comprise an area greater than fifty (50%) percent of any required **FRONT YARD**, except that this shall not serve to limit a **DRIVEWAY** width to less than twenty (20) feet, and a **DRIVEWAY** may be provided on each side of the two-family **STRUCTURE**.
- C. **MULTI-FAMILY** (i.e. three (3) or more) **DWELLING UNITS:** Unless otherwise parked or stored in an enclosed **STRUCTURE**, the parking or storing of automobiles in connection with **MULTI-FAMILY DWELLING UNITS** shall be limited to pervious or **IMPERVIOUSLY** treated surface areas of the **LOT** designated for the parking and storing of automobiles. Pervious or **IMPERVIOUSLY** treated surface areas designated for the parking of automobiles shall not exceed a ratio of two and one-half (2½) automobiles per **DWELLING UNIT** in the event all parking spaces are not located within an enclosed **STRUCTURE** or any combination of open air and enclosed **STRUCTURE**.
- D. Where **MULTI-FAMILY STRUCTURES** consist of **SINGLE-FAMILY** attached (i.e. row houses) **DWELLING UNITS** each with its own **DRIVEWAY** to a common accessway, public or private **STREET**, all

parking of automobiles shall be limited to the **DRIVEWAY** and or garage combination.

- E. Automobiles parked and/or stored in connection with residential **DWELLING UNITS** as described above shall be owned by the occupants of the **DWELLING UNIT** or units unless the vehicle is owned by a firm, corporation or entity for which a **DWELLING UNIT** occupant is employed. This provision shall not be construed to apply to automobile vehicles owned by persons or business firms at the site for social or business purposes.
- F. No other portion of a **FRONT YARD** may be used to park or store automobiles including that portion of the **RIGHT-OF-WAY** not directly a part of the designated **DRIVEWAY** or designated parking areas.

#### 4.05.04 **Parking Space Requirements**

- A. Requirements for off-**STREET** parking for uses not specifically mentioned in this division shall be the same as for the use most similar to the one sought, or as otherwise determined by the County Manager or designee pursuant to 4.05.04 of this LDC it being the intent of this LDC to require all uses to provide off-**STREET** parking, unless specific provision is made to the contrary.
- B. Measurement. Where this LDC requires off-**STREET** parking based on various types of measurements, the following rules shall apply:
  - 1. **FLOOR AREA** means, for the purposes of this section only, the gross **FLOOR AREA** inside the exterior walls, unless otherwise specifically indicated.
  - 2. In **HOSPITALS**, bassinets do not count as beds.
  - 3. In stadiums, sports arenas, houses of worship, and other places of public assembly where occupants utilize benches, pews, or other similar seating arrangements, each twenty-four (24) lineal inches of such seating facilities count as one (1) seat.
  - 4. Where the parking requirements are based on number of employees or persons employed or working in an establishment and the number of employees increases after the **BUILDING** or **STRUCTURE** is occupied, then the amount of off-**STREET** parking provided must be increased in ratio to the increase of the number of employees.
  - 5. When units of measurements determining number of required off-**STREET** parking spaces result in a requirement of a fractional space, then such fraction equal or greater than one-half (1½) shall require a full off-**STREET** parking space.
- C. Developers of commercial projects located within commercial zoning districts, business park districts, or a commercial component of a PUD zoning district, which require a minimum of eighty (80) parking spaces,



providing paved off-**STREET** surface parking in excess of 120 percent of the requirements of this LDC shall request a variance in accordance with Chapter 9. The developer shall be required to provide double the landscaping required in interior **VEHICULAR USE AREAS**, as required by section 4.06.00 for those projects requesting such a variance.

- D. Developers providing parking lots in excess of 200 parking spaces may surface fifteen (15%) percent of the required off-**STREET** parking spaces in grass which shall be compacted, stabilized, well drained and surfaced with a durable grass cover. Such grass parking spaces shall be located along the outlying perimeter of the parking lot. **DRIVEWAYS**, handicapped spaces and **ACCESS** aisles shall be paved. All grassed parking spaces shall be included in the water management calculations for site **DEVELOPMENT PLAN** review.
- E. Required off-**STREET** parking shall be located so that no automotive vehicle when parked shall have any portion of such vehicle overhanging or encroaching on public **RIGHT-OF-WAY** or the property of another. If necessary, wheel stops or barriers may be required in order to enforce this provision.
- F. Minimum requirement.
  - 1. Irrespective of any other requirement of this LDC, each and every separate individual store, office, or other business shall be provided with at least one (1) off-**STREET** parking space, unless specific provision is made to the contrary.
  - 2. The County manager or designee may determine the minimum parking requirements for a use which is not specifically referenced below or for which an **APPLICANT** has provided evidence that a specific use is of such a unique nature that the applicable minimum parking ratio listed in this LDC should not be applied. In making such a determination the County Manager or designee may require submission of parking generation studies; evidence of parking ratios applied by other counties and municipalities for the specific use; reserved parking pursuant to section 4.05.05; and other conditions and safeguards deemed to be appropriate to protect the public health, safety and welfare.

G. Spaces required.

**Table 17. Parking space requirements.**

Airport (civil aviation)	1 per 600 annual enplaned passengers.
Airport (general aviation)	1 per each aircraft tiedown/storage/maintenance area.
Art gallery or museum	1 per 300 square feet of floor area open to the general public.
Archery fields	1 per 1.5 target practice stalls
Athletic fields	25 spaces for each athletic field (baseball, softball, football, soccer, etc.). The County Manager, or his designee, may administratively reduce this requirement where the <b>APPLICANT</b> can demonstrate a reduced need for the required parking due to the type of athletic facility or where shared parking may be provided on <b>ADJACENT</b> public property. Grassed parking may be permitted for not more than 50 percent of the provided parking.
Auto maintenance center (drive-through)	1 per 250 square feet. Stacking for 5 vehicles for the first bay and 2 for each additional bay.
Auto service station	3.5 per service bay or 1 per 250 square feet, whichever is greater.
Auto/truck/trailer leasing	1 per 500 square feet of roofed <b>BUILDING</b> area plus 1 per 2,000 square feet of paved outdoor vehicle storage area. These spaces shall not be used for the parking of rental vehicles.
Auto/truck/boat/motorcycle/recreational vehicle repair or body shop	3.5 per service bay or 1 per 250 square feet, whichever is greater.
Auto/truck/boat/motorcycle/recreational vehicle sales or dealership	1 per 400 square feet of <b>BUILDING</b> area except service/body shop <b>BUILDINGS</b> which are 3.5 per service bay or 1 per 250 square feet, whichever is greater; plus 1 per 2,000 square feet of outdoor sales/display area.
Auto/truck washing	1 for self-service wash facilities and 1 per employee of the largest shift for automatic wash facilities. Stacking for 2 vehicles per stall for self-service wash bays and stacking for 5 vehicles per automatic carwash lane.
Bank or financial institution	1 per 250 square feet on the first floor and 1 per 300 square feet on any other floors. Stacking for four vehicles for each drive-up window not to exceed a total requirement of 15 vehicles exclusive of automated deposit lanes which require no stacking.
Barbershop/beauty parlor/hair salon	1 per 200 square feet or 3 per barber/beautician haircutting chair, whichever is greater, and 1.5 per station or booth for nails, massages, facials, sun tanning, etc.
Beverage center (drive-through)	1 per 250 square feet. Stacking for 5 vehicles for the first drive-through aisle and 2 for each additional aisle.
Boat ramp	Minimum 10 spaces per ramp with dimensions of 10 feet wide by 40 feet long. Vehicular parking shall be provided at 4 spaces per ramp.
Boat storage	(Only for dry storage on a site that has no water <b>access</b> for boats and those not associated with a self-service storage facility), 1 per 12 dry boat storage spaces.
Bottling establishment	1 per 500 square feet of <b>BUILDING</b> area. Office area shall be calculated at 1 per 275 square feet.
Bowling Alley	1 per 200 square feet for bowling area which also includes parking for locker room area, bowlers' seating/approach area and storage area plus 1 per 150 square feet for all other uses including offices, snack bars, lounges, game/pool rooms, and sales areas.

<b>BUILDING</b> supplies/lumberyard	(Only for retail sales where the supplies are primarily stored outside), 1 per 275 square feet of inside retail/office area plus 1 per 1,500 square feet of enclosed or roofed storage structures.
Catering shop	1 per 500 square feet. Sales and display areas shall be computed at 1 per 250 square feet and office area shall be computed at 1 per 300 square feet.
Child care/day nursery/ <b>adult day care center</b>	1 per employee of the largest work shift plus 1 space for every 10 children/adults. In addition, adequate drop off and pickup areas shall be provided.
Church/house of worship/temple/synagogue	3 for each 7 seats in chapel or assembly area. Other uses are not counted except for residential uses. A reduction of this standard to a minimum of 1 space for each 4 seats, may be applied for in conjunction with an application for a site <b>DEVELOPMENT</b> plan, through the board of zoning appeals after review and recommendation of the planning commission. This reduction will only be allowed for expansion created by congregational growth, for existing church <b>BUILDINGS</b> where the <b>APPLICANT</b> can demonstrate a significant hardship exists. A stacked or other parking plan shall be submitted with the application which will demonstrate that the vehicle parking will not have negative impacts upon neighboring properties and will provide adequate <b>ACCESS</b> for emergency vehicles.
Coin-operated (laundry, self-service)	1 per each 2 washing machines.
Commercial laundry	1 per 500 square feet of <b>BUILDING</b> area.
Convenience store/ delicatessen/ takeout prepared food store	1 per 200 square feet plus 1 for each 2 seats provided for food patrons.
Dance, art, music studio	1 per 250 square feet.
Dry cleaning	1 per 300 square feet.
Equipment rental store	1 per 500 square feet plus 1 per 2,000 square feet of outside storage/display areas.
Flea market	1 per 50 square feet of sales area or 1 per vendor display booth, whichever is greater.
Funeral home/crematories	1 per 75 square feet for room used for services and chapels and 1 per 300 square feet for all other uses.
Furniture/carpet/major appliance store	1 per 600 square feet (this includes retail, office and storage areas).
Golf course	4 per hole plus 1 per 200 square feet for office/lobby/pro shop/health club/clubhouse/lounge/snack bar/dining/meeting room areas and 50 percent of normal requirements for exterior recreation uses including: swimming pools, golf driving ranges and tennis courts. Golf cart, golf bag and equipment storage rooms; maintenance <b>BUILDINGS</b> ; and rooms for mechanical equipment shall be computed at 1 per 1,000 square feet.
Golf driving range	1 per 2 driving tees and 1 per practice putting green plus normal requirements for any structures.
Golf (miniature)	1.25 per hole plus normal requirements for any structures.
Heliport, helipad, ultralight flight park	1 per 2 helicopter tie down/storage/service areas plus 1 per 5 ultralight tie down/storage/service areas plus 1 per employee at largest work shift.
Hospital	11 per 5 patient beds.

Hotel	11 per 10 guestrooms (this includes the required parking for the hotel office and all <b>ACCESSORY</b> recreational facilities that are open to hotel guests only). <b>ACCESSORY</b> uses shall be computed as follows: 50 percent of normal requirements for restaurants, 1 per 400 square feet for other retail uses, 1 per 100 square feet for meeting rooms, ballrooms and convention rooms and 1 per 100 square feet for lounges, bars and nightclubs.
Industrial use/activity manufacturing/processing (not otherwise listed)	1 per 500 square feet or 1 per employee of largest work shift, whichever is greater. Office/retail areas shall be computed at 1 per 275 square feet.
Interior decorator/design center	1 per 300 square feet of <b>BUILDING</b> area.
Junkyard, salvage yard	1 per 500 square feet of roofed area plus 1 per 15,000 square feet of outside storage area.
Kennel/veterinarian	1 per 200 square feet except for animal holding areas. 1 per 10 animal holding areas.
Landfill	2 per employee of largest [work] shift.
Library, community recreational facility	1 for each 200 square feet or 1 for each 3 seats, whichever is greater.
Lounge, bar, bottleclub, nightclub, pool hall (drinking establishment)	1 per 50 square feet plus 1 per 75 square feet for any outdoor eating/drinking areas.
Marina, boatel	1 per 2 wet boat slips excluding those used for charter boats plus 1 per 5 dry boat storage spaces. Wet slips used for charter boats (including those for fishing, shelling, diving, and sightseeing purposes) are computed at 1 per 3 boat passengers based on the maximum number of passengers and charter boats used for dining are computed at 1 per 2 boat passengers based on the maximum number of passengers. Each parking space provided to meet the marina's boat slip or dry storage parking requirements may also be credited towards meeting 100 square feet of the parking requirements for the marina or any permitted marina-related activities excluding restaurants, lounges/bars and private clubs. Uses not receiving credit from parking provided for boat slips or dry storage spaces shall provide parking at the normal rate for those uses as required within this LDC.
Medical/dental office or clinic (outpatient care facility)	1 per 200 square feet.
Model home sales office/center	4 for the first unit and 1.5 for each additional unit.
Motel	12 per 10 guestrooms (this includes the required parking for the motel office and all <b>ACCESSORY</b> recreational facilities designed primarily for motel guests). Where <b>ACCESSORY</b> uses are designed primarily for motel guests, they shall be computed as follows: 67 percent of normal requirements for restaurants, 1 per 350 square feet for other retail uses, 1 per 100 square feet for meeting rooms, ballrooms and convention rooms and 1 per 75 square feet for lounges, bars and nightclubs.
Nursery, plant (retail)	1 per 250 square feet of roofed and enclosed <b>BUILDING</b> area plus 1 per 2,000 square feet of outside display area open to the public.
Nursery, plant (wholesale)	1 per employee of largest work shift plus 1 per 10,000 square feet of display area and 1 per acre of growing areas.
Office	1 per 300 square feet.

Office (contractor's)	1 per 300 square feet per [of] office area and 1 per 1,000 square feet per [of] roofed storage area plus 1 per each company vehicle that will be parked overnight.
Post office	1 per 100 square feet.
Private organizational club, lodge or fraternal organization	1 per 100 square feet or 1 per 3 seats that will be set up at any time, whichever is greater. This shall be computed on all areas used for offices, meeting rooms, restaurants, dining rooms and indoor recreation. Other uses such as marinas, retail areas and outdoor recreation areas require additional parking at normal requirements.
Printing establishment	1 per 200 square feet of <b>BUILDING</b> area. Retail sales areas shall be calculated at 1 per 250 square feet and office area shall be calculated 1 per 300 square feet.
Public <b>BUILDINGS</b> (fire, emergency medical service or sheriff station and jail)	1 per 200 square feet for administrative office area and 2 per employee of the largest shift for all other areas plus 1 per 5 prisoners based on the maximum holding capacity for any jails.
Recreation facilities (indoor) sports, exercise, fitness, aerobics, or health club/skating rink/game room/bingo parlor	1 per 100 square feet.
Recreation facilities (outdoor) tennis, racquetball or handball courts	3 per court plus other uses as required.
Research laboratory	1 per 300 square feet of office area plus 1 per 500 square feet of other areas or 1 per employee of largest workshift, whichever is greater, plus 3 for visitors.
<b>Residential uses:</b>	
Boarding/rooming house, bed and breakfast residence	1 per rented room plus 2 for owners/employees.
Convalescent home, nursing home, home for the aged, rehabilitation facility	2 per 5 beds.
Duplex	2 per dwelling unit.
Single-family house, town/row house, mobile home, guesthouse, caretaker's residence	2 per unit.
Dormitory/fraternity/sorority	1 per 2 beds, plus 1 per manager, plus 1 per employee.
Multi-family dwellings	All units shall have 1 per unit plus visitor parking computed at 0.5 per efficiency unit, 0.75 per 1-bedroom unit, and 1 per 2-bedroom or larger unit. Office/administrative <b>BUILDINGS</b> shall have parking provided at 50 percent of normal requirements.

Where small-scale recreation facilities are **ACCESSORY** to a single-family or multifamily project and intended only for the residents of that project, exclusive of golf courses/clubhouses, the recreation facilities may be computed at 50 percent of normal requirements where the majority of the dwelling units are not within 300 feet of the recreation facilities and at 25 percent of normal requirements where the majority of the dwelling units are within 300 feet of the recreation facilities. However, any recreation facility shall have a minimum of 2 spaces exclusive of parking spaces for dwelling units.

Family care facility, group care facility (category I and category II), and care unit,.	
Restaurant (walk-up or drive-through with walk-up window and/or outdoor seating)	1 per 80 square feet for public use areas including outdoor eating areas or 1 per 2 seats, whichever is greater, and for non-public use areas (kitchen, storage, freezer, etc.) 1 per 200 square feet. A stacking area of 9 vehicles for the first drive-through lane and 6 for any additional drive-through lanes.
Restaurant (drive-through with no walk-up window or outdoor seating)	1 per 100 square feet. A stacking area of 10 vehicles for the first drive-through lane and 7 for any additional drive-through lanes.
Restaurant (fast food)	1 per 70 square feet for public use areas including outdoor eating areas or 1 per 2 seats, whichever is greater, and for non public use areas (kitchen, storage, freezer, etc.) 1 per 200 square feet. A stacking area of 9 vehicles for the first drive-through lane and 4 for any additional drive-through lanes.
Restaurant (sit-down)	1 per 60 square feet for public use areas including outdoor eating areas or 1 per 2 seats, whichever is greater, and for non public use areas (kitchen, storage freezer, etc.) 1 per 200 square feet. Credit for boat slip parking is allowed where the slips have all necessary permits and are located on navigable waterways, using the formula 1 boat slip = 1 vehicle space, provided that each and all boat slips credited shall not be leased or rented for boat storage or utilized for any purpose other than customers frequenting said restaurant. Credit for boat slip parking shall be limited to a maximum of 10 percent of a restaurant's required parking not to exceed a total credit of 10 parking spaces, with the amount credited determined by the County Manager or designee based on the likelihood of restaurant customers using these wet slips during peak business hours of the restaurant.
Retail shop or store (not otherwise listed) and department stores	1 per 250 square feet of indoor/outdoor retail and office areas plus 1 per 500 square feet for indoor/outdoor storage areas that have no <b>ACCESS</b> for the general public and partly enclosed or open air garden centers.
Schools:	
Business school/vo-tech	2 per 5 students plus 4 per 5 faculty/staff members.
College/university	2 per 5 commuter students plus 1 per 2 resident students plus 4 per 5 faculty/staff members.
Elementary/junior high school	5 per 4 staff/faculty members.
Senior high school	1 per faculty/staff member plus 1 per 5 students.
Shopping center	1 space per 250 square feet for centers with a gross floor area less than 400,000 square feet and not having significant cinemas/theaters (none or those with a total cinema/theater seating capacity of less than 5 seats per 1,000 square feet of the shopping center's gross floor area).
	1 space per 200 square feet for all other centers.

	No more than 20 percent of a shopping center's floor area can be composed of restaurants without providing additional parking for the area over 20 percent.
	Regional shopping center parking requirements shall be based upon gross leasable floor area which shall include any common area that is leased or used for retail activities.
	Rear parking requirements: When more than 10 percent of a shopping center's total parking requirement is placed in the rear of the shopping center, the center shall have convenient and well-lighted front and rear accesses for patrons and employees and the rear <b>BUILDINGS</b> shall be architecturally finished <b>adjacent</b> to rear accesses.
Sports arena, stadium (outdoor), racetrack, theater, cinema, auditorium, or public assembly area not otherwise listed	1 for each 3 seats/patrons allowed to stand or 1 space per 40 square feet of spectator seating/standing areas, whichever is greater plus 1 for each employee/non-spectator who will be present during performances excluding those arriving by buses. Bus parking is required when employees, non-spectators or spectators will be arriving by bus.
Stables, commercial riding stable, boarding stable, livery stable and dude ranch	1 per every 2 stalls.
Storage facility (self-service)	1 per 20,000 square feet of storage <b>BUILDINGS</b> plus 1 per 50 vehicle/boat storage spaces plus 1 per 300 square feet of office areas. Minimum of 4.
Supermarket/grocery/farm stand	1 per 250 square feet. Supermarkets shall also meet the green space requirements and rear parking requirements as shown pursuant to shopping centers as set forth in this section.
Swimming pool/hot tubs/spas (outdoor)	1 per 75 square feet of water areas for the first 1,000 square feet and 1 for each additional 125 square feet of water areas. A single-family house is exempt from this requirement.
Taxi stand/office	1 space for each employee on the largest working shift, plus 1 space per taxi.
Television/radio studio	1 per employee of largest shift or 1 per 400 square feet, whichever is greater; plus 3 for visitors.
Temporary parking for sports events, religious events or community events	In the case of a church, community or other sporting event which operates on an intermittent or seasonal basis, the required off-street parking may be provided on a temporary basis and need not be permanently designated, paved, drained, or landscaped, provided the use has been approved and [a permit] issued by the County Manager or designee in accordance with applicable standards for the use.
Travel trailer/recreational vehicle park campsite	1 per campsite lot or other TTRVC lot.
Warehouse, wholesale establishment	1 per 1,000 square feet except for sales/office areas which are 1 per 275 square feet.

#### 4.05.05 **Parking Variation in the P District**

As required in section 4.05.04, provided, however, that the County Manager or designee may determine that the required number of spaces is excessive for a specific use based upon an analysis of factors including but not limited to: the number of employees; square footage of the proposed facilities versus those areas intended for public use; and customer parking. Landscaping equivalent to a type A **BUFFER** shall be substituted in lieu of paved parking with said areas reserved for future parking should the BCC find that the spaces are needed.

#### 4.05.06 **LOADING SPACE Requirements**

##### A. Generally

1. Off-**STREET** loading facilities are required by this LDC so that vehicles engaged in unloading will not encroach on or interfere with public use of **STREETS** and **ALLEYS** by pedestrians and automotive vehicles and so that adequate space will be available for the unloading and loading off the **STREET** of goods, materials, or things for delivery or shipping.
2. Off-**STREET** loading facilities supplied to meet the needs of one (1) use may not be considered as meeting the needs of another use. Off-**STREET** parking facilities may not be used for or counted as meeting off-**STREET** loading requirements.
3. When the use of a **STRUCTURE** or land or any part thereof is changed to a use requiring off-**STREET** loading facilities, the full amount of off-**STREET LOADING SPACE** required shall be supplied and maintained. When any **STRUCTURE** is enlarged or any use extended so that the size of the resulting occupancy requires off-**STREET LOADING SPACE**, the full amount of such space shall be supplied and maintained for the **STRUCTURE** or use in its enlarged or extended size.
4. Each off-**STREET LOADING SPACE** shall be directly accessible from a **STREET** or **ALLEY** without crossing or entering any other required off-**STREET LOADING SPACE** or off-**STREET** parking space. Such **LOADING SPACE** shall be accessible from the interior of the **BUILDING** it serves and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.
5. Areas reserved for required off-**STREET** loading in accordance with the requirements of this LDC shall not be reduced in area or changed to any other use unless the permitted or permissible use that it serves is discontinued or modified or equivalent required off-**STREET** loading is provided in accordance with the requirements of this LDC. The areas immediately fronting an overhead door(s)



shall not be counted towards meeting the off-STREET parking requirements of this LDC.

6. Collective, joint, or combined provisions for off-STREET loading facilities for two (2) or more **BUILDINGS** or uses may be made, provided that such off-STREET loading facilities are equal in size and capacity to the combined requirements of the several **BUILDINGS** or uses and are designed, located, and arranged to be usable thereby.

**B. Requirements**

1. Each retail store, warehouse, wholesale establishment, industrial activity, terminal, market, **RESTAURANT**, funeral home, laundry, dry cleaning establishment, or similar use which has an aggregate **FLOOR AREA** of:

**Table 18. Required LOADING SPACES.**

Square Feet	Number of Spaces
5,000 but not over 10,000	1
10,000 but not over 20,000	2
20,000 but not over 50,000	3
Plus one additional off-street loading space for each additional 25,000 square feet over 50,000 square feet or major fraction thereof.	

2. For each **MULTI-FAMILY DWELLING** facility having at least twenty (20) **DWELLING UNITS** but not over fifty (50) **DWELLING UNITS**: one (1) space. For each **MULTI-FAMILY DWELLING** facility having over fifty (50) **DWELLING UNITS**: one (1) space, plus one (1) space for each additional fifty (50) **DWELLING UNITS**, or major fraction thereof.
3. For each auditorium, convention hall, exhibition hall, museum, **HOTEL** or **MOTEL**, office **BUILDING**, sports arena or stadium, two (2) or more **BUILDINGS** or uses may be permitted to combine their off-STREET loading facilities, provided that such off-STREET loading facilities meet the requirements of this LDC, are equal in size and capacity to the combined requirements of the several **BUILDINGS** or uses, and are designed, located, and arranged to be usable thereby; **HOSPITALS**, sanitariums, welfare institutions, or similar uses which have an aggregate gross **FLOOR AREA** of: over 5,000 square feet, but not over 20,000 square feet: one (1) space; plus for each additional 25,000 square feet (over 20,000 square feet) or major fraction thereof: one (1) space.
4. For facilities in this section not of sufficient size to meet the minimum requirements set forth therein, each such facility shall provide off-STREET loading on the property for the parking of a delivery vehicle to ensure that no deliveries or shipments of goods

or products will require the use, however temporary, of any public **RIGHT-OF-WAY** or required off-**STREET** parking space.

5. For any use not specifically mentioned, the requirements for off-**STREET** loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply.

C. Each **LOADING SPACE** shall be a minimum of ten (10) feet by twenty (20) feet in size.

**4.05.07 Handicapped Parking Requirements**

A. Generally

Any business, firm, corporation, person, or other entity, which operates or maintains a **BUILDING** which is used by the public or to which the public has **ACCESS** shall provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons, in accordance with the Americans with Disabilities Act (ADA) of 1990. These guidelines are to be applied during the design, construction and **ALTERATION** of **BUILDINGS** and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by federal agencies, including the Department of Justice and the Department of Transportation under the ADA.

B. Requirements

A parking lot servicing any **BUILDING** or entrance **PATHWAY** to a **BUILDING** shall have a number of level parking spaces, as set forth in the following table, identified by above **GRADE SIGNS**, as being reserved for physically disabled persons:

**Table 19. Required Handicapped Parking Spaces.**

Total Spaces in Lot	Required Number of Reserved Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1001 and over	20 plus 1 for each 100 over 1,000

C. Location

1. Parking spaces provided for the exclusive use of physically disabled persons serving a particular **BUILDING** shall be located on the shortest accessible route of travel from **ADJACENT** parking

to an accessible route of travel from **ADJACENT** parking to an accessible entrance.

2. In parking facilities that do not serve a particular **BUILDING**, parking shall be located on the shortest accessible pedestrian entrance of the parking facility. In **BUILDINGS** with multiple accessible entrances with **ADJACENT** parking, parking spaces shall be dispersed and located closest to the accessible entrances.
3. All spaces shall have accessibility to a curb ramp or curb cut, when necessary to allow **ACCESS** to the **BUILDING** served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

#### D. Design

1. Diagonal or perpendicular parking spaces shall be a minimum of twelve (12) feet wide by eighteen (18) feet long and provide a five (5) foot wide by eighteen (18) foot long passenger loading zone **ADJACENT** and parallel to the parking space.
2. Each such parking space shall be conspicuously outlined in blue paint, and shall be posted and maintained with a permanent, above-**GRADE SIGN**, bearing the internationally accepted wheelchair symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or bearing both such symbol and caption. All handicapped parking spaces must be **SIGNED** and marked in accordance with the standards adopted by the Department of Transportation.

### 4.05.08 Bicycle Parking Requirements

#### A. Number

Provisions for the safe and secure parking of bicycles shall be furnished at a ratio of five (5%) percent of requirements for motor vehicles as set forth in section 4.05.04. but not to exceed a maximum of fifteen (15) total bicycle parking spaces. A minimum of two (2) bicycle parking spaces shall be provided.

#### B. Design

1. A bicycle parking facility suited to a single bicycle ("parking space") shall be of a stand-alone inverted-U design measuring a minimum of thirty-six (36) inches high and eighteen (18) inches wide [of one and one-half (1½) inch Schedule 40 pipe, ASTM F 1083] bent in one piece ("bike rack") mounted securely to the ground [by a 3/8-inch thick steel base plate, ASTM A 36] so as to secure the bicycle frame and both wheels.
2. Each parking space shall have a minimum of three (3) feet of clearance on all sides of the bike rack.

3. Bicycle spaces shall be surfaced with the same or similar materials approved for the motor vehicle parking lot, lighted and located no greater than one hundred (100) feet from the main **BUILDING** entrance.
4. Extraordinary bicycle parking designs which depart from the bike rack standard but are consistent with the **DEVELOPMENT'S** design theme shall be considered by the County architect. Bike racks which function without securing the bicycle frame, require the use of a bicycle kick stand, or which may be freely reoriented are not allowable.

#### **4.05.09 Stacking Lane Requirements**

Where stacking is required, the amount listed does not include the first vehicle being serviced. A minimum of five (5) spaces shall be provided preceding the first menu board or order station, for **RESTAURANTS** with drive-in windows. For all other stacking uses, stacking starts ten (10) feet behind the middle of the pickup window) and is computed at twenty (20) feet per vehicle (turns are computed at twenty-two (22) feet per vehicle, measured at the outside of the **DRIVEWAY**). Stacking for one (1) lane may be reduced if the reduction is added to the other lane(s).

### **4.06.00 LANDSCAPING, BUFFERING, AND VEGETATION RETENTION**

#### **4.06.01 Generally**

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

##### **1. Landscape Code**

The purpose and intent of the landscape code is to:

- a. promote the health, safety, and welfare of residents of Collier County by establishing minimum uniform standards for the installation and maintenance of landscaping;
- b. improve the aesthetic appearance of commercial, industrial, and residential **DEVELOPMENTS** through the requirement of minimum landscaping in ways that harmonize the natural and built environment;
- c. promote preservation and planting of native plants and plant communities;
- d. provide physical and psychological benefits to persons through landscaping by reducing noise and glare;
- e. screen and **BUFFER** the harsher visual aspects of urban **DEVELOPMENT**;

- f. improve **ENVIRONMENTAL QUALITY** by reducing and reversing air, noise, heat, and chemical pollution through the preservation of canopy trees and the creation of shade and microclimate;
- g. reduce heat gain in or on **BUILDINGS** or paved areas through the filtering capacity of trees and vegetation; and
- h. promote water conservation by encouraging the use of native and drought-tolerant vegetation and properly zoned irrigation system through xeriscape.

## 2. **BUFFERING** and Screening

The purpose and intent of establishing **LANDSCAPE BUFFERING** and screening is to:

- a. reduce the potential incompatibility of **ADJACENT** land uses;
- b. conserve natural resources and maintain **OPEN SPACE**;
- c. protect established residential neighborhoods, and enhance community identity;
- d. improve the aesthetic appearance of commercial, industrial, and residential **DEVELOPMENTS** through the requirement of minimum landscaping in ways that harmonize the natural and built environment;
- e. promote preservation and planting of native plants and plant communities;
- f. provide physical and psychological benefits to persons through landscaping by reducing noise and glare;
- g. screen and **BUFFER** the harsher visual aspects of urban **DEVELOPMENT**;
- h. improve **ENVIRONMENTAL QUALITY** by reducing and reversing air, noise, heat, and chemical pollution through the preservation of canopy trees and the creation of shade and microclimate;
- i. reduce heat gain in or on **BUILDINGS** or paved areas through the filtering capacity of trees and vegetation; and
- j. promote water conservation by encouraging the use of native and drought-tolerant vegetation and properly zoned irrigation systems through xeriscape.

In order to minimize negative effects between **ADJACENT** land uses, this division promotes the use of **LANDSCAPE BUFFERS** and screens to eliminate or minimize potential nuisances such as dirt, litter, noise, lights, unsightly **BUILDINGS** and **STRUCTURES**, and off-**STREET** parking and loading areas. Additionally,

**BUFFERS** and screens provide spacing and landscaping to reduce potentially **ADVERSE IMPACTS** of noise, odor, or lighting. **BUFFERING** refers to a strip of land separating **ADJACENT** land uses, whereas screening refers to fences, walls, **BERMS**, trees, shrubs, or a combination of these screening devices on the **BUFFER** strip.

B. Effect of the Collier County Streetscape Master Plan

*“Collier County Streetscape Master Plan”, “Construction Standards Handbook for Work Within the Public **RIGHTS-OF-WAY** Collier County, Florida” and the “Golden Gate Community Roadways Beautification Master Plan.”* **STREET** corridors identified in Section 2 and Figure E.1 of the “Collier County Streetscape Master Plan,” the “Construction Standards Handbook for Work Within the Public Rights-of- Way Collier County, Florida” and the “Golden Gate Community Roadways Beautification Master Plan”, including areas within the **RIGHT-OF-WAY** and on required **BUFFERS ADJACENT** to the **RIGHT-OF-WAY**, shall adhere to the requirements of these documents.

Notwithstanding the above, for required **LANDSCAPE BUFFERS ADJACENT** to any **RIGHT-OF-WAY**, the requirements of Section 2 and Figure E.1 of the “Collier County Streetscape Master Plan”, the “Construction Standards Handbook for Work Within the Public Rights-of Way Collier County, Florida” and the “Golden Gate Community Roadways Beautification Master Plan” shall apply at the time of issuance of any related subsequent **DEVELOPMENT ORDER** including construction plans attendant to the approval of a final plat and/or a final site **DEVELOPMENT PLAN**. Where the application of said Master Plan standards and requirements is questioned, an official interpretation of the County Manager or his designee pursuant to section 1.06.01 of the Collier County Land **DEVELOPMENT** Code may be requested. Further, the interpretation of the County Manager or his designee may be appealed to the board of zoning appeals as prescribed by section 10.02.02 of the Land **DEVELOPMENT** Code.

C. Relationship to **SUBDIVISION** Regulations

1. *Plantings, trees, and grass.* All **RIGHTS-OF-WAY** and **EASEMENTS** for **STREETS**, avenues, roads, drives, and the like shall be planted with trees, grass or other suitable vegetation on both sides in accordance with the specifications, limitations, procedures, types and intervals set forth in the appropriate county regulations and requirements, including but not limited to this section 4.06.00 and the **RIGHT-OF-WAY** Construction Handbook, Collier County Ordinance No. 82-91, as amended [superseded by ordinance found in Code ch.

110, art. II]. All unpaved areas within **RIGHTS-OF-WAY** shall be stabilized by seed or sodding of cultivated grass species suitable to the area. The sodding of a one-foot-wide strip along the back of curb or edge of pavement shall be mandatory for all roadway construction. The flow line of all swale sections approved for use by the County Manager or his designee shall also be sodded as required for erosion control.

2. **STREETS** and access improvements.

a. All existing and future public and private **RIGHTS-OF-WAY** that are designed parallel to each other or to the boundary of a **SUBDIVISION** or **DEVELOPMENT**, with no **BUILDING LOTS** separating them from other **RIGHTS-OF-WAY** or the project boundary, shall be separated by a **LANDSCAPE BUFFER**, pursuant to this section 4.06.00. The **BUFFER** area in these cases shall be separately designated on the final **SUBDIVISION** plat as a tract or **EASEMENT** and shall be dedicated on the final **SUBDIVISION** plat cover sheet to the appropriate property owners' association or like entity for operation, maintenance and upkeep purposes.

D. Landscaping with Sight Design Triangles

1. *Safe sight distance triangles at intersection and access points.* (Refer to Figure 4.06.01 D., Sight Distance Triangles). Where a **DRIVEWAY/ACCESS** way intersects a **RIGHT-OF-WAY** or when a property abuts the intersection of two or more **RIGHTS-OF-WAY**, a minimum safe sight distance triangular area shall be established. Within this area, vegetation shall be planted and maintained in a way that provides unobstructed visibility at a level between 30 inches and eight feet above the crown of the **ADJACENT** roadway. Landscaping shall be located in accordance with the roadside recovery area provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of **STREETS** and Highways (DOT Green Book) where appropriate. Posts for illuminating fixtures, traffic control, and **STREET** name **SIGNS** shall also be permitted, so long as the **SIGN** or equipment is not within the prescribed clear space.

Where an accessway enters a **RIGHT-OF-WAY**, two safe distance triangles shall be created diagonally across from each other on both sides of the accessway. Two sides of the triangle shall extend ten feet each way from the point of intersection from the edge of pavement and the **RIGHT-OF-WAY** line. The third side of the triangle shall be a line connecting the ends of the other two sides.

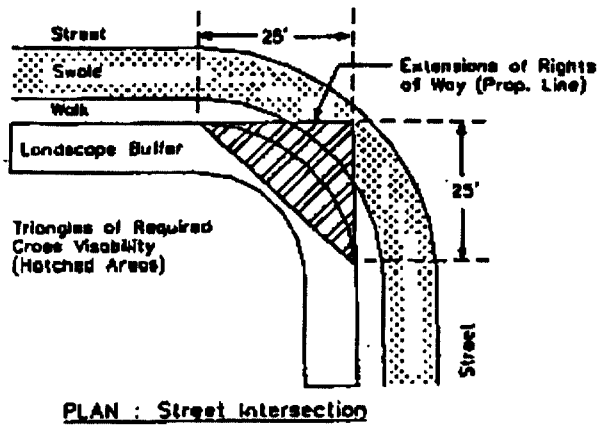
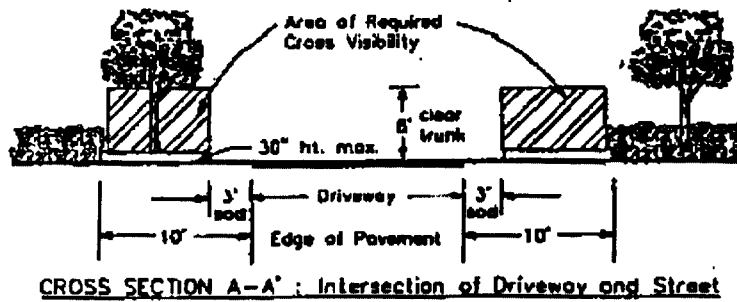
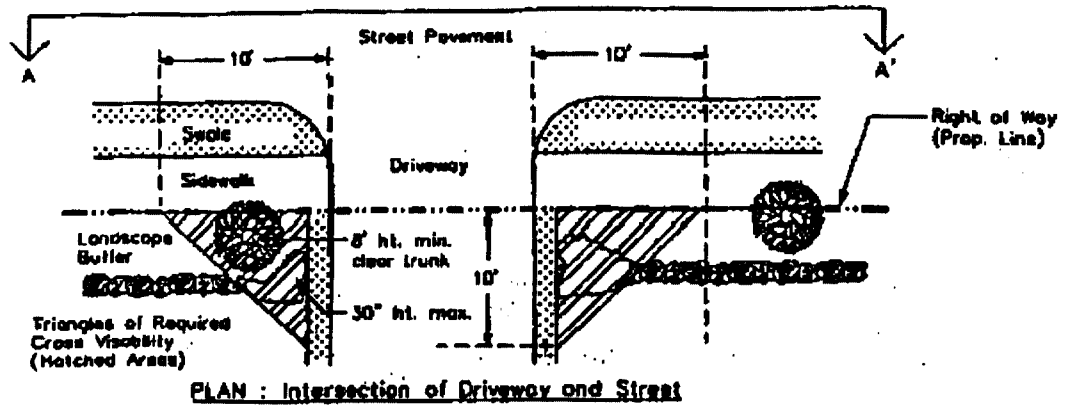


Figure 4.06.01 D. - Sight Distance Triangles



Where a property abuts the intersection of two **RIGHTS-OF-WAY**, a safe distance triangle shall be created. Two sides of the triangle shall extend 30 feet along the **ABUTTING RIGHT-OF-WAY** lines, measured from the point of intersection. The third side of the triangle shall be a line connecting the ends of the other two sides.

The developer shall comply with all of the provisions of the applicable landscape requirements and this section 4.06.00 at the time of **SUBDIVISION** or **DEVELOPMENT** approval or when applicable.

#### E. Landscaping Plans Required

1. *Landscape summary.* A landscape summary in matrix form which shall include:

- a. Graphic symbol to indicate each type of plant material.
- b. Botanical name.
- c. Common name.
- d. Total number of each type of plant material.
- e. Height and spread of each type of plant material.
- f. Spacing of each type of plant material.

2. *Illustrative information.* Illustrative information consisting of the following shall be accurately depicted on the landscape plan:

- a. The location, configuration and arrangement of all proposed **BUILDINGS**, internal **STREETS** and parking areas as reflected on the site plan.
- b. The location and dimensions of all proposed landscaped areas with appropriate graphic symbols including existing trees that are being credited toward the **DEVELOPMENT'S** landscaping requirements.
- c. Location and configuration of all special or textured paving areas.
- d. Provisions for site irrigation.
- e. Any additional relevant information as may be required by the planning services director.

#### 4.06.02 BUFFER Requirements

##### A. Applicability of **BUFFER** Requirements

The **BUFFERING** and screening shown in table 2.4 below shall be required under this section and shall apply to all new **DEVELOPMENT**. Existing landscaping which does not comply with the provisions of this

section shall be brought into conformity to the maximum extent possible when: the **VEHICULAR USE AREA** is **ALTERED** or expanded except for restriping of **LOTS/drives**, the **BUILDING** square footage is changed, or there has been a discontinuance of use for a period of 60 consecutive days or more and a request for an occupational license to resume business is made.

**SUBDIVISIONS** or **DEVELOPMENTS** shall be **BUFFERED** for the protection of property owners from surrounding land uses as required pursuant to this section 4.06.00. **BUFFERS** shall not inhibit pedestrian circulation between **ADJACENT** commercial land uses. **BUFFERS** shall be installed during construction as follows and in accordance with this section 4.06.00:

1. To separate residential **DEVELOPMENTS** from commercial, community use, industrial and public use **DEVELOPMENTS** and **ADJACENT** expressways, arterials and railroad **RIGHTS-OF-WAY**, except where such expressway, arterial, or railroad **RIGHT-OF-WAY** abuts a golf course.
2. To separate commercial, community use, industrial and public use **DEVELOPMENTS** from residential **DEVELOPMENTS**.
3. To separate **SUBDIVISIONS** of residential property that do not result in the submittal of a site **DEVELOPMENT PLAN** pursuant to the provisions of section 10.02.03 from other residential properties.

Separation shall be created with a **LANDSCAPE BUFFER** strip which is designed and constructed in compliance with the provisions of this section 4.06.00. Such **BUFFER** strip(s) shall be shown and designated on the final plat as a tract of **EASEMENT** and shall not be located within any public or private **RIGHT-OF-WAY**. The ability to locate **BUFFER(S)** within a platted or recorded **EASEMENT** shall be determined pursuant to the provisions of this section 4.06.00.

**BUFFERS ADJACENT** to protected/preserve areas shall conform to the requirements established by the agency requiring such **BUFFER**.

**LANDSCAPE BUFFERS**, when required by this Code, this section 4.06.00, or other county regulation shall be in addition to the required **RIGHT-OF-WAY** width and shall be designated as a separate **BUFFER** tract or **EASEMENT** on the final **SUBDIVISION** plat. The minimum **BUFFER** width shall be in conformance with this section 4.06.00. In no case shall the required **BUFFER** be constructed to reduce cross-corner or stopping sight distances, or safe pedestrian passage. All **BUFFER** tracts or **EASEMENTS** shall be owned and maintained by a property owner's association or other similar entity and shall be so dedicated on the final **SUBDIVISION** plat.

#### B. Methods of Determining **BUFFERS**

Where a property **ADJACENT** to the proposed use is: (1) undeveloped, (2) undeveloped but permitted without the required **BUFFERING** and screening required pursuant to this Code, or (3) developed without the **BUFFERING** and screening required pursuant to this Code, the proposed use shall be required to install the more opaque **BUFFER** as provided for in table 2.4. Where property **ADJACENT** to the proposed use has provided the more opaque **BUFFER** as provided for in table 2.4, the proposed use shall install a type A **BUFFER**.

Where the incorporation of existing **NATIVE VEGETATION** in **LANDSCAPE BUFFERS** is determined as being equivalent to or in excess of the intent of this Code, the planning services director may waive the planting requirements of this section.

**BUFFERING** and landscaping between similar residential land uses may be incorporated into the **YARDS** of individual **LOTS** or tracts without the mandatory creation of separate tracts. If **BUFFERING** and landscaping is to be located on a **LOT**, it shall be shown as an **EASEMENT** for **BUFFERING** and landscaping.

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

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

#### C. Table of **BUFFER YARDS**

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

Alternative A: Ten-foot-wide **LANDSCAPE BUFFER** with trees spaced no more than 30 feet on center.

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.

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.

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**.

Trees shall be spaced no more than 30 feet on center in the **LANDSCAPE BUFFER ABUTTING** a **RIGHT-OF-WAY** or primary **ACCESS** road internal to a commercial **DEVELOPMENT**.

A hedge of at least 24 inches in height at the time of planting and attaining a minimum of three feet height within one year shall be required in the **LANDSCAPE BUFFER** where vehicular areas are **ADJACENT** to the road **RIGHT-OF-WAY**, pursuant to section 4.06.05 C.4.

Where a fence or wall fronts an **ARTERIAL** or **COLLECTOR ROAD** as

described by the transportation circulation element of the growth management plan, a continuous single row hedge a minimum of 24 inches in height spaced three feet on center, shall be planted along the **RIGHT-OF-WAY** side of the fence. The required trees shall be located on the side of the fence facing the **RIGHT-OF-WAY**. Every effort shall be made to undulate the wall and landscaping design incorporating trees, shrubs, and ground cover into the design. It is not the intent of this requirement to obscure from view decorative elements such as emblems, tile, molding and wrought iron.

The remaining area of the required **LANDSCAPE BUFFER** must contain only existing **NATIVE VEGETATION**, grass, ground cover, or other landscape treatment. Every effort should be made to preserve, retain and incorporate the existing **NATIVE VEGETATION** in these areas.

**TABLE 2.4 TABLE OF BUFFER REQUIREMENTS BY LAND USE CLASSIFICATIONS**

Subject Property's District/Use	Adjacent Properties District													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Agriculture (A <sup>1</sup> )	-	B	B	B	B	B	A	A	A	A	D	A	-	A
2. Residential (E, RSF) single-family	A	A	B	B	B	B	B	C	B	*	D	B	-	C
3. Residential (RMF-6, RMF-12, RMF-16) multifamily	A	B	A	N	A	B	B	B	B	*	D	B	-	C

4. Residential tourist (RT)	A	B	A	A	B	B	A	B	B	*	D	B	-	B
5. Village residential (VR)	A	A	B	B	A	B	B	B	B	*	D	B	-	B
6. Mobile home (MH)	A	B	B	B	B	A	B	B	B	*	D	B	B	B
7. Commercial <sup>3</sup> (C-1, C-1/T, C-2, C-3, C-4, C-5); Business Park (BP)	A	B	B	B	B	B	A	A	A	*	D	B	B	B
8. Industrial <sup>2</sup> (I)	A	C	B	B	B	B	A	A <sup>2</sup>	A	*	D	B	B	B
9. Public use (P), community facility (CF), Golf Course Clubhouse, Amenity Center	A	B	B	B	B	B	A	A	A	*	D	B	-	C

10. Planned unit DEVELOPMENT (PUD)	*	*	*	*	*	*	*	*	*	*	*	D	*	*	*
11. Vehicular rights-of-way	D	D	D	D	D	D	D	D	D	D	D	-	B	-	D
12. Golf course maintenance BUILDING	B	B	B	B	B	B	B	B	B	B	B	B	A	B	C
13. Golf course	-	-	-	-	-	-	-	-	-	-	-	-	B	-	C
14. Automobile service station	A	C	C	B	B	B	B	B	C	*	D	C	C	C	D

The letter listed under "ADJACENT Properties District" shall be the **LANDSCAPE BUFFER** and screening alternative required. The "-" symbol shall represent that no **BUFFER** is required. The PUD district **BUFFER**, due to a variety of differing land uses, is indicated by the "\*" symbol, and shall be based on the **LANDSCAPE BUFFER** and screening of the district or use with the most similar types, densities and intensities of use. Where a conflict exists between the **BUFFERING** requirements and the **YARD** requirements of this Code, the **YARD** requirements of the subject zoning district shall apply.

<sup>1</sup>**BUFFERING** in agriculture (A) districts shall be applicable at the time of site **DEVELOPMENT PLAN** (SDP) submittal.

<sup>2</sup>Industrial (I) zoned property, where **ABUTTING** industrial (I) zoned

property, shall be required to install a minimum five-foot-wide type A **LANDSCAPE BUFFER ADJACENT** to the side and rear property lines. This area shall not be used for water management. In addition, trees may be reduced to 50 feet on center along rear and side perimeter **BUFFERS** only. This reduction in **BUFFER** width shall not apply to **BUFFERS ADJACENT** to vehicular **RIGHTS-OF-WAY** or nonindustrial zoned property.

<sup>3</sup>**BUFFER** areas between commercial **OUTPARCELS** located within a **SHOPPING CENTER** may have a shared **BUFFER** 15 feet wide with each **ADJACENT** property contributing 7.5 feet. This does not apply to **RIGHT-OF-WAY BUFFERS**.

Refer to section 5.05.05 for **AUTOMOBILE SERVICE STATION** landscape requirements.

a. **Business Parks**

A 25-foot wide **LANDSCAPE BUFFER** shall be provided around the boundary of the business park. A six-foot tall opaque architecturally finished masonry wall, or **BERM**, or combination thereof shall be required and two staggered rows of trees spaced no more than 30 feet on center shall be located on the outside of the wall, **BERM**, or **BERM/wall** combination.

b. **BUFFERING and screening standards.** In accordance with the provisions of this Code, loading areas or docks, outdoor storage, trash collection, mechanical equipment, trash compaction, vehicular storage excluding new and used cars, recycling, roof top equipment and other service function areas shall be fully screened and out of view from **ADJACENT** properties at ground view level and in view of roadway corridors.

D. **Standards for retention and detention areas in BUFFER YARDS**

Unless otherwise noted, all standards outlined in section 4.06.05 C. apply. Trees and shrubs must be installed at the height specified in this section.

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

1. Water management systems must not exceed 50 percent of the square footage of any required side, rear, or **FRONT YARD LANDSCAPE BUFFER**.



2. Water management systems must not exceed, at any location within the required side, rear, or **FRONT YARD LANDSCAPE BUFFER**, 70 percent of the required **BUFFER** width. A minimum five-foot wide 10:1 level planting area shall be maintained where trees and hedges are required.
3. Exceptions to these standards may be granted on a case-by-case basis, evaluated on the following criteria:
  - a. Water management systems, in the form of dry retention, may utilize an area greater than 50 percent of the **BUFFER** when existing **NATIVE VEGETATION** is retained at natural **GRADE**.
  - b. For **LOTS OF RECORD** 10,000 square feet or less in size, water management areas may utilize an area greater than 50 percent of the required side and rear **YARD BUFFERS**. A level planting area of at least three feet in width must be provided in these **BUFFERS**.
4. **SIDEWALKS** and other **IMPERVIOUS AREAS** must not occupy any part of a required Alternative A, B, C, or D type **BUFFER**, except when:
  - a. **DRIVEWAYS** and **SIDEWALKS** are constructed perpendicular to the **BUFFER** and provide direct **ACCESS** to the **PARCEL**.
  - b. Parallel meandering **SIDEWALKS** occupy the **BUFFER** and its width is increased by the equivalent **SIDEWALK** width.
  - c. A required 15-20 foot wide **BUFFER** is reduced to a minimum of ten feet wide and is increased by the five to ten foot equivalent width elsewhere along that **BUFFER**.
5. *Natural and manmade bodies of water including retention areas for all **DEVELOPMENTS** subject to section 5.05.08 and 3.05.10.*
  - a. *Configuration of water management areas.* The shape of a manmade body of water, including retention and detention areas, must be designed to appear natural with curvilinear edges. See "Body of Water Shapes" figure below. An alternative design may be approved as a part of the design of the **BUILDING**, if the design of the water management area is related to the architectural design of the **BUILDING**.

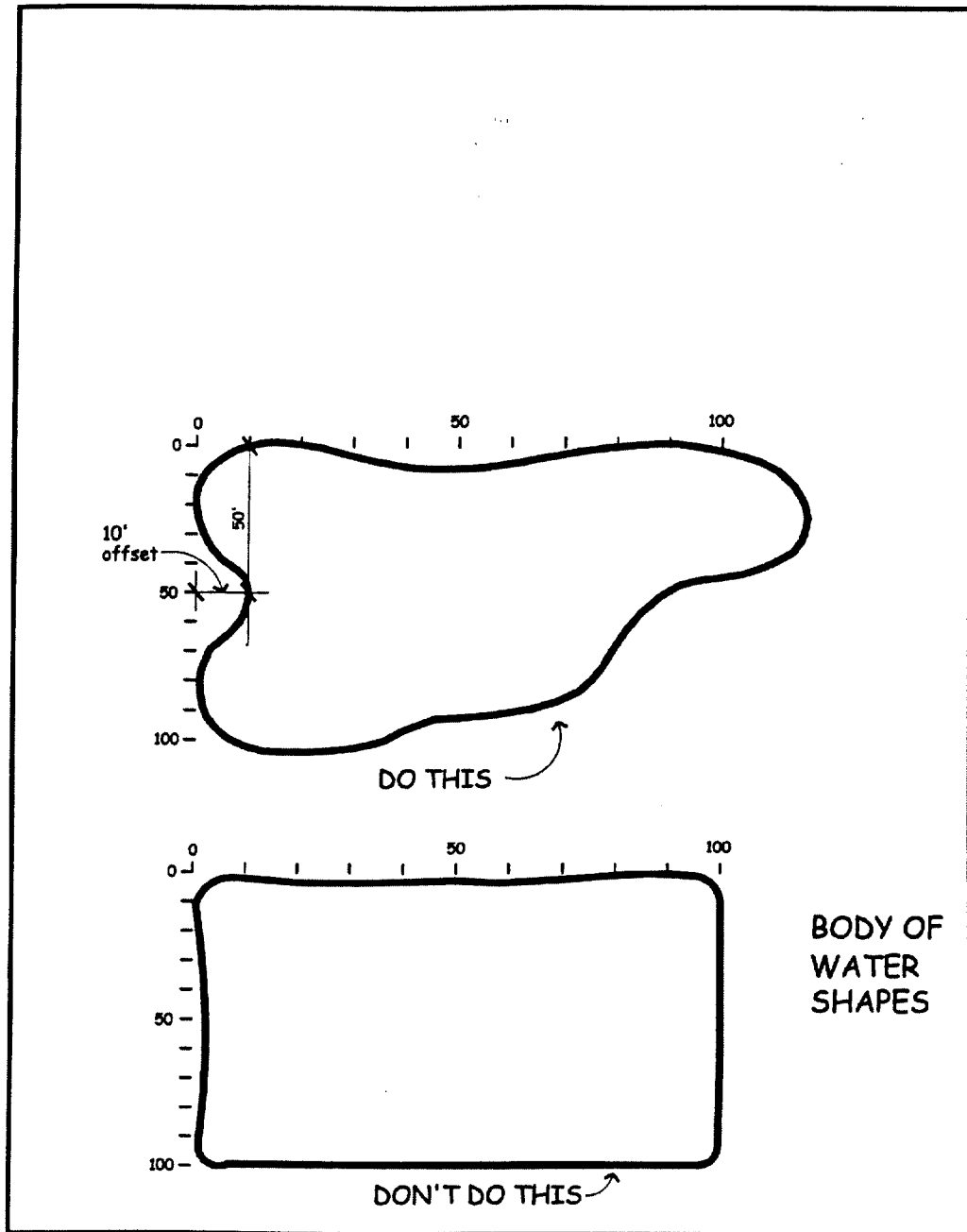


Figure [Y] - Body of Water Shapes

*b. Water management areas within the FRONT YARDS.* Narrow and steep water management areas are prohibited within the **FRONT YARDS** that lie between the primary **FACADES** of a **BUILDING** and a public and private **STREET**. These narrow and steep water management areas are defined as 12 feet or less in width with maximum slope of 4 to 1.

*c. Required amenities.* The following standards apply to detention and retention areas exceeding twelve feet in width. All bodies of water, including retention areas exceeding 20,000 square feet, and which are located **ADJACENT** to a public **RIGHT-OF-WAY**, must incorporate into overall design of the project at least two of the following items:

i. A walkway 5 feet wide and a minimum of 200 feet long, with trees of an average of 50 feet on center and with shaded benches, a minimum of 6 feet in length or picnic tables with one located every 150 feet.

ii. Fountains.

iii. Partially shaded plaza/courtyard, a minimum of 200 square feet in area, with benches and/or picnic tables **ADJACENT** to the water-body, or retention areas.

#### **4.06.03 Landscaping Requirements for VEHICULAR USE AREAS and RIGHTS-OF-WAY**

##### **A. Applicability**

The provisions of this section shall apply to all new off-**STREET** parking or other **VEHICULAR USE AREAS**. Existing landscaping which does not comply with the provisions of this Code shall be brought into conformity to the maximum extent possible when: the **VEHICULAR USE AREA** is **ALTERED** or expanded except for restriping of **LOTS/drives**, the **BUILDING** square footage is changed, or the **STRUCTURE** has been vacant for a period of 90 days or more and a request for an occupational license to resume business is made. These provisions shall apply to all **DEVELOPMENTS** with the exception of single-family, two-family, **MOBILE HOME DWELLING UNIT**, and dwellings on individually platted **LOTS**. Any appeal from an administrative determination relating to these regulations shall be to the board of zoning appeals or equivalent. Prior to issuing occupancy permits for new construction, implementation and completion of landscaping requirements in off-**STREET** vehicular facilities shall be required. Where a conflict exists between the strict application of this division and the requirements for the number of off-**STREET** parking

spaces or area of off-STREET loading facilities, the requirements of this section shall apply.

**B. Standards for landscaping in VEHICULAR USE AREAS**

1. *Landscaping required in interior of VEHICULAR USE AREAS.* At least ten percent of the amount of **VEHICULAR USE AREA** on-site shall be devoted to interior landscaping areas. The width of all curbing shall be excluded from the required landscaped areas. All interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, ground cover, shrubs or other landscape treatment. One tree shall be provided for every 250 square feet of required interior landscaped area. Interior landscaped areas shall be a minimum of five feet in width and 150 square feet in area. The amount of required interior landscape area provided shall be shown on all preliminary and final landscape plans.

All rows of parking spaces shall contain no more than ten parking spaces uninterrupted by a required landscaped island which shall measure inside the curb not less than eight feet in width and at least eight feet in length and at least 100 square feet in area. At least one tree shall be planted in each island. These islands shall not be used as retention areas or as swales. These tree requirements shall be met with existing native trees whenever such trees are located within the parking area and may be feasibly incorporated into the landscaping. Where existing trees are retained in landscape islands, the amount of parking spaces in that row may be increased to 15. A parking stall shall be no farther than 50 feet from a tree, measured to the tree trunk. Interior landscaping areas shall serve to divide and break up the expanse of paving at strategic points and to provide adequate shading of the paved area. Perimeter landscaping shall not be credited toward interior landscaping.

All rows of parking spaces shall be bordered on each end by curbed landscaped islands as shown in Figure 4.06.03 B. below, Terminal Landscape Islands. Each terminal island shall measure inside the curb not less than eight feet in width and extend the entire length of the single or double row of parking spaces bordered by the island. Lay on curbing shall not be permitted. A terminal island for a single row of parking spaces shall be landscaped with at least one canopy tree. A terminal island for a double row of parking spaces shall contain not less than two canopy trees. The remainder of the terminal island shall be landscaped with sod, ground covers or shrubs or a combination of any of the above.

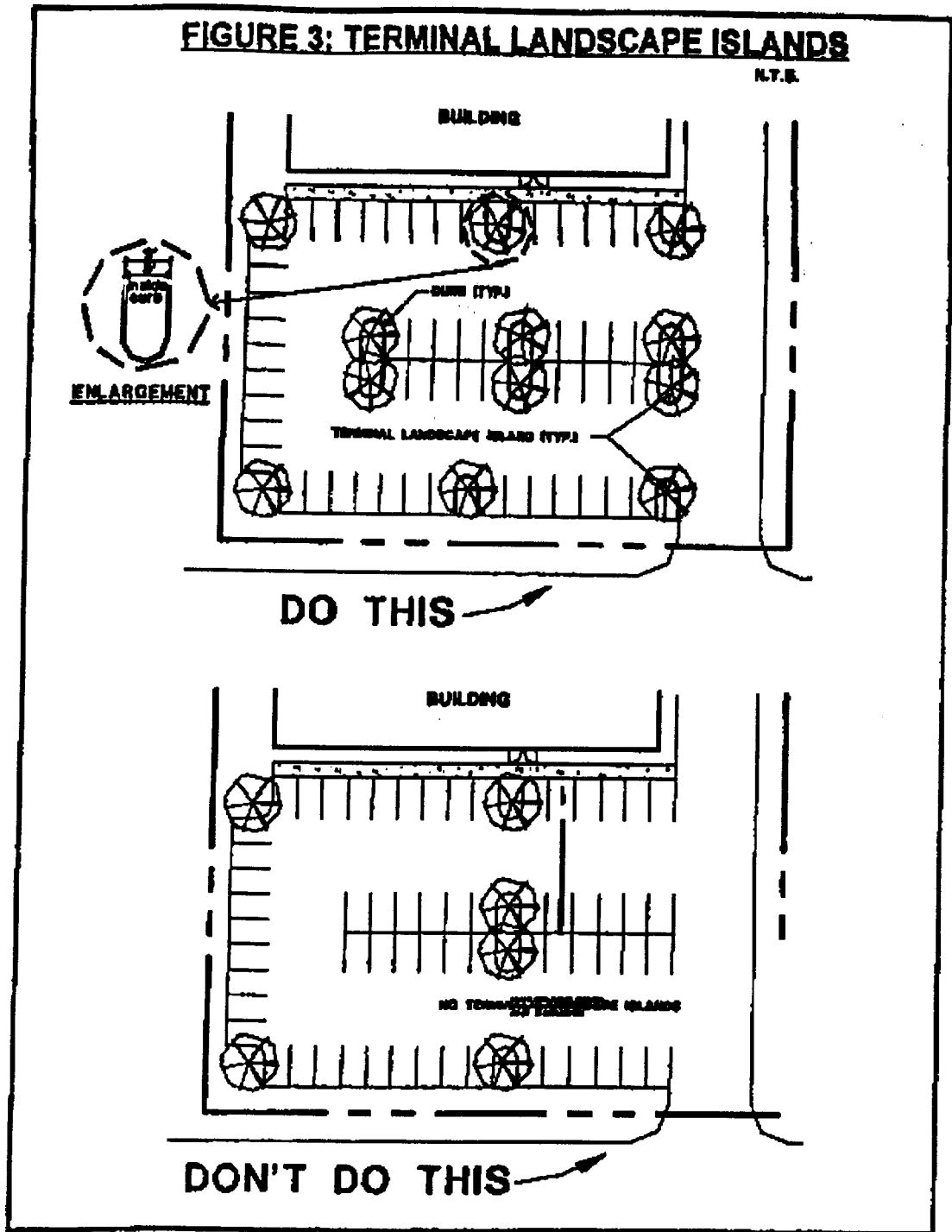


Figure 4.06.03 B. - Terminal Landscape Islands

Interior landscaping areas shall be provided within the interior of all **VEHICULAR USE AREAS**. Landscaped areas, wall **STRUCTURES**, and walks shall require protection from vehicular encroachment through appropriate wheel stops or curbs or other **STRUCTURES**.

Required landscape islands and perimeter planting beds shall be graded to provide positive drainage. Curbing around landscape areas shall include curb cuts where necessary so as not to inhibit positive drainage.

Interior landscaping areas shall meet the requirements of sections 4.06.05 G. and 4.06.05 J. Alternative designs may be approved that achieve equivalent results subject to approval by the planning services director.

2. *Vehicular overhang of landscape areas.* See section 4.05.04, Exhibit A.

3. *Green space required in **SHOPPING CENTERS** and freestanding retail establishments with a **FLOOR AREA** greater than 40,000 square feet.* An area that is at least seven percent of the size of the **VEHICULAR USE AREAS** must be developed as green space within the **FRONT YARD(S)** or courtyards of **SHOPPING CENTERS** and retail establishments and must be in addition to the **BUILDING** perimeter planting area requirements. The courtyards must only be located in areas that are likely to be used by pedestrians visiting the **SHOPPING CENTER** and retail establishment. The seven percent green space area must be in addition to other landscaping requirements of this division, may be used to meet the **OPEN SPACE** requirements (section 4.02.01), and must be labeled "Green Space" on all **SUBDIVISION** and site plans. (Refer to section 5.05.08, Architectural and Site Design Standards and Guidelines for Commercial **BUILDINGS** and Projects.) The interior landscape requirements of these projects must be reduced to an amount equal to five percent of the **VEHICULAR USE AREA** on site. Green space must be considered areas designed for environmental, scenic or noncommercial recreation purposes and must be pedestrian-friendly and aesthetically appealing. Green space may only include the following: lawns, mulch, decorative plantings, nonprohibited exotic trees, walkways within the interior of the green space area not used for shopping, fountains, manmade watercourses (but not water retention areas), wooded areas, park benches, site lighting, sculptures, gazebos, and any other similar items that the planning service director deems appropriate. Green space must include: walkways within the interior of the green space area not used for shopping, a minimum of one foot of park bench per 1,000 square feet of **BUILDING** area. The

green space area must use existing trees where possible and landscaping credits will be allowed as governed by table 4.06.04 D. The green space areas must be located in areas that are in close proximity to the retail shopping area. Benches may also be located in interior landscaped areas and 75 percent of the benches may be located **ADJACENT** to the **BUILDING** envelope along paths, walkways and within arcades or malls.

4. *Landscaping required for section 5.05.08 **BUILDINGS** over 20,000 square feet.*

The following requirements will be counted toward the required greenspace and **OPEN SPACE** requirements of this Chapter of this Code.

- a. Trees in **VEHICULAR USE AREAS** must be a minimum of 14 to 16 feet height with a six- to eight-foot spread and a three- to four-inch caliper and must have a clear trunk area to a height of six feet.
- b. The first row of landscape islands located closest to the **BUILDING** front and sides must be landscaped with trees, palms, shrubs and groundcovers and must have a clear trunk area to a height of seven feet.

C. Landscaping standards for **RIGHTS-OF-WAY** and median strips

1. *Median strips.* Median strips which are part of the publicly dedicated or deeded **RIGHT-OF-WAY** shall not be utilized for any purpose other than by the county or a public utility. When an **APPLICANT** desires to beautify a public median strip in a **SUBDIVISION** he may do so in accordance with the guidelines established in this section 4.06.00 of this Code to allow placing of grass, shrubs and trees in general within the median strip under a **RIGHT-OF-WAY** permit after submission and approval of landscaping plans. Selection of landscaping within the public or private median shall be based on accepted traffic safety standards and the prevention of interference with maintenance requirements of utilities within a median. Upon completion of the median improvements, the landscaping shall be maintained by a property owners' association, a **CONDOMINIUM** association, cooperative association, or other like or similar entity.

2. ***SUBDIVISION** or land development entranceways.* **SUBDIVISION** or **DEVELOPMENT** entranceways consisting of habitable or uninhabitable **STRUCTURES**, walls, fences, gates, rock piles or the like are not permitted within the median strip of a publicly dedicated

**RIGHT-OF-WAY.** Decorative entranceways may be constructed upon property **ADJACENT** to a **RIGHT-OF-WAY** in compliance with this Code and shall be placed so as to not interfere with any cross-corner or stopping sight distance or constitute a traffic hazard. Any improvements within private **RIGHTS-OF-WAY** shall not be placed over any underground improvements without the prior written consent of the intended owner of the improvements. Upon completion of the entranceway, all improvements shall be maintained by the property owners' association, **CONDOMINIUM** association, cooperative association, or other similar entity.

#### 4.06.04 Trees and Vegetation Protection

##### A. Generally

##### 1. *Clearing, grading and filling:*

Clearing of woody vegetation requires a permit except that owners of **LOTS** with an existing single family home other than in Golden Gate Estates may remove non-native and native woody vegetation without permits unless specimen trees are involved. A minimum number of required native trees shall be maintained as required by section 4.06.05 A.

##### a. *Permitted removal of vegetation:*

i. **SUBDIVISIONS:** Residential, commercial or industrial **SUBDIVISIONS**, upon approval of construction drawings for the entire project or any given phase thereof, may clear for the construction of the infrastructure within that phase. Road **RIGHTS-OF-WAY**, and drainage and utility **EASEMENT** areas may be cleared.

a) Water management areas requiring excavation permits may be cleared upon issuance of an excavation permit and a required separate vegetation removal permit.

b) Individual single family **LOTS** or **BLOCKS** of **LOTS** may not be cleared unless a separate vegetation removal and site filling permit (VRSFP) is obtained as required by section 4.06.04 A.1.a.3.

##### ii. *Site DEVELOPMENT plans (SDPs):*

a) *Commercial and industrial:* Approval of a commercial or industrial SDP or SIP includes permission to clear



for all infrastructure improvements and for the **BUILDING** pad as shown on the approved SDP.

- b) *Residential SDPs:* Approval of a residential SDP includes permission to clear for infrastructure only. Clearing and filling of **BUILDING** sites is not permitted unless a separate vegetation removal and site filling permit is obtained as required by section 4.06.04 A.1.a.3.
3. *Vegetation removal and site filling permits (VPSFPs):*
- a) A developer will be permitted to clear up to 25 acres of residential, commercial, or industrial **LOTS** to store excess fill generated by lake excavations within the PUD or project where the excavation is taking place.
  - b) An approved SDP or an approved plat must exist for the **PARCEL** on which the fill is to be stored.
  - c) The application to "clear and fill" in order to store excess fill must be accompanied by a plan drawn on the approved SDP or plat, showing the following:
    - i) The limits of each separate stockpile must be clearly delineated and the area, height, cross-section, and volume of each individual stockpile must appear on the drawing referenced to the stockpile. Slopes must not be steeper than a ratio of 4:1.
    - ii) The type of vegetation to be removed must be shown on the drawing.
    - iii) The source of the material, such as lake number (lake #) for each stock-pile must be indicated on the drawing.
    - iv) Clearing to store excess fill will be permitted in maximum blocks of 25 acres at a time. When a 25-acre **BLOCK** is nearing capacity, permission to excavate additional 25-acre **BLOCKS** may be applied for.
  - d) To allow for safety during tree removal, if a developer owns contiguous single family lots, the trees on the single family lots directly **ADJACENT** to a **LOT** where a house is under construction may be removed, if removal at a future date may be a danger

to life or property. A VRSFP must be granted prior to removal of these trees.

- e) Revegetation: For VRSFPs within **SUBDIVISIONS**, a revegetation bond in the form of a performance bond, letter of credit, or cash bond and in the amount of \$5,000.00 per acre must be posted.
- f) When fill is used to bring **BUILDING LOTS** to desired construction elevations, those lots shall immediately be seeded, to prevent erosion and exotic seed infestation.
- g) Any stockpile in place for more than six months must be sodded or hydroseeded. Failure to do so within 14 calendar days of notification by the county will result in a fine of \$10.00 per acre, per day.
- h) In the event that any portion of the stockpile is in place for two years, the county will order the fill to be removed and the land to be revegetated.
- i) The density and type of revegetation shall closely match nearby ecosystems, but shall not be less than 64 trees per acre with associated mid-story and groundcover.

## 2. Native Habitats

**DEVELOPMENTS** shall identify, protect, conserve, incorporate and use native vegetative communities pursuant to Chapters 4 and 10 and identify, protect and conserve wildlife habitat.

### B. Protection of **NATIVE VEGETATION** on coastal barriers.

**NATIVE VEGETATION** retention or revegetation shall be in compliance with the requirements of section 3.05.07 and shall incorporate at a minimum the preservation and revegetation standards as follows:

1. **NATIVE VEGETATION** shall be preserved to the maximum extent possible. To the extent that **NATIVE VEGETATION** cannot be retained on-site and the remaining **NATIVE VEGETATION** can be supplemented without degrading or damaging its natural function, then the existing **NATIVE VEGETATION** shall be supplemented with compatible vegetation on-site.

2. All beachfront land **DEVELOPMENT** projects shall be required to revegetate the **DUNE** where the **DUNE** is devoid of coastal **DUNE** vegetation.

3. All land **DEVELOPMENT** projects shall provide 100 percent native Southern Floridian species within their required landscaping and

**BUFFERING** standards as established within this section 4.06.00.

4. Appropriate coastal **DUNE** or strand vegetation shall be required as the only stabilizing medium in any coastal barrier **DUNE** or strand vegetation restoration program.

**D. Credit for Tree Preservation**

Existing trees may be credited towards meeting the minimum tree planting requirements according to the formula in table 4.06.04 D. Fractional measurements shall be attributed to the next lowest category.

**TABLE 4.06.04 D. CALCULATION OF TREE PRESERVATION CREDITS**

Existing Crown Spread of Preserved Trees	or	Diameter of Tree at 4.5 Feet Above Natural Grade	=	Number of Tree Credits
50 feet or greater	or	26 inches or greater	=	3
40 to 49 feet	or	20 to 25 inches	=	2
30 to 39 feet	or	13 to 19 inches	=	2
20 to 29 feet	or	8 to 12 inches	=	1*
10 to 19 feet	or	2 to 7 inches	=	1*
Less than 10 feet	or	1 1/2 to 2 inches	=	1*

\*Credited against equivalent required tree only.

1. *Trees excluded from preservation credit.* No credit shall be given for preserved trees which:

- a. Are not located within the areas of the property for which trees are required by the Code;
- b. Are located in required natural preservation areas indicated on an approved master land use plan, site **DEVELOPMENT PLAN** or plat;
- c. Are required to be preserved by federal, state or local law, such as mangroves;
- d. Are not properly protected from damage during the construction process, as provided in section 4.06.05 C.10.;
- e. Are prohibited species identified in section 4.06.05 C.8.;
- f. Are dead, dying, diseased, or infested with harmful insects;
- g. Are located in recreation tracts, golf courses or similar subareas

within planned **DEVELOPMENTS** which are not intended to be developed for residential, commercial or **INDUSTRIAL USE** (unless **ABUTTING** said use, and the required **BUFFER** width is dedicated on the plat as a **LANDSCAPE BUFFER EASEMENT**); or

h. Are not located within the boundaries of the **PARCEL**.

#### **4.06.05 General Landscaping Requirements**

##### **A. Landscaping requirements for residential DEVELOPMENT**

Landscaping for all new **DEVELOPMENT**, including single-family, two-family, multifamily and **MOBILE HOME DWELLING UNIT**, shall include, at a minimum, the number of trees set forth below. Areas dedicated as preserves and conservation areas shall not be counted to meet the requirements of this section. Existing trees and other minimum code required landscaping may be credited to meet these requirements pursuant to section 4.06.05 E. Trees shall meet the requirements of section 4.06.05 C. Existing residential **DEVELOPMENT** that does not meet the minimum landscaping requirements of this Code shall be required to install the required landscaping before a certificate of occupancy is granted for any improvements to the property.

1. *Residential DEVELOPMENTS.* One canopy tree per 3,000 square feet of **LOT** area, or two canopy trees per **LOT**, whichever is greater, with the maximum number required: 15 trees per **LOT**.

2. *Multifamily DEVELOPMENTS.* One canopy tree per 2,000 square feet of pervious site area excluding preserves. This is in addition to other requirements.

##### **B. Landscaping requirements for industrial and commercial DEVELOPMENT**

1. *Industrial and commercial DEVELOPMENTS.* One canopy tree per 3,000 square feet of pervious site area, or one canopy tree per **LOT**, whichever is greater.

2. *Communication TOWERS.* An eight-foot high, 100 percent architecturally finished opaque wall must screen the security fencing that surrounds a **TOWER** base. In addition, landscaping must be located on the outside of such wall. The hedge requirement must also be planted around any ground level guy anchors. The entire perimeter of this wall shall be landscaped in at least one of the following ways so as to provide the equivalent of minimum code size trees located 25 feet on center and a three-foot high hedge planted three-feet on

center.

a. If **NATIVE VEGETATION** is present within the **PARCEL**, a minimum 20 foot wide **BUFFER** strip must be preserved and used toward meeting the tree and hedge planting requirement.

b. If **NATIVE VEGETATION** is present, but not dense enough to meet the equivalent of the tree and hedge requirements, it must be supplemented with plantings to meet the tree and hedge requirements.

c. On sites where no **NATIVE VEGETATION** is present, a 15 foot wide **LANDSCAPE BUFFER** with minimum code size trees located 25 feet on center and a three foot high hedge planted three feet on center must be planted.

At the discretion of the county landscape architect, some or all of these **LANDSCAPE BUFFERING** requirements may be displaced to a **RIGHT-OF-WAY LANDSCAPE BUFFER** located within the **PARCEL** when it better serves the public interest of screening the communication **TOWER**.

3. *Littoral shelf planting area (LSPA)*. All **DEVELOPMENTS** that create lake areas shall provide a littoral shelf planting area in accordance with section 3.05.10.

4. *BUILDING foundation planting areas*. All **SHOPPING CENTER**, retail, office, apartments, **CONDOMINIUMS**, clubhouses and similar uses must provide **BUILDING** foundation planting in the amount of ten percent of proposed **BUILDING** ground level **FLOOR AREA**. These planting areas must be located **ADJACENT** to the primary public **BUILDING** entrance(s) and/or primary **STREET** elevation and must consist of landscape areas, raised planters or planter boxes that are a minimum of five-feet wide. These areas must be landscaped with trees and/or palms in the amount of one tree or palm equivalent per 250 square feet; shrubs and ground covers other than grass. Water management areas must not be a part of this planting area. Parking **LOT** islands will not count towards this requirement.

5. *BUILDING foundation planting requirements for tall BUILDINGS greater than 3 stories or 35 feet in height; and/or section 5.05.08 BUILDINGS with a footprint greater than 20,000 square feet and/or parking garage STRUCTURES*. Note: **BUILDINGS** subject to the requirements of this section are not subject to the requirements of the previous section 4.06.05 B.3.

a. The minimum width of **BUILDING** foundation planting areas

must be measured from the base of the **BUILDING** and must relate to the **ADJACENT BUILDING's** wall height as herein defined as follows:

<i>Adjacent <b>BUILDING's</b> Wall Height:</i>	<i>Foundation Planting Width (contiguous around perimeter of <b>BUILDING</b>):</i>
<b>BUILDING</b> height wall less than 35 feet	10 feet
<b>BUILDING</b> wall height between 35 feet and 50 feet.	15 feet
<b>BUILDING</b> wall height greater than 50 feet.	20 feet.

b. Trees required by this section must be of an installed size relating to the **ADJACENT BUILDING's** wall height, as defined below:

<i><b>BUILDING's</b> Wall Height (feet)</i>	<i>Tree Height (feet)</i>	<i>Tree Canopy Spread (feet)</i>	<i>Palm Height (feet)</i>
35 to 50	14 to 16	7	16
greater than 50	16 to 18	8	20

**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 forth 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 standards.

At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements shall be native Southern Floridian species 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 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 undeveloped and developed coastal barrier islands, all required landscaping shall be 100 percent native Southern Floridian species.

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). Reference to be used in the native determination 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.

Where xeric plants are to be utilized, use the South Florida Water Management District, Xeriscape Plant Guide (as amended) as a reference.

2. *Trees and palms.* All required new individual trees, shall be species having an average mature spread or crown of greater than 20 feet in the Collier County area and having trunk(s) which can be maintained in a clean condition over five feet of clear wood. Trees **ADJACENT** to walkways, bike paths and **RIGHTS-OF-WAY** shall be maintained in a clean condition over eight feet of clear wood. Trees having an average mature spread or crown less than 20 feet may be substituted by grouping the same so as to create the equivalent of 20-foot crown spread. For code-required trees, at least 50 percent of the trees at the time of installation shall be a minimum of ten feet in height, have a 1 3/4-inch caliper (at 12 inches above the ground) and a four-foot spread. The remaining code-required canopy trees, at the time of installation, shall be at least eight feet in height, have a 1 1/2-inch caliper (at 12 inches above the ground) and a three-foot spread.

A grouping of three palm trees will be the equivalent of one canopy tree. Exceptions will be made for *Roystonea* spp. and *Phoenix* spp. (not including *roebelenii*) which shall count one palm for one canopy tree. Palms may be substituted for up to 30 percent of required canopy trees with the following exceptions. No more than 30% of canopy trees may be substituted by palms (or palm equivalent) within the interior of a **VEHICULAR USE AREA** and within each individual Type D road **RIGHT-OF-WAY LANDSCAPE BUFFER**. Palms must have a minimum of ten feet of clear trunk at planting.

All new trees, including palms, shall be of a species having an average mature height of 15 feet or greater.

3. *Tree species mix.* When more than ten trees are required to be planted to meet the requirements of this Code, a mix of species shall

be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted are indicated below.

#### REQUIRED SPECIES MIX

Required Number of Trees	Minimum Number of Species
11--20	2
21--30	3
31--40	4
41+	5

4. *Shrubs and hedges.* Shrubs shall be a minimum of 24 inches in height above the **ADJACENT** pavement surface required to be **BUFFERED** and/or screened when measured at time of planting, grown in a three-gallon container, and be spaced 18 to 36 inches on center. They shall be at least 36 inches in height within 12 months of time of planting and shall be maintained at a height of no less than 36 inches above the **ADJACENT** pavement required to be **BUFFERED** and/or screened in perpetuity, except for visibility at intersections and where pedestrian **ACCESS** is provided. Hedges, where required, shall be planted in double staggered rows and maintained so as to form a continuous, unbroken, solid visual screen within a minimum of one year after time of planting. Where **BUFFERING** and/or screening is required, shrubs shall be planted and maintained at a height as specified in section 4.06.02 C. of this Code, except where **STREET** visibility is required. Double staggered rows of hedges shall be required only in type D **BUFFERS**.

5. *Ground covers.* Ground cover shall be installed in a manner which presents a finished appearance and complete coverage. Stone, gravel, or any artificial ground cover shall not be utilized for more than 20 percent of the landscaped area. Use of native ground covers is encouraged.

6. *Organic mulch requirements.* A two-inch minimum layer after watering-in of organic mulch shall be placed and maintained around all newly installed trees, shrubs, and ground cover plantings. Each tree shall have a ring of organic mulch no less than 12 inches beyond its trunk in all directions. No more than 25 percent by volume of the mulch used on a site may be cypress mulch.

7. *Lawn grass.* Grassed areas shall be planted with species normally grown in permanent lawns common to the Collier County area.



Grassed areas may be sodded, plugged, sprigged, or seeded provided solid sod shall be used in swales or other areas subject to erosion and provided further, in areas where other than solid sod or grass seed is used, nursegrass seed shall be sown for immediate ground coverage until permanent coverage is achieved. The use of drought-tolerant species is advised.

8. *Site-specific plant material.* Trees and other vegetation shall be planted in soil and climatic conditions which are appropriate for their growth habits. The County Manager or his designee shall review and approve land plans based on the following criteria. Required plants used in the landscape design shall be:

- a. Appropriate to the conditions in which they are to be planted (including drought, salt and cold tolerance).
- b. Have noninvasive growth habits.
- c. Encourage low maintenance.
- d. Be otherwise consistent with the intent of this division.

9. *Non code trees.* The following plant species may be planted but shall not count towards required code trees:

- a. Eucalyptus spp. (eucalyptus).
- b. Grevillea robusta (silk oak).

10. *Control species.* The following plant species shall not be planted within 500 feet of conservation **EASEMENTS** and retained natural vegetation areas:

- a. Broussonetia papyrifera (paper mulberry).
- b. Wedelia trilobata (wedelia).

11. *Landscape **BERMS**.* All perimeter landscape **BERMS** over two feet in height shall meet or exceed the minimum standards as set forth herein. All grassed **BERMS** shall have side slopes no greater than four to one. **BERMS** planted with ground cover and landscaping shall have side slopes no greater than three to one. The toe of the slope shall be set back a minimum of five feet from the edge of all **RIGHT-OF-WAY** and property lines. Existing **NATIVE VEGETATION** shall be incorporated into the **BERMS** with all slopes fully stabilized and landscaped with trees, shrubs, and ground cover. Landscape **BERMS**

shall not be placed within **EASEMENTS** without written approval from all entities claiming an interest under said **EASEMENT**.

a. *Landscape **BERMS** located adjacent to Interstate 75 **RIGHT-OF-WAY** (I-75). **BERMS** located **ADJACENT** to the I-75 **RIGHT-OF-WAY** may be reduced to a maximum slope of 2:1. Such **BERMS** shall be planted with native ground cover over an erosion control fabric, and native trees placed at 25 feet on center, equal in height to the height of the **BERM** and located within a minimum ten-foot wide level planting area.*

12. Plants used for Mitigation according to the procedures set out in Chapters 4 and 10.

a. All plants used for mitigation shall be native Florida species.

b. All plants used for mitigation shall be from a legal source and be graded Florida No. 1 or better, as graded by the Florida Department of Agriculture and Consumer Services' Grades and Standards for Nursery Plants (Charles S. Bush, 1973, Part 1 and 2). All plants not listed in Grades and Standards for Nursery Plants shall conform to a Florida No. 1 as to: (1) health and vitality, (2) condition of foliage, (3) root system, (4) freedom from pest or mechanical damage, (5) heavily branched and densely foliated according to the accepted normal shapes of the species or sport. Trees shall be a minimum of 14 feet tall at the time of planting and shall have a minimum dbh (**DIAMETER AT BREAST HEIGHT**) of three inches.

c. The plants proposed for planting must be temperature tolerant to the areas they are to be planted in. The South Florida Water Management District's Xeriscape Plant Guide II shall be used in determining the temperature tolerances of the plants.

d. The existing soil types shall be identified. Plants proposed for planting shall be compatible with the soil type. The 1954 or the 1992 soil survey of Collier County shall be used to determine if the plants proposed for planting are compatible with the existing or proposed soil types.

e. The source and method of providing water to the plants shall be indicated on the plan and subject to review and approval.

f. A program to control **PROHIBITED EXOTIC VEGETATION** in the mitigation area shall be required.

#### D. Existing Plant Communities

Existing plant communities and ecosystems shall be maintained in a natural state and shall not be required to be irrigated. Native plant areas that are supplements to an existing plant community or newly installed by the **APPLICANT** shall be irrigated on a temporary basis only during the period of establishment from a temporary irrigation system, water truck, or by hand watering with a hose.

1. *Existing plant material.* In meeting the requirements of landscaping, the planning services director may permit the use of healthy native plant material existing on-site. In so doing, the planning services director may adjust the application of the standards of these regulations to allow credit for such existing plant material, provided, he may not permit the reduction of required percentages of a landscaped area or reduction in numbers of trees or shrubs required, unless otherwise allowed pursuant to section 4.06.05 E. Removal of vegetation is subject to the vegetation removal, protection, and preservation section (contained in this section).

2. All new **DEVELOPMENT** shall retain existing **NATIVE VEGETATION** to the maximum extent possible. Existing **NATIVE VEGETATION** shall be retained unless stormwater management design, necessary **GRADE** changes, required infrastructure or approved construction footprints necessitate its removal. The need to remove existing vegetation shall be demonstrated by the **APPLICANT** as a part of the site/construction plan review process. Areas of retained vegetation shall be preserved in their entirety with all trees, understory, and ground covers left intact and undisturbed provided that prohibited exotic plant materials as defined herein are to be removed.

3. During construction, all reasonable steps necessary to prevent the destruction or damaging of existing vegetation shall be taken. No excess soil, additional fill, equipment, liquids, or construction debris shall be placed within the dripline of any vegetation that is required to be preserved, or that will be credited towards the required landscaping.

4. Protective barriers shall be installed and maintained beyond the dripline of all retained vegetation unless site improvements prohibit installation of barriers beyond the dripline, and shall remain in place for the duration of the construction process phase.

#### E. Prohibited Plant Materials

1. *Prohibited species.* The following plant species shall not be planted:

- 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.

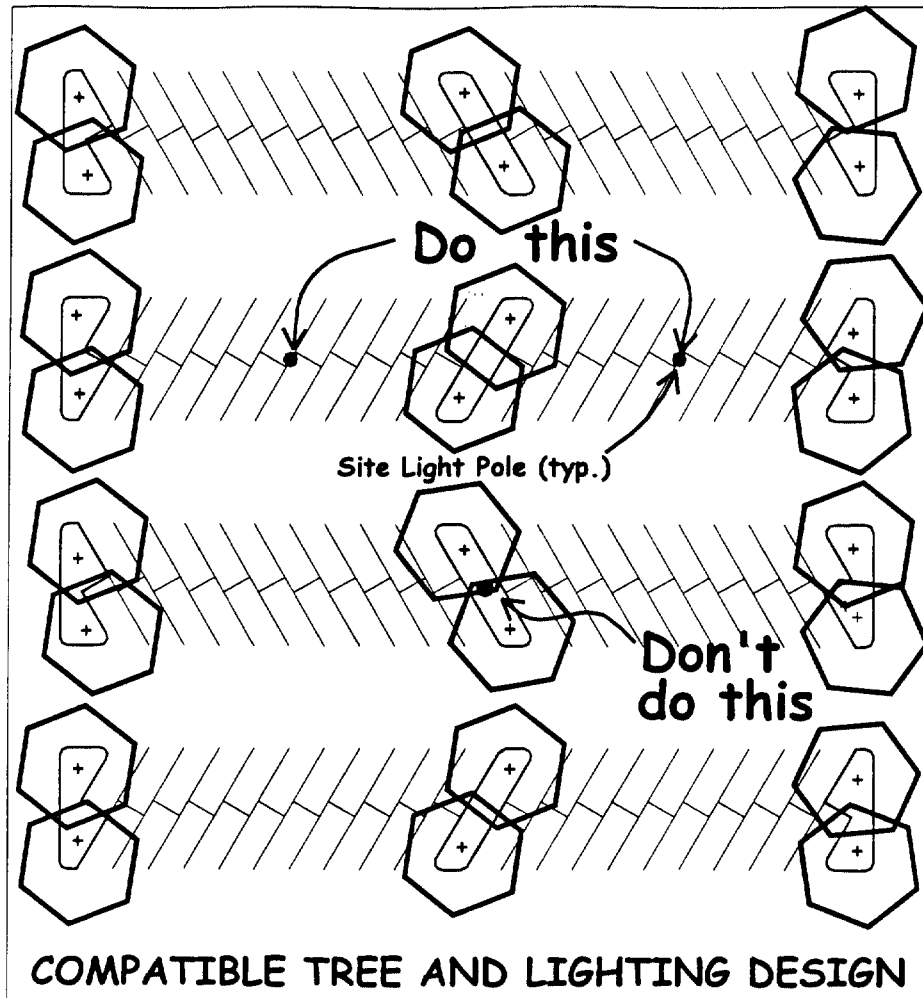
F. Requirements to remove prohibited plant materials

For these requirements, see section 3.05.08 of this code.

G. Installation requirements for plant materials

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.

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, circulation, etc.). Trees shall not be placed where they interfere with site drainage, subsurface utilities, or overhead utility lines, or where they shall require frequent pruning in order to avoid interferences with overhead power lines. 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).



**Figure X** Compatible Tree and Lighting Design

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**.

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.

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**.

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.

In instances where an act of God or conditions outside the control of the **APPLICANT** have prevented immediate installation, the planning services director, 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.

#### H. Location requirements for plant materials

1. *Signage located within/adjacent to **LANDSCAPE BUFFER** area.* All trees and shrubs located within **LANDSCAPE BUFFER** shall be located so as not to block the view of signage as shown in Figure 4.06.05 H. below, Signage **ADJACENT** to **LANDSCAPE BUFFER**. **SIGN** locations shall be shown on the landscape plan and 100 square feet of landscaping shall be provided as required by section 5.06.01. Where specimen trees exist, the signage **SETBACK** location may be administratively reduced per the requirements of section 5.06.00 of this Code required plantings shall progress in height away from the **STREET**.

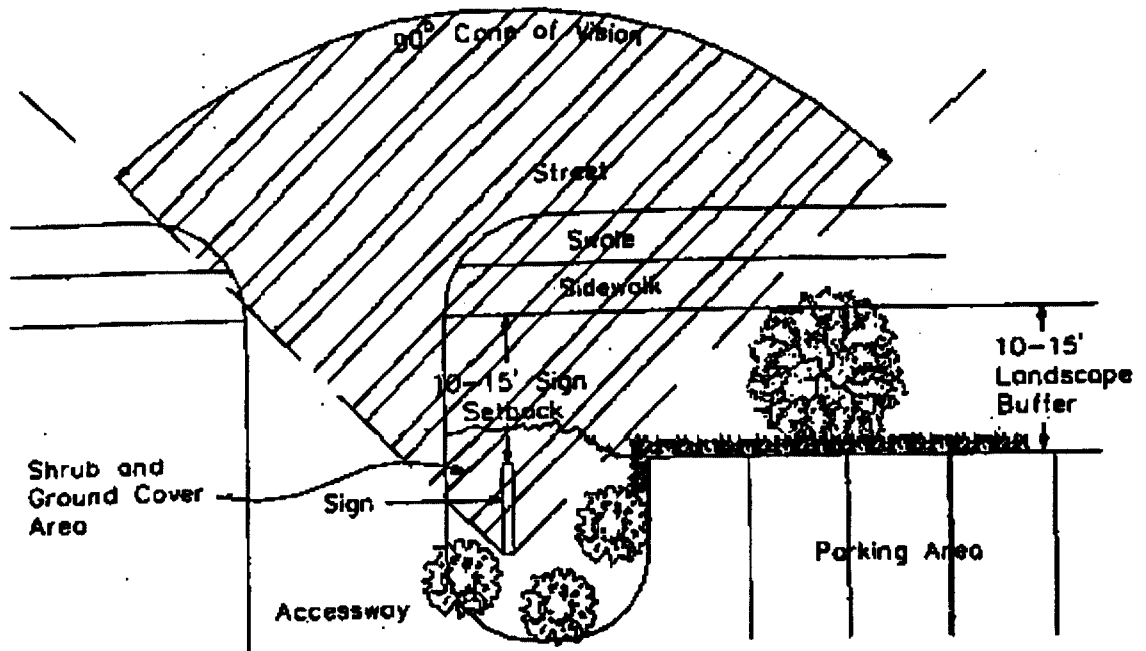


Figure 4.06.05 H. - Signage ADJACENT to LANDSCAPE BUFFER

#### I. Standards for landscape **BERMS**

All perimeter landscape **BERMS** over two feet in height shall meet or exceed the minimum standards as set forth herein. All grassed **BERMS** shall have side slopes no greater than four to one. **BERMS** planted with ground cover and landscaping shall have side slopes no greater than three to one. The toe of the slope shall be set back a minimum of five feet from the edge of all **RIGHT-OF-WAY** and property lines. Existing **NATIVE VEGETATION** shall be incorporated into the **BERMS** with all slopes fully stabilized and landscaped with trees, shrubs, and ground cover. Landscape **BERMS** shall not be placed within **EASEMENTS** without written approval from all entities claiming an interest under said **EASEMENT**.

1. *Landscape **BERMS** located adjacent to Interstate 75 **RIGHT-OF-WAY** (I-75). **BERMS** located ADJACENT to the I-75 **RIGHT-OF-WAY** may be reduced to a maximum slope of 2:1. Such **BERMS** shall be planted with native ground cover over an erosion control fabric, and native trees placed at 25 feet on center, equal in height to the height of the **BERM** and located within a minimum ten-foot wide level planting area.*



J. Maintenance of landscaping

1. *Pruning.* Vegetation required by this Code shall only be pruned to promote healthy, uniform, natural growth of the vegetation except where necessary to promote health, safety, and welfare and shall be in accordance with the current Tree, Shrub, and Other Woody Plant Maintenance - Standard Practices ANSI A300 " of the National Arborist Association. Trees shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. Severely pruned trees shall be replaced by the owner. A plant's growth habit shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead power lines, lighting, circulation, **SIDEWALKS, BUILDINGS**, and similar conflicts).

2. *Maintenance.* The owner shall be responsible for the continued maintenance and upkeep of all required landscaping so as to present a healthy plant in a condition representative of the species. Tree and Palm staking shall be removed between six and 12 months after installation. All landscapes shall be kept free of refuse, debris, disease, pests, and weeds and shall be fertilized and irrigated to maintain plants in a healthy condition. Special maintenance requirements necessary to preserve the landscape architect's design intent shall be noted on the planting plan. Ongoing maintenance to prohibit the establishment of prohibited exotic species is required. Any plant materials of whatsoever type or kind required by these regulations shall be replaced within 30 days of their demise and/or removal. Code Enforcement will inspect areas affected by this Code and issue citations for violations. If the required corrective action is not taken within the time allowed, the county may use any available means of enforcement to secure compliance. These shall include, but not be limited to the following:

- a. Prosecution before the Collier County Code Enforcement Board;
- b. Prosecution by the State Attorney's Office as provided by Florida Statutes;
- c. Withholding of any permit, construction plan approval, certificate of occupancy, or inspection by the county;
- d. Placing a lien on the property, to include all administrative, legal, material and installation costs.

K. Irrigation system requirements

1. *Cultivated landscapes.* Cultivated landscape areas shall be provided with an automatic irrigation system to improve the

survivability of the required landscaping. Sprinkler heads irrigating lawns or other high water demand areas shall be zoned separately from those irrigating trees, shrubbery, ground cover, flowers, or other reduced water requirement areas. Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering "high water" requirement areas at different frequencies and duration than "low water requirement areas. Landscaping shall be watered on an as-needed basis only.

Irrigation systems shall be designed for the zoning of high and low water use areas. Heads shall be designed for 100 percent head-to-head coverage unless specified by the manufacturer. These requirements may be adjusted for retention areas. The irrigation system shall be designed and installed in accordance with the Florida Irrigation Society, Standards and Specifications for Turf and Landscape Irrigation Systems (as amended). Irrigation systems utilizing well water shall be designed and maintained in a manner which eliminates staining of the **BUILDING**, walks, walls, and other site improvements. All systems shall be designed to eliminate the application of water to **IMPERVIOUS AREAS**. Irrigation systems, other than drip or soaker hose systems, shall be operated between the hours of midnight and 10:00 a.m., unless the operation of multiple zones requires additional time. South Florida Water Management District (SFWMD) or other utility company water use restrictions shall supersede these requirements. There are no operational requirements for irrigation systems utilizing effluent.

All new residential, commercial, and industrial **DEVELOPMENTS** shall be irrigated by the use of an automatic irrigation system with controller set to apply water in a manner consistent with this division. Moisture detection devices shall be installed in all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall. Where existing irrigation systems are modified requiring the acquisition of a permit, automatic activation systems and overriding moisture detection devices shall be installed in compliance with this section.

#### **4.06.06 SPECIAL BUFFER REQUIREMENTS FOR THE TTRVC ZONING DISTRICT**

A. *Required **BUFFERS***. Visual screens are required in the following areas:

1. TTRVC parks fronting on a highway shall provide and maintain a clear area not less than 20 feet in width alongside and parallel to the highway. There shall be an additional landscaped area of five

feet inside the entire length of the clear area. The landscape plan for this area will be determined at time of submission of a site **DEVELOPMENT PLAN** pursuant to Chapter 10. The entire clear area and landscape area may be combined to achieve a visual screen between the public road and the TTRVC park.

2. TTRVC parks **ABUTTING** lands zoned other than for such parks shall be screened from such land by a **BUFFER** strip at least 15 feet wide, in which ornamental screening composed of structural or plant material shall be placed. Such screen shall be maintained at all times and constructed in accordance with the landscape provisions of section 4.06.00.

#### 4.07.00 DESIGN STANDARDS FOR PLANNED UNIT DEVELOPMENTS

##### 4.07.01 Unified Control

All land included for purpose of rezoning to a PUD zoning district shall be owned or under the control of the **APPLICANT**, whether that **APPLICANT** be an individual, partnership or corporation, or a group of individuals, partnerships or corporations.

##### 4.07.02 Design Requirements

In addition to all general provisions and procedures established in in this section , the following specific requirements, limitations and standards shall apply to all PUD districts except that section 4.07.02 D. shall not apply when there is no residential component within the PUD and section 4.07.03 shall not apply when there is no industrial component in the PUD.

###### A. Minimum area.

1. The minimum area required for a PUD shall be ten (10) contiguous acres except as otherwise provided for within a specific zoning or overlay district, or when located within an activity center or within the urban fringe areas as designated on the future land use map of the GMP where no minimum acreage requirements must be met.
2. For infill **PARCELS**, as defined in Chapter 1 and the GMP, the minimum area required for a PUD shall be two (2) contiguous acres. For purposes of the planned unit **DEVELOPMENT** district only, the term "contiguous" shall include properties separated by either an intervening planned or developed public **STREET RIGHT-OF-WAY**; provided, however, no portion of such separated properties shall be less than five (5) acres.

###### B. External relationships.

1. **DEVELOPMENT** within a PUD district shall be compatible with established or planned uses of surrounding neighborhoods and property.

2. The PUD shall provide protection of the **DEVELOPMENT** from potentially adverse surrounding influences and protection of the surrounding area from potentially adverse influences generated by or within the PUD. Fences, walls, or vegetative screening at the boundaries of PUD districts shall be provided, at a minimum, in accordance with the landscaping/**BUFFERING** requirements of section 4.06.00 to protect residents from undesirable views, lighting, noise, or other adverse off-site influences, or to protect residents of adjoining districts from similar possible influences from within the PUD district.
3. In all cases, screening shall, at a minimum, be designed to protect existing or potential first-floor residential occupant window levels.
4. Off-**STREET** parking areas for five (5) or more cars, service areas for loading or unloading vehicles other than passengers, and areas for storage and collection of trash and garbage shall be so screened.

C. Internal relationships.

The **DEVELOPMENT PLAN** for a PUD district shall provide for safe, efficient, convenient, and harmonious grouping of **STRUCTURES**, uses and facilities, and for appropriate relation of space inside and outside **BUILDINGS** to intended uses and structural features.

D. **RESIDENTIAL DENSITY.**

1. The overall maximum **RESIDENTIAL DENSITY** permissible or permitted in a PUD shall be calculated by dividing the total number of **DWELLING UNITS** by the total of gross acreage of the proposed PUD excluding the acreage of the areas designated for commercial, industrial, or other land use having an established equivalent **RESIDENTIAL DENSITY** in this LDC.
2. The maximum **DENSITY** permissible or permitted in a PUD shall not exceed the **DENSITY** permissible under the **DENSITY** rating system, or applicable policies contained in the future land use element. Land use intensities for nonresidential uses shall be governed by provisions of the most similar use district or as otherwise provided in these regulations.
3. The BCC may lessen **DENSITY** or intensity of **DEVELOPMENT** when it has been determined that **DEVELOPMENT** to the maximum **DENSITY** or intensity permissible in this section would:
  - a. Create inconvenient or unsafe **ACCESS** to the PUD; or
  - b. Create traffic congestion in the **STREETS** which adjoin or lead to the PUD; or
  - c. Place a burden on parks, recreational areas, schools, and other facilities which serve or are proposed to serve the PUD; or

- d. Be in conflict with the intent or provisions of the GMP; or
  - e. Create a threat to property or incur abnormal public expense in areas subject to natural hazards; or
  - f. Be incompatible or inconsistent with surrounding neighborhoods or areas; or
  - g. Otherwise be inappropriate.
- E. Minimum dimensional standards.
1. Except as provided for within the industrial and neighborhood **VILLAGE CENTER** component of this section, dimensional standards within any tract or increment of the proposed PUD shall conform to the minimum dimensional and other standards of the zoning district to which it most closely resembles in type, **DENSITY**, and intensity of use. Where there is uncertainty, the more restrictive standards shall apply.
  2. Variation from these minimum dimensional standards may be approved if the PUD demonstrates unique or innovative design. For purposes of this section, examples of unique and innovative design may include, but are not limited to:
    - a. Providing usable **COMMON OPEN SPACE** within individual tracts or increments to offset and compensate for decreases in typical **LOT** sizes or **YARD** requirements.
    - b. Providing for public **ACCESS** to **OPEN SPACE** areas beyond the boundaries of the property.
    - c. The use(s) occurring within the PUD are such that **COMPATABILITY** with surrounding uses can be assured by applying different requirements than would be applicable under another zoning district.
    - d. Providing places for public assembly such as parks and plazas which are linked together and centrally located to ensure accessibility.
    - e. Siting **BUILDINGS** and **DWELLING UNITS** to provide optimum **ACCESS** to **OPEN SPACE** areas.
    - f. Providing for the integration and preservation of natural resources with **DEVELOPMENT**, through conservation of natural resources such as streams, lakes, **FLOOD PLAINS**, groundwater, wooded areas and areas of unusual beauty or importance to the natural ecosystem.
    - g. Providing certain personal services, offices and convenience shopping goods to residents of the PUD having the effect of reducing the number of vehicular trips for these purposes to destinations outside of the PUD.

3. Submission of schematic architectural drawings, site plans, floor plans, elevations, and perspectives which shall graphically demonstrate the proposed reduction in dimensional standards for all proposed land use types and their **ACCESSORY** uses within the PUD shall also be required to provide support documentation for reduction in the minimum standards of the LDC.
  4. Where required side **YARD SETBACKS** are permitted to be zero (0), a site improvement plan, pursuant to Chapter 10, of this LDC shall be approved prior to issuance of a **BUILDING** permit.
- F. Off-**STREET** parking and off-**STREET** loading requirements shall be as for comparable type, **DENSITY** and intensity of uses established in the PUD. No parking spaces on or within any public or private road or travelway shall be counted in fulfilling the required number of spaces. Landscaping for vehicular areas shall be as established in section 4.06.00.
- G. **OPEN SPACE** requirements.
1. **USABLE OPEN SPACE** shall include active and passive recreation areas such as playgrounds, golf courses, lakes, both natural and manmade, **BEACH FRONTAGE**, waterways, lagoons, **FLOOD PLAINS**, nature trails, and similar **OPEN SPACES**. Open water areas beyond the perimeter of the site, internal **STREET RIGHTS-OF-WAY**, **DRIVEWAYS**, off-**STREET** parking areas, and off-**STREET** loading areas shall not be counted in determining **USABLE OPEN SPACE**.
  2. Within PUD districts composed entirely of residential **DWELLING UNITS** and **ACCESSORY USES**, at least sixty (60) percent of the gross area shall be devoted to **USABLE OPEN SPACE**.
  3. Within PUD districts containing commercial, industrial and mixed use including residential, at least thirty (30) percent of the gross area shall be devoted to **USABLE OPEN SPACE**.
  4. An appropriate percentage of the gross project area shall be required to be dedicated to public use as **USABLE OPEN SPACE** for all **DEVELOPMENT** after a determination by the BCC that a public need exists for such public facilities and that the amount of area dedicated is directly related to the impacts or needs created by the proposed **DEVELOPMENT**.
- H. The desirable natural, historic, or archaeological features of the site including trees and other vegetation of consequence of a PUD district shall be preserved and protected. The disturbance of terrain or vegetation in a manner likely to significantly increase either wind or water erosion within or **ADJACENT** to the PUD district is prohibited.
- I. Within the residential portion of a PUD district, all utilities, including telephone, television cable, and electrical systems, shall be installed

underground; provided, however, appurtenances to these systems which require aboveground installation must be opaquely screened and thereby may be exempted from these requirements; and primary facilities providing service to the site of the **DEVELOPMENT** or necessary to service areas outside the district may be exempted from this requirement.

J. **STREETS**, drives, parking and service areas.

1. **STREETS**, drives, parking, and service areas shall provide safe and convenient **ACCESS** to **DWELLING UNITS** and project facilities, and for service and emergency vehicles and shall be otherwise consistent with the Collier County Functional Classification and Future Roadway Plans, as may be amended from time to time.
2. **STREETS** shall be laid out and constructed so as not to require excessive cuts or fills or to interfere with desirable drainage in or **ADJACENT** to the district.
3. In addition, all major arteries as shown on the master plan of **DEVELOPMENT** shall be limited **ACCESS** facilities and the only vehicular **ACCESS** thereto shall be public **STREETS** unless otherwise provided for within the approved PUD master plan.
4. Principal vehicular **ACCESS** points shall be designed to encourage smooth traffic flow and minimize hazards to vehicular or pedestrian traffic. Merging and turn lanes and/or traffic dividers shall be required where existing or anticipated heavy traffic flows indicate need. The interconnection of **COLLECTOR** and local **STREETS** within the PUD to **ADJACENT** lands or **DEVELOPMENTS** shall be required except where determined by the County Manager or designee that an interconnection is not feasible or warranted due to existing **DEVELOPMENT** patterns, transportation network needs, or the like. Interconnection of local **STREETS** shall be designed to discourage through traffic, and not adversely impact local **STREETS** in the neighboring residential areas. Where **STREETS** within the district intersect adjoining **STREETS**, visibility triangle shall be maintained.
5. All **STREETS** or roads within the PUD shall be public unless specifically identified and approved as private on the PUD master plan, and shall comply with all requirements for **STREETS** and roads as contained in section 4.03.00.

4.07.03 **Special Requirements for Industrial Planned Unit DEVELOPMENTS.**

- A. Industrial PUDs are intended to implement the industrial under criteria subdistrict as provided for in the urban designated areas on the future land use map.

1. The boundaries of the proposed PUD must be transitional, therefore, requiring uses along the perimeter to be compatible with non**INDUSTRIAL USES**.
  2. The project must have direct **ACCESS** to an **ARTERIAL**, or **COLLECTOR** level **STREET** or higher designation roadway, with an internal circulation system that prohibits industrial traffic from traveling through predominately residential areas.
  3. The PUD must have central water and sewer, and shall not generate light, noise or odors so as to be incompatible with surrounding land uses.
- B. In industrial PUDs, no **BUILDING** or **STRUCTURE**, or part thereof shall be erected, **ALTERED** or used, or land or water used, in whole or in part, for other than as described below.
1. Permitted **PRINCIPAL USES** and **STRUCTURES**.
    - a. Corporate headquarters.
    - b. Laboratories.
    - c. Light manufacturing, processing and packaging.
    - d. Medical laboratories, clinics, treatment facilities and research and rehabilitative centers.
    - e. Printing, lithographing and publishing.
    - f. Technological research, design and product **DEVELOPMENT**.
  2. Permitted **ACCESSORY** uses and **STRUCTURES**.
    - a. **ACCESSORY** uses and **STRUCTURES** customarily associated with the uses permitted in this district.
    - b. Recreational facilities such as a health spa, handball courts, or other similar recreational activities.
    - c. **RESTAURANTS**, or offices available for use by employees of businesses located within the permitted and **ACCESSORY** use **BUILDINGS**.
    - d. **CHILD CARE CENTERS**.
    - e. Wholesale and storage as **ACCESSORY** to the **PRINCIPAL USE**.
    - f. Retail sales and/or display areas as **ACCESSORY** to the **PRINCIPAL USE**, not to exceed an area greater than ten percent of the gross **FLOOR AREA** of the permitted **PRINCIPAL STRUCTURE**.
- C. **DEVELOPMENT** standards.
1. The land area requirements are shown in the following table.



**Table 20. Land Area Requirements for Industrial PUDs.**

	Minimum Area (acres)
Minimum PUD	10
Minimum area for infill parcels*	2
Minimum lot area	1

\*Requires determination of **COMPATABILITY**.

2. The minimum **LOT** width is 150 feet.
3. Minimum **YARD** requirements are shown in the following table.

**Table 21. Setback Requirements for Industrial PUDs.**

Yard	Minimum Setback (feet)
Front	50
Side, <b>ABUTTING</b> residentially zoned property	50
Side, all other situations	20
Rear	50

4. The maximum height of **STRUCTURES** is sixty-five (65) feet, except when **ABUTTING** residentially zoned property then thirty-five (35) feet.
5. When required, a fence shall be of masonry, wood, concrete block, or decorative iron or steel.
6. No outside storage or display shall be permitted. All manufacturing, processing and packing shall be conducted within a fully enclosed **BUILDING**.
7. Thirty (30%) percent of the gross PUD area shall be **USABLE OPEN SPACE**.
8. Environmental controls, soundproofing, lighting and emission controls shall be required to mitigate impacts of the **DEVELOPMENT** on surrounding residential property.

**4.07.04 Special Requirements for Mixed Use Planned Unit DEVELOPMENTS Containing a Commercial Component.**

**A. Applicability**

1. When a mixed use PUD containing a commercial tract or increment is located outside of an activity center, and is intended as a neighborhood **VILLAGE CENTER** offering personal services, offices and convenience goods for residents of the PUD, as provided for in the PUD Neighborhood **VILLAGE CENTER** subdistrict of the Future Land Use Element of the GMP, the following list of uses, regulations, **DEVELOPMENT** standards, and design guidelines shall apply.

2. In addition to the above commercial uses, the neighborhood **VILLAGE CENTER** may also contain recreational facilities and other amenities of the PUD, such as a clubhouse, community center or day care center.

**B. Design Standards**

1. The gross acreage of the neighborhood **VILLAGE CENTER** shall be sized in proportion to the number of housing units authorized in the PUD as follows. The maximum size shall be fifteen (15) contiguous acres.

**Table 22. Maximum Land Area in Neighborhood VILLAGE CENTER**

No. of Dwelling Units	Maximum Size of Neighborhood <b>VILLAGE CENTER</b> (Acres)
250 through 400	1.50
401 through 550	2.50
551 through 700	3.50
701 through 850	4.50
851 through 1,000	5.50
1,001 through 1,150	6.75
1,151 through 1,300	8.00
1,301 through 1,450	9.50
1,451 through 1,700	11.00
1,701 through 1,850	12.50
1,851 through 2,000	14.00
2,001+	15.00

2. The maximum **FLOOR AREA RATIO** for the commercial component is 0.25.
3. The neighborhood **VILLAGE CENTER** shall be a unified, and architecturally integrated, plan of **DEVELOPMENT** with common ownership of all of the property that comprises the neighborhood **VILLAGE CENTER**.
4. The following **LOCATIONAL CRITERIA** and functional operating characteristics shall characterize the neighborhood **VILLAGE CENTER**:
  - a. The neighborhood **VILLAGE CENTER** must be internally located within the PUD such that the site has no direct **ACCESS** to roads external to the PUD. The center must be located a minimum of 660 feet from the nearest external roadway providing **ACCESS** to the PUD. The center must be located a minimum of 330 feet from the perimeter boundaries of the PUD.
  - b. The neighborhood **VILLAGE CENTER** shall be located within a 1,760 foot radius {one-third (1/3) mile} of at least eighty (80%) percent of the total number of approved residential units.

- c. The neighborhood **VILLAGE CENTER** shall be pedestrian-friendly meaning minimal dependency upon **ACCESS** by automobiles and with location and design to encourage pedestrian **ACCESS**, which shall be reflected in the pedestrian walkway system for the entire PUD.
5. In recognition of the pedestrian-friendly design of the neighborhood **VILLAGE CENTER**, as required in section 4.07.04 B.4.c., the number of required off-**STREET** parking spaces shall only be fifty (50%) percent of that required by section 4.05.04 of the LDC. However, the number of off-**STREET** parking spaces provided shall not exceed (75%) percent of that required by section 4.05.04. In all other respects, off-**STREET** parking areas shall be designed in accordance with the provisions of section 4.05.00 of this LDC.
6. The neighborhood **VILLAGE CENTER** shall be subject to, and in compliance with, the design guidelines identified in section 5.05.08 of this LDC except as otherwise excepted or required herein.
7. **SIGNS**. A unified **SIGN** plan shall be submitted and made a part of the approval for the neighborhood **VILLAGE CENTER** site **DEVELOPMENT PLAN**. The approved unified **SIGN** plan will establish signage specifications and will therefore become the **SIGN** regulations that will apply to the neighborhood **VILLAGE CENTER**. The unified **SIGN** plan shall adhere to section 5.06.00 of this LDC, except that pole **SIGNS** are prohibited. **SIGNS** shall be designed so that their size and location are pedestrian-oriented.
8. No commercial **BUILDING** construction in the neighborhood **VILLAGE CENTER** shall be allowed until **BUILDING** construction has commenced on at least thirty (30) percent of the residential **DWELLING UNITS** in the PUD.

**4.07.05 Special Requirements for Research and Technology Park Planned Unit DEVELOPMENTS**

**DEVELOPMENT** in research and technology parks shall comply with the design requirements in the following table:

**Table 23. Dimensional Standards for Research and Technology Park PUDs**

Design Requirement	
Minimum lot area	20,000 square feet
Minimum lot width for lots <b>ABUTTING</b> arterial or collector roads	250 feet
Minimum lot width, all other lots	100 feet
<b>Setbacks</b>	
Front yard	25 feet
Side yard, abutting residentially zoned property	
Side yard, all other lots	25 feet
Rear yard	15 feet
All yards abutting residentially zoned or used	15 feet

property	25 feet
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**4.07.06 Provision of Polling Places.**

- A. At the time the BCC approves a zoning request to planned unit **DEVELOPMENT** (PUD) or any other residential **DEVELOPMENT** involving a project of more than 100 **DWELLING UNITS**, or at the time the BCC approves a PUD amendment, any residential project which will have a community recreation/public **BUILDING**/public room or similar common facility, shall be required to provide polling places in said community recreation/public **BUILDING**/public room if a polling place is determined to be necessary by the BCC. The board shall consider the recommendation of the supervisor of elections in reaching such determination.
- B. If a residential PUD or a residential project is a private **DEVELOPMENT** with a restricted and/or monitored entrance which limits **ACCESS** to residents of that **DEVELOPMENT**, their guests and necessary maintenance workers, a polling place may be required by the board to be provided in any community recreation/public **BUILDING**/public room or similar facility; however, the controlling entity of that private **DEVELOPMENT** may limit the use of the polling places to the residents of that private **DEVELOPMENT**.
- C. This commitment shall be guaranteed through the following mechanism: an agreement recorded in the official records of the clerk of the circuit court of Collier County, which shall be binding upon any and all successors in interest that acquire ownership of such commons areas including, but not limited to, **CONDOMINIUM** associations, homeowners' associations, or tenants' associations. This agreement shall provide for said community recreation/public **BUILDING**/public room or similar common facility to be used for a polling place if determined to be necessary by the supervisor of elections. The commitment also shall be included within the PUD document.
- D. The supervisor of elections is responsible for arranging use of said community recreation/public **BUILDING**/public room or other common facility for a polling place with the entity who controls said common facility prior to the election.
- E. **ACCESS** to the polling place shall be provided to all individuals arriving to vote or work at the polling place during official voting hours, including the time required to establish the polling place, tabulate and post the voting results

**4.08.00 RURAL LANDS STEWARDSHIP AREA ZONING OVERLAY DISTRICT STANDARDS AND PROCEDURES**

#### 4.08.01 Specific Definitions Applicable to the RLSA District

As used in the RLSA District Regulations, the terms below shall have the following meanings, set forth below, to the exclusion of any meanings ascribed to such terms in section 1.08.00:

- A. Accessory **DWELLING UNIT** – a **DWELLING UNIT** that is supplemental and subordinate to a primary dwelling on the same premises, limited to 900 square feet.
- B. Baseline Standards – Baseline Standards are the allowable uses, **DENSITY**, intensity and other land **DEVELOPMENT** regulations assigned to land within the RLSA District by the GMP, Collier County Land **DEVELOPMENT** Regulations and Collier County Zoning Regulations in effect prior to July 25, 2000, and subject to the further provisions of section 4.08.05.
- C. **BUILDING** Height – Refers to the vertical extent of a **BUILDING**. **BUILDING** height is measured in Stories.
- D. **BUILDING** Height to **STREET** Width Ratio – The maximum height of the tallest **BUILDING** divided by the width of the **STREET**. The **STREET** width is the distance between two **BUILDING FACADES**.
- E. Civic and Institutional Uses – **STRUCTURES** developed for and/or used by established organizations or foundations dedicated to public service or cultural activities including the arts, education, government and religion.
- F. Compact Rural **DEVELOPMENT** (CRD) – Compact Rural **DEVELOPMENTS** are a form of SRA that provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village. A CRD may include, but is not required to have permanent residential housing and the services and facilities that support permanent residents. An example of a CRD without permanent residential housing is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to eco-tourists, but may not provide for the range of services necessary to support permanent residents.
- G. Context Zones – Areas that establish the use, intensity and diversity within a town, village or hamlet. Context zones specify permitted land uses, FARs, **BUILDING** height, **SETBACKS**, and other regulating elements to guide the establishment of the urban to rural continuum.
- H. Designation – Application of the SSA or SRA concepts through a formal application, review, and approval process as described in the RLSA District Regulations.

- I. FSA – Flow way Stewardship Area – Privately owned lands delineated on the RLSA Overlay Map, which primarily include privately owned **WETLANDS** that are located within the Camp Keais Strand and Okaloacoochee Slough. FSAs form the primary **WETLAND** flow way systems in the RLSA District.
- J. Hamlet – Hamlets are a form of SRA and are small rural residential areas with primarily single-family housing and a limited range of convenience-oriented services. Hamlets serve as a more compact alternative to traditional five (5)-acre **LOT** rural **SUBDIVISIONS** currently allowed in the Baseline Standards.
- K. HSA – Habitat Stewardship Area – Privately owned lands delineated on the RLSA Overlay Map, which include both areas with natural characteristics that make them suitable habitat for listed species and areas without these characteristics. These latter areas are included because they are located contiguous to habitat with natural characteristics, thus forming a continuum of landscape that can augment habitat values.
- L. Landmark **BUILDING** – A prominent civic or institutional **BUILDING** that creates a significant community feature, focal point, or terminating vista.
- M. Land Use – Land Cover Indices – One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon land use and land cover characteristics as mapped using the Florida Land Use, Cover, and Forms Classification System (FLUCCS) (FDOT 1999). For purposes of assigning values, land use and land cover codes are grouped as follows: Group 1 (Codes 617, 6172, 621, 6218, 6219, 624, 630, 641, 643); Group 2 (Codes 321, 411, 4119, 425, 434, 439, 428); Group 3 (211, 212, 213, 214, 221, 222, 241, 242, 243, 250, 260, 261, 310, 329, 330, 422, 510, 521, 523, 533, 534); and Group 4 (all others).
- N. Land Use Layer (Layer) – Permitted and conditional land uses within the Baseline Standards that are of a similar type or intensity and that are grouped together in the same column on the Land Use Matrix.
- O. Land Use Matrix (Matrix) – The tabulation of the permitted and conditional land uses within the Baseline Standards set forth in Section 4.08.06 B.4., with each Land Use Layer displayed as a single column.
- P. Listed Species Habitat Indices – One of the indices comprising the Natural Resource Index Value, with values assigned based upon the habitat value of the land for listed species. Index values are based on documentation of occupied habitat as established by the intersect of documented and verifiable observations of listed species with land cover identified as preferred or tolerated habitat for that species. Land mapped, using FLUCCS, as 310, 321, 411, 425, 428, 434, 617, 6172,

621, 6218, 6219, 624, and 630 is deemed to be preferred or tolerated habitat for panthers for the purpose of assigning a value for these indices. An intersection of at least one data point establishing the presence of a listed species within a geographic information system (GIS) polygon of preferred or tolerated habitat for that species shall result in the entire polygon being scored as occupied habitat.

- Q. Natural Resource Index (Index) – A measurement system that establishes the relative natural resource value of each acre of land by objectively measuring six different characteristics of land and assigning an index factor based on each characteristic. The sum of these six factors is the Index value for the land. The six characteristics measured are: Stewardship Overlay Delineation, Proximity, Listed Species Habitat, Soils/Surface Water, Restoration Potential, and Land Use/Land Cover.
- R. Natural Resource Index Map Series (Index Maps) – The Rural Lands Study Area Natural Resource Index Map Series adopted as part of the GMP.
- S. Natural Resource Index Value (Index Value) – The sum of the values assigned to each acre, derived through the calculation of the values assigned to each of the six (6) characteristics included in the Index.
- T. Neighborhood Edge – A defining Context Zone that includes the least intensity and diversity within the town, village or hamlet. The zone is predominantly single-family residential and recreational uses. The Neighborhood Edge may be used to provide a transition to adjoining rural land uses.
- U. Neighborhood General – A defining Context Zone that creates community diversity with the inclusion of a mix of single and multi-family housing, neighborhood scale goods and services, schools, parks and other recreational uses, and **OPEN SPACE**.
- V. Neighborhood Goods and Services Zone – Zone located within the Neighborhood General Context Zone. These zones are intended to provide convenient neighborhood scale retail and office use within proximity to the residential uses in order to support community walkability.
- W. **OPEN SPACE** – **OPEN SPACE** includes active and passive recreational areas such as parks, playgrounds, ball fields, golf courses, lakes, waterways, lagoons, **FLOOD PLAINS**, nature trails, **NATIVE VEGETATION** preserves, landscape areas, public and private conservation lands, agricultural areas (not including **STRUCTURES**), and water retention and management areas. **BUILDINGS** shall not be counted as part of any **OPEN SPACE** calculation. Vehicular use surface areas of **STREETS, ALLEYS, DRIVEWAYS**, and off-**STREET**

parking and loading areas shall not be counted as part of any **OPEN SPACE** calculation.

- X. **PATHWAY** – A defined corridor for the primary use of non-motorized travel.
- Y. **Post Secondary Institution Ancillary Uses** – Any use or facility owned by a public or private post secondary institution that is of a type commonly found on public or private post secondary institution campuses.
- Z. **Proximity Indices** – One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon the proximity of the land to areas designated on the RLSA Overlay Map as FSA, HSA, or WRA and to either public or private preserve lands. No additional value shall be added under the Proximity Indices for land that is within an FSA, HSA, WRA, or public or private preserve.
- AA. **Restoration Potential Indices** – One of the indices comprising the Natural Resource Index Value of land, with values assigned based both upon the potential for restoration and the historic use or character of the land as a large mammal corridor, connector **WETLANDS** and flow way, wading bird habitat, or other listed species habitat.
- BB. **Restoration Zone** – Privately owned lands delineated on the RLSA Overlay Map that are located within 500 feet of an FSA, but are not otherwise included in an HSA or WRA.
- CC. **RLSA District – Rural Lands Stewardship Area Zoning Overlay District** – The area generally depicted on the Future Land Use Map and specifically depicted on the Official Zoning Atlas Map as the Rural Lands Stewardship Area Overlay, including lands within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment referred to in the State of Florida Administration Commission Final Order No. AC-99-002. The RLSA District generally includes rural lands in northeast Collier County lying north and east of Golden Gate Estates, north of the Florida Panther National Wildlife Refuge and Big Cypress National Preserve, south of the Lee County Line, and south and west of the Hendry County Line.
- DD. **RLSA Overlay Map** – The map entitled “Collier County Rural & Agricultural Area Assessment Stewardship Overlay Map,” which identifies those areas delineated as FSA, HSA, WRA, Restoration Zone, and Open.
- EE. **RLSA District Regulations** –LDC Section 4.08.00.
- FF. **Soils/Surface Water Indices** – One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon soil types classified using the following Natural Soils Landscape Positions (NSLP) categories: Open Water and Muck Depression Soils (NSLP Categories 1 and 5); Sand Depression Soils (NSLP Category

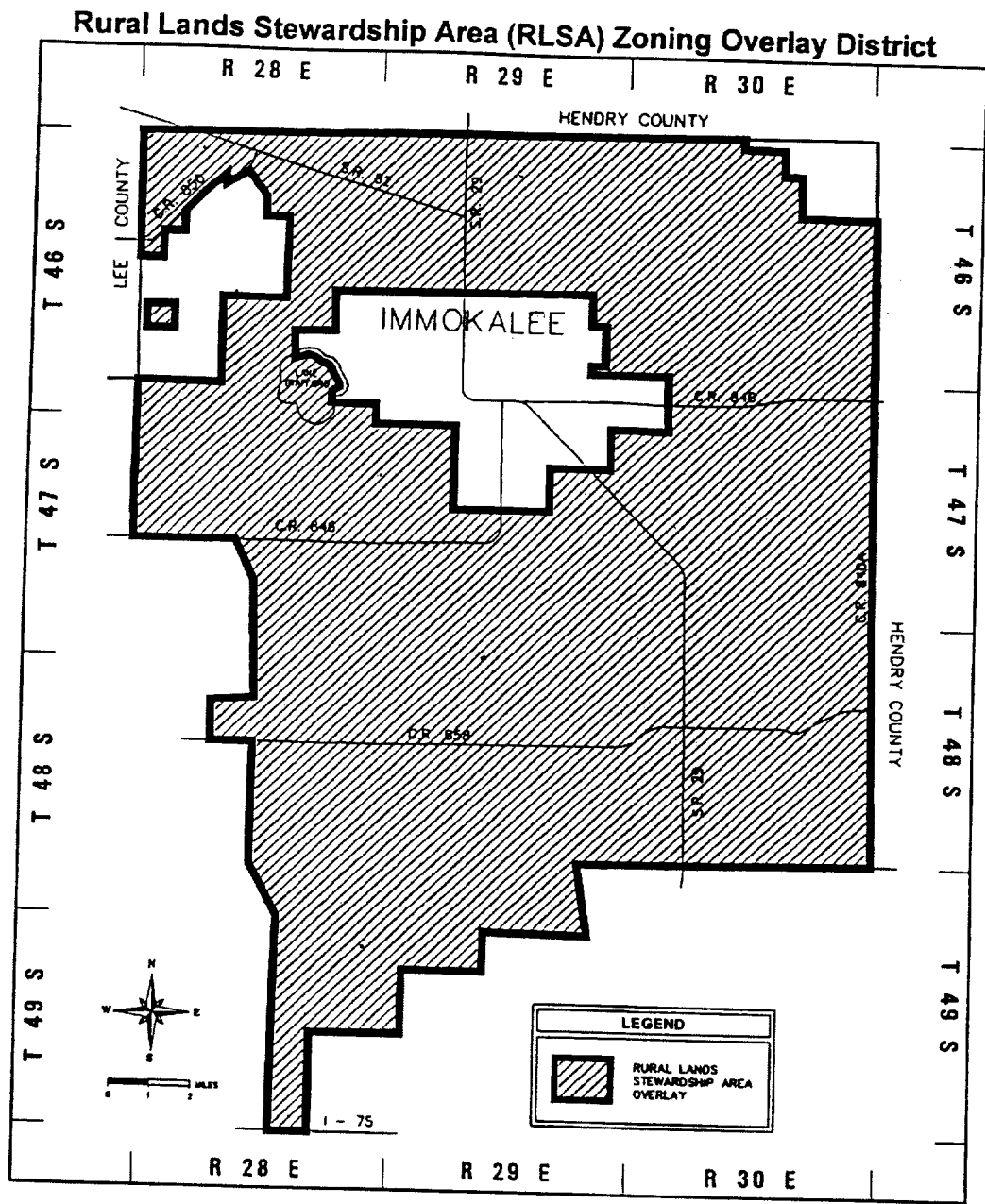


- 6); Flats Soils (NSLP Category 7); and Non-Hydric Soils (NSLP Categories 8, 9, and 11).
- GG. Special Districts – An area dedicated for certain uses that cannot be incorporated into one of the Context Zones. Special Districts provide for the inclusion of unique uses and **DEVELOPMENT** standards not otherwise defined in a context zone.
- HH. SRA – Stewardship Receiving Area – A designated area within the RLSA District that has been approved for the **DEVELOPMENT** of a Hamlet, Village, Town or CRD and that requires the consumption of Stewardship Credits.
- II. SSA – Stewardship Sending Area – A designated area within the RLSA District that has been approved for the generation of Stewardship Credits in exchange for the elimination of one or more Land Use Layers.
- JJ. Stewardship Credit (Credit) – A transferable unit of measure generated by an SSA and consumed by an SRA. Eight credits are transferred to an SRA in exchange for the **DEVELOPMENT** of one acre of land as provided in Section 4.08.06 B.
- KK. Stewardship Credit Database – A database maintained by the County that keeps track of all of the credit transactions (generation of Credits through SSA designation and the consumption of credits through SRA designation) approved by the County.
- LL. Stewardship Credit System – A system that creates incentives to protect and preserve natural resources and agricultural areas in exchange for the generating and use of credits to entitle compact forms of rural **DEVELOPMENT**. The greater the value of the natural resources being preserved and the higher the degree of preservation, the greater the number of credits that can be generated. Credits are generated through the designation of SSAs and consumed through the designation of SRAs.
- MM. Stewardship Credit Worksheet – An analytical tool that manually describes the Stewardship Credit calculation process including the Natural Resource Index and Land Use Layer components. The worksheet can be used to document proposed changes to the Index component during the SSA and SRA designation processes.
- NN. Stewardship Overlay Designation – One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon the designation of the land on the RLSA Overlay Map as FSA, HSA, WRA, or ACSC, or, where Land Use Layers 1 through 3 are removed, Restoration Zone. Land that is designated as ACSC, as well as FSA, HSA, or WRA shall receive value for the designation with the higher value but shall not receive value for both designations.

- OO. Story – That portion of a **BUILDING** included between a floor which is calculated as part of the **BUILDING'S** habitable **FLOOR AREA** and the floor or roof next above it.
- PP. Story, Half – The designation of a space on the upper level of a **BUILDING** in which the walls at the eaves are zero to four feet.
- QQ. Town – Towns are a form of SRA and are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure which support **DEVELOPMENT** that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns are comprised of several Villages and/or neighborhoods that have individual identity and character.
- RR. Town Center – A defining Context Zone that is intended to provide a wide range of uses, including daily goods and services, culture and entertainment, and residential uses within a Town. The Town Center is an extension of the Town Core, however the intensity is less as the Town Center serves as a transition to surrounding neighborhoods.
- SS. Town Core – A defining Context Zone within a Town. The Town Core is the most dense and diverse Context Zone with a full range of uses. The Town Core is the most active area within the Town with uses mixed vertically and horizontally.
- TT. Village – Villages are a form of SRA and are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages are comprised of residential neighborhoods and shall include a mixed-use **VILLAGE CENTER** to serve as the focal point for the community's support services and facilities.
- UU. **VILLAGE CENTER** - A defining Context Zone within a Village that is intended to provide a wide range of uses including daily goods and services, culture and entertainment, and residential uses.
- VV. WRA – Water Retention Area – Privately owned lands delineated on the RLSA Overlay Map, that have been permitted by the SFWMD to function as agricultural water retention areas and that provide surface water quality and other natural resource value.

**4.08.02 Establishment of RLSA Zoning Overlay District.** In order to implement the RLSA District Regulations, an RLSA District, to be designated as "RLSAO" on the official zoning atlas, is hereby established.

- A. The lands included in the RLSA District and to which the RLSA District Regulations apply are depicted by the following map:



B. Within the RLSA District, additional lands may be designated to implement the stewardship credit system as follows:

1. *Establishment of SSA designations.* An RLSA District classification to be known as SSAs, and to be designated on the official zoning atlas by the symbol "A-RLSAO-SSA", is hereby established. This overlay district classification will be used for those lands within the RLSA District that are designated by the board of county commissioners (BCC) as SSAs. The placement of this designation shall be governed by the procedures as prescribed in the RLSA District Regulations.

2. *Establishment of SRA designations.* An RLSA District classification to be known as SRAs, and to be designated on the official zoning atlas by the symbol "A-RLSAO-SRA", is hereby established. This overlay district classification will be used for those lands within the RLSA District that are designated by the BCC as SRAs. The placement of this designation shall be governed by the procedures as prescribed in the RLSA District Regulations.

**4.08.03 Establishment of land uses allowed in the RLSA District.** Land uses allowed within the RLSA District are of two types: those allowed in the baseline standards prior to designation of SSAs and SRAs, and; those uses provided for in SSAs and SRAs after designation. The underlying land uses allowed within the RLSA District are included in the baseline standards. Upon designation of SSAs and SRAs pursuant to the RLSA District Regulations, the land uses allowed shall be as provided in sections 4.08.06 and 4.08.07, respectively.

**4.08.04 Implementation of Stewardship Credits**

**A. Establishment of a Stewardship Credit Database.**

As part of the initial implementation of the RLSA Overlay, the County Manager or designee shall cause to be developed a Stewardship Credit Database to track the generation (by SSAs) and consumption (by SRAs) of Stewardship Credits within the RLSA District. The database shall be in an electronic form that can be linked to the RLSA Overlay Map and can readily produce reports that will afford convenient access to the data by the public. The database shall be updated upon approval of an SSA or SRA Designation Application and Credit Agreement.

**B. Authorization to Establish a Stewardship Credit Trust.** As part of the implementation of the RLSA Overlay, the County may elect to acquire Credits through a publicly funded program. Should the County pursue this option, the County shall establish a Stewardship Credit Trust to receive and hold Credits until such time as they are sold, transferred or otherwise used to implement uses within SRAs. Nothing herein shall preclude the County from permanently "retiring" those credits received or held.

**C. DENSITY**

Except as provided in herein, there shall be no change to the underlying **DENSITY** and intensity of permitted uses of land within the RLSA District, as set forth in the Baseline Standards, until a property owner elects to utilize the provisions of the Stewardship Credit System pursuant to the provisions of Section 4.08.04. No part of the Stewardship Credit System shall be imposed upon a property owner without that owner's written consent. It is the intent of the RLSA District Regulations that a property owner will be compensated consistent with Policy 3.8 of the RLSA Overlay

for the voluntary stewardship and protection of important agricultural and natural resources. The Baseline Standards will remain in effect for all land not subject to the transfer or receipt of Stewardship Credits.

- D. Creation of Stewardship Credits/General. Stewardship Credits (Credits) may be created from any lands within the RLSA District from which one or more Land Use Layers are removed. These lands will be identified as SSAs. All privately owned lands within the RLSA District are candidates for designation as an SSA. Land becomes designated as an SSA upon petition by the property owner seeking such designation as outlined herein. A Stewardship Agreement shall be developed that identifies those land uses, which have been removed. Once land is designated as an SSA and Credits or other compensation is granted to the owner, no increase in **DENSITY** or additional uses that are not expressly identified in the Stewardship Agreement shall be allowed on such property.
- E. Transfer of Stewardship Credits/General. Credits can be transferred only to lands within the RLSA District that meet the defined suitability criteria and standards set forth in Section 4.08.07 A.1. and that have been designated as SRAs. The procedures for the establishment and transfer of Credits and SRA designation are set forth herein. Stewardship Credits will be exchanged for additional residential or non-residential entitlements in an SRA on a per acre basis. SRA **DENSITY** and intensity will thereafter differ from the Baseline Standards.
- F. Allocation of Stewardship Credits/General. Stewardship Credits generated from one SSA may be allocated to one or more SRAs, and an SRA may receive Stewardship Credits generated from one or more SSAs.
- G. Five Year Comprehensive Review.
  - 1. Many of the tools, techniques, and strategies of the RLSA Overlay are new, innovative, and incentive-based and have yet to be tested in actual implementation. Consequently, by June 2008 and at such subsequent times as deemed appropriate by the BCC, the County shall prepare and submit to DCA for review a comprehensive analysis of the RLSA Overlay to assess the participation and effectiveness of the RLSA Overlay implementation in meeting the Goals, Objectives, and Policies of the RLSA Overlay by utilizing the measures of review delineated in Policy 1.22. The County shall encourage public participation in the review process through publicly noticed workshops and meetings and through the solicitation of public input.
  - 2. Subsequent to the June 2008 review, the RLSA Overlay and RLSA District Regulations may be amended in response to the County's assessment and evaluation of the participation in and effectiveness of the Stewardship Credit System.

3. The value, exchange rate, and use of Stewardship Credits shall be governed by the RLSA Overlay and RLSA District Regulations in effect at the time the SSA from which those credits are generated is approved. The Restoration Stewardship Credits shall be governed by the RLSA Overlay and RLSA District Regulations in effect at the time that such Restoration Stewardship Credits are authorized by the BCC.

**4.08.05 Lands Within the RLSA District Prior to SSA or SRA Designation.**

All lands within the RLSA District have been delineated on the RLSA Overlay Map. Unless and until designated as an SSA or SRA, lands within the RLSA District shall remain subject to the Baseline Standards.

- A. **Baseline Standards.** The Baseline Standards shall apply until lands within the RLSA District are voluntarily designated as an SSA or SRA and shall remain in effect for all land not subject to the transfer or receipt of Stewardship Credits.
- B. No increase in **DENSITY** or intensity within the RLSA District is permitted beyond the Baseline Standards except in areas designated as SRAs. Within SRAs, **DENSITY** and intensity may be increased through the provisions of the Stewardship Credit System and, where applicable, through the **AFFORDABLE HOUSING DENSITY** Bonus as referenced in the **DENSITY** Rating System of the FLUE, and the **DENSITY** and intensity blending provision of the Immokalee Area Master Plan.
- C. **Lands Within the RLSA District Not Designated SSA or SRA Subject to Special Environmental Standards.** In order to protect water quality and quantity and maintenance of the natural water regime in areas mapped as FSAs on the RLSA Overlay Map prior to the time that they are designated as SSAs under the Stewardship Credit Program, Residential Uses, General **CONDITIONAL USES**, Earth Mining and Processing Uses, and Recreational Uses (Layers 1-4) as listed in Section 4.08.06 B. shall not be permitted in FSAs within the RLSA District. **CONDITIONAL USE ESSENTIAL SERVICES** and governmental **ESSENTIAL SERVICES**, except those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less. In order to protect water quality and quantity and maintenance of the natural water regime and to protect listed animal and plant species and their habitats in areas mapped as FSAs, HSAs, and WRAs on the RLSA Overlay Map that are not within the ACSC, the use of such land for a non-agricultural purpose under the Baseline Standards shall be subject to environmental regulations implementing Policies 5.1 through 5.6 of the RLSA Overlay, which regulations shall be adopted by December 13, 2003.

**4.08.06 SSA Designation.**

Lands within the RLSA District may be designated as SSAs subject to the following regulations:

- A. Lands Within the RLSA District that can be Designated as SSAs. Any privately held land within the RLSA District delineated on the RLSA Overlay Map as FSA, HSA, WRA, Restoration, or Open, may be designated as an SSA, including lands within the ACSC.
  1. May be within an SRA Boundary. A WRA, whether designated as an SSA or not, may be contiguous to or surrounded by an SRA. Should a WRA be used to provide water retention for an SRA, the provisions of section 4.08.06 A.4.b. shall apply.
  2. FSA Delineated Lands.
    - a. In the case where lands delineated as FSA are designated as an SSA, at a minimum, Residential uses, General **CONDITIONAL USES**, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Land Use Matrix shall be eliminated as permitted land uses.
    - b. **CONDITIONAL USE ESSENTIAL SERVICES** and governmental **ESSENTIAL SERVICES**, other than those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less.
    - c. Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for **OIL AND GAS EXPLORATION** and oil and gas field **DEVELOPMENT**, and production activities in FSAs in order to minimize impacts to native habitats when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit requiring compliance with the criteria established in the Florida Administrative Code regardless of whether the FSA in which **OIL AND GAS EXPLORATION** and oil and gas field **DEVELOPMENT** and production activities is within the Big Cypress Swamp. Nothing contained herein alters the requirement to obtain **CONDITIONAL USE** permits for oil and gas field **DEVELOPMENT** and production activities.
    - d. The elimination of the Earth Mining layer (Layer 3) shall not preclude the excavation of lakes or other water bodies if such use is an integral part of a restoration or mitigation program within an FSA.
    - e. Once land in an FSA is designated as an SSA, no expansion of Agriculture Group 1 (Layer 5) or Agriculture Group 2 (Layer 7) and no conversion of Agriculture Group 2 to Agriculture Group 1 shall be allowed beyond those land uses in existence or allowed

by applicable permits as of the date that the SSA designation is approved.

3. HSA Delineated Lands.

- a. In the case where lands delineated as HSA are designated as an SSA, at a minimum, Residential Land Uses (Layer 1), as listed in the Matrix, shall be eliminated.
- b. General **CONDITIONAL USES**, Earth Mining and Processing Uses, and Recreational Uses shall be allowed only on HSA lands with a Natural Resource Stewardship Index value of 1.2 or less.
- c. In addition to the requirements imposed in the LDC for approval of a **CONDITIONAL USE**, uses listed in b. above will only be approved upon submittal of an EIS which demonstrates that clearing of **NATIVE VEGETATION** has been minimized, the use will not significantly and adversely impact listed species and their habitats and the use will not significantly and adversely impact **AQUIFERS**. This demonstration shall be made by establishing the following:
  - (1) Clearing of **NATIVE VEGETATION** shall not exceed 15% of the **NATIVE VEGETATION** on the **PARCEL**.
  - (2) Priority shall be given to utilizing contiguous areas of previously cleared land before native vegetated areas.
  - (3) **BUFFERING** to Conservation Land shall comply with Section 4.08.07 J.6.10.
  - (4) Stormwater Management design shall base water control elevations on seasonal high water elevations of **ADJACENT WETLANDS** to protect **WETLAND** hydroperiods in accord with the SFWMD Basis of Review.
  - (5) The area has a Listed Species Habitat Indices Value of 0.4 or less and no state or federal direct impact take permit is required for the use.
  - (6) Activities that are the subject of an approved SFWMD Environmental Resource Permit or Consumptive Use Permit and that utilize best management practices designed to protect groundwater from contamination from allowable land uses are deemed not to significantly and adversely impact **AQUIFERS**.
- d. As an alternative to the submittal of an EIS, the **APPLICANT** may demonstrate that such use is an integral part of a State or Federally approved restoration plan or mitigation program.



- e. **CONDITIONAL USE ESSENTIAL SERVICES** and governmental **ESSENTIAL SERVICES**, other than those necessary to serve permitted uses or for public safety, shall only be allowed in HSAs with a Natural Resource Stewardship Index value of 1.2 or less.
  - f. Asphaltic and concrete batch making plants are prohibited in all HSAs.
  - g. Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for **OIL AND GAS EXPLORATION** and oil and gas field **DEVELOPMENT**, and production activities in HSAs in order to minimize impacts to native habitats when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit requiring compliance with the criteria established in the Florida Administrative Code regardless of whether the HSA in which **OIL AND GAS EXPLORATION** and oil and gas field **DEVELOPMENT** and production activities is within the Big Cypress Swamp. Nothing contained herein alters the requirement to obtain **CONDITIONAL USE** permits for oil and gas field **DEVELOPMENT** and production activities.
  - h. Golf Course design, construction, and operation in any HSA shall comply with the best management practices of Audubon International's Gold Program and the Florida DEP, which standards shall be adopted by December 13, 2003.
  - i. Once land in an HSA is designated as an SSA, no expansion of Agriculture Group 1 (Layer 5) or Agriculture Group 2 (Layer 7) and no conversion of Agriculture Group 2 to Agriculture Group 1 shall be allowed beyond those land uses in existence or allowed by applicable permits as of the date that the SSA designation is approved.
4. **WRA Delineated Lands.**
- a. In the case where lands delineated as WRA are designated as an SSA, at a minimum, Residential Land Uses (Layer 1), as listed in the Matrix, shall be eliminated as permitted land uses.
  - b. During permitting to serve new uses within an SRA, additions and modifications to WRAs may be required, including but not limited to changes to control elevations, discharge rates, storm water pre-treatment, grading, excavation or fill. Such additions and modifications shall be allowed subject to review and approval by the SFWMD in accordance with best management practices. Such additions and modifications to WRAs shall be designed to ensure that there is no net loss of habitat function within the WRAs unless there is compensating mitigation or

restoration in other areas of the RLSA District that will provide comparable habitat function. Compensating mitigation or restoration for an impact to a WRA contiguous to the Camp Keais Strand or Okaloacoochee Slough shall be provided within or contiguous to that Strand or Slough.

5. Restoration Zone Delineated Lands. To further direct other uses away from and to provide additional incentive for the protection, enhancement, and restoration of the Okaloacoochee Slough and Camp Keais Strand, when lands within a Restoration Zone are designated as an SSA and at least Land Use Layers 1 through 3 are eliminated as permitted uses, such Restoration Zone shall receive a Stewardship Overlay Designation value of 0.6.

#### B. SSA Credit Generation - Stewardship Credit System.

Stewardship Credits (Credits) are created from any lands within the RLSA District from which one or more Land Use Layers are removed and that are designated as SSAs. Once land is designated as an SSA and Credits or other compensation consistent with Policy 3.8 of the RLSA Overlay is granted to the owner, no increase in **DENSITY** or additional uses not expressly identified in the Stewardship Agreement shall be allowed on such property. A methodology has been adopted in the GMP for the calculation of credits based upon: 1) the Natural Resource Index Value of the land being designated as an SSA, and 2) the number of land use layers being eliminated.

1. Early Entry **BONUS CREDITS**. Early Entry **BONUS CREDITS** are hereby established to encourage the voluntary designation of SSAs within the RLSA District. The bonus shall be in the form of an additional one Stewardship Credit per acre of land designated as an SSA that is within an HSA located outside of the ACSC and one-half Stewardship Credit per acre of land designated as an SSA that is within an HSA located inside the ACSC.
  - a. The early entry bonus shall be available until January 30, 2009.
  - b. The early designation of SSAs and the resultant generation of Stewardship Credits do not require the establishment of SRAs or otherwise require the early use of Credits.
  - c. Credits generated under the early entry bonus may be used after the termination of the bonus period.
  - d. The maximum number of Credits that can be generated under the early entry bonus is 27,000.
  - e. Early Entry **BONUS CREDITS** shall not be transferred into or otherwise used to entitle an SRA within the ACSC.
2. The Stewardship Credit Worksheet, adopted as Attachment "A" of the GMP RLSA Goals, Objectives, and Policies, sets out the mathematical formula that shall be used to determine the number

of credits available for each acre of land being considered for an SSA.

3. Natural Resource Indices and Values. A set of Natural Resource Indices has been established as part of the Stewardship Credit Worksheet.

- a. Natural Resource Indices.

*Stewardship Overlay Designation*

*Proximity Indices*

*Listed Species Habitat Indices*

*Soils/Surface Water Indices*

*Restoration Potential Indices*

*Land Use – Land Cover Indices*

- b. Index Values. During the RLSA Study, based upon data and analysis, each acre within the RLSA District was assigned a value for each Index except for the Restoration Potential Index. The Restoration Potential Index is assigned during the SSA designation process if appropriate, and credit adjustments are made at that time.
- c. Slough/Strand Index Score Upgrade. An index score upgrade is hereby established as an incentive for the protection, enhancement and restoration of the Okaloacoochee Slough and Camp Keais Strand. All lands within 500 feet of the delineated FSAs that comprise the Slough or Strand that are not otherwise included in an HSA or WRA shall receive the same natural index score (0.6) that an HSA receives, if such property is designated as an SSA and retains only agricultural, recreational and/or conservation layers of land use.
- d. Index Map. A Natural Resource Index Map adopted as a part of the RLSA Overlay, indicates the Natural Resource Stewardship Index Value for all land within the RLSA District. Credits from any lands designated as SSAs, shall be based upon the Natural Resource Index values in effect at the time of designation. At the time of designation, the Natural Resource Index Assessment required in Section 4.08.06 C.3. shall document any necessary adjustments to the index values reflected on the Index Map. Any change in the characteristics of land due to **ALTERATION** of the land prior to the designation of an SSA that either increases or decreases any Index Value shall result in a corresponding adjustment in the credit value.
- e. Restoration Potential Index Value. If the **APPLICANT** asserts that the land being designated as an SSA has a Restoration Potential Index Value of greater than zero (0), an evaluation of the restoration potential of the land being designated shall be

prepared by a qualified environmental consultant (per Chapter 10 of the LDC) on behalf of the **APPLICANT** and submitted as part of the SSA Designation Application Package. In the event that restoration potential is identified, the appropriate Restoration Potential Index Value shall be determined in accord with the Credit Worksheet. The credit value of each acre to which the Restoration Potential Index Value is applied shall be recalculated by adding the Restoration Potential Index Value to that acre's total Index Value.

- f. Restoration Stewardship Credits. Restoration Stewardship Credits are hereby established in addition to the Restoration Potential Index Value. In certain locations there may be the opportunity for flow way or habitat restoration such as locations where flow ways have been constricted or otherwise impeded by past activities or where additional land is needed to enhance wildlife corridors. Restoration Stewardship Credits shall be applied to an SSA subject to the following regulations:
- (1) Priority has been given to restoration within the Camp Keais Strand FSA or contiguous HSAs. Therefore, four (4) additional Stewardship Credits shall be generated for each acre of land dedicated by the **APPLICANT** for restoration activities within any of the following areas: the Camp Keais Strand FSA, contiguous HSAs, or those portions of the Restoration Zone depicted on the RLSA Overlay Map that are contiguous to the Camp Keais Strand.
  - (2) Two (2) additional Stewardship Credits shall be generated for each acre of land dedicated for restoration activities within the Okaloacoochee Slough, contiguous HSAs, or those portions of the Restoration Zone depicted on that are contiguous to the Okaloacoochee Slough.
  - (3) The actual implementation of restoration improvements is not required for the owner to receive such credits referenced in (1) and (2) above.
  - (4) Lands designated "Restoration" shall be restricted to Agriculture – Group 2 and **CONSERVATION USES** and all natural areas shall be maintained in their existing natural condition until such time as restoration activities occur. Upon completion of restoration, the land shall be managed in accordance with the applicable restoration permit conditions, which may impose further restriction on the allowed use of the property.
  - (5) If the **APPLICANT** agrees to complete the restoration improvements and the eligibility criteria below are satisfied,

four (4) additional Stewardship Credits shall be authorized at the time of SSA designation, but shall not become available for transfer until such time as it has been demonstrated that the restoration activities have met applicable success criteria as determined by the permitting or commenting agency authorizing said restoration. One or more of the following eligibility criteria shall be used in evaluating an **APPLICANT'S** request for these additional Restoration Stewardship Credits:

- (a) FSA and/or HSA lands where restoration would increase the width of flow way and/or habitat corridors along the Camp Keais Strand or Okaloacoochee Slough so that, in the opinion of the **APPLICANT'S** environmental consultant and County environmental or natural resources staff, there will be functional enhancement of the flow way or wildlife corridor;
  - (b) FSA and/or HSA lands where restoration would increase the width of flow way and/or habitat corridors within two miles of existing public lands so that, in the opinion of the **APPLICANT'S** environmental consultant and County environmental or natural resources staff, there will be a functional enhancement of the flow way or wildlife corridor;
  - (c) Documentation of state or federal listed species utilizing the land or a contiguous **PARCEL**;
  - (d) Lands that could be restored and managed to provide habitats for specific listed species (e.g., gopher tortoise, Big Cypress fox squirrel, red-cockaded woodpecker, etc.), or;
  - (e) Occurrence of a land **PARCEL** within foraging distance from a wading bird rookery or other listed bird species colony, where restoration and proper management could increase foraging opportunities (e.g., wood storks).
4. Land Use Layers to be Eliminated. A set of Land Use Layers has been established as part of the Stewardship Credit Worksheet and adopted as the *Land Use Matrix* set forth below. Each Layer incorporates a number of the permitted or **CONDITIONAL USES** allowed under the Baseline Standards. Each Layer listed below has an established credit value (percentage of a base credit) developed during the RLSA Study. At the time of designation application, a landowner wishing to have his/her land designated as an SSA determines how many of the Land Use Layers are to be removed from the designated lands. A Land Use Layer can only

be removed in its entirety (all associated activities/land use are removed), and Layers shall be removed sequentially and cumulatively in the order listed below.

a. Land Use Layers.

- 1 - Residential Land Uses
- 2 - General **CONDITIONAL USES**
- 3 - Earth Mining and Processing Uses
- 4 - Recreational Uses
- 5 - Agriculture – Group 1
- 6 - Agriculture – Support Uses
- 7 - Agriculture – Group 2
- 8 - Conservation, Restoration and Natural Resources

b. Land Use Matrix

Residential Land Uses	General <b>CONDITIONAL USES</b>	Earth Mining and Processing Uses	Recreational Uses	Agriculture Group 1	Agriculture – Support Uses	Agriculture Group 2	Conservation, Restoration and Natural Resources
Single-family dwelling, incl. Mobile home (P)	Family care facilities (P)	Excavation, extraction or earthmining and related processing and production (CU)	Golf courses and/or golf driving ranges (CU)	Crop raising; horticulture; fruit and nut production; groves; nurseries; improved pasture (P)	Farm labor housing (A)	Unimproved pasture and grazing, forestry (P)	Wildlife management, plant and wildlife conservancies, refuges and sanctuaries (P)
Mobile homes [(P) in MH Overlay; (A) as temporary use]	Collection and transfer sites for resource recovery (CU)	Asphaltic and concrete batch making plants (CU)	Sports instructional schools and camps (CU)	Animal breeding (other than livestock), raising, training, stabling or kenneling (P)	Retail sale of fresh, unprocessed agricultural products; grown primarily on the property (A)	Ranching; livestock raising (P)	Water management, groundwater recharge (P)
Private boathouses and docks on lake, canal or waterway lots (A)	Veterinary clinic (CU)		Sporting and recreational camps (CU)	Dairying, beekeeping; poultry and egg production; milk production (P)	Retail plant nurseries (CU)	Hunting cabins (CU)	Restoration, mitigation (P)
Recreational facilities integral to	Child care centers and adult day			Aquaculture for native	Packinghouse or similar	Cultural, educational, or	Water supply, wellfields (P); oil and gas

residential <b>DEVELOPMENT</b> , e.g., golf course, clubhouse, community center <b>BUILDING</b> and tennis facilities, parks, playgrounds and playfields (A)	care centers			species (P) and non-native species (CU)	agricultural processing of farm products produced on the property (A)	recreational facilities and their related modes of transporting participants, viewers or patrons; tour operations, such as, but not limited to airboats, swamp buggies, horses and similar modes of transportation (CU)	exploration (P)
Guesthouses (A)	Zoo, aquarium, aviary, botanical garden, or other similar uses (CU)			The commercial production, raising or breeding or exotic animals (CU)	Sawmills (CU)	Excavation and related processing incidental to Ag(A)	Boardwalks, nature trails (P)
	Churches and other places of worship (CU)			Wholesale reptile breeding and raising - non-venomous (P) and venomous (CU)			Natural resources not otherwise listed (P)
	Communications towers (P)(CU)						Essential services (P and CU)
	Social and fraternal organizations (CU)						Oil and gas field <b>DEVELOPMENT</b> and production (CU)
	Private landing strips for general aviation (CU)						

	Cemeteries (CU)						
	Schools (CU)						
	Group care facilities, ALF (CU)						

Uses as listed in LDC— Rural Agricultural District

(P) **PRINCIPAL USE**, (a) **ACCESSORY USE**, (CU) **CONDITIONAL USE**

5. **Matrix Calculation.** The maximum number of credits generated through designation as an SSA is established in a matrix calculation that multiplies each Natural Resource Index Value by the value of each Land Use Layer, thereby establishing a credit value for each acre in the Overlay, weighted by the quality of its natural resources. As Land Use Layers are removed, the sum of the percentages of those Layers removed is multiplied by the Natural Resource Index Values to determine the Stewardship Credits to be generated by each acre being designated as an SSA.
- C. **SSA Designation Application Package.** A request to designate lands(s) within the RLSA District as an SSA shall be made pursuant to the regulations of this Section. An SSA Application Package shall include the following:
1. **SSA Designation Application.** A landowner or his/her agent, hereafter "**APPLICANT**," shall submit a request for the designation of SSA for lands within the RLSA District to the County Manager or his designee, on an approved application form. The application shall be accompanied by the documentation as required by this Section.
  2. **Application Fee.** An application fee shall accompany the application.
  3. **Natural Resource Index Assessment.** The **APPLICANT** shall prepare and submit as part of the SSA Designation Application a report entitled Natural Resource Index Assessment that documents the Natural Resource Index Value scores. The Assessment shall include a summary analysis that quantifies the number of acres by Index Values, the level of conservation being proposed, and the resulting number of Credits being generated. The Assessment shall:
    - a. Verify that the Index Value scores assigned during the RLSA Study are still valid through recent aerial photography or satellite imagery, agency-approved mapping, or other documentation, as verified by field inspections.



- b. if this Assessment establishes that the Index Value scores assigned during the RLSA Study are no longer valid, document the Index Value of the land as of the date of the SSA Designation Application.
  - c. Establish the suggested "Restoration Potential" Index Value for any acres as appropriate and provide evidence/documentation supporting the suggested Index Value;
  - d. Quantify the acreage of agricultural lands, by type, being preserved;
  - e. Quantify the acreage of non-agricultural acreage, by type, being preserved;
  - f. Quantify the acreage of all lands by type within the proposed SSA that have an Index Value greater than 1.2; and
  - g. Quantify all lands, by type, being designated as SSA within the ACSC, if any.
4. Support Documentation. In addition, the following support documentation shall be provided for each SSA being designated:
- a. Legal description, including sketch or survey;
  - b. Acreage calculations, e.g., acres of FSAs, HSAs, and WRAs, etc., being put into the SSA;
  - c. RLSA Overlay Map delineating the area of the RLSA District being designated as an SSA;
  - d. Aerial photograph(s) having a scale of one (1) inch equal to at least 200 feet when available from the County, otherwise, a scale of at least one (1) inch equal to 400 feet is acceptable, delineating the area being designated as an SSA;
  - e. Natural Resource Index Map of area being designated as an SSA;
  - f. FDOT Florida Land Use Cover and Forms Classification System (FLUCCS) map(s) delineating the area being designated as an SSA on an aerial photograph having a scale of one (1) inch equal to at least 200 feet when available from the County, otherwise, a scale of at least one (1) inch equal to 400 feet is acceptable;
  - g. Listed species occurrence map(s) from United States Fish and Wildlife Service, Florida Fish Wildlife Conservation Commission, and Florida Natural Areas Inventory, delineating the area being designated as an SSA;

- h. United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) Soils map(s) delineating the area being designated as an SSA;
  - i. Documentation to support a change in the related Natural Resource Index Value(s), if appropriate; and
  - j. Calculations that quantify the number of acres by Index Values, the level of conservation being offered, and the resulting number of credits being generated.
5. SSA Credit Agreement. Any landowner petitioning to have all or a portion of land owned within the RLSA District designated as an SSA and who is to obtain SSA credits for the land so designated shall enter into a SSA Credit Agreement with the County. SSA Credit Agreements entered into by and between a landowner and the County shall contain the following:
- a. The number of acres, and a legal description of all lands subject to the SSA Credit Agreement;
  - b. A map or plan (drawn at a scale of 1"= 500') of the land subject to the agreement which depicts any lands designated FSAs, HSAs, or WRAs and the acreage of lands so designated;
  - c. A narrative description of all land uses, including **CONDITIONAL USES**, if any, that shall be removed from the land upon approval of the SSA Credit Agreement;
  - d. Calculations that support the total number of SSA credits that result from the Natural Resource Index Assessment;
  - e. A copy of the Stewardship **EASEMENT**, (or deed if a fee simple transfer is proposed) applicable to the land, which shall be granted in perpetuity and shall be recorded by the County upon approval of the SSA Credit Agreement;
  - f. Land management measures;
  - g. Provisions requiring that, upon designation of land as an SSA, the owner shall not seek or request, and the County shall not grant or approve, any increase in **DENSITY** or any additional uses beyond those specified in the SSA Credit Agreement on the land;
  - h. Provisions requiring that, upon designation of land within either an FSA or an HSA as an SSA, the owner shall not thereafter seek or request, and the County shall not thereafter grant or approve any expansion or conversion of agricultural land uses in violation of sections 4.08.06 A.2 and A.3.;
  - i. Provisions regarding and ensuring the enforceability of the SSA Credit Agreement; and

- j. If applicable, the number of credits to be granted for restoration (Restoration Credits), together with the following information:
  - (1) A legal description of lands to be designated for restoration;
  - (2) A map depicting the land being designated as SSA, with the lands to be dedicated for restoration, but which the **APPLICANT** makes no commitment to undertake restoration, identified as Restoration I ("R I"); and the lands dedicated for restoration and for which the **APPLICANT** has committed to carry out the restoration identified as Restoration II ("R II");
  - (3) The number of Restoration Credits to be granted for the lands designated R I and R II;
  - (4) A Restoration Analysis and Report, which shall include a written evaluation of the restoration area's existing ecological/habitat value and the necessary restoration efforts required to reestablish original conditions; enhance the functionality of **WETLANDS** or wildlife habitat; or remove exotics so as to enhance the continued viability of **NATIVE VEGETATION** and **WETLANDS**; and
  - (5) When the restoration is to be undertaken by the **APPLICANT**, a Restoration Plan that addresses, at a minimum, the following elements:
    - (a) Restoration goals or species potentially affected;
    - (b) Description of the work to be performed;
    - (c) Identification of the entity responsible for performing the work;
    - (d) Work Schedule;
    - (e) Success Criteria; and
    - (f) Annual management, maintenance and monitoring.
- 6. Public Hearing for Credit Agreement. The SSA Credit Agreement shall be approved by a resolution of the BCC at an advertised public meeting by majority vote.
- 7. Recording of SSA Memorandum. Following approval by the County, an SSA Memorandum shall be prepared and recorded in the public records, together with the following portions or exhibits of the SSA Credit Agreement as attachments:
  - a. The legal description of the lands subject to the SSA Credit Agreement and the number of SSA Credits assigned to the land designated as SSA, including lands designated for restoration, if any, and the Restoration Credits assigned to such land;
  - b. The Stewardship **EASEMENT** Agreement on the SSA lands, describing the land uses remaining on the land;

- c. A summary of the Restoration Plan, if restoration is to be undertaken by the **APPLICANT**, to include the elements set forth in Section 4.08.04 C.5.
8. Stewardship **EASEMENT** Agreement or Deed. The **APPLICANT** shall prepare and submit a Stewardship **EASEMENT** Agreement in all cases except when the property is being deeded in fee simple to a "conservation/preservation agency."
  - a. The Agreement shall impose a restrictive covenant or grant a perpetual restrictive **EASEMENT** that shall be recorded for each SSA, shall run with the land and shall be in favor of Collier County and one or more of the following: Florida DEP, Florida Department of Agriculture and Consumer Services, SFWMD, or a recognized land trust.
  - b. The Stewardship **EASEMENT** Agreement shall identify the specific land management measures that will be undertaken and the party responsible for such measures.
  - c. In the event that the land being designated as an SSA is being transferred to a conservation entity by fee simple title, a deed shall be submitted in lieu of the Stewardship **EASEMENT** Agreement.

#### D. SSA Application Review Process

1. Pre-application Conference with County Staff. Prior to the submission of a formal application for SSA designation, the **APPLICANT** shall attend a pre-application conference with the County Manager or his designee and other county staff, agencies, and officials involved in the review and processing of such applications and related materials. If an SRA designation application is to be filed concurrent with an SSA application, only one pre-application conference shall be required. This pre-application conference should address, but not be limited to, such matters as:
  - a. Conformity of the proposed SSA with the goals, objectives, and policies of the GMP;
  - b. Review of the Stewardship Credit Worksheet and Natural Resource Index Assessment for the property;
  - c. Identification of the recognized entity to be named in the covenant or perpetual restrictive **EASEMENT**, and;
  - d. Identification of the proposed land management measures that will be undertaken and the party responsible for such measures.
2. Application Package Submittal and Processing Fees. The required number of copies of each SSA Application and the associated processing fee shall be submitted to the County Manager or his

designee. The contents of said application package shall be in accordance with Section 4.08.06 C.

3. Application Deemed Sufficient for Review. Within fifteen (15) working days of receipt of the SSA Application, the County Manager or his designee shall advise the **APPLICANT** in writing that the application is complete and sufficient for agency review or advise what additional information is needed to find the application sufficient. If required, the **APPLICANT** shall submit additional information. Within ten (10) working days of receipt of the additional information, the County Manager or his designee shall advise the **APPLICANT** in writing that the application is complete, or, if additional or revised information is required, the County manager shall again inform the **APPLICANT** what information is needed, and the timeframe outlined herein shall occur until the application is found sufficient for review.
  4. Review by County Reviewing Agencies: Once the SSA application is deemed sufficient, the County Manager or his designee will distribute it to specific County staff for their review.
  5. Designation Review. Within sixty (60) days of receipt of a sufficient application, county staff shall review the submittal documents and provide written comments, questions, and clarification items to the **APPLICANT**. If deemed necessary by county staff or the **APPLICANT**, a meeting shall be held to resolve outstanding issues and confirm public hearing dates.
  6. Designation Report. Within ninety (90) days from the receipt of a sufficient application, county staff shall prepare a written report containing their review findings and a recommendation of approval, approval with conditions or denial. This timeframe may be extended upon written agreement by the **APPLICANT**.
- E. SSA Application Approval Process
1. Public Hearing. The BCC shall hold an advertised public hearing on the proposed resolution approving an SSA Application and SSA Credit Agreement. Notice of the Board's intention to consider the Application and proposed SSA Credit Agreement shall be given at least fifteen (15) days prior to said hearing by publication in a newspaper of general circulation in the County. A copy of such notice shall be kept available for public inspection during regular business hours of the Office of Clerk to the BCC. The notice of proposed hearing shall state the date, time and place of the meeting, the title of the proposed resolution, and the place or places within the County where the proposed resolution and agreement may be inspected by the public. The notice shall provide a general description and a map or sketch of the affected land and shall advise that interested parties may appear at the

meeting and be heard with respect to the proposed resolution. The BCC shall review the staff report and recommendations and, if it finds that all requirements for designation have been met, shall, by resolution, approve the application. If it finds that one or more of the requirements for designation have not been met, it shall either deny the application or approve it with conditions mandating compliance with all unmet requirements. Approval of such resolution shall require a majority vote by the BCC.

2. Legal Description. Following the BCC's approval of the SSA Application and SSA Credit Agreement, a legal description of the land designated SSA, the SSA credits granted, and the Stewardship **EASEMENT** applicable to such lands, shall be provided to the Collier County Property Appraiser and the **APPLICANT**, and shall be recorded within thirty (30) days by the **APPLICANT** in the public records.
3. Update the RLSA Overlay Map and Official Zoning Atlas. The Official Zoning Atlas shall be updated to reflect the designation of the SSA. Sufficient information shall be included on the updated zoning maps so as to direct interested parties to the appropriate public records associated with the designation, including but not limited to Resolution number and SSA Designation Application number. The RLSA Overlay Map shall be updated to reflect the SSA designation during a regular growth management cycle no later than twelve months from the effective date of the SSA Agreement.

F. SSA Amendments. Collier County shall consider an amendment to an approved SSA in the same manner described in this Section for the designation of an SSA. Amendment(s) to approved SSAs shall only be considered if the application removes one or more additional Land Use Layers from the existing SSA. Under no circumstances shall Land Use Layers, once removed as part of an SSA designation, be added back to the SSA. The application to amend the SSA may be submitted as part of an application to designate a new SSA provided such lands are contiguous to the previously approved SSA and are under the same ownership.

#### **4.08.07 SRA Designation**

SRA designation is intended to encourage and facilitate uses that enable economic prosperity and diversification of the economic base of the RLSA District, and encourage **DEVELOPMENT** that utilizes creative land use planning techniques and facilitates a compact form of **DEVELOPMENT** to accommodate population growth by the establishment of SRAs. Stewardship Credits generated from SSAs are exchanged for additional residential or non-residential entitlements in an SRA on a per acre basis as set forth herein. **DENSITY** and intensity within the RLSA District shall not be increased beyond the Baseline Standards except through the

provisions of the Stewardship Credit System, the **AFFORDABLE HOUSING DENSITY** Bonus as referenced in the **DENSITY** Rating System of the FLUE, and the **DENSITY** and intensity blending provision of the Immokalee Area Master Plan. The procedures for the establishment and transfer of Credits and SRA designation are set forth herein. Credits can be transferred only to lands within the RLSA District that meet the defined suitability criteria and standards set forth herein. Land becomes designated as an SRA on the date that the SRA Credit Agreement becomes effective pursuant to Section 4.08.05 D.11. Any change in the **RESIDENTIAL DENSITY** or non-residential intensity of land use on a **PARCEL** of land located within an SRA shall be specified in the resolution, which shall reflect the total number of transferable Credits assigned to the **PARCEL** of land.

- A. Lands Within the RLSA District that can be Designated as SRAs. All privately owned lands within the RLSA District that meet the suitability criteria contained herein may be designated as SRA, except lands delineated on the RLSA Overlay Map as FSA, HSA, or WRA, or lands already designated as an SSA. WRAs may be located within the boundaries of an SRA and may be incorporated into an SRA Master Plan to provide water management functions for properties within such SRA, subject to all necessary permitting requirements.
  1. Suitability Criteria. The following suitability criteria are established to ensure consistency with the Goals, Objectives, and Policies of the RLSA Overlay.
    - a. An SRA must contain sufficient suitable land to accommodate the planned **DEVELOPMENT**.
    - b. Residential, commercial, manufacturing/light industrial, **GROUP HOUSING**, and transient housing, institutional, civic and community service uses within an SRA shall not be sited on lands that receive a Natural Resource Index value of greater than 1.2.
    - c. **CONDITIONAL USE ESSENTIAL SERVICES** and governmental **ESSENTIAL SERVICES**, with the exception of those necessary to serve permitted uses and for public safety, shall not be sited on land that receives a Natural Resource Index value of greater than 1.2, regardless of the size of the land or **PARCEL**.
    - d. Lands or **PARCELS** that are greater than one acre and have an Index Value greater than 1.2 shall be retained as **OPEN SPACE** and maintained in a predominantly natural vegetated state.
    - e. **OPEN SPACE** shall also comprise a minimum of thirty-five percent of the gross acreage of an individual SRA Town, Village, or those CRDs exceeding 100 acres. Gross acreage

includes only that area of **DEVELOPMENT** within the SRA that requires the consumption of Stewardship Credits.

- f. As an incentive to encourage **OPEN SPACE**, **OPEN SPACE** on lands within an SRA located outside of the ACSC that exceeds the required thirty-five percent retained **OPEN SPACE** shall not be required to consume Stewardship Credits.
  - g. An SRA may be contiguous to an FSA or HSA, but shall not encroach into such areas, and shall **BUFFER** such areas as described in Section 4.08.05(J)(6). An SRA may be contiguous to, or encompass a WRA.
  - h. The SRA must have either direct **ACCESS** to a County **COLLECTOR** or **ARTERIAL ROAD** or indirect **ACCESS** via a road provided by the developer that has adequate capacity to accommodate the proposed **DEVELOPMENT** in accordance with accepted transportation planning standards.
2. SRAs Within the ACSC. SRAs are permitted within the ACSC subject to limitations on the number, size, location, and form of SRA described herein. Nothing within this Section shall be construed as an exemption of an SRA from any and all limitations and regulations applicable to lands within the ACSC. Lands within the ACSC that meet all SRA suitability criteria shall also be restricted such that credits used to entitle an SRA in the ACSC must be generated exclusively from SSAs within the ACSC. No early entry **BONUS CREDITS** can be used to entitle an SRA within the ACSC.
- a. The only forms of SRA allowed in the ACSC east of the Okaloacoochee Slough shall be Hamlets and CRDs of 100 acres or less and the only forms of SRA allowed in the ACSC west of the Okaloacoochee Slough shall be Villages and CRDs of not more than 300 acres and Hamlets. Provided, however, two SRAs, consisting of any combination of Villages or CRDs of not more than 500 acres each, exclusive of any lakes created prior to the effective date of this amendment as a result of mining operations, shall be allowed in areas that have a **FRONTAGE** on State Road 29 and that, as of the effective date of the RLSA Overlay, had been predominantly cleared as a result of Ag Group I (Layer 5) or Earth Mining or Processing Uses (Layer 3).
  - b. The Town form of an SRA shall not be located within the ACSC.
- B. Establishment and Transfer of Stewardship Credits. The procedures for the establishment and transfer of Credits and SRA designation are set forth herein. Stewardship Credits will be exchanged for additional residential or non-residential entitlements in an SRA on a per acre



basis, as described in Section 4.08.05 B.2. Stewardship **DENSITY** and intensity will thereafter differ from the Baseline Standards.

1. Transfer of Credits. The transfer or use of Stewardship Credits shall only be in a manner as provided for herein.
  - a. Stewardship Credits generated from any SSA may be transferred to entitle any SRA, except where the SRA is within the ACSC, in which case only Stewardship Credits that have been generated from an SSA within the ACSC can be used to entitle such SRA. No early entry **BONUS CREDITS** can be used to entitle an SRA within the ACSC.
  - b. Credits can be transferred only to lands within the RLSA that meet the defined suitability criteria and standards set forth herein.
  - c. Stewardship Credits may be transferred between different **PARCELS** or within a single **PARCEL**, subject to compliance with all applicable provisions of these policies. Residential **CLUSTERING** shall only occur within the RLSA District through the use of the Stewardship Credit System, and other forms of residential **CLUSTERING** shall not be permitted.
  - d. Stewardship Credits may be acquired from any credit holder and transferred to an SRA subject to the limitations contained in this Section.
  - e. Stewardship Credits may be acquired from a Stewardship Credit Trust established pursuant to Section 4.08.01, and transferred to an SRA subject to the limitations contained in this Section.
2. Stewardship Credit Exchange. Stewardship Credits shall be exchanged for additional residential or non-residential entitlements in an SRA on a per acre basis at a rate of eight (8) Stewardship Credits per gross acre. Lands within an SRA greater than one acre, with Index Values of greater than 1.2, shall be retained as **OPEN SPACE** and maintained in a predominantly natural, vegetated state. Any such lands within an SRA located outside of the ACSC exceeding the required thirty-five (35) percent shall not be required to consume Stewardship Credits.
3. Public Benefit Uses. The acreage within an SRA devoted to a public benefit use shall not be required to consume Stewardship Credits and shall not count toward the maximum acreage limits of an SRA. For the purpose of this Section, public benefit uses are limited to public schools (preK-12) and public or private post secondary institutions, Post Secondary Institution Ancillary Uses, community parks exceeding the minimum requirement of 200 square feet per **DWELLING UNIT**, municipal golf courses, regional

parks, and governmental facilities excluding **ESSENTIAL SERVICES** as defined in the LDC.

4. Mixed Land Use Entitlements. In order to promote compact, mixed use **DEVELOPMENT** and provide the necessary support facilities and services to residents of rural areas, the SRA designation and the transfer of the Stewardship Credits allows for a full range of uses, **ACCESSORY USES** and associated uses that provide a mix of services to and are supportive to the residential population of an SRA and the RLSA District. SRAs are intended to be mixed use and shall be allowed the full range of uses permitted by the Urban Designation of the FLUE, as modified by Policies 4.7, 4.7.1, 4.7.2, 4.7.3, 4.7.4 and RLSA Overlay Attachment C. Depending on the size, scale, and character of an SRA, it shall be designed to include an appropriate mix of retail, office, recreational, civic, governmental, and institutional uses, in addition to residential uses.

C. Forms of SRA **DEVELOPMENTS**. SRA **DEVELOPMENTS** are a compact form of **DEVELOPMENT**, which accommodate and promote uses that utilize creative land use planning techniques. SRAs shall be used to facilitate the implementation of innovative planning and flexible **DEVELOPMENT** strategies described in § 163.3177 (11), F.S. and Rule 9J-5.006(5)(I), F.A.C. These planning strategies and techniques are intended to minimize the conversion of rural and agricultural lands to other uses while discouraging urban sprawl, protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and, providing for the cost-efficient delivery of public facilities and services. Only the following four specific forms of rural **DEVELOPMENT** in SRAs are permitted within the RLSA District.

1. Towns. Towns are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure which support **DEVELOPMENT** that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns shall be not less than 1,000 acres or more than 4,000 acres and are comprised of several villages and/or neighborhoods that have individual identity and character. Towns shall have a mixed-use town center that will serve as a focal point for community facilities and support services. Towns shall be designed to encourage pedestrian and bicycle circulation by including an interconnected **SIDEWALK** and **PATHWAY** system serving all residential neighborhoods. Towns shall have at least one community park with a minimum size of 200 square feet per **DWELLING UNIT** in the Town. Towns shall also have parks or public green spaces within neighborhoods. Towns shall include both community and neighborhood scaled retail and office uses, in

a ratio as provided in Section 4.08.05 J.1. Towns may also include those compatible corporate office and light **INDUSTRIAL USES** as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE. Towns shall be the preferred location for the full range of schools, and to the extent possible, schools and parks shall be located **ADJACENT** to each other to allow for the sharing of recreational facilities. Towns shall not be located within the ACSC.

2. Villages. Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be not less than 100 acres or more than 1,000 acres. Villages are comprised of residential neighborhoods and shall include a mixed-use **VILLAGE CENTER** to serve as the focal point for the community's support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected **SIDEWALK** and **PATHWAY** system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Section 4.08.05 J.1. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks shall be located **ADJACENT** to each other to allow for the sharing of recreational facilities. The Village form of rural land **DEVELOPMENT** is permitted within the ACSC subject to the limitations of Section 4.08.05 A.2.
3. Hamlets. Hamlets are small rural residential areas with primarily single-family housing and limited range of convenience-oriented services. Hamlets shall be not less than 40 or more than 100 acres. Hamlets will serve as a more compact alternative to traditional five-acre **LOT** rural subsections currently allowed in the Baseline Standards. Hamlets shall have a public green space for neighborhoods. Hamlets include convenience retail uses, in a ratio as provided in Section 4.08.05 J.1. Hamlets may be an appropriate location for pre-K through elementary schools. The Hamlet form of rural land **DEVELOPMENT** is permitted within the ACSC subject to the limitations of Section 4.08.05 A.2.
4. Compact Rural **DEVELOPMENTS** (CRDs). Compact Rural **DEVELOPMENT** (CRD) is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village. A CRD may include, but is not required to have permanent residential housing and the services and facilities that support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth in

Section 4.08.05 J.1. based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required. However for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with the standards for the most comparable form of SRA as described in Section 4.08.05 C.2. or 3.

- a. Size of CRDs limited. There shall be no more than five (5) CRDs of more than 100 acres in size.
  - b. CRDs within the ACSC. The CRD form of rural land **DEVELOPMENT** is permitted within the ACSC subject to the limitations of Section 4.08.05 A.2.
5. Proportion of Hamlets and CRDs to Villages and Towns. In order to maintain the correct proportion of Hamlets and CRDs of 100 acres or less to the number of Villages and Towns approved as SRAs, not more than five (5) of any combination of Hamlets and CRDs of 100 acres or less may be approved prior to the approval of a Village or Town. In order to maintain that same proportion thereafter, not more than five (5) of any combination of Hamlets and CRDs of 100 acres or less may approved for each subsequent Village or Town approved.
6. SRAs as Part of a **DEVELOPMENT** of Regional Impact (DRI). SRAs are permitted as part of a DRI subject to the provisions of § 380.06, F.S. and the RLSA District Regulations.
- a. An SRA Designation Application may be submitted simultaneously with a Preliminary **DEVELOPMENT AGREEMENT** application that occurs prior to a DRI Application for **DEVELOPMENT** Approval (ADA). In such an application, the form of SRA **DEVELOPMENT** shall be determined by the characteristics of the DRI project, as described in the PDA.
  - b. The DRI may encompass more than a single SRA Designation Application. It is the intent of this Section to allow for the future designations of SRAs within a DRI as demonstrated by the DRI phasing schedule.
  - c. A DRI **APPLICANT** is required to demonstrate that:
    - (1) The **APPLICANT** has the necessary Stewardship Credits to entitle the DRI as part of subsequent SRA Designation Applications, or
    - (2) The **APPLICANT** owns or has a contract with an owner of enough land that would qualify as SSAs to entitle the DRI as part of subsequent SRA Designation Applications, or has the ability to obtain the necessary Stewardship Credits to entitle

the entire DRI as part of subsequent SRA Designation Applications.

- D. SRA Designation Application Package. A Designation Application Package to support a request to designate land(s) within the RLSA District as an SRA shall be made pursuant to the regulations of the RLSA District Regulations. The SRA Application Package shall include the follow:
1. SRA Designation Application. An application shall be submitted by a landowner or his/her agent, hereafter "**APPLICANT**," to request the designation of an SRA within the RLSA District. The Application shall be submitted to the County manager or his designee, on a form provided. The application shall be accompanied by the documentation as required by this Section.
  2. Application Fee. An application fee shall accompany the application.
  3. Natural Resource Index Assessment. An assessment that documents the Natural Resource Index Value scores shall be prepared and submitted as part of the SRA Application. The Assessment shall include an analysis that quantifies the number of acres by Index Values. The Assessment shall:
    - a. Identify all lands within the proposed SRA that have an Index Value greater than 1.2;
    - b. Verify that the Index Value scores assigned during the RLSA Study are still valid through recent aerial photography or satellite imagery or agency-approved mapping, or other documentation, as verified by field inspections.
    - c. If the Index Value scores assigned during the RLSA Study are no longer valid, document the current Index Value of the land.
    - d. Quantify the acreage of agricultural lands, by type, being converted;
    - e. Quantify the acreage of non-agricultural acreage, by type, being converted;
    - f. Quantify the acreage of all lands by type within the proposed SRA that have an Index Value greater than 1.2;
    - g. Quantify the acreage of all lands, by type, being designated as SRA within the ACSC, if any; and
    - h. Demonstrate compliance with the Suitability Criteria contained in Section 4.08.05 A.1.
  4. Natural Resource Index Assessment Support Documentation. Documentation to support the Natural Resource Index Assessment shall be provided for each SRA being designated to include:

- a. Legal Description, including sketch or survey;
  - b. Acreage calculations of lands being put into the SRA, including acreage calculations of WRAs (if any) within SRA boundary but not included in SRA designation;
  - c. RLSA Overlay Map delineating the area of the RLSA District being designated as an SRA;
  - d. Aerial photograph delineating the area being designated as an SRA;
  - e. Natural Resource Index Map of area being designated as an SRA;
  - f. FLUCCS map(s) delineating the area being designated as an SRA;
  - g. Listed species map(s) delineating the area being designated as an SRA;
  - h. Soils map(s) delineating the area being designated as an SRA, and;
  - i. Documentation to support a change in the related Natural Resource Index Value(s), if appropriate.
5. SRA Master Plan. A Master Plan shall be prepared and submitted by the **APPLICANT** as part of the SRA Application for Designation of an SRA. The SRA Master Plan shall be consistent with the requirements of Section 4.08.05 G.
  6. SRA **DEVELOPMENT** Document. A **DEVELOPMENT** Document shall be prepared and submitted by the **APPLICANT** as part of the SRA Application for Designation of an SRA. The SRA **DEVELOPMENT** Document shall be consistent with the requirements of Section 4.08.05 H.
  7. SRA Public Facilities Impact Assessment Report. An Impact Assessment Report shall be prepared and submitted by the **APPLICANT** as part of the SRA Application for Designation a of SRA. The SRA Impact Assessment Report shall address the requirements of Section 4.08.05 K.
  8. SRA Economic Assessment Report. An Economic Assessment Report shall be prepared and submitted by the **APPLICANT** as part of the SRA Application for Designation of an SRA. The SRA Economic Assessment Report shall address the requirements of Section 4.08.05 L.
  9. Stewardship Credit Use and Reconciliation Application. A Credit Use and Reconciliation Application shall be submitted as part of an SRA Designation Application in order to track the transfer of credits from SSA(s) to SRA(s). The Stewardship Credit Use and

Reconciliation Application shall be in a form provided by the County Manager, or his designee. The application package shall contain the following:

- a. The legal description of, or descriptive reference to, the SRA to which the Stewardship Credits are being transferred;
- b. Total number of acres within the proposed SRA and the total number of acres of the proposed SRA within the ACSC (if any);
- c. Number of acres within the SRA designated "public use" that do not require the redemption of Stewardship Credits in order to be entitled (does not consume credits);
- d. Number of acres of "excess" **OPEN SPACES** within the SRA that do not require the consumption of credits;
- e. Number of acres of WRAs inside the SRA boundary but not included in the SRA designation;
- f. Number of acres within the SRA that consume Credits ;
- g. The number of Stewardship Credits being transferred (consumed by) to the SRA and documentation that the **APPLICANT** has acquired or has a contractual right to acquire those Stewardship Credits;
- h. Number of acres to which credits are to be transferred (consumed) multiplied by eight (8) Credits / acre equals the number of Credits to be transferred (consumed);
- i. A descriptive reference to one (1) or more approved or pending SSA Designation Applications from which the Stewardship Credits are being obtained. Copies of the reference documents, e.g., SSA Stewardship Credit Agreement, etc., shall be provided, including:
  - (1) SSA application number;
  - (2) Pending companion SRA application number;
  - (3) SSA Designation Resolution (or Resolution Number);
  - (4) SSA Credit Agreement (Stewardship Agreement);
  - (5) Stewardship Credits Database Report.
- j. A descriptive reference to any previously approved Stewardship Credit Use and Reconciliation Applications that pertain to the referenced SSA(s) from which the Stewardship Credits are being obtained; and
- k. A summary table in a form provided by Collier County that identifies the exchange of all Stewardship Credits that involve the SRA and all of the associated SSAs from which the Stewardship Credits are being obtained.

10. Conditional SRA Designation. If at the time of the approval of the SRA Designation Application, the **APPLICANT** has not acquired the number of credits needed to entitle the SRA, then the SRA Designation approval shall be conditional. The **APPLICANT** shall have sixty (60) days from the date of the conditional approval to provide documentation of the acquisition of the required number of Stewardship Credits. If the **APPLICANT** does not provide such documentation within sixty (60) days, the conditional SRA Designation approval shall be null and void. The Stewardship Credit Use and Reconciliation Application shall be amended to accurately reflect the transfer of credits that occurred following the conditional approval of the SRA.

11. SRA Credit Agreement.

- a. Any **APPLICANT** for designation of an SRA shall enter into an SRA Credit Agreement with the County.
- b. The SRA Credit Agreement shall contain the following information:
  - (1) The number of SSA credits the **APPLICANT** for an SRA designation is utilizing and which shall be applied to the SRA land in order to carry out the plan of **Development** on the acreage proposed in the SRA **DEVELOPMENT** Documents.
  - (2) A legal description of the SRA land and the number of acres;
  - (3) The SRA master plan depicting the land uses and identifying the number of residential **DWELLING UNITS**, gross leaseable area of retail and office square footage and other land uses depicted on the master plan;
  - (4) A description of the SSA credits that are needed to entitle the SRA land and the anticipated source of said credits;
  - (5) The **APPLICANT'S** acknowledgement that **DEVELOPMENT** of SRA land may not commence until the **APPLICANT** has recorded an SRA Credit Agreement Memorandum with the Collier County Clerk of Courts; and
  - (6) The **APPLICANT'S** commitments, if any, regarding conservation, or any other restriction on **DEVELOPMENT** on any lands, including **WETLANDS**, within the SRA, as may be depicted on the SRA Master Plan for special treatment.
- c. The SRA Credit Agreement shall be effective on the latest of the following dates:
  - (1) The date that the County approves the SRA Application;



- (2) The date that documentation of the **APPLICANT'S** acquisition of the Stewardship Credits to be utilized for the SRA is found by the County to be sufficient; or
  - (3) Five (5) working days after the date on which the **APPLICANT** submits documentation of the acquisition of the Stewardship Credits to be utilized, if the County fails to make a sufficiency determination prior to that date.
- d. Following approval of the SRA Application, the **APPLICANT** shall record a SRA Credit Agreement Memorandum, which shall include the following:
- (1) A cross reference to the recorded SSA Credit Agreement Memorandum or Memoranda for the SSA lands from which the credits being utilized are generated and identification of the number of credits derived from each SSA; and
  - (2) a legal description of the SRA lands.
- e. If the **DEVELOPMENT** provided for within an SRA constitutes, or will constitute, a **DEVELOPMENT** of regional impact ("DRI") pursuant to § 380.06 and 380.0651, F.S., and if the **APPLICANT** has obtained a preliminary **DEVELOPMENT AGREEMENT** ("PDA") from the Florida Department of Community Affairs for a portion of the SRA land, the **APPLICANT** may request the County to enter into a Preliminary SRA Credit Agreement for those Stewardship Credits needed in order to develop the PDA authorized **DEVELOPMENT**. Commencement of the PDA authorized **DEVELOPMENT** may not proceed until the **APPLICANT** has recorded a Preliminary SRA Credit Agreement Memorandum. The Preliminary SRA Credit Agreement and Preliminary SRA Credit Agreement shall include the same information and documentation as is required for an SRA Credit Agreement and an SRA Credit Agreement Memorandum.

#### E. SRA Application Review Process

1. **Pre-Application Conference with County Staff:** Prior to the submission of a formal application for SRA designation, the **APPLICANT** shall attend a pre-application conference with the County Manager or his designee and other county staff, agencies, and officials involved in the review and processing of such applications and related materials. If an SRA designation application will be filed concurrent with an SSA application, only one pre-application conference shall be required. This pre-application conference should address, but not be limited to, such matters as:

- a. Conformity of the proposed SRA with the goals, objectives, and policies of the GMP;
  - b. Consideration of suitability criteria described in Section 4.08.05 A.1. and other standards of this Section;
  - c. SRA master plan compliance with all applicable policies of the RLSA District Regulations, and demonstration that incompatible land uses are directed away from FSAs, HSAs, WRAs, and Conservation Lands;
  - d. Assurance that **APPLICANT** has acquired or will acquire sufficient Stewardship Credits to implement the SRA uses, and;
  - e. Consideration of impacts, including environmental and public infrastructure impacts.
2. Application Package Submittal and Processing Fees. The required number of SRA Applications and the associated processing fee shall be submitted to the County Manager or his designee. The contents of said application package shall be in accordance with Section 4.08.05 D.
  3. Application Deemed Sufficient for Review. Within thirty (30) days of receipt of the SRA Application, the County manager or his designee shall notify the **APPLICANT** in writing that the application is deemed sufficient for agency review or advise what additional information is needed to find the application sufficient. If required, the **APPLICANT** shall submit additional information. Within twenty (20) days of receipt of the additional information, the County Manager or his designee shall notify the **APPLICANT** in writing that the application is deemed sufficient, or, what additional or revised information is required. If necessary, the County Manager shall again inform the **APPLICANT** in writing of information needed, and the timeframe outlined herein shall occur until the application is found sufficient for review.
  4. Review by County Reviewing Agencies: Once the SRA application is deemed sufficient, the County Manager or his designee will distribute it to specific County review staff.
  5. Staff Review. Within sixty (60) days of receipt of a sufficient application, County staff shall review the submittal documents and provide comments, questions, and clarification items to the **APPLICANT**. If deemed necessary by County staff or the **APPLICANT**, a meeting shall be held to address outstanding issues and confirm public hearing dates.
  6. Staff Report. Within ninety (90) days from the receipt of a sufficient application, County staff shall prepare a written report containing their review findings and a recommendation of approval,

approval with conditions or denial. This timeframe may be extended upon agreement of County staff and the **APPLICANT**.

F. SRA Application Approval Process.

1. Public Hearings Required. The BCC shall review the staff report and recommendations and the recommendations of the EAC and CCPC, and the BCC shall, by resolution, approve, deny, or approve with conditions the SRA Application only after advertised public notices have been provided and public hearings held in accordance with the following provisions:
  - a. Public Hearing Before the EAC, Recommendation to the BCC. The EAC shall hold one (1) public hearing on a proposed resolution to designate an SRA if such SRA is within the ACSC, or is adjoining land designated as Conservation, FSA, or HSA.
  - b. Public Hearing Before the CCPC, Recommendation to BCC. The CCPC shall hold one (1) advertised public hearing on the proposed resolution to designate an SRA. A notice of the public hearing before the CCPC on the proposed resolution shall include a general description and a map or sketch and shall be published in a newspaper of general circulation in the County at least ten (10) days in advance of the public hearing.
  - c. Public Hearing Before the BCC, Resolution Approved. The BCC shall hold one (1) advertised public hearing on the proposed resolution to designate an SRA. A public notice, which shall include a general description and a map or sketch, shall be given to the citizens of Collier County by publication in a newspaper of general circulation in the County at least ten (10) days prior to the hearing of the BCC. The advertised public notice of the proposed adoption of the resolution shall, in addition, contain the date, time and place of the hearing, the title of the proposed resolution and the place within the County where such proposed resolution may be inspected by the public. The notice shall also advise that interested parties may appear at the hearing and be heard with respect to the proposed resolution.
2. Update Stewardship Credits Database. Following the effective date of the approval of the SRA, the County shall update the Stewardship Credits Database used to track both SSA credits generated and SRA credits consumed.
3. Update the Official Zoning Atlas and the RLSA Overlay Map. Following the effective date of the approval of the SRA, the County shall update the Official Zoning Atlas to reflect the designation of the SRA. Sufficient information shall be included on the updated maps so as to direct interested parties to the appropriate public

records associated with the designation, e.g., Resolution number, SRA Designation Application number, etc. The RLSA Overlay Map shall be updated to reflect the SRA designation during a regular GMP amendment cycle, no later than twelve months from the effective date of the SRA Credit Agreement.

4. SRA Amendments. Amendments to the SRA shall be considered in the same manner as described in this Section for the establishment of an SRA, except as follows.
  - a. Waiver of Required SRA Application Package Component(s). A waiver may be granted by the County Manager or his designee, if at the time of the pre-application conference, in the determination of the County Manager or designee, the original SRA Designation Application component(s) is (are) not materially **ALTERED** by the amendment or an updated component is not needed to evaluate the amendment. The County Manager or designee shall determine what application components and associated documentation are required in order to adequately evaluate the amendment request.
  - b. Approval of Minor Changes by County Manager or Designee. County Manager shall be authorized to approve minor changes and refinements to an SRA Master Plan or **DEVELOPMENT** Document upon written request of the **APPLICANT**. Minor changes and refinements shall be reviewed by appropriate County staff to ensure that said changes and refinements are otherwise in compliance with all applicable County ordinances and regulations prior to the County Manager or designee's consideration for approval. The following limitations shall apply to such requests:
    - (1) The minor change or refinement shall be consistent with the RLSA Overlay, the RLSA District Regulations, and the SRA **DEVELOPMENT** Document's amendment provisions.
    - (2) The minor change or refinement shall be compatible with contiguous land uses and shall not create detrimental impacts to **ABUTTING** land uses, water management facilities, and conservation areas within or external to the SRA.
    - (3) Minor changes or refinements, include but are not limited to:
      - (a) Reconfiguration of lakes, ponds, canals, or other water management facilities where such changes are consistent with the criteria of the SFWMD and Collier County;

- (b) Internal realignment of **RIGHTS-OF-WAY**, other than a relocation of **ACCESS** points to the SRA itself, where water management facilities, preservation areas, or required **EASEMENTS** are not adversely affected; and
  - (c) Reconfiguration of **PARCELS** when there is no encroachment into the conservation areas or lands with an Index Value of 1.2 or higher,
- c. Relationship To **SUBDIVISION** Or Site **DEVELOPMENT** Approval. Approval by the County Manager or designee of a minor change or refinement may occur independently from, and prior to, any application for **SUBDIVISION** or Site **DEVELOPMENT PLAN** approval. However, such approval shall not constitute an authorization for **DEVELOPMENT** or implementation of the minor change or refinement without first obtaining all other necessary County permits and approvals.
- G. Master Plan. To address the specifics of each SRA, a master plan of each SRA will be prepared and submitted to Collier County as a part of the petition for designation as an SRA. The master plan will demonstrate that the SRA complies with all applicable GMP policies and the RLSA District and is designed so that incompatible land uses are directed away from lands identified as FSAs, HSAs, WRAs, and Conservation Lands on the RLSA Overlay Map.
- 1. Master Plan Requirements. A master plan shall accompany an SRA Designation Application to address the specifics of each SRA. The master plan shall demonstrate that the SRA is designed so that incompatible land uses are directed away from lands identified as FSAs, HSAs, WRAs and Conservation Lands on the RSLA Overlay Map. The plan shall be designed by an urban planner who possesses an AICP certification, together with at least one of the following:
    - a. a professional engineer (P.E.) with expertise in the area of civil engineering licensed by the State of Florida;
    - b. a qualified environmental consultant per Chapter 10 of the LDC; or
    - c. a practicing architect licensed by the State of Florida.
  - 2. Master Plan Content. At a minimum, the master plan shall include the following elements:
    - a. The title of the project and name of the developer;
    - b. Scale, date, north arrow;
    - c. Location map that identifies the relationship of the SRA to the entire RLSA District, including other designated SRAs;

- d. Boundaries of the subject property, all existing roadways within and **ADJACENT** to the site, watercourses, **EASEMENTS**, section lines, and other important physical features within and adjoining the proposed **DEVELOPMENT**;
  - e. Identification of all proposed tracts or increments within the SRA such as, but not limited to: residential, commercial, industrial, institutional, conservation/ preservation, lakes and/or other water management facilities, the location and function of all areas proposed for dedication or to be reserved for community and/or public use, and areas proposed for recreational uses including golf courses and related facilities;
  - f. Identification, location and quantification of all **WETLAND** preservation, **BUFFER** areas, and **OPEN SPACE** areas;
  - g. The location and size (as appropriate) of all proposed drainage, water, sewer, and other utility provisions;
  - h. The location of all proposed major internal rights of way and pedestrian **ACCESS** ways;
  - i. Typical cross sections for all **ARTERIAL**, **COLLECTOR**, and local **STREETS**, public or private, within the proposed SRA;
  - j. Identification of any WRAs that are contiguous to or incorporated within the boundaries of the SRA; and
  - k. Documentation or attestation of professional credentials of individuals preparing the master plan.
- H. **DEVELOPMENT** Document. Data supporting the SRA Master Plan, and describing the SRA application, shall be in the form of a **DEVELOPMENT** Document that shall consist of the information listed below, unless determined at the required pre-application conference to be unnecessary to describe the **DEVELOPMENT** strategy.
1. The document shall be prepared by an urban planner who possesses an AICP certification, together with at least one of the following:
    - a. a professional engineer (P.E.) with expertise in the area of civil engineering licensed by the State of Florida;
    - b. a qualified environmental consultant per Chapter 10 of the LDC  
or
    - c. a practicing landscape architect licensed by the State of Florida.
  2. The document shall identify, locate and quantify the full range of uses, including **ACCESSORY USES** that provide the mix of services to, and are supportive of, the residential population of an SRA or the RSLA District, and shall include, as applicable, the following:

- a. Title page to include name of project;
- b. Index/table of contents;
- c. List of exhibits;
- d. Statement of compliance with the RSLA Overlay and the RLSA District Regulations;
- e. General location map showing the location of the site within the boundaries of the RLSA Overlay Map and in relation to other designated SRAs and such external facilities as highways;
- f. Property ownership and general description of site (including statement of unified ownership);
- g. Description of project **DEVELOPMENT**;
- h. Legal description of the SRA boundary, and for any WRAs encompassed by the SRA;
- i. The overall acreage of the SRA that requires the consumption of Stewardship Credits and proposed **GROSS DENSITY** for the SRA;
- j. Identification of all proposed land uses within each tract or increment describing: acreage; proposed number of **DWELLING UNITS**; proposed **DENSITY** and percentage of the total **DEVELOPMENT** represented by each type of use; or in the case of commercial, industrial, institutional or office, the acreage and maximum gross leasable **FLOOR AREA** within the individual tracts or increments;
- k. Design standards for each type of land use proposed within the SRA. Design standards shall be consistent with the Design Criteria contained in Section 4.08.05 J.;
- l. All proposed variations or deviations from the requirements of the LDC, including justification and alternatives proposed;
- m. The proposed schedule of **DEVELOPMENT**, and the sequence of phasing or incremental **DEVELOPMENT** within the SRA, if applicable;
- n. A Natural Resource Index Assessment as required in Section 4.08.04 C.3.;
- o. The location and nature of all existing or proposed public facilities (or sites), such as schools, parks, **FIRE STATIONS** and the like;
- p. A plan for the provision of all needed utilities to and within the SRA; including (as appropriate) water supply, sanitary sewer collection and treatment system, stormwater collection and management system, pursuant to related county regulations and ordinances;
- q. Typical cross sections for all **ARTERIAL**, collector, and local **STREETS**, public or private, within the proposed SRA;

- r. Agreements, provisions, or covenants, which govern the use, maintenance, and continued protection of the SRA and any of its common areas or facilities;
  - s. **DEVELOPMENT** commitments for all infrastructure;
  - t. When determined necessary to adequately assess the **COMPATABILITY** of proposed uses within the SRA to existing land uses, their relationship to agriculture uses, **OPEN SPACE**, recreation facilities, or to assess requests for deviations from the Design Criteria standards, the County Manager or his designee may request schematic architectural drawings (floor plans, elevations, perspectives) for all proposed **STRUCTURES** and improvements, as appropriate;
  - u. **DEVELOPMENT** Document amendment provisions; and,
  - v. Documentation or attestation of professional credentials of individuals preparing the **DEVELOPMENT** document.
- I. DRI Master Plan. If applicable, the DRI master plan shall be included as part of the SRA Designation Application. The DRI master plan shall identify the location of the SRA being designated, and any previously designated SRAs within the DRI.
  - J. Design Criteria. Criteria are hereby established to guide the design and **DEVELOPMENT** of SRAs to include innovative planning and **DEVELOPMENT** strategies as set forth in §§ 163.3177 (11), F.S. and Chapter 9J-5.006(5)(I), F.A.C.. The size and **BASE DENSITY** of each form of SRA shall be consistent with the standards set forth below. The maximum base **RESIDENTIAL DENSITY** as specified herein for each form of SRA may only be exceeded through the **DENSITY** blending process as set forth in **DENSITY** and intensity blending provision of the Immokalee Area Master Plan or through the **AFFORDABLE HOUSING DENSITY** Bonus as referenced in the **DENSITY** Rating System of the FLUE. The base **RESIDENTIAL DENSITY** is calculated by dividing the total number of residential units in an SRA by the acreage therein that is entitled through Stewardship Credits. The base **RESIDENTIAL DENSITY** does not restrict net **RESIDENTIAL DENSITY** of **PARCELS** within an SRA. The location, size and **DENSITY** of each SRA will be determined on an individual basis, subject to the regulations below, during the SRA designation review and approval process.
    - 1. SRA Characteristics. Characteristics for SRAs designated within the RLSA District have been established in the Goals Objectives and Policies of the RLSA Overlay. All SRAs designated pursuant to this Section shall be consistent with the characteristics identified on the Collier County RLSA Overlay SRA Characteristics Chart and the design criteria set forth in 2. through 6. below.



a. SRA Characteristics Chart

**Collier County RLSA Overlay SRA Characteristics Chart**

Typical Characteristics	Town*	Village	Hamlet	Compact Rural DEVELOPMENT	
	1,000-4,000 acres	100-1,000 acres	40-100 acres**	100 Acres or less**	Greater than 100 Acres**
Residential Units (DUs) per gross acre base <b>DENSITY</b>	1-4 DUs per gross acre***	1-4 DUs per gross acre***	½-2 DUs per gross acre***	½-2 DUs per gross acre***	1-4 DUs per gross acre***
Residential Housing Styles	Full range of single family and multi-family housing types, styles, lot sizes	Diversity of single family and multi-family housing types, styles, lot sizes	Single Family and limited multi-family	Single family and limited multi-family****	Single family and limited multi-family****
Maximum <b>FLOOR AREA RATIO</b> or Intensity	Retail & Office - .5 Civic/Governmental/Institution - .6 Manufacturing/Light Industrial - .45 Group Housing - .45 Transient Lodging - 26 upa net	Retail & Office - .5 Civic/Governmental/Institution - .6 Group Housing - .45 Transient Lodging - 26 upa net	Retail & Office - .5 Civic/Governmental/Institution - .6 Group Housing - .45 Transient Lodging - 26 upa net	Retail & Office - .5 Civic/Governmental/Institution - .6 Group Housing - .45 Transient Lodging - 26 upa net	Retail & Office - .5 Civic/Governmental/Institution - .6 Group Housing - .45 Transient Lodging - 26 upa net
Goods and Services	Town Center with Community and Neighborhood Goods and Services in Town and <b>VILLAGE CENTERS</b> : Minimum 65 SF gross <b>BUILDING</b> area per DU; Corporate Office, Manufacturing and Light Industrial	<b>VILLAGE CENTER</b> with Neighborhood Goods and Services in <b>VILLAGE CENTERS</b> : Minimum 25 SF gross <b>BUILDING</b> area per DU	Convenience Goods and Services: Minimum 10 SF gross <b>BUILDING</b> area per DU	Convenience Goods and Services: Minimum 10 SF gross <b>BUILDING</b> area per DU	<b>VILLAGE CENTER</b> with Neighborhood Goods and Services in <b>VILLAGE CENTERS</b> : Minimum 25 SF gross <b>BUILDING</b> area per DU

Water and Wastewater	Centralized or decentralized community treatment system Interim Well and Septic	Centralized or decentralized community treatment system Interim Well and Septic	Individual Well and Septic System: Centralized or decentralized community treatment system	Individual Well and Septic System: Centralized or decentralized community treatment system	Centralized or decentralized community treatment system Interim Well and Septic
Recreation and Open Spaces	Community Parks (200 SF/DU) Parks & Public Green Spaces with Neighborhoods  Active Recreation/Golf Courses  Lakes Open Space Minimum 35% of SRA	Parks & Public Green Spaces with Neighborhoods  Active Recreation/Golf Courses  Lakes Open Space Minimum 35% of SRA	Public Green Spaces for Neighborhoods (Minimum 1% of gross acres)	Public Green Spaces for Neighborhoods (Minimum 1% of gross acres)	Parks & Public Green Spaces with Neighborhoods  Active Recreation/Golf Courses  Lakes Open Space Minimum 35% of SRA
Civic, Government and Institutional Services	Wide Range of Services – minimum 15 SF/DU  Full Range of Schools	Moderate Range of Services – minimum 10 SF/DU;  Full Range of Schools	Limited Services  Pre-K through Elementary Schools	Limited Services  Pre-K through Elementary Schools	Moderate Range of Services – minimum 10 SF/DU;  Full Range of Schools
Transportation	Auto – interconnected system of collector and local roads; required connection to collector or arterial  Interconnected sidewalk and pathway system County Transit <b>ACCESS</b>	Auto – interconnected system of collector and local roads; required connection to collector or arterial  Interconnected sidewalk and pathway system Equestrian Trails County Transit <b>ACCESS</b>	Auto – interconnected system of local roads  Pedestrian Pathways  Equestrian Trails	Auto – interconnected system of local roads  Pedestrian Pathways  Equestrian Trails	Auto – interconnected system of collector and local roads; required connection to collector or arterial  Interconnected sidewalk and pathway system Equestrian Trails County Transit <b>ACCESS</b>

\* - Towns are prohibited within the ACSC, per policy 4.7.1 of the Goals, Objectives, and Policies.

\*\* - Villages, Hamlets, and Compact Rural **DEVELOPMENTS** within the ACSC are subject to location and size limitations, per policy 4.20, and are subject to Chapter 28-25, FAC.

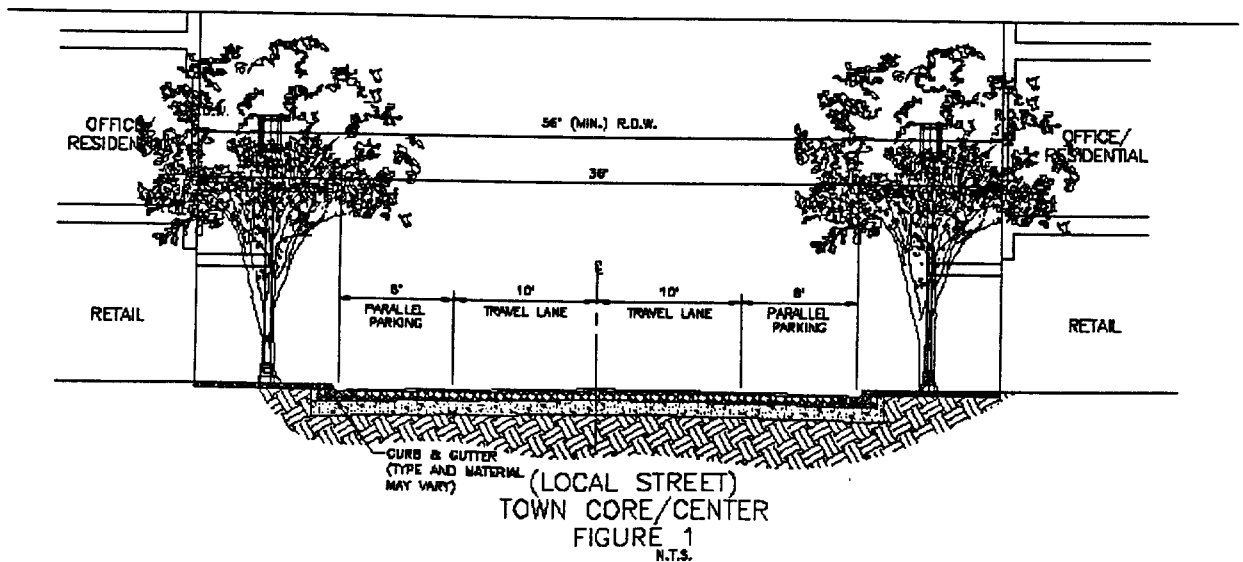
\*\*\* - **DENSITY** can be increased beyond the **BASE DENSITY** through the **AFFORDABLE HOUSING DENSITY Bonus** or through the **DENSITY** blending provision, per policy 4.7

\*\*\*\* - Those CRDs that include single or multi-family residential uses shall include proportionate support services.

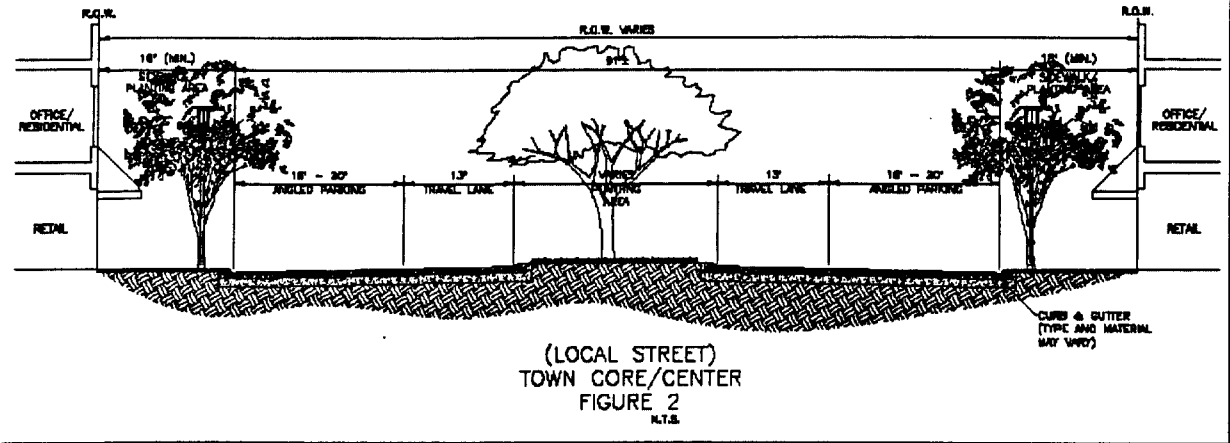
Underlined uses are not required uses.

b. **STREETS** within SRAs shall be designed in accord with the cross-sections set forth in Figures 1-18 below, as more specifically provided in J.2 through J.5. Alternatively, Collier County Transportation Services may approve additional cross-sections as needed to meet the design objectives.

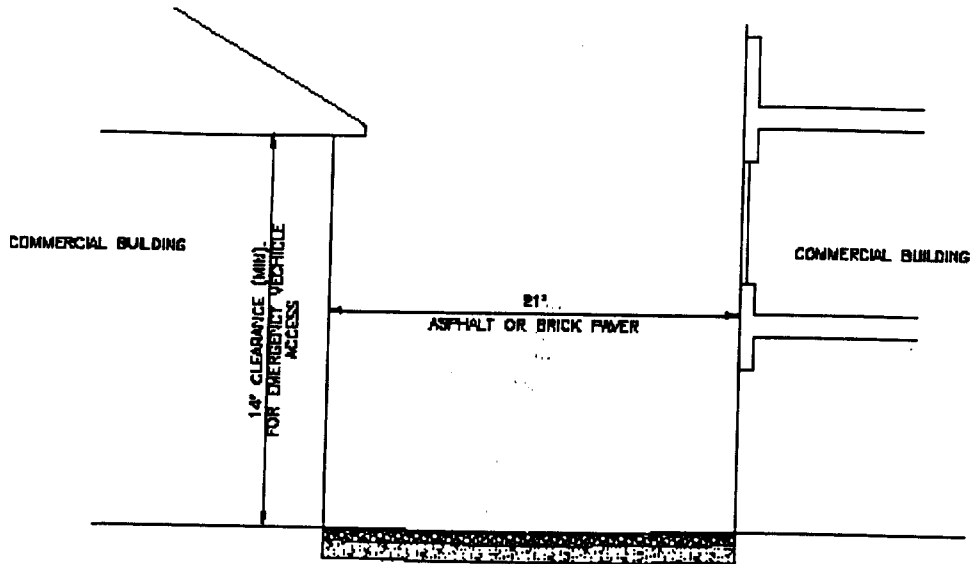
(1) Figure 1: Town Core/Center.



(2) Figure 2: Town Core/Center.

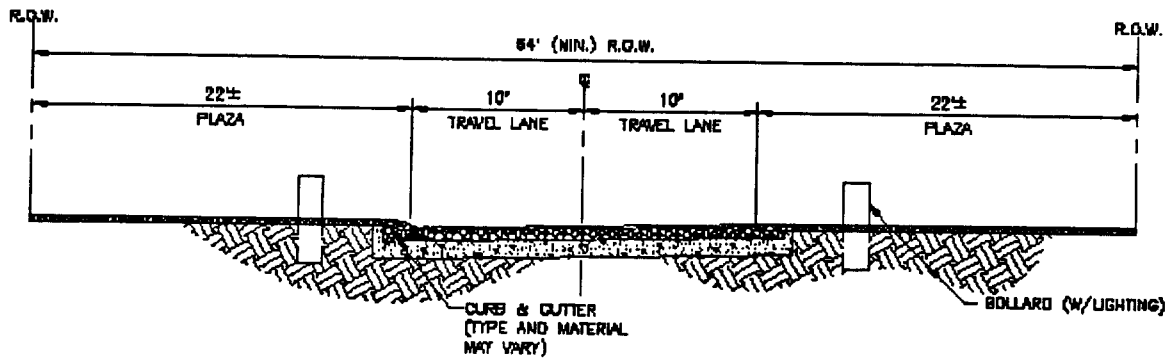


(3) Figure 3: ALLEY: Town Core/Center.



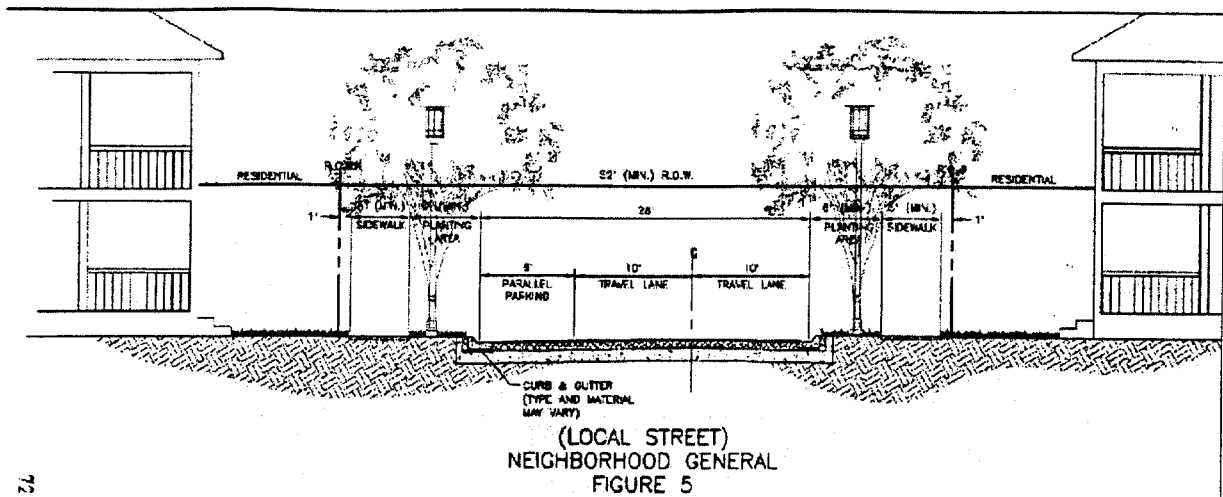
ALLEY  
TOWN CORE/CENTER  
FIGURE 3  
N.T.S.

(4) Figure 4: Town Core/Center



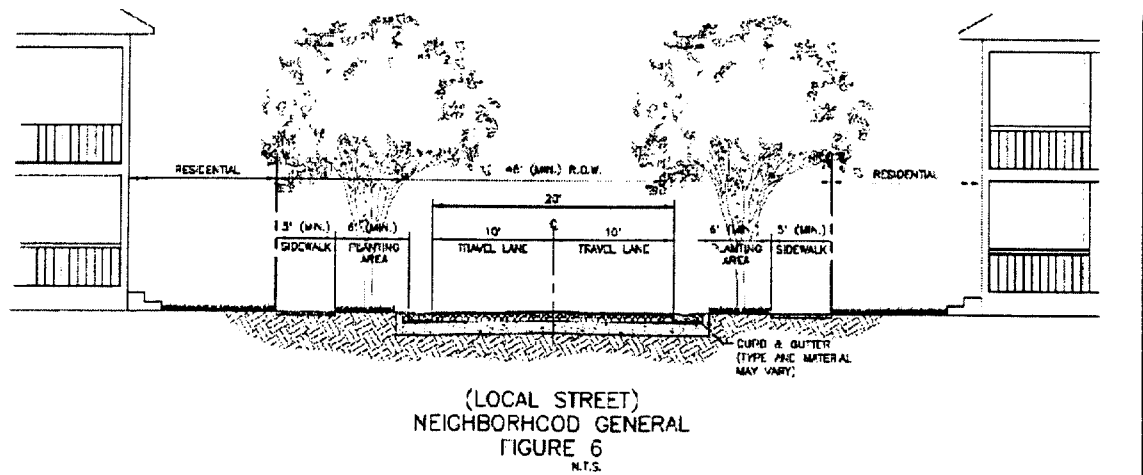
(LOCAL STREET)  
TOWN CORE/CENTER  
FIGURE 4  
N.T.S.

(5) Figure 5: Neighborhood General

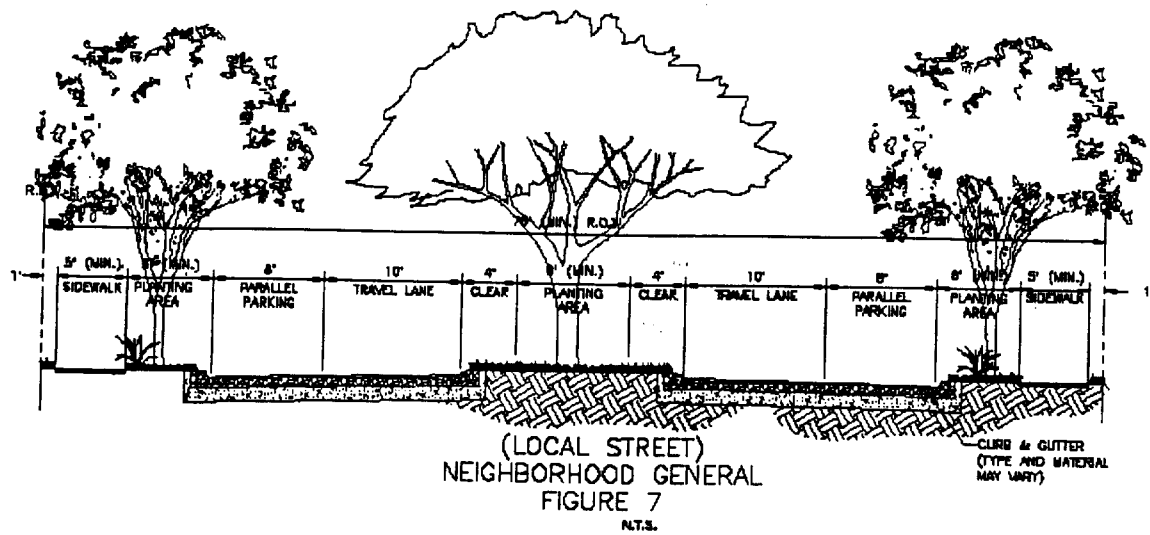


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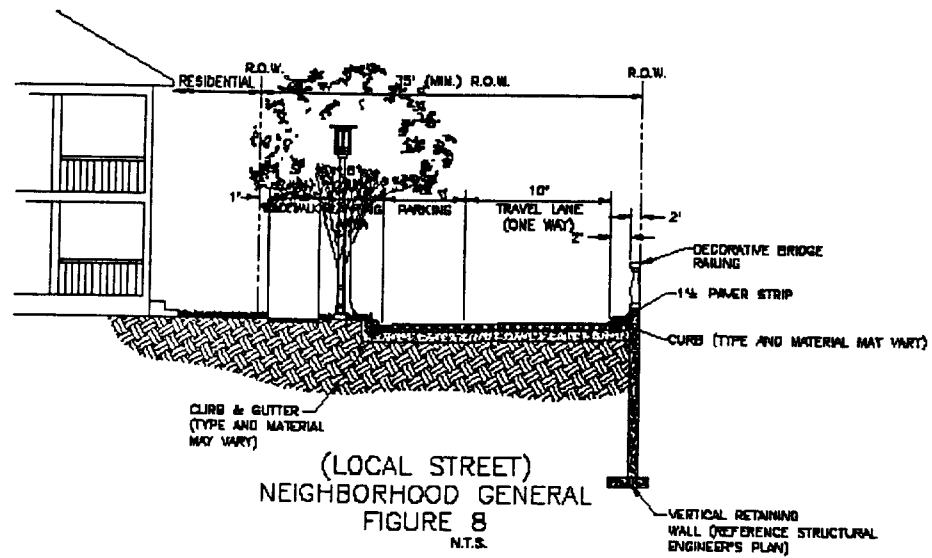
(6) Figure 6: Neighborhood General



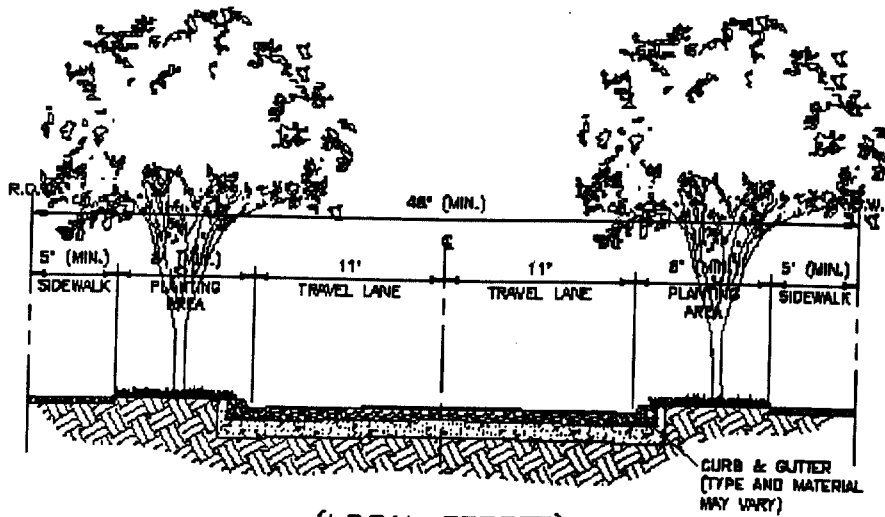
(7) Figure 7: Neighborhood General.



(8) Figure 8: Neighborhood General.

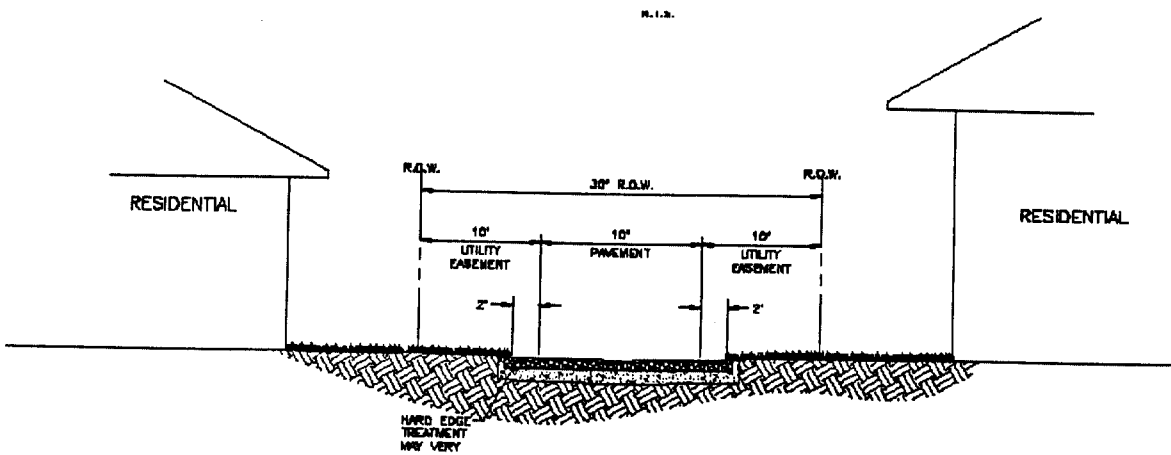


(9) Figure 9: Neighborhood Edge.



(LOCAL STREET)  
 NEIGHBORHOOD EDGE  
 FIGURE 9  
 N.T.S.

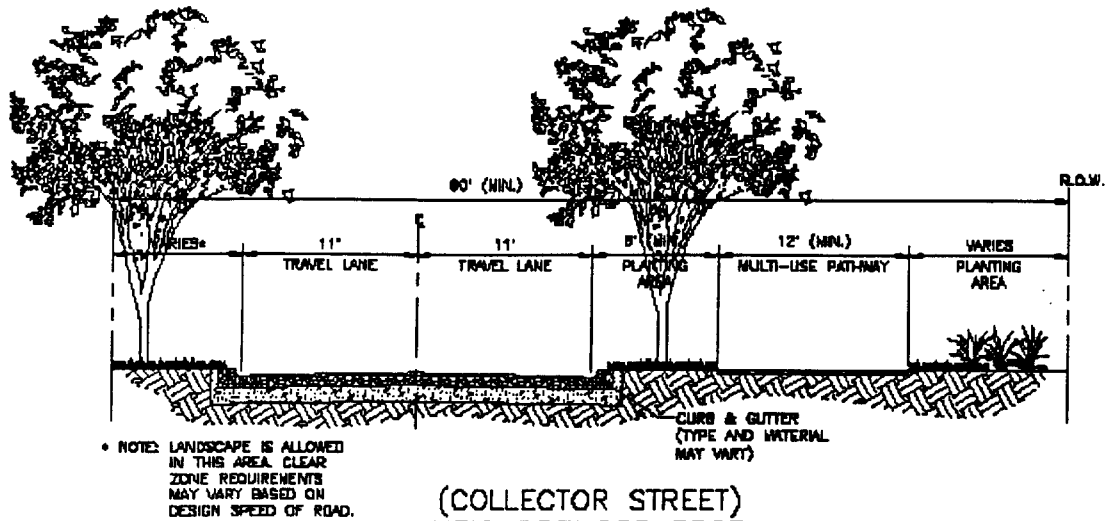
(10) Figure 10: Neighborhood General.



ALLEY  
 NEIGHBORHOOD GENERAL  
 FIGURE 10  
 N.T.S.

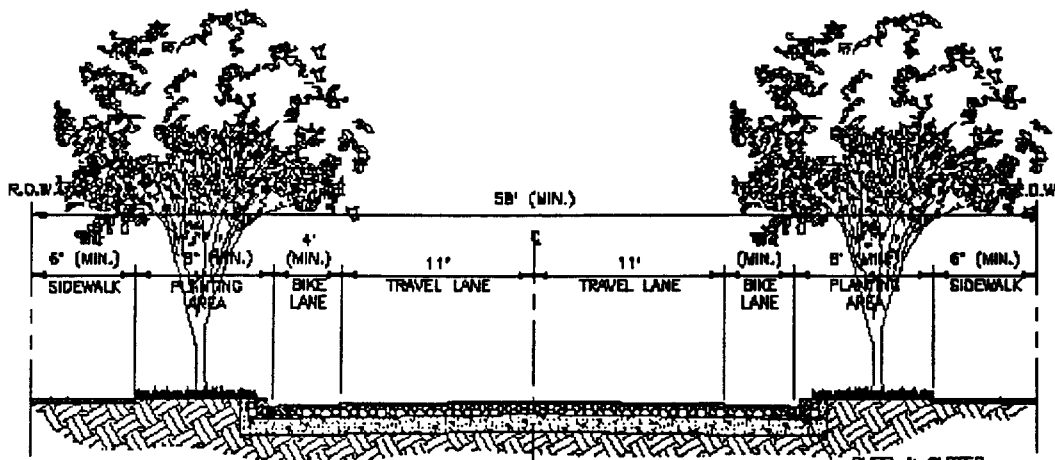
(11) Figure 11: Neighborhood Edge.





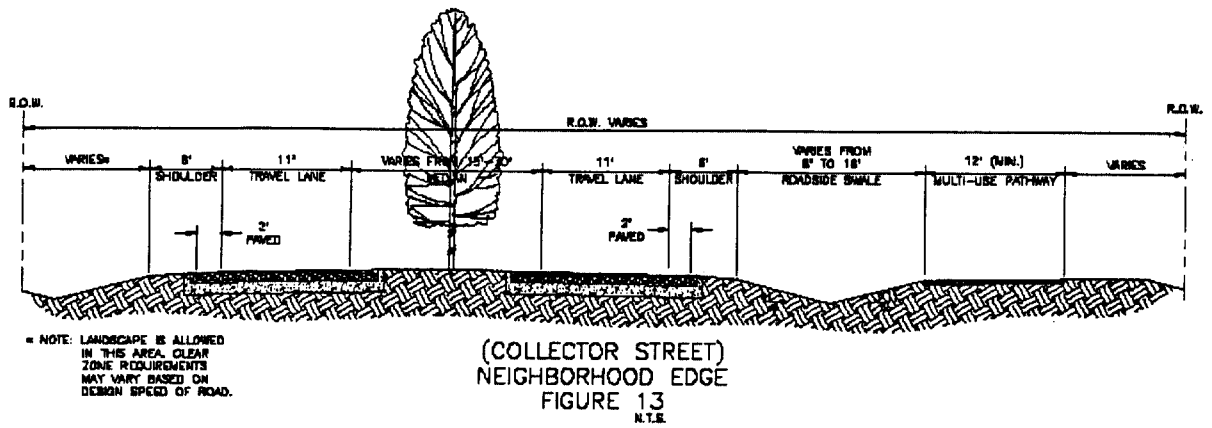
(COLLECTOR STREET)  
 NEIGHBORHOOD EDGE  
 FIGURE 11  
 N.T.S.

(12) Figure 12: Neighborhood Edge

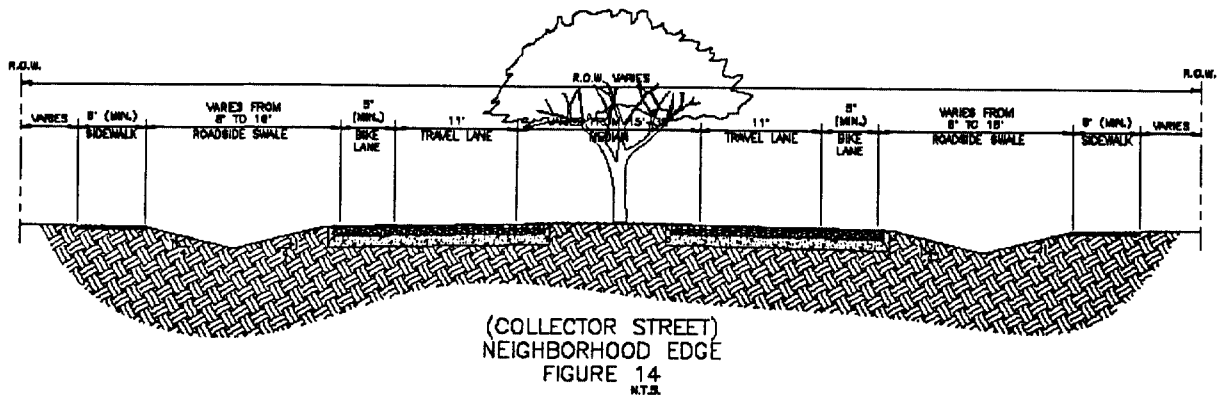


(COLLECTOR STREET)  
 NEIGHBORHOOD EDGE  
 FIGURE 12  
 N.T.S.

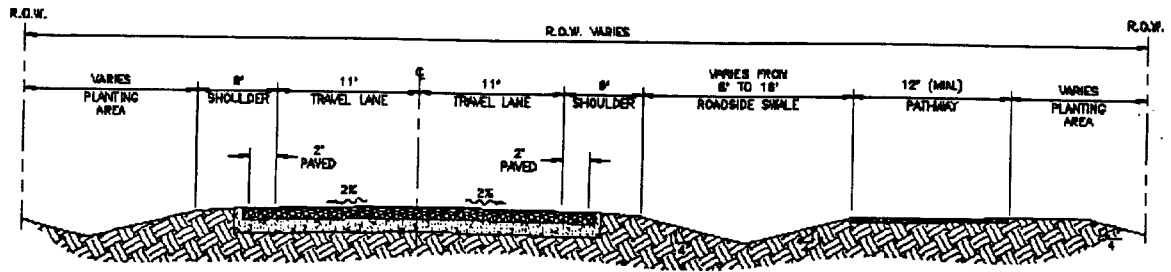
(13) Figure 13: COLLECTOR STREET: Neighborhood Edge.



(14) Figure 14: Neighborhood Edge.

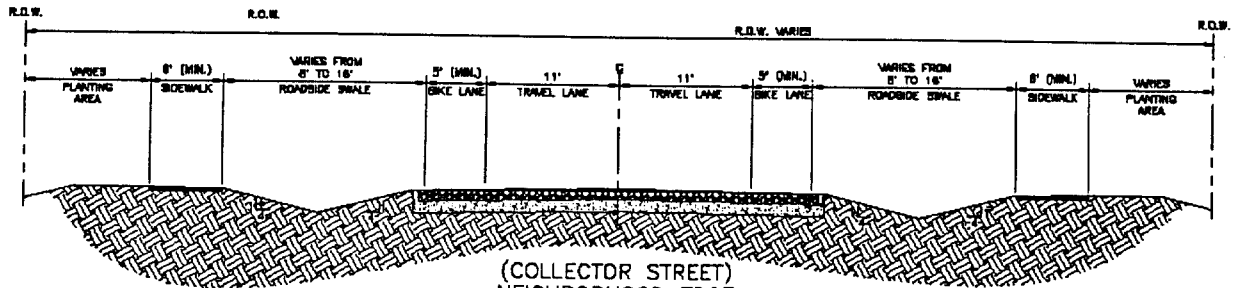


(15) Figure 15: Neighborhood Edge.



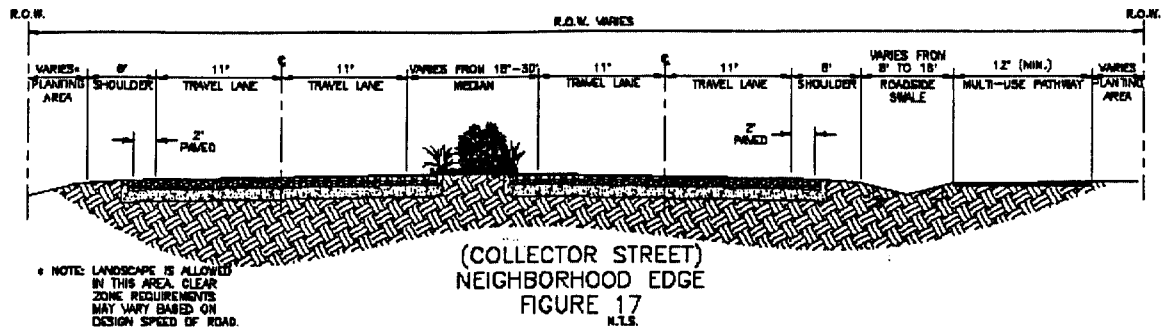
(COLLECTOR STREET)  
 NEIGHBORHOOD EDGE  
 FIGURE 15  
 N.T.S.

(16) Figure 16: Neighborhood Edge.

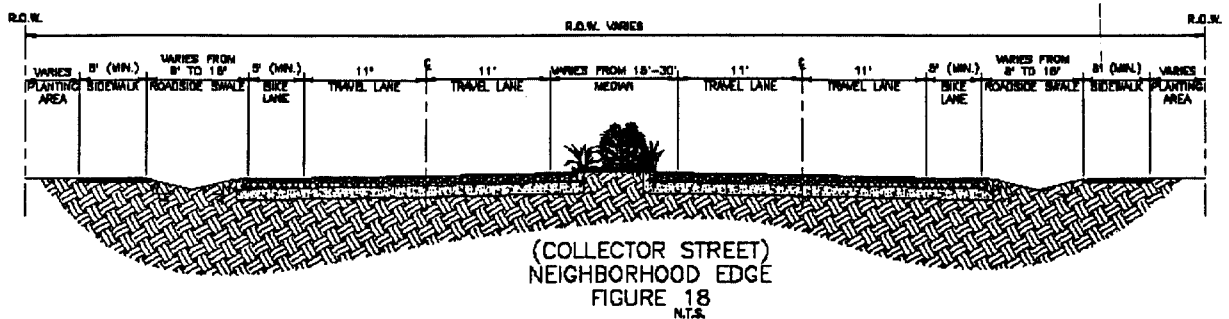


(COLLECTOR STREET)  
 NEIGHBORHOOD EDGE  
 FIGURE 16  
 N.T.S.

(17) Figure 17: Neighborhood Edge.



(18) Figure 18: Neighborhood Edge.



## 2. Town Design Criteria.

### a. General design criteria.

- i. Shall be compact, pedestrian-friendly and mixed-use;
- ii. Shall create an interconnected **STREET** system designed to disperse and reduce the length of automobile trips;
- iii. Shall offer a range of housing types and price levels to accommodate diverse ages and incomes; Accessory **DWELLING UNIT** shall not count towards the total approved number of units, provided that the total number of units does

not exceed the maximum **DENSITY** allowed by the GMP.

- iv. Shall include school sites that are sized and located to enable children to walk or bicycle to them;
- v. Shall provide a range of **OPEN SPACES** including neighborhood and community parks, squares and playgrounds distributed throughout the community;
- vi. Shall include both community and neighborhood scaled retail and office uses;
- vii. Shall have urban level services and infrastructure which supports **DEVELOPMENT** that is compact, including water management facilities and related **STRUCTURES**, lakes, community and **NEIGHBORHOOD PARKS**, trails, temporary construction, sales and administrative offices for authorized contractors and consultants, landscape and hardscape features, fill storage, and site filling and grading, which are allowed uses throughout the community.
- viii. Shall be designed in a progressive rural to urban continuum with the greatest **DENSITY**, intensity and diversity occurring within the Town Core, to the least **DENSITY**, intensity and diversity occurring within the Neighborhood Edge;
- ix. Shall provide sufficient transition to the adjoining use, such as active agriculture, pasture, rural roadway, etc., and **COMPATABILITY** through the use of **BUFFERING, OPEN SPACE**, land use, or other means;
- x. Shall include a minimum of three Context Zones: Town Core, Town Center and Neighborhood General, each of which shall blend into the other without the requirements of **BUFFERS**;
- xi. May include the Context Zone of Neighborhood Edge; and
- xii. Shall allow **SIGNS** typically permitted in support of residential uses including for sale, for rent, model home, and temporary construction **SIGNS**. Specific design and **DEVELOPMENT** standards shall be set forth in the SRA document for such **SIGNS** permitted in residential areas or in conjunction with residential uses.

xiii. To the extent that section 5.05.08 is applicable within the Urban designated area, SRA Architectural Design Standards shall comply with the provisions of section 5.05.08, unless additional or different design standards that deviate from section 5.05.08, in whole or part, are submitted to the County no later than when the first SRA Site **DEVELOPMENT PLAN** is submitted for approval.

xiv. To the extent that section 4.06.00 is applicable within the Urban designated area, SRA Landscape Design and Installation Standards shall comply with the provisions of section 4.06.00, unless additional or different design and installation standards that deviate from section 4.06.00, in whole or in part, are submitted to the County no later than when the first SRA Site **DEVELOPMENT PLAN** is submitted for approval.

b. **Transportation Network**

i. The transportation network shall provide for a high level of mobility for all residents through a design that respects the pedestrian and accommodates the automobile.

ii. The transportation network shall be designed in an interconnected system of **STREETS, SIDEWALKS, and PATHWAYS.**

c. **OPEN SPACE and Parks**

i. Towns shall have a minimum of 35% **OPEN SPACE.**

ii. Towns shall have community parks that include sports fields and facilities with a minimum **LEVEL OF SERVICES** of 200 square feet per **DWELLING UNIT** in the Town.

iii. Towns shall have passive or active parks, playgrounds, public plazas or courtyards as appropriate within each Context Zone.

d. **Context Zones.** Context Zones are intended to guide the location of uses and their intensity and diversity within a Town, and provide for the establishment of the urban to rural continuum.

i. **Town Core.** The Town Core shall be the civic center of a Town. It is the most dense and diverse zone, with a full

range of uses within walking distance. The Core shall be a primary pedestrian zone with **BUILDINGS** positioned near the **RIGHT-OF-WAY**, wide **SIDEWALKS** shall be shaded through streetscape planting, awnings and other architectural elements. Parking shall be provided on **STREET** and off **STREET** in the rear of **BUILDINGS** within **LOTS** or parking **STRUCTURES**. Signage shall be pedestrian scale and designed to compliment the **BUILDING** architecture. The following design criteria shall apply within the Town Core, with the exception of civic or institutional **BUILDINGS**, which shall not be subject to the **BUILDING** height, **BUILDING** placement, **BUILDING** use, parking, and signage criteria below, but, instead, shall be subject to specific design standards set forth in the SRA **DEVELOPMENT** Document and approved by the BCC that address the perspective of these **BUILDINGS**' creating focal points, terminating vistas and significant community landmarks.

- a) Uses – commercial, retail, office, civic, institutional, light industrial and manufacturing, **ESSENTIAL SERVICES**, residential, parks and **ACCESSORY USES**. Such uses may occur in shared use **BUILDINGS** or single use **BUILDINGS**.
- b) The total **BUILDING** area within each **BLOCK** shall not exceed a **FLOOR AREA RATIO** of 3.
- c) Retail and offices uses per **BLOCK** shall not exceed a **FLOOR AREA RATIO** of 0.5.
- d) Civic uses per **BLOCK** shall not exceed a **FLOOR AREA RATIO** of 0.6.
- e) Light industrial and manufacturing uses per **BLOCK** shall not exceed a **FLOOR AREA RATIO** of 0.45.
- f) The **DENSITY** of transient lodging uses shall not exceed 26 **DWELLING UNITS** per Town Core gross acre.
- g) The maximum **BUILDING** height shall be 6 stories, excluding roofs and architectural features.
- h) There shall be no minimum **LOT** size.

- i) The maximum **BLOCK** perimeter shall be 2500 Ft.
- j) Minimum **SETBACKS** from all property boundaries shall be 0 feet and the maximum **SETBACK** from the front boundary shall be 10 feet. The maximum **SETBACK** from the front boundary may be increased in order to create public spaces such as plazas and courtyards.
- k) Overhead encroachments such as awnings, balconies, arcades and the like, shall maintain a clear distance of 9 feet above the **SIDEWALK** and 15 feet above the **STREET**.
- l) Seating for outdoor dining shall be permitted to encroach into the public **SIDEWALKS** and shall leave a minimum 6-foot clear pedestrian way between the outdoor dining and the streetscape planting area.
- m) **BUILDINGS** within the Town Core shall be made compatible through similar massing, volume, **FRONTAGE**, scale and architectural features.
- n) The majority of parking spaces shall be provided off-**STREET** in the rear of **BUILDINGS**, or along the side (secondary **STREETS**), organized into a series of small bays delineated by landscape islands of varied sized. A maximum spacing between landscape islands shall be ten (10) spaces. Landscape islands and tree diamonds shall have a minimum of one tree. Parking is prohibited in front of **BUILDINGS**, except within the **RIGHT-OF-WAY**. Parking **STRUCTURES** fronting on a primary **STREET** shall either include ground floor retail or have a minimum ten (10) foot wide landscaped area at **GRADE**, including one tree per five (5) square feet of landscaped area. Parking **STRUCTURES** fronting on a secondary **STREET** shall have a minimum ten (10) foot wide, densely landscaped area at **GRADE**, including one tree per 250 square feet of landscaped area or 25 linear feet on center. The amount of required parking shall be demonstrated through a shared parking analysis submitted with an SRA designation application. Parking shall be determined



utilizing the modal splits and parking demands for various uses recognized by ITE, ULI or other sources or studies. The analysis shall demonstrate the number of parking spaces available to more than one use or function, recognizing the required parking will vary depending on the multiple functions or uses in close proximity which are unlikely to require the spaces at the same time. The shared parking analysis methodology will be determined and agreed upon by the County Transportation staff and the **APPLICANT** during the pre-application meeting. The shared parking analysis shall use the maximum square footage of uses proposed by the **SRA DEVELOPMENT** document.

o) **STREETS** shall adhere to J.1.b. and Figures 1, 2, 3, or 4. At a minimum all proposed **STREETS** shall include **SIDEWALKS** on both sides of the **STREET**, parallel to the **RIGHT-OF-WAY**, and a five (5) foot streetscape area between the back of curb and the **SIDEWALK**. In these areas, **SIDEWALK** protection such as root barriers, a continuous tree pit, and/or structural soils shall be provided. **STREETS** shall maintain a minimum average **BUILDING** height to **STREET** width ratio of 1:1, excluding landmark **BUILDINGS**.

p) Landscaping minimums within the Town Core shall be met by providing landscaping within parking **LOTS** as described, and by providing a streetscape area between the **SIDEWALK** and curb at a minimum of five (5) feet in width, with trees planted forty (40) feet on-center. The five-foot minimum wide of planting area may be reduced to three (3) feet if **SIDEWALK** protection such as root barriers, continuous tree pits, and/or structural soils are provided. The **STREET** tree pattern may be interrupted by architectural elements such as arcades and columns.

q) General signage standards.

i) Signage design shall be carefully integrated with site and **BUILDING** design to create a unified appearance for the total property.

- ii) **SIGNS** shall be installed in a location that minimizes conflicts with windows or other architectural features of the **BUILDING**.
- iii) **SIGNS** which create visual clutter or which block the view of **SIGNS** on **ADJACENT** property shall not be permitted.
- iv) Creativity in the design of **SIGNS** is encouraged in order to emphasize the unique character of the SRA.
- v) **SIGN Area**: The area of any **SIGN** shall be the area of a rectangle which encloses all elements of the **SIGN** (excluding poles and brackets) including all text and any symbols or logos.
- vi) **Signable Area**: The signable area (total of all individual **SIGNS** on that façade or related to that **FACADE**) of a façade facing a public **STREET** or a parking lot shall be limited to 20% of the total area of the façade.
- vii) **Mounting height**: No part of a **SIGN** which projects from a **BUILDING** or is mounted on a pole or bracket shall be less than eight feet above the **GRADE**.
- viii) **Illumination**: **SIGNS** may be illuminated by external spot lighting or internally illuminated. Lighting shall be designed and shielded so as not to glare onto **ADJACENT** properties or the public **RIGHT-OF-WAY**.
- ix) **Material**: **SIGNS** shall be constructed of durable materials suitable to the **SIGN** type. The long term appearance of the **SIGN** shall be a major consideration in the selection of materials.
- x) **Color**: The color of **SIGNS** shall be compatible with the colors and style of the **BUILDING** to which they are attached or otherwise associated.

- r) The following **SIGN** types shall be permitted:
- i) Wall -A **SIGN** affixed directly to or painted directly on an exterior wall or fence. Maximum **SIGN** area - Façade width x 2.5.
  - ii) Projecting - Any **SIGN** which projects from and is supported by a wall of a **BUILDING** with the display of the **SIGN** perpendicular to the **BUILDING** wall. Maximum **SIGN** area = The façade area x .05. up to a maximum of 100 Sq. Ft.
  - iii) Window - A **SIGN** affixed to or behind a window. Maximum **SIGN** area - the area of the window with the **SIGN** x .30.
  - iv) Hanging - A **SIGN** attached to and located below any eave, arcade, canopy or awning. Maximum **SIGN** area - 20 Sq. Ft. (two faces of 20 Sq. Ft. each).
  - v) Awning - A **SIGN** or graphic attached to or printed on an awning. Maximum **SIGN** area - the area of the awning x .25.
  - vi) Pole - A **SIGN** mounted at the top of or bracketed from a vertical pole which is supported by the ground. Maximum **SIGN** area - 24 Sq. ft (2 faces @ 12 Sq. Ft. each.).
  - vii) Monument - A **SIGN** secured to a base which is built directly upon the ground. Maximum **SIGN** area - 50 Sq. Ft., exclusive of the base. (2 faces of 50 Sq. Ft. each). Maximum height above **GRADE** - 6 feet.
  - viii) Marquee - A **SIGN** usually projecting from the face of a theater or cinema which contains changeable text to announce events. **SIGN** area shall be compatible with the design of the theater **BUILDING**. Minimum height above **GRADE** - 10 feet. Minimum distance from curb 4 feet.
  - ix) Sandwich boards - A movable **SIGN**

comprised of two **SIGN** panels hinged together at the top. Maximum **SIGN** area - 12 square ft (2 faces at 12 Sq. Ft. each.

x) Banners - Fabric panels projecting from light poles or other **STRUCTURES**. Maximum **SIGN** area - shall be proportional to the height of the pole: 16 feet pole - 15 Sq. Ft. max (2 faces at 15 Sq. Ft. ea.); 20 feet pole - 20 Sq. Ft. max. (2 faces at 20 Sq. Ft. ea.); 30 feet pole - 36 Sq. Ft. max (2 faces at 36 Sq. Ft. ea.).

xi) Temporary **SIGNS** as allowed by section 5.06.00.

s) The following **SIGN** types are prohibited:

i) Pole **SIGNS** greater than 12 Sq. Ft. in area

ii) Portable or mobile **SIGNS** except sandwich boards

iii) Flashing or animated **SIGNS** (except time and temperature **SIGNS**)

iv) **SIGNS** with changeable text (except Marquee)

v) Off-site **SIGNS**. Billboards.

ii. Town Center. The Town Center shall provide a wide range of uses including daily goods and services, culture and entertainment, within walking distance. Like the Town Core, the Town Center is the primary pedestrian zone, designed at human scale to support the walking environment. It is the Main **STREET** area of the Town. **BUILDINGS** shall be positioned near the **RIGHT-OF-WAY** line, wide **SIDEWALKS** shall be shaded by **STREET** trees and architectural elements. The following design criteria shall apply within the Town Center, with the exception of civic or institutional **BUILDINGS**, which shall not be subject to the height, **BUILDING** placement, **BUILDING** use, parking, and signage criteria below, but, instead, shall be subject to specific design standards that address these **BUILDINGS'** creating focal points, terminating vistas, and significant community landmarks and that are set forth in the SRA **DEVELOPMENT** Document and approved by the BCC.

a) Commercial, retail, office, civic, institutional,

light industrial and manufacturing, **ESSENTIAL SERVICES**, parks, residential and schools and **ACCESSORY USES** shall be permitted. These uses may occur in shared use **BUILDINGS** or single use **BUILDINGS**.

- b) The **FLOOR AREA RATIO** for the total **BUILDING** area within each **BLOCK** shall not exceed 2.
- c) The **FLOOR AREA RATIO** for retail and office uses per **BLOCK** shall not exceed 0.5.
- d) The **FLOOR AREA RATIO** for civic uses per **BLOCK** shall not exceed 0.6.
- e) The **FLOOR AREA RATIO** for light industrial and manufacturing uses per **BLOCK** shall not exceed 0.45.
- f) The maximum **DENSITY** for transient lodging shall be 26 **DWELLING UNITS** per Town Center gross acre.
- g) The maximum **BUILDING** height shall be 5 stories, excluding roofs and architectural features.
- h) The minimum **LOT** area shall be 1,000 square feet.
- i) The maximum **BLOCK** perimeter shall be 2500 Ft.
- j) The minimum **SETBACKS** shall be 0 from all property boundaries and the maximum **SETBACK** shall be 10 feet from the front right of way line.
- k) Overhead encroachments such as awnings, balconies, arcades and the like, must maintain a clear distance of 9 feet above the **SIDEWALK** and 15 feet above the **STREET**.
- l) Seating for outdoor dining shall be permitted to encroach the public **SIDEWALKS** and shall leave a minimum 6-foot clear pedestrian way between the outdoor dining and the streetscape planting area.

m) **BUILDINGS** within the Town Center shall be made compatible through similar massing, volume, **FRONTAGE**, scale and architectural features.

n) **STREETS** shall adhere to J.1.b. and Figures 1, 2, 3, or 4. At a minimum all proposed **STREETS** must include **SIDEWALKS** on both sides of the **STREET**, parallel to the **RIGHT-OF-WAY**, and a 5 Ft. streetscape area between the back of curb and the **SIDEWALK**. **STREETS** shall maintain a minimum average **BUILDING** height to **STREET** width ratio of 1:1, excluding landmark **BUILDINGS**.

o) Parking space requirements and design are the same as in the Town Core.

p) Landscape minimums are the same as in the Town Core.

q) Signage requirements are the same as in the Town Core.

iii. Neighborhood General. Neighborhood General is predominately residential with a mix of single and multi-family housing. Neighborhood scale goods and services, schools, parks and **OPEN SPACE** diversify the neighborhoods. The interconnected **STREET** pattern is maintained through the Neighborhood General to disperse traffic. **SIDEWALKS** and streetscape support the pedestrian environment. The following design criteria shall apply within Neighborhood General:

a) Residential, neighborhood scale goods and services, civic, institutional, parks, schools and **ACCESSORY USEs** shall be permitted.

b) The maximum allowable **BUILDING** height shall be 3.5 stories.

c) The maximum **BLOCK** perimeter shall be 3500 feet, except that a larger **BLOCK** perimeter shall be allowed where an **ALLEY** or **PATHWAY** provides through **ACCESS**, or the **BLOCK** includes water bodies or public facilities.

d) The SRA **DEVELOPMENT** Document shall set forth the **DEVELOPMENT** standards for all allowable types of single-family **DEVELOPMENT**, which shall, at a minimum, adhere to the following:

i) The minimum **LOT** area shall be 1,000 square feet.

ii) Parking space requirements and design are the same as in the Town Core, inclusive of garage spaces, with an additional parking space required if an accessory **DWELLING UNIT** is built.

iii) Landscaping shall include a minimum of sixty (60) square feet of shrub planting per **LOT**, on **LOTS** that are 3,000 square feet or less in area; eighty (80) square feet on **LOTS** that are greater than 3,000 square feet but less than 5,000 square feet in area; and 100 square feet for **LOTS** 5,000 square feet or larger in area. Plantings shall be in identified planting areas, raised planters, or planter boxes in the front of the dwelling, with, at a minimum, turf grass for the remainder of the property.

e) Multi-family residential uses shall adhere to the following:

i) **LOTS** shall be a maximum of 4 acres.

ii) **FRONT** and side **YARD SETBACKS** shall be a minimum of 10 feet and rear **YARD SETBACKS** shall be a minimum of 20 feet for the primary **STRUCTURE** and 5 feet for any **ACCESSORY STRUCTURES**.

iii) Porches, stoops, chimneys, bays canopies, balconies and overhangs may encroach into the **FRONT YARD** a maximum of 3 ft. 6 in and a maximum of 3 Ft. into side **YARDS**, but no element may encroach into a side **YARD** such that the distance to the property line from the encroaching element is less than 3 Ft. 2 In., except that overhangs may encroach no more than 2 Ft. into any

## **YARD.**

- iv) Parking space requirements and design are the same as in the Town Core.
- v) A minimum of 100 Sq. Ft. of shrub planting shall be required for each 2,000 Sq. Ft. of **BUILDING** footprint, and one tree shall be required for each 4,000 Sq. Ft. of **LOT** area, inclusive of **STREET** trees, with such plantings in planting areas, raised planters, or planter boxes in the front of the **BUILDING** and a minimum of turf grass for the remainder of the property.
- f) Non-residential uses shall adhere to the following:
  - i) All such uses shall be located at intersection corners or **STREET** bends and shall not be permitted at mid-**BLOCK** locations;
  - ii) If the non-residential use is a **RESTAURANT**, grocery store, or convenience store, it shall be located on an **ALLEY** loaded site;
  - iii) The minimum distance between non-residential uses shall be 1,000 feet, as measured along the **STREET FRONTAGE** at the **RIGHT-OF-WAY** line.
  - iv) The maximum square footage per use shall be 3,000 square feet and per location shall be 15,000 square feet;
  - v) The use shall have a minimum **LOT** area of not less than the size of the smallest **ADJACENT LOT**.
  - vi) The minimum **SETBACKS** shall be as follows: 0 feet from the front property boundary, a distance from the side property boundary that is equal to the setback of the **ADJACENT** property, and a minimum of 20 feet from the rear property boundary for the



**PRINCIPAL STRUCTURE** and 5 feet from the rear property boundary for any **ACCESSORY STRUCTURES**.

vii) Parking space requirements and design are the same as in the Town Core, with on-**STREET** parking provided only along the **LOT STREET FRONTAGE**. No off-**STREET** parking shall be permitted between the front façade and the front property line. No off-**STREET** parking shall be permitted between the side façade and the **STREET** side property line for corner **LOTS**. All off-**STREET** parking shall be screened from the **STREET** and **ADJACENT** property by wall, fence and/or landscaping.

viii) Landscaping shall include a minimum of 100 Sq. Ft. of shrub planting per 2,000 Sq. Ft. of **BUILDING** footprint, and one tree per 4,000 Sq. Ft. of **LOT** area, inclusive of **STREET** trees. Plantings shall be in planting areas, raised planters, or planter boxes in the front of the **BUILDING**. Minimum of turf grass for the remainder of the property.

g) General signage requirements:

i) **SIGN** Area: The area of any **SIGN** shall be the area of a rectangle which encloses all elements of the **SIGN** (excluding poles and brackets) including all text and any symbols or logos.

ii) Allowable **SIGN** Area: The allowable **SIGN** area (total of all individual **SIGNS** on that façade or related to that **FACADE**) of a façade facing a public **STREET** or a parking lot shall be limited to 20% of the total area of the façade.

iii) Mounting height: No part of a **SIGN** which projects from a **BUILDING** or is mounted on a pole or bracket shall be less than eight feet above the **GRADE** unless not in the pedestrian path.

iv) Illumination: **SIGNS** may be illuminated by external spot lighting or internally illuminated. Lighting shall be designed and shielded so as not to glare onto **ADJACENT** properties or the public **RIGHT-OF-WAY**.

h) Prohibited **SIGN** Types:

i) Pole **SIGNS**

ii) Portable or mobile **SIGNS** except sandwich boards

iii) Flashing or animated **SIGNS** (except time and temperature **SIGNS**)

iv) **SIGNS** with changeable text including

v) Marquee - A **SIGN** usually projecting from the face of a theater or cinema which contains changeable text to announce events

vi) Banners

vii) Off-site **SIGNS**. billboards

viii) Signage is prohibited outside of Neighborhood Goods and Services Zones, except as necessary within **OPEN SPACES**, parks, and neighborhoods for directional and area identification purposes.

i) The following **SIGN** types are allowable:

i) Wall – A **SIGN** affixed directly to an exterior wall or fence. Maximum **SIGN** area – 24 square ft.

ii) Projecting - Any **SIGN** which projects from and is supported by a wall of a **BUILDING** with the display of the **SIGN** perpendicular to the **BUILDING** wall. Maximum **SIGN** area = The façade area x .05. up to a maximum of 40 sq. ft.

iii) Window - A **SIGN** affixed to or behind a window. Maximum **SIGN** area – 20% of the area of the window.

iv) Hanging - A **SIGN** attached to and located below any eave, canopy or awning. Maximum area – 12 sq. ft. (may be double sided)

- v) Awning - A **SIGN** or graphic attached to or printed on an awning. Maximum **SIGN** area – 20% of the area of the awning.
- vi) Monument - A **SIGN** secured to a base which is built directly upon the ground. Maximum **SIGN** area - 30 sq. ft., exclusive of the base. (2 faces of 30 sq. ft. each). Maximum height above **GRADE** - 4 feet.
- vii) Sandwich boards - A movable **SIGN** comprised of two **SIGN** panels hinged together at the top. Maximum **SIGN** area - 12 square ft (2 faces at 12 sq. ft. each).
- viii) Temporary **SIGNS** as allowed by section 5.06.00.
- j) Signage within Neighborhood Goods and Service Zones shall adhere to the following:
  - i) Signage design shall be carefully integrated with site and **BUILDING** design to create a unified appearance for the total property.
  - ii) **SIGNS** shall be installed in a location that minimizes conflicts with windows or other architectural features of the **BUILDING**.
  - iii) **SIGNS** which create visual clutter or which block the view of **SIGNS** on **ADJACENT** property shall not be permitted
  - iv) Creativity in the design of **SIGNS** is encouraged in order to emphasize the unique character of the SRA.
- k) **STREETS** shall adhere to J.1.b and Figures 5, 6, 7, 8, or 10. At a minimum all proposed **STREETS** must include **SIDEWALKS** on both sides of the **STREET**, parallel to the **RIGHT-OF-WAY**, and a 5 Ft. streetscape area between the back of curb and the **SIDEWALK**.
- iv. Neighborhood Edge (optional). Neighborhood Edge is predominately a single-family residential neighborhood.

This zone has the least intensity and diversity within the Town. The mix of uses is limited. Residential **LOTS** are larger and more **OPEN SPACE** is evident. The Neighborhood Edge may be used to provide a transition to adjoining rural land uses. The following standards shall apply with the Neighborhood Edge:

- a) The permitted uses within the Neighborhood Edge are residential, parks, **OPEN SPACE**, golf courses, schools, **ESSENTIAL SERVICES**, and **ACCESSORY USES**.
- b) **BUILDING** heights shall not exceed 2 stories.
- c) **LOTS** shall have a minimum area of 5000 square feet with **LOT** dimensions and **SETBACKS** to be further defined with the **SRA DEVELOPMENT** Document.
- d) The perimeter of each **BLOCK** may not exceed 5000 feet, unless an **ALLEY** or **PATHWAY** provides through **ACCESS**, or the **BLOCK** includes water bodies or public facilities.
- e) Parking space requirements and design are the same as in the Town Core, inclusive of garage spaces, with provision for an additional parking space if an accessory **DWELLING UNIT** is built.
- f) Landscaping shall include a minimum of 100 Sq. Ft. of shrub planting per **LOT**, with plantings in planting areas, raised planters, or planter boxed in the front of the dwelling and a minimum of turf grass for the remainder of the property.
- g) **STREETS** shall adhere to J.1.b. and to Figures 9, 11, 12, 13, 14, 15, 16, 17, or 18. At a minimum all proposed **STREETS** must include a 10-foot **PATHWAY** on one side of the **STREET** with an 8-foot streetscape area between the edge of curb and the **PATHWAY**.
- v. Special District (optional). The Special District is intended to provide for uses and **DEVELOPMENT** standards not otherwise provided for within the Context Zones. Special Districts would be primarily single use districts, such as

universities, business parks, medical parks and resorts that require unique **DEVELOPMENT** standards to ensure **COMPATABILITY** with surrounding neighborhoods. The location of Special Districts shall be illustrated on the SRA Master Plan, and uses and **DEVELOPMENT** standards shall be defined in detail within the SRA **DEVELOPMENT** application for review by Collier County staff. Special Districts could be for uses such as Universities, business or industrial parks, retirement communities, resorts, etc.

### 3. Village Design Criteria.

#### a. General criteria.

i. Villages are comprised of residential neighborhoods and shall include a mixed-use **VILLAGE CENTER** to serve as the focal point for the community's support services and facilities.

ii. Villages shall be designed in a compact, pedestrian-friendly form.

iii. Create an interconnected **STREET** system designed to disperse and reduce the length of automobile trips.

iv. Offer a range of housing types and price levels to accommodate diverse ages and incomes. Accessory **DWELLING UNITS** shall not count towards the maximum allowed **DENSITY**.

v. Be developed in a progressive rural to urban continuum with the greatest **DENSITY**, intensity and diversity occurring within the **VILLAGE CENTER**, to the least **DENSITY**, intensity and diversity occurring within the Neighborhood Edge.

vi. The SRA document shall demonstrate the urban to rural transition occurring at the Villages limits boundary provides sufficient transition to the adjoining use, such as active agriculture, pasture, rural roadway, etc., and **COMPATABILITY** through the use of **BUFFERING**, **OPEN SPACE**, land use, or other means.

vii. Shall allow **SIGNS** typically permitted in support of residential uses including for sale, for rent, model home and temporary constructions **SIGNS**. Specific design and **DEVELOPMENT** standards shall be set forth in the SRA

document for such **SIGNS** permitted in residential areas or in conjunction with residential uses.

viii. To the extent that section 5.05.08 is applicable within the Urban designated area, SRA Architectural Design Standards shall comply with the provisions of section 5.05.08, unless additional or different design standards that deviate from section 5.05.08, in whole or part, are submitted to the County no later than when the first SRA Site **DEVELOPMENT PLAN** is submitted for approval.

ix. To the extent that section 4.06.00 is applicable within the Urban designated area, SRA Landscape Design and Installation Standards shall comply with the provisions of section 4.06.00, unless additional or different design and installation standards that deviate from section 4.06.00, in whole or in part, are submitted to the County no later than when the first SRA Site **DEVELOPMENT PLAN** is submitted for approval.

b. Transportation Network. The transportation network for a Village shall adhere to the same standards provided for within a Town.

c. Parks. A Village shall provide a range of active and passive parks, squares and playgrounds as appropriate to be located within each Context Zone and Special District.

d. Context Zones.

i. General.

a) Villages shall be designed to include a minimum of two Context Zones: **VILLAGE CENTER** and Neighborhood General.

b) Each Zone shall blend into the other without the requirements of **BUFFERS**.

c) Villages may include the Context Zone of Neighborhood Edge.

d) Villages may include Special Districts to accommodate uses that require use specific design standards not otherwise provided for within the Context Zones.

e) The SRA Master Plan shall designate the location of each Context Zone and each Special District. The **VILLAGE CENTER** shall be designated in one location. Neighborhood General, Neighborhood Edge and Special District may be designated in multiple locations.

f) Context Zones are intended to guide the location of uses and their intensity and diversity within a Village, and provide for the establishment of the urban to rural continuum.

ii. **VILLAGE CENTER.**

a) The allowable uses within a **VILLAGE CENTER** are commercial, retail, office, civic, institutional, **ESSENTIAL SERVICES**, parks, residential and schools and **ACCESSORY USES**.

b) Uses may occur in shared use **BUILDINGS** or single use **BUILDINGS**.

c) The **FLOOR AREA RATIO** of any use shall not exceed 2 for the total **BUILDING** area within each **BLOCK**, shall not exceed 0.5 for retail and office uses per **BLOCK** shall not exceed 0.6 for civic uses per **BLOCK**.

d) Transient Lodging – 26 **DWELLING UNITS** per **VILLAGE CENTER** gross acre

e) Maximum **BUILDING** height – 5 Stories, excluding roofs and architectural features.

f) Minimum **LOT** area: 1,000 SF

g) **BLOCK** Perimeter: 2,500 Ft. max

h) Front **SETBACKS** - 0 to 10 feet from the **RIGHT-OF-WAY** line

i) Side **SETBACKS** - 0 feet

j) Rear **SETBACKS** – 0 feet

k) Overhead encroachments such as awnings, balconies, arcades and the like, must maintain a clear distance of 9 feet above the **SIDEWALK** and 15 feet above the **STREET**.

l) Seating for outdoor dining shall be permitted to encroach the public **SIDEWALKS** and shall leave a minimum 6-foot clear pedestrian way between the outdoor dining and the streetscape planting area.

m) The design of civic or institutional **BUILDINGS** shall not be subject to the specific standards of this subsection which regulate **BUILDING** height, **BUILDING** placement, **BUILDING** use, parking, and signage but, instead, shall be subject so specific design standards that address the perspective of these **BUILDINGS'** creating focal points, terminating vistas, and significant community landmarks and that are set forth in the SRA **DEVELOPMENT** Document and approved by the BCC.

n) **BUILDINGS** within the **VILLAGE CENTER** shall be made compatible through similar massing, volume, **FRONTAGE**, scale and architectural features.

o) **STREETS** shall adhere to J.1.b. and Figures 1, 2, 3, or 4. At a minimum all proposed **STREETS** shall include **SIDEWALKS** on both sides of the **STREET**, parallel to the **RIGHT-OF-WAY**, and a 5 Ft. streetscape area between the back of curb and the **SIDEWALK**. **STREETS** shall maintain a minimum average **BUILDING** height to **STREET** width ratio of 1:1, excluding landmark **BUILDINGS**.

p) General parking criteria

i) On-**STREET** parking spaces within the limits of the front property line, as projected into the **RIGHT-OF-WAY**, shall count towards the required number of parking spaces.

ii) The majority of parking spaces shall be provided off-**STREET** in the rear of **BUILDINGS**, or along the side (secondary **STREETS**). Parking is prohibited in front of



## **BUILDINGS.**

- iii) Parking areas shall be organized into a series of small bays delineated by landscape islands of varied sized. A maximum spacing between landscape islands shall be 10 spaces. Landscape islands shall have a minimum of one canopy tree.
- iv) Parking **LOTS** shall be accessed from **ALLEYS**, service lanes or secondary **STREETS**.
- q) The majority of parking spaces shall be provided off-**STREET** in the rear of **BUILDINGS**, or along the side (secondary **STREETS**), organized into a series of small bays delineated by landscape islands of varied sized. A maximum spacing between landscape islands shall be 10 spaces. Landscape islands and tree diamonds shall have a minimum of one tree. Parking is prohibited in front of **BUILDINGS**, except within the **RIGHT-OF-WAY**. Parking **LOTS** shall be accessed from **ALLEYS**, service lanes or secondary **STREETS**. Parking **STRUCTURES** fronting on a primary **STREET** shall include ground floor retail. Parking **STRUCTURES** fronting on a secondary **STREET** shall have a minimum 10 Ft. wide, densely landscaped area at **GRADE**, including one tree per 250 square feet of landscaped area or twenty-five (25) lineal feet on-center. The amount of required parking shall be demonstrated through a shared parking analysis submitted with an SRA designation application. Parking shall be determined utilizing the modal splits and parking demands for various uses recognized by ITE, ULI or other sources or studies. The analysis shall demonstrate the number of parking spaces available to more than one use or function, recognizing the required parking will vary depending on the multiple functions or uses in close proximity which are unlikely to require the spaces at the same time.
- r) Landscaping minimums within the **VILLAGE CENTER** shall be met by providing landscaping within parking **LOTS** as described, and by providing a streetscape area between the **SIDEWALK** and curb

at a minimum of 5 Ft. in width. In these areas, **SIDEWALK** protection such as root barriers, continuous three pits, and/or structural soils shall be provided. Trees shall be planted forty (40) feet on-center. The **STREET** tree pattern may be interrupted by architectural elements such as arcades and columns.

s) Signage standards within the **VILLAGE CENTER** shall comply with those provided in the Town Center.

iii. Neighborhood General. Design standards for the Neighborhood General within a Village shall be the same as defined within a Town.

iv. Neighborhood Edge (optional). Design standards for the Neighborhood Edge within a Village shall be the same as defined within a Town.

v. Special District (optional). The Special District is intended to provide for uses and **DEVELOPMENT** standards not otherwise provided for within the Context Zones. Uses and **DEVELOPMENT** standards shall be defined in detail within the SRA **DEVELOPMENT** application for review by Collier County staff.

#### 4. Hamlet Design Criteria.

##### a. General.

i. Hamlets are small rural residential areas with primarily single-family housing and limited range of convenience-oriented services.

ii. Hamlets may include the Context Zones of Neighborhood General and Neighborhood Edge.

iii. Non-residential uses shall be provided in one location, such as a crossroads, and designed to incorporate the community green.

b. **OPEN SPACES** and parks. At a minimum, Hamlets shall provide a public green equal to a minimum of 1% of the total Hamlet gross acreage.

c. Context Zones. Context Zones are intended to guide the location of uses and their intensity and diversity within a Hamlet, and provide for the establishment of the urban to rural continuum.

i. Neighborhood General. Neighborhood General is predominately residential with a mix of single and multi-family housing. Neighborhood scale goods and services, schools, parks and **OPEN SPACE** diversify the neighborhoods. The **STREET** grid is maintained through the Neighborhood General to disperse traffic. **SIDEWALKS** and streetscape support the pedestrian environment. The design criteria applicable within Neighborhood General are as follows:

a) Uses –residential, neighborhood scale goods and services, civic, institutional, parks and schools.

b) **BUILDING** height – 3.5 Stories

c) **BLOCK** Perimeter: 3500 Ft. max. The maximum may be greater if an **ALLEY** or **PATHWAY** provides through **ACCESS**, or the **BLOCK** includes water bodies or public facilities.

d) For single-family residential uses:

i) Minimum **LOT** area: 1,000 SF

ii) **SETBACKS** and encroachments to be defined in the **SRA DEVELOPMENT** Document

iii) Parking space requirements and design are the same as in the Town Core, with provision for an additional parking space if an accessory **DWELLING UNIT** is built.

iv) Landscaping - Minimum of 60 Sq. Ft. of shrub planting per **LOT**. Plantings shall be in planting areas, raised planters, or planter boxed in the front of the dwelling. Minimum of turf grass for the remainder of the property.

e) For multi-family residential uses:

i) Maximum **LOT** area: 4 acres.

- ii) **FRONT YARD SETBACKS** – 10 Ft.
- iii) Minimum side **YARD SETBACKS** – 10 Ft.
- iv) Minimum rear **YARD SETBACKS** – 20 Ft. for primary **STRUCTURE**, 5 Ft. for **ACCESSORY STRUCTURES**
- v) Encroachments: Porches, stoops, chimneys, bays canopies, balconies and overhangs may encroach into the **FRONT YARD** 3 Ft. 6 In. These same elements may encroach 3 Ft. into side **YARDS** but no element may encroach into a side **YARD** such that the distance to the property line from the encroaching element is less than 3 Ft. 2 In. except that overhangs may encroach 2 Ft. into any **YARD**.
- vi) Parking space requirements and design are the same as in the Town Core.
- vii) Landscaping- Minimum of 100 Sq. Ft. of shrub planting per 2,000 Sq. Ft. of **BUILDING** footprint, and on tree per 4,000 Sq. Ft. of **LOT** area, inclusive of **STREET** trees. Plantings shall be in planting areas, raised planters, or planter boxes in the front of the **BUILDING**. Minimum of turf grass for the remainder of the property.
- f) Non-residential uses
  - i) Location: at intersection corner. Mid-**BLOCK** locations are not allowed.
  - ii) Maximum square footage per use is 5,000.
  - iii) Maximum square footage per location is 20,000.
  - iv) Min. **LOT** area: No less than the min. **LOT** area of the smallest **ADJACENT LOT**.

v) Front **SETBACKS** – Equal to the smallest utilized **SETBACK** of the **ADJACENT LOT**

vi) Side **SETBACKS** - Equal to the smallest utilized **SETBACK** of the **ADJACENT LOT**

vii) Rear **SETBACKS** – minimum 20 feet for the **PRINCIPAL STRUCTURE** and 5 feet for any **ACCESSORY USE**

viii) Parking. Parking space requirements and design are the same as in the Town Core. On-**STREET** parking must be provided along the **LOT STREET FRONTAGE**. No off-**STREET** parking shall be permitted between the front façade and the front property line. All off-**STREET** parking shall be screened from the **STREET** and **ADJACENT** property by wall, fence and/or landscaping.

ix) Landscaping. Minimum of 100 Sq. Ft. of shrub planting per 2,000 Sq. Ft. of **BUILDING** footprint, and on tree per 4,000 Sq. Ft. of **LOT** area, inclusive of **STREET** trees. Plantings shall be in planting areas, raised planters, or planter boxes in the front of the **BUILDING**. Minimum of turf grass for the remainder of the property.

x) Signage within Neighborhood General shall comply with the standards provided in the Town Neighborhood General.

xi) **STREETS** shall adhere to J.1.b. and Figures 5, 6, 7, 8, or 10. At a minimum all proposed **STREETS** must include **SIDEWALKS** on both sides of the **STREET**, parallel to the **RIGHT-OF-WAY**, and a 5 foot streetscape area between the back of curb and the **SIDEWALK**.

ii. Neighborhood Edge. Neighborhood Edge is predominately a single-family residential neighborhood. This zone has the least intensity and diversity. The mix of uses is

limited. Residential **LOTS** are larger and more **OPEN SPACE** is evident. The Neighborhood Edge may be used to provide a transition to adjoining rural land uses.

- a) Uses – residential, parks, golf courses, schools, **ESSENTIAL SERVICES**
- b) **BUILDING** height - 2 Stories
- c) Minimum **LOT** area 5000 square feet
- d) **SETBACKS** to be further defined within the **SRA DEVELOPMENT** Document
- e) **BLOCK** Perimeter: 5000 feet max. The maximum may be greater if an **ALLEY** or **PATHWAY** provides through **ACCESS**, or the **BLOCK** includes water bodies or public facilities.
- f) Parking. - Parking space requirements and design are the same as in the Town Core. Provision shall be made for an additional parking space if an accessory **DWELLING UNIT** is built.
- g) Landscaping. Minimum of 100 Sq. Ft. of shrub planting per **LOT**. Plantings shall be in planting areas, raised planters, or planter boxed in the front of the dwelling. Minimum of turf grass for the remainder of the property.
- h) **STREETS** shall adhere to J.1.b and Figures 9, 11, 12, 13, 14, 15, 16, 17, or 18. At a minimum all proposed **STREETS** must include a 10-foot **PATHWAY** on one side of the **STREET** with an 8-foot streetscape area between the edge of curb and the **PATHWAY**.

## 5. Compact Rural **DEVELOPMENT** Criteria

### a. General.

- i. Compact Rural **DEVELOPMENT** (CRD) is a form of **SRA** that will provide flexibility with respect to the mix of uses and **DEVELOPMENT** standards, but shall otherwise comply with the design standards of a Hamlet or Village.
- ii. A CRD may include, but is not required to have

permanent residential housing and the services and facilities that support permanent residents.

iii. Except as described above, a CRD will conform to the design standards of a Village or Hamlet as set forth herein based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required, however for any CRD that does include permanent residential housing, the proportionate support services shall be provided.

b. Example. An example of a CRD is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to eco-tourists, but may not provide for the range of services that necessary to support permanent residents.

6. Design Criteria Common to SRAs.

a. **PARCELS** of one (1) acre or more, with a Natural Resource Index rating greater than 1.2, must be preserved as **OPEN SPACE** and maintained in a predominantly naturally vegetated state.

b. A minimum of thirty-five (35) percent of the SRA land designated as Town or Village shall be kept in **OPEN SPACE**.

c. SRA design shall demonstrate that ground water table draw down or diversion will not adversely impact the hydroperiods of **ADJACENT FSA, HSA, WRA or Conservation Land** and will not adversely affect the water use rights of either **ADJACENT DEVELOPMENTS** or **ADJACENT** agricultural operations and will comply with the SFWMD Basis of Review. Detention and control elevations shall be established to protect natural areas and be consistent with surrounding land and project control elevations and water tables.

d. Where an SRA adjoins an FSA, HSA, WRA or existing public or private conservation land delineated on the RLSA Overlay Map, best management and planning practices shall be applied to minimize **ADVERSE IMPACTS** to such lands. Best management practices shall include the following:

i. The perimeter of each SRA shall be designed to provide a transition from higher **DENSITY** and intensity uses within the SRA to lower **DENSITY** and intensity uses on adjoining

property. The edges of SRAs shall be well defined and designed to be compatible with the character of adjoining property. Techniques such as, but not limited to **SETBACKS**, **LANDSCAPE BUFFERS**, and recreation/**OPEN SPACE** placement may be used for this purpose.

- ii. **OPEN SPACE** within or contiguous to an SRA shall be used to provide a **BUFFER** between the SRA and any adjoining FSA, HSA, or existing public or private conservation land delineated on the RLSA Overlay Map. **OPEN SPACE** contiguous to or within 300 feet of the boundary of an FSA, HSA, or existing public or private conservation land may include: natural preserves, lakes, golf courses provided no fairways or other turf areas are allowed within the first 200 feet, passive recreational areas and parks, required **YARD** and set-back areas, and other natural or man-made **OPEN SPACE**. Along the west boundary of the FSAs and HSAs that comprise Camp Keais Strand, i.e., the area south of Immokalee Road, this **OPEN SPACE BUFFER** shall be 500 feet wide and shall preclude golf course fairways and other turf areas within the first 300 feet.
  - e. Where a WRA is incorporated into the stormwater system of an SRA, the provisions of Section 4.08.04 A.4.b. apply.
  - f. Where existing agricultural activity adjoins an SRA, the design of the SRA must take this activity into account to allow for the continuation of the agricultural activity and to minimize any conflict between agriculture and SRA uses.
7. Infrastructure Required. An SRA shall have adequate infrastructure available to serve the proposed **DEVELOPMENT**, or such infrastructure must be provided concurrently with the demand as identified in Chapter 6 of the LDC. The level of infrastructure required will depend on the type of **DEVELOPMENT**, accepted civil engineering practices, and the requirements of this Section.
- a. The capacity of infrastructure serving the SRA must be demonstrated during the SRA designation process in accordance with the provisions in Chapter 6 of the LDC in effect at the time of SRA designation.
  - b. Infrastructure to be analyzed will include facilities for transportation, potable water, **WASTEWATER**, irrigation water, stormwater management, and **SOLID WASTE**.
  - c. Centralized or decentralized community water and **WASTEWATER** utilities are required in Towns, Villages, and those CRDs exceeding 100 acres in size. Centralized or



decentralized community water and **WASTEWATER** utilities shall be constructed, owned, operated and maintained by a private utility service, the developer, a Community **DEVELOPMENT** District, other special districts the Immokalee Water Sewer Service District, Collier County Water and Sewer District, or other governmental entity. This Section shall not prohibit innovative alternative water and **WASTEWATER** treatment systems such as decentralized community treatment systems provided that they meet all applicable regulatory criteria.

- d. Individual potable water supply wells and septic systems, limited to a maximum of 100 acres of any Town, Village or CRD are permitted on an interim basis until services from a centralized/decentralized community system are available.
  - e. Individual potable water supply wells and septic systems are permitted in Hamlets and may be permitted in CRDs of 100 acres or less in size.
8. Requests for Deviations from the LDC. The SRA **DEVELOPMENT** Document may provide for nonprocedural deviations from the LDC, provided that all of the following are satisfied:
- a. The deviations are consistent with the RLSA Overlay;
  - b. The deviations further the RLSA District Regulations and are consistent with those specific Design Criteria from which Section 4.08.05 J.2. – 5. expressly prohibits deviation; and
  - c. It can be demonstrated that the proposed deviation(s) further enhance the tools, techniques and strategies based on principles of innovative planning and **DEVELOPMENT** strategies, as set forth in §§ 163.3177 (11), F.S. and Chapter 9J-5.006(5)(L), F.A.C.
- K. SRA Public Facilities Impact Assessments. Impact assessments are intended to identify methods to be utilized to meet the SRA generated impacts on public facilities and to evaluate the self-sufficiency of the proposed SRA with respect to these public facilities. Information provided within these assessments may also indicate the degree to which the SRA is consistent with the fiscal neutrality requirements of Section 4.08.05 L. Impact assessments shall be prepared in the following infrastructure areas:
1. Transportation. A transportation impact assessment meeting the requirements of Chapter 10 of the LDC or its successor regulation or procedure, shall be prepared by the **APPLICANT** as component of an Impact Assessment Report that is submitted as part of an SRA Designation Application package.

- a. In addition to the standard requirements of the analyses required above, the transportation impact assessment shall specifically consider, to the extent applicable, the following issues related to the highway network:
    - (1) Impacts to the **LEVEL OF SERVICE** of impacted roadways and intersections, comparing the proposed SRA to the impacts of conventional **Baseline Standard DEVELOPMENT**;
    - (2) Effect(s) of new roadway facilities planned as part of the SRA Master Plan on the surrounding transportation system; and
    - (3) Impacts to agri-transport issues, especially the farm-to-market movement of **AGRICULTURAL PRODUCTS**.
  - b. The transportation impact assessment, in addition to considering the impacts on the highway system, shall also consider public transportation (transit) and bicycle and pedestrian issues to the extent applicable.
  - c. No SRA shall be approved unless the transportation impact assessment required by this Section has demonstrated through data and analysis that the capacity of County/State **COLLECTOR** or **ARTERIAL ROAD(S)** serving the SRA to be adequate to serve the intended SRA uses in accordance with Chapter 6 of the LDC in effect at the time of SRA designation.
2. Potable Water. A potable water assessment shall be prepared by the **APPLICANT** as a component of an Impact Assessment Report that is submitted as part of an SRA Designation Application package. The assessment shall illustrate how the **APPLICANT** will conform to either Florida Administrative Code for private and limited use water systems, or for Public Water Systems. In addition to the standard requirements of the analyses required above, the potable water assessment shall specifically consider, to the extent applicable, the disposal of waste products, if any, generated by the proposed treatment process. The **APPLICANT** shall identify the sources of water proposed for potable water supply.
  3. Irrigation Water. An irrigation water assessment shall be prepared by the **APPLICANT** as a component of an Impact Assessment Report that is submitted as part of an SRA Designation Application package. The assessment shall quantify the anticipated irrigation water usage expected at the buildout of the SRA. The assessment shall identify the sources of water proposed for irrigation use and shall identify proposed methods of water conservation.

4. **WASTEWATER.** A **WASTEWATER** assessment shall be prepared by the **APPLICANT** as a component of an Impact Assessment Report that is submitted as part of an SRA Designation Application package. The assessment shall illustrate how the **APPLICANT** will conform to either Standards for Onsite Sewage Treatment and Disposal Systems, contained in Florida Administrative Code for systems having a capacity not exceeding 10,000 gallons per day or for **WASTEWATER** treatment systems having a capacity greater than 10,000 gallons per day. In addition to the standard requirements of the analyses required above, the **WASTEWATER** assessment shall specifically consider, to the extent applicable, the disposal of waste products generated by the proposed treatment process.
5. **SOLID WASTE.** A **SOLID WASTE** assessment shall be prepared by the **APPLICANT** as a component of an Impact Assessment Report that is submitted as part of an SRA Designation Application package. The assessment shall identify the means and methods for handling, transporting and disposal of all **SOLID WASTE** generated including but not limited to the collection, handling and disposal of recyclables and horticultural waste products. The **APPLICANT** shall identify the location and remaining disposal capacity available at the disposal site.
6. Stormwater Management. A stormwater management impact assessment shall be prepared by the **APPLICANT** as a component of an Impact Assessment Report that is submitted as a part of an SRA Designation Application Package. The stormwater management impact assessment shall, at a minimum, provide the following information:
  - a. An exhibit showing the boundary of the proposed SRA including the following information:
    - (1) The location of any WRA delineated within the SRA;
    - (2) A generalized representation of the existing stormwater flow patterns across the site including the location(s) of discharge from the site to the downstream receiving waters;
    - (3) The land uses of adjoining properties and, if applicable, the locations of stormwater discharge into the site of the proposed SRA from the adjoining properties.
  - b. A narrative component to the report including the following information:
    - (1) The name of the receiving water or, if applicable, FSA or WRA to which the stormwater discharge from the site will ultimately outfall;

- (2) The peak allowable discharge rate (in cfs / acre) allowed for the SRA per Collier County Ordinance 90-10 or its successor regulation;
- (3) If applicable, a description of the provisions to be made to accept stormwater flows from surrounding properties into, around, or through the constructed surface water management system of the proposed **DEVELOPMENT**;
- (4) The types of stormwater detention areas to be constructed as part of the surface water management system of the proposed **DEVELOPMENT** and water quality treatment to be provided prior to discharge of the runoff from the site; and
- (5) If a WRA has been incorporated into the stormwater management system of an SRA, the report shall demonstrate compliance with provisions of Section 4.08.04 A.4.b.

L. SRA Economic Assessment. An Economic Assessment meeting the requirements of this Section shall be prepared and submitted as part of the SRA Designation Application Package. At a minimum, the analysis shall consider the following public facilities and services: transportation, potable water, **WASTEWATER**, irrigation water, stormwater management, **SOLID WASTE**, parks, law enforcement, emergency medical services, fire, and schools. **DEVELOPMENT** phasing and funding mechanisms shall address any **ADVERSE IMPACTS** to adopted minimum levels of service pursuant to the Chapter 6 of the LDC.

1. Demonstration of Fiscal Neutrality. Each SRA must demonstrate that its **DEVELOPMENT**, as a whole, will be fiscally neutral or positive to the Collier County tax base, at the end of each phase, or every five (5) years, whichever occurs first, and in the horizon year (build-out). This demonstration will be made for each unit of government responsible for the services listed below, using one of the following methodologies:
  - a. Collier County Fiscal Impact Model. The fiscal impact model officially adopted and maintained by Collier County.
  - b. Alternative Fiscal Impact Model. If Collier County has not adopted a fiscal impact model as indicated above, the **APPLICANT** may develop an alternative fiscal impact model using a methodology approved by Collier County. The model methodology will be consistent with the Fiscal Impact Analysis Model ("FIAM") developed by the State of Florida or with Burchell et al., 1994, **DEVELOPMENT** Assessment Handbook (ULI). The BCC may grant exceptions to this policy of fiscal

neutrality to accommodate affordable or **WORKFORCE HOUSING**.

2. Monitoring Requirement. To assure fiscal neutrality, the developer of the SRA shall submit to Collier County a fiscal impact analysis report ("Report") every five (5) years until the SRA is ninety (90) percent built out. The Report will provide a fiscal impact analysis of the project in accord with the methodology outlined above.
3. Imposition of Special Assessments. If the Report identifies a negative fiscal impact of the project to a unit of local government referenced above, the landowner will accede to a special assessment on his property to offset such a shortfall or in the alternative make a lump sum payment to the unit of local government equal to the present value of the estimated shortfall for a period covering the previous phase (or five year interval). The BCC may grant a waiver to accommodate **AFFORDABLE HOUSING**.
4. Special Districts Encouraged in SRAs. The use of community **DEVELOPMENT** districts (CDDs), Municipal Service Benefit Units (MSBUs), Municipal Service Taxing Units (MSTUs), or other special districts shall be encouraged in SRAs. When formed, the special districts shall encompass all of the land designated for **DEVELOPMENT** in the SRA. Subsequent to formation, the special district will enter into an Interlocal agreement with the County to assure fiscal neutrality. As outlined above, if the monitoring reveals a shortfall of net revenue, the special district will impose the necessary remedial assessment on lands in the SRA.

#### 4.08.08 BASELINE STANDARDS

A. PURPOSE AND INTENT. These Baseline Standards will remain in effect for all land within the RLSA District unless or until such land becomes subject to the transfer or receipt of Stewardship Credits, except as to those **AGRICULTURAL USES** subject to sections 163.3162(4) and 823.14(6), Florida Statutes. The Baseline Standards are intended to protect water quality and quantity, maintain the natural water regime, and protect listed animal and plant species and their habitats on land that has not been designated as an SSA or SRA. The opportunity to voluntarily participate in the Stewardship Credit Program, as well as the right to sell conservation **EASEMENTS** or a fee or lesser interest in the land, shall constitute compensation for the loss of any **DEVELOPMENT** rights related to these standards.

B. APPLICABILITY OF CODE. Except as otherwise specifically provided in this section section 4.08.00, those provisions of this Code in effect as of November [ ], 1999, shall apply to all land within the RLSA District unless or until such lands become subject to the transfer or receipt of Stewardship Credits.

C. **ALLOWABLE USES.** The permitted, accessory, and **CONDITIONAL USES** allowed shall be those set forth in section 2.03.00 in effect as of November [ ], 1999, with the following exceptions:

1. Residential Uses, General **CONDITIONAL USES**, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix at section 4.08.00 shall be eliminated in all FSAs, as provided in section 4.08.00.

2. **CONDITIONAL USE ESSENTIAL SERVICES** and governmental **ESSENTIAL SERVICES**, except those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with an Index value of 1.2 or less, as provided in section 4.08.00.

3. Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for **OIL AND GAS EXPLORATION** and oil and gas field **DEVELOPMENT** and production activities in FSAs and HSAs in order to minimize impacts to native habitats, when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the **APPLICANT** shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas **ACCESS** roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62-30.005(2)(a)(1) through (12), F.A.C.

4. Asphaltic and concrete batch making plants shall be prohibited in areas mapped as HSAs.

D. **STANDARDS APPLICABLE INSIDE THE ACSC.** RLSA District lands within the ACSC shall be subject to all ACSC regulatory standards, including those that strictly limit non-agricultural clearing.

E. **STANDARDS APPLICABLE OUTSIDE THE ACSC.** Except to the extent superseded by G. or H. below, the following standards shall apply to all **DEVELOPMENT** within those areas of the RLSA District that are outside of the

ACSC, other than agricultural operations that fall within the scope of sections 163.3162 (4) and 823.14(6), F.S., and single family residential dwellings, unless or until such lands are subject to transmittal or receipt of Stewardship Credits:

1. A wildlife survey, as set forth in Chapter 10, shall be required for all **PARCELS** when listed species are known to inhabit biological communities similar to those existing on site or where listed species are directly observed on the site.

2. A minimum of 40% of the **NATIVE VEGETATION** on the project site must be retained. If listed species are directly observed on the site of the project or are indicated by evidence, such as denning, foraging, or other indications, first priority shall be given to preserving the habitat of such listed species.

3. If the wildlife survey indicates that listed species are utilizing the site, or the site is capable of supporting and is likely to support listed species, a wildlife habitat management plan shall be prepared and submitted to the County.

a. The wildlife habitat management plan within the **RLSA** District shall include the following techniques to protect listed species from the negative impacts of **DEVELOPMENT**:

i. **OPEN SPACE** and vegetation preservation requirements shall be used to establish **BUFFER** areas between wildlife habitat areas and areas dominated by human activities.

ii. Fencing, walls, other obstructions, or other provisions shall be used to minimize **DEVELOPMENT** impacts to the listed species and to encourage wildlife to use wildlife corridors.

iii. Roadways crossings, underpasses, and signage shall be used where roads must cross wildlife corridors.

b. The wildlife habitat management plan shall also incorporate the following:

i. a description of the techniques used to direct incompatible land uses away from listed species and their habitats and to comply with the criteria identified in 1 and 2 above, as applicable;

- ii. identification of appropriate lighting controls for permitted uses and a consideration of the opportunity to utilize prescribed burning to maintain fire-adapted preserved vegetation communities and provide browse for white-tailed deer, consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, except as recommended otherwise by the UFWS or FFWCC; and
  - iii. if the **DEVELOPMENT** will be larger than 10 acres, a monitoring program.
- c. The following references shall be used, as appropriate, to prepare the wildlife habitat management plan:
- i. South Florida Multi-Species Recovery Plan, USFWS, 1999.
  - ii. Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.
  - iii. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale **DEVELOPMENT** in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.
  - iv. Ecology and **DEVELOPMENT**-Related Habitat Requirements of the Florida Scrub Jay (*Apelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.
  - v. Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco Sparverius Paulus*) on Large-scale **DEVELOPMENT** Sites in Florida, Nongame Technical Report No. 13, Florida Game and Fresh Water Fish Commission, 1993.
- d. The following species specific provisions shall be included within the wildlife habitat management plan if the wildlife survey indicates that the identified species utilizes the site or the site is capable of supporting and is likely to support such species:
- i. Gopher tortoise. For **PARCELS** containing gopher tortoises (*Gopherus polyphemus*), priority shall be given to protecting the largest, most contiguous gopher tortoise habitat with the greatest number of active burrows, and for



providing a connection to off site **ADJACENT** gopher tortoise preserves.

ii. Florida scrub jay. Habitat preservation for the Florida scrub jay (*Aphelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8; Florida Game and Fresh Water Fish Commission, 1991. A maintenance program shall be established, which shall specify appropriate fire or mechanical protocols to maintain the natural scrub community. A public awareness program to educate residents about the on-site preserve and the need to maintain the scrub vegetation shall be developed. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999.

iii. Bald eagle. For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nest season. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999.

iv. Red-cockaded woodpecker. For the red-cockaded woodpecker (*Ipicoides borealis*), the required habitat protection plan shall outline measures to avoid **ADVERSE IMPACTS** to active clusters and to minimize impacts to foraging habitat. Where adverse effects cannot be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999.

v. Florida black bear. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear-proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.

vi. Panther. For projects located in Priority I or Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats

that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be **BUFFERED** from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses).

4. On property where the wildlife survey establishes that listed species are utilizing the site or where the site is capable of supporting listed species and such listed species can be anticipated to potentially occupy the site, the County shall, consistent with the RLSA Overlay of the GMP, consider and utilize recommendations and letters of technical assistance from the State of Florida Fish and Wildlife Conservation Commission and recommendations from the U.S. Fish and Wildlife Service in issuing **DEVELOPMENT ORDERS**. It is recognized that these agency recommendations, on a case by case basis may change the requirements contained in herein and any such change shall be deemed consistent with this Code.

F. **GOLF COURSE STANDARDS.** Except as otherwise required by G. or H. below, all golf courses within the RLSA District that are not within an SRA shall be subject to the following requirements:

1. Golf courses shall be designed, constructed, and managed in accordance with Audubon International's Gold Signature Program. The project shall demonstrate that the Principles for Resource Management required by the Gold Signature Program (Site Specific Assessment, Habitat Sensitivity, Native and Naturalized Plants and Natural Landscaping, Water Conservation, Waste Management, Energy Conservation & Renewable Energy Sources, Transportation, Greenspace and Corridors, Agriculture, and **BUILDING** Design) have been incorporated into the golf course's design and operational procedures. In addition to addressing these requirements, golf courses shall meet the following specific criteria:

a. In order to prevent the contamination of soil, surface water and ground water by the materials stored and handled by golf course maintenance operations, golf courses shall comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995.

b. To protect ground and surface water quality from fertilizer and pesticide usage, golf courses shall demonstrate the following management practices:

- i. The use of slow release nitrogen sources;
- ii. The use of soil and plant tissue analysis to adjust timing and amount of fertilization applications;
- iii. The use of an integrated pest management program using both biological and chemical agents to control various pests;
- iv. The coordination of pesticide applications with the timing and application of irrigation water; and
- v. The use of the procedure contained in IFAS Circular 1011, *Managing Pesticides for Golf Course Maintenance and Water Quality Protection*, May 1991 (revised 1995) to select pesticides that will have a minimum adverse impact on water quality.

2. To ensure water conservation, golf courses shall incorporate the following in their design and operation:

- a. Irrigation systems shall be designed to use weather station information and moisture-sensing systems to determine the optimum amount of irrigation water needed considering soil moisture and evapotranspiration rates.
- b. As available, golf courses shall utilize treated effluent reuse water consistent with Sanitary Sewer Sub-Element Objective 1.4 and its policies;
- c. Native plants shall be used exclusively except for special purpose areas such as golf greens, fairways, and **BUILDING** sites. Within these excepted areas, landscaping plans shall require that at least 75% of the trees and 50% of the shrubs be freeze-tolerant native Floridian species. At least 75% of the required native trees and shrubs shall also be drought tolerant species.

3. Stormwater management ponds shall be designed to mimic the functions of natural systems: by establishing **SHORELINES** that are sinuous in configuration in order to provide increased length and diversity of the littoral zone. A Littoral shelf shall be established to provide a feeding area for water dependent avian species. The combined length of vertical and rip-rapped walls shall be limited to 25% of the **SHORELINE**. Credits to the site preservation area requirements, on an acre- to- acre basis,

shall be given for littoral shelves that exceed these littoral shelf area requirements.

G. STANDARDS APPLICABLE IN FSAS, HSAS, AND WRAS THAT ARE OUTSIDE OF THE ACSC. The provisions of Chapters 3, 4, and 10 in effect as of November [ ], 1999, shall apply to FSAs, HSAs, and WRAs that outside of the ACSC, with the following exceptions:

1. Site clearing and **ALTERATION** shall be limited to 20% of the property and nonpermeable surfaces shall not exceed 50% of any such area.
2. Except for roads and lakes, any nonpermeable surface greater than one acre shall provide for release of surface water run off, collected or uncollected, in a manner approximating the natural surface water flow regime of the surrounding area.
3. Roads shall be designed to allow the passage of surface water flows through the use of equalizer pipes, interceptor spreader systems or performance equivalent **STRUCTURES**.
4. Revegetation and landscaping of cleared areas shall be accomplished with predominantly native species and planting of undesirable exotic species shall be prohibited.

H. STANDARDS APPLICABLE TO **WETLANDS** OUTSIDE OF FSAS, HSAS, WRAS, AND THE ACSC. **WETLANDS** located outside of FSAs, HSAs, WRAs, and the ACSC shall be preserved in accord with the following criteria:

1. The vegetative preservation requirement set forth in E.2. above shall first be met through preservation of **WETLANDS** having a functionality assessment score of 0.65 or greater. **APPLICANTS** shall establish the **WETLAND FUNCTIONALITY** score of **WETLANDS** using the South Florida Water Management District's Unified **WETLAND** Mitigation Assessment Method, F.A.C. 62-345. Upland vegetative communities may be utilized to meet the vegetative, **OPEN SPACE**, and site preservation requirements when the **WETLAND FUNCTIONAL** assessment score of on-site **WETLANDS** is less than 0.65.
2. **WETLANDS** utilized by listed species or serving as corridors for the movement of listed species shall be preserved on site.
3. **WETLAND FLOWWAY** functions through the project shall be maintained.

4. Ground water table drawdowns or diversions shall not adversely change the hydroperiod of preserved **WETLANDS** on or offsite and detention and control elevations shall be set to protect surrounding **WETLANDS** and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 4.2.2.4.6.11 and 6.12 of SFWMD's Basis of Review, January 2001.

5. All direct impacts shall be mitigated for as required by applicable federal or state agencies and in the same manner as set forth in section 4.06.04 of this Code.

6. Single family residences shall follow the requirements contained within Policy 6.2.7 of the Conservation and Coastal Management Element.

7. Appropriate **BUFFERING** shall be provided to separate preserved **WETLANDS** from other land uses. A minimum 50-foot vegetated upland **BUFFER** is required **ADJACENT** to a natural water body and for other **WETLANDS** a minimum 25-foot vegetated upland **BUFFER ADJACENT** to the **WETLAND**. A structural **BUFFER**, consisting of a stem-wall, a **BERM**, or a vegetative hedge with suitable fencing, may be used in conjunction with a vegetative **BUFFER** that would reduce the vegetative **BUFFER** width by 50%. A structural **BUFFER** shall be required **ADJACENT** to **WETLANDS** where direct impacts are allowed. **WETLAND BUFFERS** shall conform to the following standards:

a. The **BUFFER** shall be measured landward from the approved jurisdictional line.

b. The **BUFFER** zone shall consist of preserved **NATIVE VEGETATION**. Where **NATIVE VEGETATION** does not exist, **NATIVE VEGETATION** compatible with the existing soils and expected hydrologic conditions shall be planted.

c. The **BUFFER** shall be maintained free of Category I Exotics.

d. The following land uses are considered to be compatible with **WETLAND FUNCTIONS** and are allowed within the **BUFFER**:

i. Passive recreational areas, boardwalks and recreational shelters;

ii. Pervious nature trails;

iii. Water management **STRUCTURES**;

iv. Mitigation areas;

v. Any other conservation and related **OPEN SPACE** activity or use which is comparable in nature with the foregoing uses.

8. *Mitigation Requirements.* Mitigation shall be required for direct impacts to **WETLANDS**, such that the **WETLAND FUNCTIONAL** score of the mitigation equals or exceeds the **WETLAND FUNCTIONAL** score of the impacted **WETLANDS**.

a. Priority shall be given to mitigation within FSAs and HSAs.

b. Loss of storage or conveyance volume resulting from direct impacts to **WETLANDS** shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or **ADJACENT** to the impacted **WETLAND**.

c. Protection shall be provided for preserved or created **WETLAND** or upland vegetative communities offered as mitigation by placing a conservation **EASEMENT** over the land in perpetuity, providing for initial exotic plant removal (Class I invasive exotic plants defined by the Florida Exotic Plant Council) and continuing exotic plant maintenance, or by appropriate ownership transfer to a state or federal agency along with sufficient funding for perpetual management activities.

9. Prior to issuance of any final **DEVELOPMENT ORDER** that authorizes site **ALTERATION**, the **APPLICANT** shall demonstrate compliance with paragraphs 8.a. through 8.c. above, as applicable. If state or federal agency permits have not provided mitigation consistent with paragraphs 8 above, the County shall require mitigation exceeding that of the jurisdictional agencies.

10. **WETLAND** preservation, **BUFFER** areas, and mitigation areas shall be identified or platted as separate tracts. In the case of a Planned Unit **DEVELOPMENT** (PUD), these areas shall also be depicted on the PUD Master Plan. These areas shall be maintained free from trash and debris and from Category I Exotics. Land uses allowed in these areas shall be limited to those identified in 7.d. above.

**CHAPTER 5**  
**SUPPLEMENTAL STANDARDS**  
**(USES AND STRUCTURES THAT ARE ACCESSORY, TEMPORARY, OR**  
**HAVE SPECIAL DESIGN REQUIREMENTS)**

- 5.01.00**    **GENERALLY**
- 5.02.00**    **HOME OCCUPATIONS**
  - 5.02.01**    **Applicability**
  - 5.02.02**    **Allowable Home Occupation Uses**
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**5.05.09 Communication Towers**

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**5.06.00 SIGNS**

**5.06.01 Generally**

**5.06.02 Signs Exempt from these Regulations**

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**5.06.06 Sign Standards for Specific Situations**



## CHAPTER 5 – SUPPLEMENTAL STANDARDS

### 5.01.00 GENERALLY

[Reserved]

### 5.02.00 HOME OCCUPATIONS

#### 5.02.01 Applicability

Home occupations shall be allowed in any zoning district which permits residential **DWELLINGS** as a permitted use.

#### 5.02.02 Allowable Home Occupation Uses

There shall be no retail sale of materials, goods, or products from the premises.

#### 5.02.03 Standards

The home occupation shall be clearly incidental to the use of the **DWELLING** for dwelling purposes. The existence of the home occupation shall not change the character of the **DWELLING**.

- A. An allowable home occupation shall be conducted by an occupant of the **DWELLING**.
- B. There shall be no on-site or off-site advertising signs.
- C. The use shall not generate more traffic than would be associated with the allowable residential use.
- D. There shall be no receiving of goods or materials other than normal delivery by the U.S. Postal Service or similar carrier.
- E. Parking or storage of commercial vehicles or equipment shall be allowable only in compliance with the requirements for commercial vehicles in the County Code.
- F. The on-site use of any equipment or materials shall not create or produce excessive noise, obnoxious fumes, dust, or smoke.
- G. The on-site use of any equipment or tools shall not create any amount of vibration or electrical disturbance.
- H. No on-site use or storage of any hazardous material shall be kept in such an amount as to be potentially dangerous to persons or property outside the confines of the home occupation.
- I. There shall be no outside storage of goods or products, except plants. Where plants are stored, no more than fifty (50) percent of the total square footage of the **LOT** may be used for plant storage.
- J. A home occupation shall be subject to all applicable County occupational licenses and other business taxes.

### 5.03.00 ACCESSORY USES AND STRUCTURES

#### 5.03.01 Canopy Tents and Shades

A. Canopy tents and shades shall be permitted in all areas zoned for residential and estates use, subject to the following standards.

1. The canopy tent shall meet the side and rear **SETBACKS** for the applicable zoning district.

2. These **STRUCTURES** are expressly prohibited on the **STREET** side of the front wall of any **STRUCTURE** or **BUILDING**.
3. A **BUILDING** permit shall be obtained for these **STRUCTURES** and shall be accompanied by a plot plan.
4. Only one (1) **STRUCTURE** shall be permitted per residential **LOT**.
5. A **PRINCIPAL STRUCTURE** shall be in place on the **LOT** prior to permitting a canopy tent.
6. These **STRUCTURES** shall consist of metal pole supports with canopy tops and no sides.
7. The maximum size of these **STRUCTURES** shall be 300 square feet
8. The canopy **STRUCTURE** shall not exceed fifteen (15) feet in height.
9. The use of these **STRUCTURES** shall be for the storage or parking of **RECREATIONAL VEHICLES**, vehicles authorized in residential areas, or as a sun shade for outdoor recreating. At no time shall these **STRUCTURES** be used for any other type of storage.
10. The canopy tent shall not be permitted with electrical or other utility connections.

#### **5.03.02 Fences and Walls**

##### **A. All districts.**

1. Whenever a property owner elects to erect a chain link fence pursuant to the provisions herein **ADJACENT** to an **ARTERIAL** or **COLLECTOR ROAD** in the urban coastal area, said fence shall not be located nearer than three (3) feet to the **RIGHT-OF-WAY** or property line, and said fence shall be screened from view by planting a vegetative hedge a minimum of thirty (30) inches in height at planting spaced at a distance that will achieve an opacity rating of eighty (80) percent within one (1) year of planting. An irrigation system shall be installed to ensure the continued viability of the vegetative hedge as a visual screen of the chain link fence. This regulation shall not apply to single-family homes.
2. All fences and walls shall be of sound construction and shall not detract from the public health, safety, and welfare of the general public.
3. All fences and walls shall be maintained in a manner that will not detract from the neighborhood or community.
4. Barbed wire is authorized within agricultural, commercial, and industrial districts. Razor or concertina wire is not permitted except in the case of an institution whose purpose is to incarcerate individuals, i.e., a jail or penitentiary, or by appeal to the BZA .
5. No fence or wall within any district shall block the view of passing motorists or pedestrians so as to constitute a hazard.
6. Fences and walls shall be constructed of conventional **BUILDING** materials such as, but not limited to, concrete block, brick, wood, decorative iron or steel, and chain link.

7. Fences and walls shall be constructed to present the finished side of the fence or wall to the adjoining **LOT** or any **ABUTTING RIGHT-OF-WAY**. If a fence, wall, or continuous landscape hedge exists on the adjoining **PARCEL**, this provision may be administratively waived where said request has been requested in writing.
  8. When determined to be beneficial to the health, safety, and welfare of the public, the County Manager or designee may approve an administrative variance from height limitations of fences and walls in all districts provided that at least one (1) health, safety, or welfare standard peculiar to the property is identified, and that such approval does not set an unwanted precedent by addressing a generic problem more properly corrected by an amendment to this Code.
  9. Existing ground levels shall not be **ALTERED** for the purpose of increasing the height of a proposed wall or fence except as provided for within section 5.03.02 A.8. and 4.06.00.
- B. Fence height measurement for all districts. The height of a fence or wall located outside of the **BUILDING** line shall be measured from the ground level at the fence location. However, if the County Manager or designee determines that ground levels have been **ALTERED** so as to provide for a higher fence, the County Manager or designee shall determine the ground level for the purposes of measuring the fence height. In determining whether the ground level has been **ALTERED** for the purposes of increasing the height of the fence, the County Manager or designee may consider, but is not limited to, the following facts:
1. General ground elevation of the entire **LOT**.
  2. In the case of a **LOT** with varying ground elevations, the average elevation over the length of the fence, and at points in the vicinity of the fence.
  3. The ground elevation on both sides of the fence. In measuring the fence height, the ground elevation on the side of the fence location that is at the lowest elevation shall be used as a point from which the fence height is to be measured.
  4. Fences or walls shall be permitted **PRINCIPAL USES**; however, a fence or wall shall not, in any way, constitute a use or **STRUCTURE**, which permits, requires, and/or provides for any **ACCESSORY USEs** and/or **STRUCTURES**.
- C. Residential zoning districts.

For the purposes of this section, residential districts shall include: RSF, RMF-6, RMF-12, RMF-16, RT, VR, MH, and TTRVC zoning districts,; and the residential increments of PUD zoning districts. Fences and walls placed within required **YARDS** shall be subject to the following:

1. Fences or walls on all **LOTS** greater than one (1) acre in area may reach a maximum height of six (6) feet.

2. For non-waterfront interior LOTS one (1) acre or less in area, fences or walls may reach a maximum height of six (6) feet for side and rear YARDS, but are limited to four (4) feet within the required front YARD.
3. For waterfront LOTS one (1) acre or less in area, height limits are as for non-waterfront LOTS, but with the additional restriction that fences or walls within the required rear YARD are limited to four (4) feet.
4. For corner LOTS one (1) acre or less in area, which by definition have only front YARDS and side YARDS, fences within required front YARDS are limited to four (4) feet in height, with the exception that any portion of a front YARD fence within the safe sight triangle described in section 6.06.05 of this Code is restricted to three (3) feet in height. (Two (2) sides of this triangle extend thirty (30) feet along the property lines from the point where the RIGHT-OF-WAY lines meet, and the third side is a line connecting the other two (2).) Fences within required side YARDS may reach six (6) feet in height.
5. Barbed wire, razor wire, spire tips, sharp objects, or electrically charged fences shall be prohibited, except that the Board of Zoning Appeals may allow the use of barbed wire in conjunction with chain link fencing for facilities where a security hazard may exist, such as a utility substation, sewage treatment plant, or similar use.

#### D. Agricultural districts.

For the purposes of this section, agricultural districts shall include: A, E, and CON zoning districts. Fences and walls within agricultural districts shall be exempt from height and type of construction requirements.

#### E. Commercial and industrial districts.

1. Industrial Districts [Non-residential **DEVELOPMENT**]. Fences or walls in industrial districts not subject to section 5.05.08 shall be limited to eight (8) feet in height.
2. Whenever a nonresidential **DEVELOPMENT** lies contiguous to or opposite a residentially zoned district, said nonresidential **DEVELOPMENT** shall provide a masonry wall or prefabricated concrete wall and/or fence.
3. If located on a contiguous property, the wall and/or fence shall be a minimum of six (6) feet and a maximum of eight (8) feet in height and shall be located a minimum of six (6) feet from the residentially zoned district.
4. If located on a property opposite a residentially zoned district but fronting on a local **STREET**, or the properties are separated by a platted **ALLEY**, the wall and/or fence shall be located a minimum of

three (3) feet from the rear of the **RIGHT-OF-WAY LANDSCAPE BUFFER** line and shall be four (4) feet in height.

5. On properties which front on more than one (1) **STREET**, a six (6) foot high wall and/or fence shall be required along the **STREET** which is opposite the primary ingress and egress point of the project along the **STREET FRONTAGE** which is **ADJACENT** to the rear of the project.
- F. At the **APPLICANT'S** request, the County Manager or designee may determine that a masonry wall and/or fence is not warranted, particularly where the local **STREET** lies contiguous to the rear of a residence or some other physical separation exists between the residential **DEVELOPMENT** and the nonresidential **DEVELOPMENT**, or for other good cause including the existence of a wall on an **ADJACENT** residential **DEVELOPMENT**. The **APPLICANT** shall demonstrate that the intent of this section can be effectively accomplished, without constructing a wall, by submitting for approval an alternative design and a descriptive narrative through the administrative variance process set forth in subsection 5.03.02(A)(8) of this Code. The County Manager or designee shall review the submitted documents for consistency with the intent of this section and, if the administrative variance is approved, the approval and its basis shall be stated in the site **DEVELOPMENT PLAN** approval letter.
- G. Vegetative plantings shall be located external to the wall and/or fence such that fifty (50) percent of the wall and/or fence is screened within one (1) year of the installation of said vegetative material. An irrigation system shall be installed to ensure the continued viability of the vegetative screen.
- H. These regulations shall not be construed to require a masonry wall and/or fence for commercial **DEVELOPMENT** fronting on an **ARTERIAL** or **COLLECTOR ROADWAY** where the opposite side of such roadway is zoned residential or to be otherwise inconsistent with the provisions of section 5.05.08(B) of this Code.
- I. A wall and/or fence shall be constructed following site plan approval but prior to any vertical construction or any other type of improvement resulting from the issuance of a **BUILDING** permit. Special circumstances may warrant constructing the wall and/or fence in phases depending upon the location of affected residential areas and after vertical construction commences.

### 5.03.03 **Guesthouses**

Where a guesthouse is an allowable use, it shall be permitted only in compliance with the following standards.

- A. No guest accommodation facility in a single-family residential district, whether a freestanding guest house or guest accommodations which

are structurally integrated with the main **DWELLING**, may be utilized for commercial purposes.

- B. Leasing or renting a guest accommodation facility shall constitute a violation of this LDC.
- C. If a main residence is leased or rented, a guest accommodation facility accessory to it may not be occupied by the property owner, since that would constitute the unlawful utilization of single-family zoned property for two-family dwelling purposes.
- D. The following site design standards apply to all guest houses:
  - 1. Minimum **LOT** area shall be 43,560 square feet.
  - 2. Minimum **LOT** width shall be 105 feet.
  - 3. The maximum **FLOOR AREA** shall be forty (40) percent of the air-conditioned, enclosed living area (excluding garages, carports, patios, porches, utility areas, and the like) of the principal **DWELLING**.
  - 4. Detached guest houses shall not be closer than twenty (20) feet to the principal **DWELLING**.
- E. A **GUESTHOUSE** may be constructed prior to a principal **DWELLING**, provided the guest house meets the minimum requirements of a single-family residence in the district in which it is being constructed. At such time as a principal residence is constructed, then the **FLOOR AREA** percentages listed above shall apply.

#### 5.03.04 **Dumpsters**

**SOLID WASTE** disposal shall be required in the form of bulk container service (garbage dumpsters and/or compactors) for all commercial and industrial establishments, unless authorization for alternative means of disposal is approved by Collier County Utility Billing and Customer Service. Bulk container service shall be required for all multi-family projects not receiving curbside pickup. **SOLID WASTE** disposal shall be required in the form of curbside pickup for all units on the Mandatory Trash Collection and Disposal roll. All individual units within a deed-restricted area must have an enclosed location other than the residential structure, such as a carport or garage for the storage of individual **SOLID WASTE** containers, or as otherwise permitted below.

- A. Trash container location requirements:
  - 1. All trash or recycle receptacles shall be located so as to be easily accessible to the residents and the solid waste hauler.
  - 2. Dumpsters and their enclosures may be located within a required yard provided that they do not encroach into a required landscape area and that there is no blockage of view of motorists or pedestrians that would constitute a safety hazard.
  - 3. For multi-family residential **DEVELOPMENTS** having more than one structure, no dumpster shall be located more than 250 feet from the structure that it is intended to serve.

4. All projects subject to the provisions of the LDC Division 2.8 shall local trash containers in accordance with the relevant provisions of that Division.

**B. ACCESS** to trash containers

The **ACCESS** approach to the container should be sufficient to accommodate a vehicle requiring a minimum clear width of ten (10) feet and a minimum clear turning radius of fifty (50) feet when directly accessing a public street. Containers and enclosures shall be placed such that the accessing vehicles are not required to maneuver in the **ADJACENT** travel lanes of any street. When backing maneuvers are required to permit the vehicle to exit from the container, provision shall be made to provide an apron at least ten (10) feet wide and sixty (60) feet in length **ADJACENT** to the container.

**C. Container quantities.**

In the case of multi-family **DEVELOPMENTS** and commercial and industrial businesses that do not receive curbside service and choose to use dumpster service, at least one standard size bulk container (garbage dumpster) shall be required for trash disposal. Prior to site **DEVELOPMENT PLAN** submittal, the contractor, developer or homeowner's association must contact Collier County Utility Billing and Customer Service to estimate the number and sizes of bulk containers needed.

**D. Enclosure dimensions.**

Enclosures for dumpsters shall have minimum internal dimensions of twelve (12) by twelve (12) feet for each standard garbage dumpster contained inside. If equipped with gates, the clear opening dimension shall be a minimum of twelve (12) feet, and the gates must be provided with a device to hold them open.

**E. Container screening.**

Except as noted below, all containers shall be screened on at least three (3) sides from view of **ADJACENT** property owners and from **ADJACENT** streets on the first-floor level. All enclosures must have a cement pad as the floor of the enclosure. This screening shall not be subject to height limitations for fences, provided that the vision of motorists on **ADJACENT** streets remains unobstructed. Screening may be exempted:

1. In I (Industrial) zoning, so long as the containers are located more than 200 feet from residentially zoned or used property, and are not located within front yards;
2. In A (Rural Agricultural) zoning in conjunction with a bona fide agricultural use; and
3. During construction in all zoning districts. Screening material shall consist of a wood fence, concrete block and stucco wall, brick wall,

masonry wall, or walls of similar material. For only those projects subject to the provisions of section 5.05.08, trash enclosure walls or gates made of chain link or wood are *not* acceptable.

F. Compactors.

Multi-family **DEVELOPMENTS** may substitute garbage compactors for garbage dumpsters or curbside pickup to dispose of non-recyclable material with the following restrictions; for individually owned multi-family units (**CONDOMINIUMS**), compactor service may only be implemented by the developer prior to the sale of the first unit (subsequent to that time, a change from curbside or dumpster service to compactor service may only be achieved through a majority vote by the homeowner's association); for multi-family **DEVELOPMENTS** containing more than one **STRUCTURE**, the property owner may implement compactor service at any time, so long as the compactor has the capacity to accept an item of furniture having dimensions of up to three (3) by twelve (12) feet.

G. Curbside pickup.

The Utility Billing & Customer Service Director, or his designee, may approve curbside pickup in lieu of dumpsters or compactors for individually owned multi-family **DEVELOPMENTS** provided that the following criteria are met. Multi-family rental units must provide dumpsters or a compactor. **CONDOMINIUM DEVELOPMENTS** may substitute curbside pickup for dumpsters or compactors so long as satisfactory documentation is presented to the Utility Billing & Customer Service Department that:

1. The subject **CONDOMINIUM** association has voted in the majority to eliminate the use of dumpsters or compactors in favor of curbside pickup for all or part of the **DEVELOPMENT**,
2. There is adequate **ACCESS** to facilitate curbside pickup, and
3. All individual units have an enclosed location other than the residential **STRUCTURE**, such as a carport or garage, for the storage of individual **SOLID WASTE** containers.

**5.03.05 Caretaker Residences**

The County Manager or designee may authorize the construction of a caretaker's residence in the C-1/T, C-2, C-3, C-4, C-5, and I zoning districts subject to the following:

- A. The residence shall be constructed as an integral part of the **PRINCIPAL STRUCTURE** and shall be entered from within the **PRINCIPAL STRUCTURE**. Exits required to comply with fire code shall be permitted.
- B. The caretaker's residence shall be an **ACCESSORY USE** and shall be for the exclusive use of the property owner, tenant, or designated employee operating or maintaining the **PRINCIPAL STRUCTURE**.



- C. Off-street parking shall be as required for a single-family residence in accordance with section 4.04.00.
- D. Any other requirement which the County Manager or designee determines necessary and appropriate to mitigate **ADVERSE IMPACTS** of such use in the district.

**5.03.06 Dock Facilities**

A. Generally.

**DOCKS** and the like are primarily intended to adequately secure moored vessels and provide safe **ACCESS** for routine maintenance and use, while minimally impacting navigation within any **ADJACENT** navigable channel, the use of the waterway, the use of neighboring **DOCKS**, the native marine habitat, manatees, and the view of the waterway by the neighboring property owners.

B. Allowable uses.

The following uses may be permitted on waterfront property:

- 1. Individual or multiple private **DOCKS**.
- 2. Mooring pilings.
- 3. Davits or lifts.
- 4. **BOATHOUSES**.

C. Measurement of dock protrusions and extensions.

- 1. Measurement is made from the most restrictive of the following: property line, **BULKHEAD LINE**, **SHORELINE**, seawall, rip-rap line, control elevation contour, or **MEAN HIGH WATER LINE (MHWL)**.
- 2. On manmade waterways less than 100 feet in width, where the actual waterway has receded from the platted waterfront property line, the County Manager or Designee may approve an administrative variance allowing measurement of the protrusion from the existing MHWL, provided that:
  - a. A signed, sealed survey no more than sixty (60) days old is provided showing the location of the MHWL on either side of the waterway at the site, as well as any **DOCK** facilities on the subject property and the property directly across the waterway; and
  - b. At least fifty (50) percent of the true waterway width, as depicted by the survey, is maintained for navigability.
- 3. On manmade canals sixty (60) feet or less in width, which are not reinforced by a vertical seawall or bulkhead, at least thirty-three (33) percent of the true waterway width, as depicted by the survey, must be maintained for navigability.
- 4. The allowable protrusion of the facility into the waterway shall be based on the percentages described in subsection 5.03.06(E)(2) of

this LDC as applied to the true waterway width, as depicted by the survey, and not the platted canal width.

D. Determination as principal or **ACCESSORY USE**.

1. On unbridged barrier islands, a boat **DOCK** shall be considered a permitted **PRINCIPAL USE**; however, a **DOCK** shall not, in any way, constitute a use or **STRUCTURE** which permits, requires, and/or provides for any **ACCESSORY USES** and/or **STRUCTURES**.
2. **BOATHOUSES** and **DOCK** facilities proposed on residentially zoned properties, as defined in section 2.02.02 of this LDC, shall be considered an **ACCESSORY USE** or **STRUCTURE**.
3. Any covered **STRUCTURE** erected on a private boat **DOCK** shall be considered an **ACCESSORY USE**, and shall also be required to be approved through the procedures and criteria of subsections 5.03.06(G) and 5.03.06(F). of this LDC.

E. Standards for dock facilities.

The following criteria apply to **DOCK** facilities and **BOATHOUSES**, with the exception of **DOCK** facilities and **BOATHOUSES** on manmade lakes and other manmade bodies of water under private control.

1. For **LOTS** on a canal or waterway that is 100 feet or greater in width, no **BOATHOUSE** or **DOCK** facility/boat combination shall protrude more than twenty (20) feet into the waterway (i.e. the total protrusion of the **DOCK** facility plus the total protrusion of the moored vessel).
2. For **LOTS** on a canal or waterway that is less than 100 feet in width, **DOCK** facilities may occupy no more than twenty-five (25) percent of the width of the waterway or protrude greater than twenty (20) feet into the waterway, whichever is less.
3. On manmade canals sixty (60) feet or less in width, which are not reinforced by a vertical seawall or bulkhead, **DOCK** facilities may protrude up to thirty-three (33) percent of the width of the waterway, provided that the procedures outlined in section 5.03.06(C) are followed.
4. For **LOTS** on unbridged barrier islands located within state aquatic preserves, protrusion limits, **SETBACKS**, and deck area shall be determined by the applicable Florida Department of Environmental Protection (DEP) regulations in effect at the time of permit application, and the protrusion limits above shall not apply. All required DEP permits for a **DOCK** facility must be obtained prior to the issuance of a Collier County **BUILDING** permit for the facility.
5. All **DOCK** facilities on **LOTS** with water **FRONTAGE** of sixty (60) feet or greater shall have a side **SETBACK** requirement of fifteen

- (15) feet, except as provided in subsections 5.03.06(E) or 5.03.06(F) of this LDC or as exempted below.
6. All **DOCK** facilities (except **BOATHOUSES**) on **LOTS** with less than sixty (60) feet of water **FRONTAGE** shall have a side **SETBACK** requirement of seven and one-half (7.5) feet.
  7. All **DOCK** facilities (except **BOATHOUSES**) on **LOTS** at the end or side end of a canal or waterway shall have a side **SETBACK** requirement of seven and one-half (7.5) feet as measured from the side **LOT LINE** or riparian line, whichever is appropriate.
  8. Riparian lines for **LOTS** at the end or side end of a waterway with a regular **SHORELINE** shall be established by a line extending from the corner of an end **LOT** and side end **LOT** into the waterway bisecting equidistantly the angle created by the two (2) intersecting **LOTS**.
  9. Riparian lines for all other **LOTS** shall be established by generally accepted methods, taking into consideration the configuration of the **SHORELINE**, and allowing for the equitable apportionment of riparian rights. Such methods include, but are not limited to, lines drawn perpendicular to the **SHORELINE** for regular (linear) **SHORELINES**, or lines drawn perpendicular to the centerline (thread) of the waterway, perpendicular to the line of deep water (line of navigability or edge of navigable channel), as appropriate, for irregular **SHORELINES**.
  10. All **DOCK** facilities, regardless of length and/or protrusion, shall have reflectors and house numbers, no less than four (4) inches in height, installed at the outermost end on both sides. For multi-family **DEVELOPMENTS**, the house number requirement is waived.
  11. Multi-slip **DOCKING** facilities with ten (10) or more slips will be reviewed for consistency with the Manatee Protection Plan ("MPP") adopted by the BCC and approved by the DEP. If the location of the proposed **DEVELOPMENT** is consistent with the MPP, then the developer shall submit a "Manatee Awareness and Protection Plan," which shall address, but not be limited to, the following categories:
    - a. Education and public awareness.
    - b. Posting and maintaining manatee awareness signs.
  12. Information on the type and destination of boat traffic that will be generated from the facility.
  13. Monitoring and maintenance of water quality to comply with state standards.
  14. Marking of navigational channels, as may be required.

F. Standards for **BOATHOUSES**.

**BOATHOUSES**, including any roofed **STRUCTURE** built on a **DOCK**, shall be reviewed by the Planning Commission according to the following criteria, all of which must be met in order for the Planning Commission to approve the request:

1. Minimum side **SETBACK** requirement: fifteen (15) feet.
2. Maximum protrusion into waterway: twenty-five (25) percent of canal width or twenty (20) feet, whichever is less. The roof alone may overhang no more than three (3) feet into the waterway beyond the maximum protrusion and/or side **SETBACKS**.
3. Maximum height: fifteen (15) feet as measured from the top of the seawall or bank, whichever is more restrictive, to the peak or highest elevation of the roof.
4. Maximum number of **BOATHOUSES** or covered **STRUCTURES** per site: one (1).
5. All **BOATHOUSES** and covered **STRUCTURES** shall be completely open on all four (4) sides.
6. Roofing material and roof color shall be the same as materials and colors used on the **PRINCIPAL STRUCTURE** or may be of a palm frond "chickee" style. A **SINGLE-FAMILY DWELLING UNIT** must be constructed on the subject **LOT** prior to, or simultaneously with, the construction of any **BOATHOUSE** or covered **DOCK STRUCTURE**.
7. The **BOATHOUSE** or covered structure must be so located as to minimize the impact on the view of the **ADJACENT** neighbors to the greatest extent practical.

G. *Dock facility extension.* Additional protrusion of a **DOCK** facility into any waterway beyond the limits established in subsection 5.03.06(E) of this Code may be considered appropriate under certain circumstances.

1. Primary Criteria:

- a. Whether the number of **DOCK** facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use, and zoning of the subject property. Consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical, single-family use should be no more than two (2) slips; typical multi-family use should be one (1) slip per **DWELLING** unit; in the case of unbridged barrier island **DOCKS**, additional slips may be appropriate).

- b. Whether the water depth at the proposed site is so shallow that a vessel of the general length, type, and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should establish that the water depth is too shallow to allow launching and mooring of the vessel(s) described without an extension).
  - c. Whether the proposed **DOCK** facility may have an adverse impact on navigation within an **ADJACENT** marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel).
  - d. Whether the proposed **DOCK** facility protrudes no more than twenty-five (25) percent of the width of the waterway, and whether a minimum of fifty (50) percent of the waterway width between **DOCK** facilities on either side of the waterway is maintained for navigability. (The facility should maintain the required percentages).
  - e. Whether the proposed location and design of the **DOCK** facility is such that the facility would not interfere with the use of neighboring **DOCKS**. (The facility should not interfere with the use of legally permitted neighboring **DOCKS**).
2. Secondary criteria:
- a. Whether there are special conditions, not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed **DOCK** facility. (There must be at least one (1) special condition related to the property; these may include type of **SHORELINE** reinforcement, **SHORELINE** configuration, mangrove growth, or seagrass beds).
  - b. Whether the proposed **DOCK** facility would allow reasonable, safe **ACCESS** to the vessel for loading and/or unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area).
  - c. For single-family **DOCK** facilities, whether the length of the vessel, or vessels in combination, described by the petitioner exceeds fifty (50) percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained).
  - d. Whether the proposed facility would have a major impact on the waterfront view of neighboring waterfront property owners. (The facility should not have a major impact on the view of a neighboring property owner).

- e. Whether seagrass beds are located within 200 feet of the proposed **DOCK** facility. (If seagrass beds are present, compliance with subsection 5.03.06(H)(2). of this LDC must be demonstrated).
- f. Whether the proposed **DOCK** facility is subject to the manatee protection requirements of subsection 5.03.06(E)(11) of this LDC. (If applicable, compliance with section 5.03.06(E)(11) must be demonstrated).
- g. If deemed necessary based upon review of the above criteria, the Planning Commission may impose such conditions upon the approval of an extension request that it deems necessary to accomplish the purposes of this Code and to protect the safety and welfare of the public. Such conditions may include, but shall not be limited to, greater side **SETBACK(S)**, and provision of light(s), additional reflectors, or reflectors larger than four (4) inches.

H. Procedures for approval of docks, dock facilities, and **BOATHOUSES**.

- 1. Procedures for the issuance of permits for **DOCKS**, **DOCK** facilities, and **BOATHOUSES** are provided in Chapter 10 of this LDC.
- 2. All **DOCK** facilities are subject to, and shall comply with, all federal and state requirements and permits, including, but not limited, to the requirements and permits of the DEP , the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.
- 3. Nonresidential **DOCK** facilities shall be subject to all of the provisions of section 5.03.06 of this LDC, with the exception that protrusions for nonresidential **DOCK** facilities beyond the specified limits shall be determined administratively by the County Manager or designee at the time of site **DEVELOPMENT PLAN** review, based on an evaluation of the criteria in subsection 5.03.06(G) of this LDC.

I. Protection of seagrass beds.

Seagrass or seagrass beds within 200 feet of any proposed **DOCKS**, **DOCK** facilities, or **BOATHOUSES** shall be protected through the following standards:

- 1. Where new **DOCKING** facilities or boat **DOCK** extensions are proposed, the location and presence of seagrass or seagrass beds within 200 feet of any proposed **DOCK** facility shall be identified on an aerial photograph having a scale of one (1) inch to 200 feet when available from the County, or a scale of one (1) inch to 400 feet when such photographs are not available from the County. The location of seagrass beds shall be verified by a site visit by the

County manager or designee prior to issuance of any project approval or permit.

2. All proposed **DOCK** facilities shall be located and aligned to stay at least ten (10) feet from any existing seagrass beds, except where a continuous bed of seagrasses exists off the **SHORE** of the property and **ADJACENT** to the property, and to minimize negative impacts to seagrasses and other native **SHORELINE**, emergent and submerged vegetation, and hard bottom communities.
3. Where a continuous bed of seagrasses exists off the **SHORE** of the property and **ADJACENT** to the property, the **APPLICANT** shall be allowed to build a **DOCK** across the seagrass beds, or a **DOCKING** facility within ten (10) feet of seagrass beds. Such **DOCKING** facilities shall comply with the following conditions:
  - a. The **DOCK** shall be at a height of at least three and one-half (3.5) feet NGVD.
  - b. The terminal platform area of the **DOCK** shall not exceed 160 square feet.
  - c. The **ACCESS DOCK** shall not exceed a width of four (4) feet.
  - d. The **ACCESS DOCK** and terminal platform shall be sited to impact the smallest area of seagrass beds possible.
4. The petitioner shall be required to demonstrate how negative impacts to seagrass beds and other native **SHORELINE** vegetation and hard bottom communities have been minimized prior to any project approval or permit issuance.

#### 5.04.00 TEMPORARY USES AND STRUCTURES

##### 5.04.01 Generally (to be provided)

##### 5.04.02 Interim Agricultural Uses

- A. It is the intent of this section to permit certain interim **AGRICULTURAL USES** on a temporary basis which retain the land in its open, undeveloped character.
  1. No land authorized as an interim **AGRICULTURAL USE** to be used or used for **AGRICULTURAL USES** or activities shall be rezoned to, converted to, or used for any nonagricultural use or **DEVELOPMENT** for at least ten (10) years after any new clearing of such land.
  2. The inclusion of **BUILDINGS** and **STRUCTURES**, other than wells, **STRUCTURES** for **CONSERVATION** and drainage protection, and unpaved roads, is strictly prohibited.
  3. The interim **AGRICULTURAL USE** of the premises which in any way attracts or invites **ACCESS** and use of the general public, or

the use of such premises for any commercial activity other than that expressly permitted within the zoning district, is strictly prohibited.

B. The procedures for approval of an interim **AGRICULTURAL USE** are set forth in Chapter 10. The following criteria apply to all interim **AGRICULTURAL USES**:

1. Interim **AGRICULTURAL USES** may be permitted in any zoning district, except the rural agricultural district, for only the following agricultural activities: pasturing, field crops, horticulture, fruit and nut production, forestry, beekeeping, **AQUACULTURE**, and mariculture.
2. The grant of the interim **AGRICULTURAL USE** shall be in harmony with the general intent and purpose of this Code, will not be injurious to the neighborhood or to adjoining properties, and shall not be otherwise detrimental to the public welfare.
3. Compliance with all elements of the GMP.
4. Compliance with all environmental regulations as identified in this Code or other County regulations and policies.
5. Ingress and egress to property and proposed **STRUCTURES** thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and **ACCESS** in case of fire or catastrophe.
6. Off-street parking and loading areas, where required, with particular attention to the items in subsection 5 immediately above and economic, noise, glare, or odor effects of the interim **AGRICULTURAL USE** on adjoining properties generally in the district.
7. Refuse and service areas, with particular reference to the items in subsections 5 and 6 above.
8. Utilities, with reference to locations, availability, and **COMPATIBILITY**.
9. Screening and buffering with reference to type, dimensions, and character.
10. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and **COMPATIBILITY** and harmony with properties in the district.
11. Required **YARDS** and other **OPEN SPACE**.
12. General **COMPATIBILITY** with **ADJACENT** properties and other properties in the district.
13. Any special requirements established in Chapter Two for the particular use involved.



14. Any interim **AGRICULTURAL USE** shall expire one (1) year from the date it was granted, unless extended by action of the BZA . If, by that date, the use for which the interim **AGRICULTURAL USE** was granted has not been commenced, an interim **AGRICULTURAL USE** shall automatically expire two (2) years after the date of grant and must be reviewed by the BZA in order to be continued. Each subsequent renewal period shall be limited to two (2) years and must be reviewed by the BZA at the end of each two (2) year period in order to be continued.
- C. A mobile home may be used as a temporary residence while a permanent single-family dwelling is being constructed, subject to the following:
1. Receipt of a temporary use permit;
  2. Assurance that the temporary use permit for the mobile home will expire at the same time of the **BUILDING** permit for the single-family dwelling, or upon the completion of the single-family dwelling, whichever comes first;
  3. Proof that prior to the issuance of a final certificate of occupancy for the single-family dwelling, the mobile home is removed from the premises; and
  4. The mobile home must be removed at the termination of the permitted period.
- D. Use of a mobile home as a residence in conjunction with bona fide agricultural activities subject to the following:
1. Receipt of a temporary use permit;
  2. The receipt of any and all local, state, and federal permits required for the agricultural use and/or to place the mobile home on the subject site including, but not limited to, an agricultural clearing permit, **BUILDING** permit(s), ST permits, and the like;
  3. The use of the mobile home shall be permitted on a temporary basis only, not to exceed the duration of the bona fide commercial agricultural activity for which the mobile home is an **ACCESSORY USE**;
  4. The initial temporary use permit may be issued for a maximum of three (3) years, and may, upon submission of a written request accompanied by the applicable fee, be renewed annually thereafter provided that there is continuing operation of the bona fide commercial agricultural activities;
  5. The **APPLICANT** utilizing, for the bona fide commercial agricultural activity, a tract of land a minimum of five (5) acres in size. Any property lying within public road rights-of-way shall not be included in the minimum acreage calculations; and

6. A mobile home, for which a temporary use permit in conjunction with a bona fide commercial agricultural activity is requested, shall not be located closer than 100 feet from any county highway right-of-way line, 200 feet from any state highway right-of-way, or 500 feet from any federal highway right-of-way line.

#### 5.04.03 Temporary Uses during Construction

During the construction of any **DEVELOPMENT** for which at least a preliminary **DEVELOPMENT** order has been granted, as required below, the developer may request a temporary use permit for the below-listed activities. The temporary use permit shall be granted initially for a period not to exceed twenty-four (24) months in duration and may be renewed annually based upon demonstration of need and payment of a fee. A request for renewal shall be submitted to the County Manager or designee in writing thirty (30) days prior to the expiration of the temporary use permit. Temporary construction and **DEVELOPMENT** permits shall be allowed for the following uses:

- A. Temporary offices to be used for construction and administrative functions within the **DEVELOPMENT**.
- B. Permits for temporary offices for single-family residential **DEVELOPMENTS** may be issued under the following circumstances:
  1. Where the same developer or licensed **BUILDING** contractor performing the work has obtained a valid **BUILDING** permit to construct three or more homes in the same **DEVELOPMENT**.
  2. Where a developer, owner-builder, or licensed **BUILDING** contractor performing the work has obtained a **BUILDING** permit for the construction of one single-family home which exceeds 2,500 square feet of air conditioned floor area and that a letter of justification of need is submitted to, and approved by, the County Manager or his designee (limited to one office).
  3. The temporary offices shall be removed within 30 days of the issuance of a certificate of occupancy for the last home to have been issued a **BUILDING** permit.
- C. Temporary administrative offices to be used in conjunction with a bona fide **AGRICULTURAL USE** in the agricultural zoning district when located in the area designated agricultural on the Future Land Use Map of the Future Land Use Element of the GMP.
- D. Temporary classrooms on the site for existing nonprofit organizations, used to continue existing classroom activities, and in conjunction with an approved **DEVELOPMENT ORDER**. Permits for such classrooms will be issued in conjunction with an approved site improvement plan.

- E. On-site storage of equipment and construction materials for use on the **DEVELOPMENT** site only.
- F. On-site mobile or **MANUFACTURED HOME** used as a temporary office or storage facility for persons engaged in the **DEVELOPMENT** of the site.
- G. On-site mobile radio and television equipment and antennae.
- H. On-site mobile or **MANUFACTURED HOME** for the use of a watchman or caretaker only.
- I. On-site temporary use of **STRUCTURES** and equipment for the **BUILDING** of roads, public utilities, and government projects.
- J. Off-site temporary parking on property which is located contiguous to the subject **DEVELOPMENT**, or would be contiguous except for a roadway that is not designated as a **COLLECTOR** or **ARTERIAL** in the Traffic Circulation Element of the GMP, with the written authorization of the property owner.
- K. Other on-site uses similar to the foregoing uses and determined by the County Manager or designee to meet the intent of Chapter 10.
- L. Proposed temporary **STRUCTURES** identified above require the submission of a conceptual site plan that addresses the requirements of Chapter 10.

**5.04.04 Model Homes and Model Sales Centers**

- A. Model homes and model sales centers are intended to facilitate the sale of the model design or of products similar in design to the model. Model homes and model sales centers shall be of a temporary nature and may be allowed in the following zoning districts:
  - 1. Any residential zoning district or residential component of a PUD, in the estates zoning district, and in the agricultural zoning district as part of a rural **SUBDIVISION**, by the issuance of a temporary use permit.
  - 2. However, a model center as a permitted use within a PUD, and not located within a **DWELLING UNIT** or a temporary **STRUCTURE**, such as a trailer, shall not require a temporary use permit.
- B. Model homes and model sales centers located within residential zoning districts, or within a residential component of a PUD, shall be restricted to the promotion of a product or products permitted within the residential zoning district or PUD in which the model home or model sales center is located and further subject to the following:
  - 1. Model homes shall only be permitted for **DWELLINGS** that have not been previously used as a residence.
  - 2. A model home or model sales center is not intended to allow the full scope of real estate activities and shall be restricted primarily to the

sale and marketing of the model or products similar to the model. A model home shall not include offices for builders, contractors, developers, or similar activities.

3. Model homes may be "wet" or "dry."
  - a. Model homes permitted as "dry" models (unoccupied by a sales office and/or representative) shall be limited to a conditional certificate of occupancy allowing the use of the **STRUCTURE** as a model only, provided all required infrastructure is in place to service the unit.
  - b. Model homes permitted as "wet" models (occupied by a sales office and/or representative) shall not be occupied until such time as all required infrastructure is available to service the unit and a permanent certificate of occupancy has been issued.
  - c. Transportation to and from unoccupied model homes shall be provided at a sales center, which also provides required parking and handicapped accommodations in accordance with section 5.04.04(C).
  - d. Model homes occupied by a sales office and/or representative must have all required landscaping, parking, and handicapped **ACCESS** on site.
  - e. A temporary use permit for a model home (occupied or unoccupied) shall be issued initially for a period of three (3) years. Extensions in excess of this period shall require submittal and approval of a **CONDITIONAL USE** petition in accordance with Chapter 10 of this Code.
4. Model sales centers may be located in either a temporary **STRUCTURE**, usually a **MOBILE HOME**, or a permanent **STRUCTURE** which is either a residential **DWELLING UNIT** or a non-residential **STRUCTURE**. Temporary use permits shall be issued as follows:
  - a. A temporary use permit for a sales center in a temporary **STRUCTURE** shall be issued initially for a period of three (3) years and may be renewed annually based upon demonstration of need.
  - b. A temporary use permit for a sales center in a permanent **STRUCTURE** which is a residential **DWELLING UNIT** shall be issued initially for a period of three (3) years. Extensions in excess of this period shall require submittal and approval of a **CONDITIONAL USE** petition in accordance with Chapter 10 of this Code.
  - c. A temporary use permit for a sales center in a permanent **structure** other than a residential **DWELLING UNIT** shall be

issued initially for a period of three (3) years and may be renewed annually on demonstration of need.

5. Temporary use permits for model homes or model sales centers to be located within a proposed single-family **DEVELOPMENT** prior to final plat approval may be requested by the **APPLICANT** and require:
  - a. Administrative approval of a plat and construction plans showing all required infrastructure for the **LOT(S)** on which the model home or model sales center is to be located.
  - b. A site **DEVELOPMENT PLAN** (SDP) pursuant to Chapter 10.
  - c. A maximum of five (5) models, or a number corresponding to ten (10) percent of the total number of platted **LOTS**, whichever is less, per platted, approved **DEVELOPMENT** shall be permitted prior to final plat approval as specified above.
  - d. The **APPLICANT** shall provide documentation that all required utilities will be available to the subject site, and, where required, shall depict such utilities in detail on the SDP.
  - e. The **PARCELS** on which the models are located must **ABUT** a privately owned and maintained road, temporary in nature or permanently constructed to Collier County roadway standards.
  - f. The boundaries depicted on the preliminary subdivision plat shall be depicted on the SDP in order to ensure compliance with the applicable **DEVELOPMENT** standards in effect on the subject property.
  - g. Final **LOT** grading and drainage conveyance shall be in conformance with the master grading plan for the project as depicted on the preliminary subdivision plat submittal documents.
6. Temporary use permits for model units or units used for sales centers in multi-family projects shall not be issued prior to plat recordation and final approval of the project site **DEVELOPMENT PLAN**.
7. All other temporary use requests for model homes shall require the submission of a conceptual plan which demonstrates that provisions will be made to adequately address the requirements of section 5.04.04(C).
8. Temporary use permits for a model sales center within an existing **SUBDIVISION** shall require a site plan as follows:
  - a. In the case of a permanent structure which is a **DWELLING UNIT**, a site improvement plan (SIP) per section 10.02.04 of this Code;

- b. In the case of a permanent structure which is other than a **DWELLING** unit, a site **DEVELOPMENT PLAN (SDP)**;
  - c. In the case of a temporary structure (**MOBILE HOME** or sales trailer), either a conceptual site plan (CSP) which addresses the requirements of section 5.04.04(C),
  - d. A SIP, depending on the extent of the work required.
9. Temporary use permits for model homes to be located within a proposed single-family **DEVELOPMENT** may be approved following administrative approval of a plat and construction drawings for all required infrastructure encompassing the **LOTS** on which the models are to be constructed pursuant to section 4.03.00, and a CSP which addresses the requirements of section 5.04.04(C) of this Code. Unoccupied (dry) model homes will be permitted only in conjunction with an approved SDP for a model sales center which provides adequate parking to support the model(s).
10. Temporary use permits for occupied (wet) model homes following **SUBDIVISION** approval shall require a CSP which addresses the requirements of section 5.04.04(C) of this Code. Temporary use permits for unoccupied model homes following **SUBDIVISION** approval shall require a CSP and shall be issued only in conjunction with an approved SDP or SIP for a model sales center which provides adequate parking to support the model(s).
- C. All model home site plans shall adequately address the following standards:
- 1. Traffic circulation and safety within the site as follows: All parking spaces shall be arranged in a manner for convenient and safe **ACCESS** for vehicles and pedestrians. No parking spaces shall be arranged to cause vehicles to be moved in order for other vehicles to enter or exit a site.
  - 2. Minimum parking requirements:
    - a. Four (4) parking spaces for the first model unit and one and one-half (1.5) spaces for each additional model unit (for dimensions see section 4.05.02 of this Code).
    - b. One (1) paved parking space for disabled persons per parking lot shall be provided (included as part of the number of required parking spaces), along with a paved **ACCESS** aisle and barrier-free **ACCESS** to the unit (for dimensions, see section 4.05.07 of this Code).
    - c. All parking spaces shall be constructed of a concrete, asphalt, or other dustless material as may be approved by the County Manager or designee. **DRIVEWAYS** and handicapped spaces shall be paved.

3. Screening, buffering, and landscaping of the temporary use to reduce potential impacts on **ADJACENT** properties as required in section 4.06.00 and approval by the County Manager or designee as follows:
  - a. One (1) canopy tree per thirty (30) linear feet around the perimeter of the vehicular use areas.
  - b. A staggered double row of hedges between the **RIGHT-OF-WAY** and the parking area and a single row of hedges to screen the **DRIVEWAY**.
4. Vehicular use areas shall be set back a minimum of ten (10) feet from the property line.
5. Lighting.
6. Sanitary facilities.
7. Fire protection.
8. Environmental impacts.
9. Stormwater management.
10. Any other requirements determined by the County Manager or designee to be necessary for the public health and safety.

**5.04.05 Temporary Events**

*A. Temporary Sales.*

1. In the case of temporary sales, such as grand openings, going out of business sales, special promotional sales, or other similar uses (exclusive of garage sales, lawn sales, and similar private home sales), the County Manager or designee may grant nonrenewable permits of up to fourteen (14) days duration, such that during any calendar year the sum total of all permits for such events for that location does not exceed twenty-eight (28) days. A multi-tenant **BUILDING** of ten (10) or more businesses with annual leases may utilize a maximum of forty-two (42) days per calendar year for temporary sales. Temporary use permits may be permitted for up to an additional four (4) weeks when approved by the BCC. Such special approval shall be subject to stipulations or additional constraints deemed necessary and appropriate to the request. Such stipulations or constraints deemed necessary by the BCC shall be noted as conditions to the issuance of said permits, and the permittee shall be required to sign a notarized agreement to said stipulations or constraints.
2. Temporary sales permits may, in support of the use being permitted, include the placement of one (1) sign, a maximum of thirty-two (32) square feet, or two (2) such signs for properties containing more than one (1) **STREET FRONTAGE**. In addition to

the allowable signs, merchandise, temporary structures, and equipment may be placed on the site. All temporary structures and equipment, merchandise, or placement and parking of vehicles in conjunction with the temporary sale, shall conform to the minimum **YARD** requirements of the district in which it is located. If the temporary use is not discontinued upon expiration of the permit, it shall be deemed a violation of this LDC and shall be subject to the penalties herein.

3. Temporary sales permits may be issued to the owner(s) of a commercial establishment, or to the tenant(s) operating within a commercial establishment with the approval of the property owner or property manager, provided said tenant provides documentation of a current annual lease with the property owner. Uses permitted by an approved temporary sales permit shall be operated by the property owner or tenant(s), except as provided for in sections 5.04.05(A)(5) and 5.04.05(A)(6) below.
4. Temporary sales permits shall be restricted to those zoning districts in which the sale of the items would normally be permitted. Further, the sales activity permitted by the temporary use permit shall be related to the principal commercial activities in operation on the subject property, except as provided for in sections 5.04.05(A)(5) and 5.04.05(A)(5) below. The issuance of a temporary use permit shall not be issued for undeveloped properties.
5. The County Manager or designee may issue temporary use permits for satellite locations subject to the applicable restrictions set forth in this section, provided the **APPLICANT** currently operates a business from a permanent, approved commercial location within the County. Additionally, the purpose of the temporary sale shall be the same as the principal purpose of the existing commercial business of the **APPLICANT**.
6. The County Manger or designee may, in determining a specific benefit to the public, grant a temporary use permit to facilitate the sale of an item or items not generally available within a specific planning community, subject to the applicable restrictions set forth in this section.
7. A temporary sales permit shall meet the procedural requirements of Chapter 10. The **APPLICANT** shall demonstrate that provision will be made to adequately address each of the following:
  - a. Vehicular and pedestrian traffic safety measures.
  - b. Additional parking requirements. A maximum of ten (10) percent of the parking required by section 4.04.00 of this Code may be occupied or otherwise rendered unusable by the placement of



temporary structures, equipment, signs, and merchandise. The minimum required number of handicapped parking spaces pursuant to section 4.04.00 shall remain available for usage.

- c. Limited activity hours.
  - d. Watchmen, fencing, and lighting.
  - e. Fire protection measures.
  - f. Sanitary facilities.
  - g. If required, a faithful performance bond to guarantee compliance with the conditions of the permit.
8. Garage sales: In the case of garage sales, lawn sales, and other similar temporary sales to be held at private homes, **CHURCHES** and other places of worship, community centers, or other nonprofit residentially zoned institutions, the County Manager or designee may issue one (1) two (2) day permit for such events during each six (6) month period. Such permit may include the use of temporary signs located on the property where the sale is being held, limited to a maximum of two (2) signs, no greater than four (4) square feet each. No **SIGNS** shall be placed in any public rights-of-way. If the temporary use is not discontinued upon expiration of the permit, it shall be considered a violation of this LDC and shall be subject to the penalties herein.
- B. *Temporary seasonal sales.* A nonrenewable five (5) week permit may be issued for seasonal and holiday related temporary sales subject to the following restrictions.
- 1. Temporary use permits for seasonal sales may be issued for the following season/holiday related items:
    - a. Christmas trees.
    - b. Fireworks (subject to the issuance of an approved permit by the jurisdictional fire district).
    - c. Pumpkins.
  - 2. Temporary use permits for seasonal sales may be issued on improved or unimproved properties, provided the **APPLICANT** submits a CSP which demonstrates that provisions will be made to adequately address each of the following:
    - a. Vehicular and pedestrian traffic safety measures.
    - b. Adequate on-site, or additional off-site parking areas for unimproved properties. A maximum of ten (10) percent of the parking required by section 4.04.00 of this Code may be occupied or otherwise rendered unusable by the placement of temporary structures, equipment, signs, and merchandise. The

minimum required number of handicapped parking spaces pursuant to section 4.04.00 shall remain available for usage.

- c. Limited activity hours.
  - d. Watchmen, fencing, and lighting.
  - e. Fire protection measures.
  - f. Sanitary facilities.
3. The **APPLICANT** shall provide a notarized letter from the property owner or the property manager granting permission to utilize the subject property for the temporary seasonal sale.
  4. Temporary use permits for seasonal and/or holiday sales may, in support of the use being permitted, include the placement of one (1) **SIGN**, a maximum of thirty (32) square feet, or two (2) such signs for properties containing more than one (1) **STREET FRONTAGE**. In addition to the placement of signs, merchandise, temporary structures, and equipment may be placed on the site. If the temporary use is not discontinued upon expiration of the permit, it shall be deemed a violation of this Code and shall be subject to the penalties herein.

#### **5.04.06 ANNUAL BEACH EVENTS PERMIT**

A. The owner of **BEACH**-front commercial hotel-resort property shall apply for an annual **BEACH** events permit. The County Manager or his designee, or his designee, may grant the permit following review of an application for such permit. The application shall be submitted on the form prescribed by Collier County together with the applicable fee for the number of planned annual **BEACH** events as indicated on the permit form and exhibits thereto. Permits issued pursuant to this section are not intended to authorize any violation of F.S. § 370.12, or any of the provisions of the Endangered Species Act of 1973, as it may be amended.

B. For purposes of this section, a "**BEACH** event" shall mean and refer to any social, recreational or entertainment event (whether public or private), conducted on the **BEACH** and satisfying one or more of the following criteria:

1. The event involves the use of dining/picnic tables and chairs, serving tables, or other ancillary equipment typically used to serve an on-site meal; or
2. The event involves the use of staging equipment, amplified music, or the use of other types of electrical equipment for purposes of enhanced light and/or sound; or

3. The event:

- (a) Is attended by 25 or more people and is organized by or with the help of the commercial property owner; and
- (b) Is of a nature not commonly associated with the day-to-day use of the **BEACH** by the general public.

C. *Notice of scheduled events:*

- 1. On or before the 25th day of each calendar month, the holder of such permit shall cause Collier County to be furnished with written notice of all **BEACH** events scheduled for the following month, in the form and content made a part of the annual **BEACH** events permit application. The notice shall indicate the date, time and duration of each event.
- 2. If a **BEACH** event is scheduled after the monthly notification has been furnished to Collier County, the property owner shall furnish the county with a separate written notice at least 48-hours prior to such event.
- 3. All notices or documents furnished to Collier County pursuant to the permit or these regulations shall be sent to Collier County Planning Services Department and for events that occur during sea turtle nesting season, to the Collier County Natural Resource Department as well.

D. *Event cancellations and postponements:*

- 1. If a scheduled **BEACH** event is canceled or postponed, the property owner shall furnish Collier County with written notification of such cancellation or postponement. It is understood that weather conditions may cause last minute cancellations, however the property owner shall make every effort to notify the county staff a minimum of four hours prior to the scheduled event time. If such event is rescheduled, notice of the date and time of the rescheduled event shall be provided.
- 2. If a **BEACH** event is canceled or postponed, and no other **BEACH** events are scheduled for the date of the canceled/postponed event, and Collier County has been notified of such cancellation or postponement, then the canceled or postponed event shall not count towards the maximum number of **BEACH** events authorized by the permit.

E. *Sea turtle nesting season.* Annual **BEACH** events which occur during sea turtle nesting season (May 1st through October 31st of each year) are also subject to the following regulations:

1. All required Florida Department of Environmental Protection (FDEP) field permits, shall be obtained and a copy furnished to Collier County prior to the time of the scheduled event as set forth in section 5.04.06 (C)
2. Consistent with section 10.02.06, and the Code of Laws of Collier County, no structure set up, or **BEACH** raking or mechanical cleaning activity for any particular **BEACH** event shall commence until after monitoring conducted by personnel with prior experience and training in nest surveys procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit has been completed.
3. Prior to all scheduled **BEACH** events, every **BEACH** event permit holder is required to rope off (or otherwise identify with a physical barrier) an area with no less than a 15-foot radius out from each sea turtle nest that has been identified and marked on a **BEACH**, unless a greater distance is required by an applicable state permit.
4. Use of vehicles on the **BEACH** is prohibited, except as may be permitted under the Code of Laws of Collier County.
5. Consistent with section 10.02.06, all materials placed on the **BEACH** for the purpose of conducting permitted **BEACH** events: 1) must be removed from the **BEACH** by no later than 9:30 p.m. of the date of the event; and 2) no structures may be set, placed, or stored on, or within ten feet of any **BEACH** dune, except that materials may remain in an identified staging area until 10:00 p.m. The location and size of all staging areas will be as identified in the permit.
6. All lights that are visible from the **BEACH** and cast a shadow thereon shall be turned off by no later than 9:00 p.m. of the date of the event.
7. Identification of sea turtle nests on the **BEACH** may cause the **BEACH** event to be relocated from its planned location or to have additional reasonable limitations placed on the event pursuant to the recommendation of Collier County staff in order to protect the identified sea turtle nests in this permit; except that county staff may relocate a staging area as provided for in section 5.04.06, as part of its daily sea turtle monitoring.

8. Pole lighting, and any other object or structure designed to penetrate the **BEACH** surface by more than three inches shall be subject to the approval of the FDEP and Collier County.
9. A copy of all notices required by any permit or these regulations must also be provided by the permit holder to Collier County Natural Resources Department.

Note: When a state permit is more restrictive than the Code requirements, the State requirements shall supersede, and the county shall enforce these requirements.

F. *Penalties.* Notwithstanding the penalties set forth elsewhere in this Code, the following violations of this section are subject to the following penalties, except that the annual **BEACH** events permit may not be suspended or revoked:

1. Violations which do not occur during sea turtle nesting season, i.e., occur outside of sea turtle nesting season, are subject to up to a \$500.00 fine per violation.
2. Violations which occur during sea turtle nesting season and are:
  - a. Any activity that may cause immediate harm to sea turtles or their nesting activities; which include, but are not limited to the following: 1) setting up a **BEACH** event prior to daily sea turtle monitoring; 2) failing to remove **BEACH** event materials from the **BEACH** by 9:30 p.m.; 3) failing to have lights, so required, turned out by 9:00 p.m.; or 4) not placing additional barriers around nests as required by section 5.04.06; are subject to the following penalties:

*First violation:* \$1,000.00 fine.

*Second violation:* \$2,500.00 fine.

*Third or more violation:* \$5,000.00 fine.

- b. Any activity that would not cause immediate harm to sea turtles or their nesting activities; which include, but are not limited to the following: 1) failing to notify the county of a **BEACH** event; 2) failing to provide the county with copies of Florida Department of Protection permits prior to each **BEACH** event; or 3) having **BEACH** event materials or related structures set,

placed, stored on, or within ten feet of any **BEACH** dune; are subject to up to a \$500.00 fine.

### **5.05.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES**

The specific land uses listed in this section are subject to supplemental site design and land **DEVELOPMENT** standards. Supplemental standards apply in addition to the site design and land **DEVELOPMENT** standards of the zoning district in which the land use is located.

#### **5.05.01 Businesses Serving Alcoholic Beverages**

A. *Sale of alcoholic beverages.* The County Manager or designee, may authorize the sale of alcoholic beverages for consumption on-site, subject to compliance with all zoning restrictions and the following locational criteria:

1. No such use shall be located within 500 feet of any established elementary, middle, or high school, **CHILD CARE CENTER**, public library, **CHURCH**, public park, or public playground. This does not include **BEACH ACCESS** points. The distance of 500 feet shall be measured as the shortest distance between the **LOT** on which the **SCHOOL, CHILD CARE CENTER**, public library, **CHURCH**, public park, or public playground is located and the **LOT** on which the alcoholic beverages are to be sold, except that establishments located in **SHOPPING CENTERS** shall be measured to the outer wall of the establishment.
2. No such use shall be located within 500 feet of any existing establishment whose primary function is the sale of alcoholic beverages for consumption on-site. The distance of 500 feet shall be measured as the shortest distance between the **LOT** on which the existing establishment is located and the **LOT** on which the alcoholic beverages are to be sold, except that establishments located in **SHOPPING CENTERS** shall be measured to the outer wall of the establishment.
3. The erection of any **SCHOOL, CHILD CARE CENTER**, public library, **CHURCH**, public park, or public playground within 500 feet of an establishment which offers the sale of alcoholic beverages for consumption on-site shall not cause such establishment to become **NONCONFORMING**.
4. The County Manager or designee approval for the sale of alcoholic beverages for consumption on-site, granted pursuant to this section, shall expire after the following periods of time and shall thereafter become null and void:
  - a. In the case of an existing structure, zoning approval shall expire six (6) months from the date of approval unless, within that period of time, operation of the alcoholic beverage

establishment has commenced. For purposes of this section, operation shall be defined as the sale of alcoholic beverages in the normal course of business.

- b. In the case of a new structure, zoning approval shall expire one (1) year from the date of approval unless, within that period of time, operation of the alcoholic beverage establishment has commenced. However, if substantial construction is completed, the County Manager or designee may grant one (1) extension for up to six (6) months.
5. The procedures for approval of a site for the sale of alcoholic beverages are set forth in Chapter 10.
  6. The BZA may, by resolution, grant a waiver of part or all of the minimum distance requirement set forth herein if it is demonstrated by the **APPLICANT** and determined by the BZA that the site proposed for the sale and consumption of alcoholic beverages is separated from an established business whose primary function is the sale of alcoholic beverages for consumption on-site, from the **SCHOOL, CHILD CARE CENTER**, public library, **CHURCH**, public park or public playground by natural or manmade boundaries, structures, or other features which offset or limit the necessity for such minimum distance requirement. The BZA's decision to waive part or all of the distance requirement shall be based upon the following factors:
    - a. The nature and type of natural or manmade boundary, structure, or other feature lying between the proposed establishment and an existing **SCHOOL, CHILD CARE CENTER**, public library, **CHURCH**, public park, or public playground which is determined by the BZA to lessen the need for the total 500-foot distance requirement. Such boundary, structure, or other feature may include, but is not limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals, and major rights-of-way.
    - b. The paths of vehicular and pedestrian traffic which could be taken between the alcoholic beverage establishment and the **SCHOOL, CHILD CARE CENTER**, public library, **CHURCH**, public park, or public playground.
    - c. The hours of operation and the noise and light which could potentially be generated from the premises selling alcoholic beverages.
    - d. Procedures for the waiver of distance requirements are set forth in Chapter 10.
  7. The following uses shall be exempt from the requirements of section 5.05.01.

- a. Any **RESTAURANT** deriving at least fifty-one (51) percent of its gross revenue from the sale of food and nonalcoholic beverages.
  - b. Any **MOTEL** and/or **HOTEL** with 100 or more guestrooms.
  - c. Any private club, golf club, country club, or civic or fraternal club may serve alcoholic beverages for consumption on-site when such service is incidental to the main use and for the exclusive use of the members, tenants, and/or guests of the facility.
8. Any owner or operator of an establishment approved under this section to sell any alcoholic beverages for consumption on-premises shall, upon written demand of the County Manager or designee, make, or cause to be made, under oath a statement itemizing what percentage of his gross receipts are from the sale of alcoholic beverages.

**5.05.02 Marinas**

- A. The following standards are for the purpose of manatee protection and are applicable to all marina facilities.
- B. Proposed **DEVELOPMENTS** will be reviewed for consistency with the Manatee Protection Plan ("MPP") adopted by the BCC and approved by the DEP. If the location of the proposed **DEVELOPMENT** is consistent with the MPP, then the developer will submit a "Manatee Awareness and Protection Plan," which shall address, but not be limited to, the following categories:
  1. Education and public awareness.
  2. Posting and maintaining manatee awareness signs.
  3. Information on the type and destination of boat traffic that will be generated from the facility.
  4. Monitoring and maintenance of water quality to comply with state standards.
  5. Marking of navigational channels, as may be required.
- C. A rating system is established to evaluate proposed marina facilities. The purpose of the marina site rating system is to help determine the maximum wet slip densities in order to improve existing Manatee protection. The marina site rating system gives a ranking based on three (3) criteria: water depth, native marine habitat, and manatee abundance. In evaluating a **PARCEL** for a potential boat facility, a minimum sphere of influence for the boat traffic must be designated. For the proposed marina facility, an on-water travel distance of five (5) miles is considered the sphere of influence.
  1. A preferred rating is given to a site that has or can legally create adequate water depth and **ACCESS**, will not impact native marine



habitats, and will not impact a high manatee use area (See Table 5.05.02(C)(5)).

2. A moderate ranking is given to a site where: there is a adequate water depth and **ACCESS**, no impact to a high manatee use area, but there is an impact to native marine habitat; there is adequate water depth, no impact to native marine habitat, but impacts a high manatee use area; and when the water depth is less than four (4) feet mean low water (MLW), no impact to native marine habitat, and no impact to a high manatee use area.
3. A protected ranking is given to a site where: there is adequate water depth and **ACCESS**, but there is an impact to native marine habitat and there is an impact to a high manatee use area; there is not adequate water depth, there is impact to or destruction of native marine habitat, and there is impact to a high manatee use area; there is not adequate water depth, no impact to marine habitat, but there is impact to a high manatee use area; or there is not adequate depth, there is impact to marine habitat, and no impact to a high manatee use area.
4. The exact areas will depend on site specific data gathered during the site **DEVELOPMENT** process reviews.

5. Table of Siting Criteria

	Water Depth (Measured at MLW)		Native Marine Habitat		Manatee Use	
	4 ft. or more	Less than 4 ft.	No Impact <sup>1</sup>	Impact	Not High	High
Preferred	X		X		X	
Moderate	X		X			X
Moderate	X			X	X	
Moderate		X	X		X	
Protected	X			X		X
Protected		X		X		X
Protected		X	X			X
Protected		X		X	X	

<sup>1</sup>For shoreline vegetation such as mangroves, "no impact" is defined as no greater than five (5) percent of the native marine habitat is disturbed. For sea grasses, "no impact" means than no more than 100 square feet of sea grasses can be impacted.

D. Allowable wet slip densities.

1. *Preferred sites.* New or expanded wet slip marinas and multi-family facilities shall be allowed at a **DENSITY** of up to eighteen (18) boat slips for every 100 feet of **SHORELINE**. Expansion of existing and construction of new dry storage facilities is allowed. Expansion of existing and construction of new boat ramps is allowed.
2. *Moderate DEVELOPMENT sites.* New or expanded wet slips and multi-family facilities shall be allowed at a **DENSITY** of up to ten (10) boat slips for every 100 feet of **SHORELINE**. Expansion of

existing dry storage facilities is allowed. Construction of new dry storage facilities is prohibited. Expansion of existing boat ramps is allowed. Construction of new boat ramps is prohibited.

3. *Protected sites.* New or expanded wet slip marinas and multi-family facilities shall be allowed at a **DENSITY** of one (1) boat slip for every 100 feet of **SHORELINE**. Expansion of existing dry storage facilities or construction of new dry storage facilities is prohibited. Expansion of existing boat ramp or construction of new boat ramps is prohibited.
- E. If a potential boat facility site is ranked as moderate or protected because of its proximity to a high use manatee area, its ranking can be increased if slow speed zones are established that account for a significant portion of the expected travel route of the boats using the proposed facility. In that case, the manatee criteria in the three (3) way test (see Table 5.05.02(C)(5)) would not affect the outcome of the ranking. If such slow speed zones are not existing, the County may establish, with DEP approval, additional slow speed zones in order to mitigate the proposed additional boat traffic.
- F. Existing facilities and facilities which had state or federal permits prior to adoption of the MPP shall be exempt from these provisions, but will be subject to all other requirements of this Code.

### 5.05.03 Farm Labor Housing

- A. This section is intended to apply to those agricultural situations where housing is required for permanent or transient farm labor. Housing established under this section shall be used exclusively for that purpose and no other. It is intended that housing under this section shall be erected only in the rural agricultural district and only when such housing meets the requirements and procedures of this section. It is the intent of this section that housing for farm labor shall be in the nature of a planned **DEVELOPMENT**, but with restrictions designed to meet the peculiar requirements of the farm labor market and the necessities of the health, safety, and general welfare of the farm laborers and the general public.
- B. The following housing types are permitted as farm labor housing, either as **PRINCIPAL BUILDINGS** or **ACCESSORY BUILDINGS**:
  1. **SINGLE-FAMILY DWELLINGS.**
  2. **MOBILE HOMES.**
  3. **DUPLEXES.**
  4. **MULTIPLE-FAMILY DWELLINGS.**
  5. **TTRVCs.**

- C. In addition to uses and structures that are **ACCESSORY** and incidental to farm labor housing uses, the following specific **ACCESSORY USES** are permitted:
1. Caretakers' residences.
  2. **CHILD CARE CENTERS.**
- D. No construction for the housing of farm labor shall be erected until a SDP has been approved.
- E. Standards
1. Farm labor housing shall be set back a minimum of 1,000 feet measured from the nearest point of construction to any state, federal, or County highway **RIGHT-OF-WAY** line.
  2. No on-site farm labor housing shall exceed in land area three (3) percent of the gross acreage of the agricultural operation, or ten (10) acres, whichever is less. Off-site farm labor housing for laborers shall have a land area of not less than one (1) acre nor more than ten (10) acres.
  3. **STREETS** shall be surfaced with a hard dustless material.
  4. At least 300 square feet shall be provided for each **LOT** or **Dwelling Unit** for **OPEN SPACE** and recreation area.
  5. Certification required by chapter 10D-25, F.A.C., as a migrant labor camp shall be required.
  6. Table of Dimensional Standards

	Single-family Mobile Home	or	Duplex or Multi- family	Dormitory Housing
Minimum lot area (sq. ft.)	4,000		43,560	43,560
Minimum lot width (ft.)	40		100	100
Minimum setbacks (ft.)				
Front yard	10		20	20
Side yard	5		20	20
Rear yard	10		20	20
Maximum <b>BUILDING</b> height (ft.)	30		30	30
Minimum floor area (sq. ft.)	500		500	500

**5.05.04 Group Housing**

- A. All **GROUP HOUSING** structures shall meet the following requirements specified for each type of structure. All proposals for **GROUP HOUSING**, except **FAMILY CARE FACILITIES**, shall be processed with a SDP.
- B. A **FAMILY CARE FACILITY** shall be treated as a single-**DWELLING UNIT** for the purpose of determining applicable **DEVELOPMENT**

standards and, therefore, shall conform to the standards identified for a **SINGLE-FAMILY DWELLING UNIT** or **MOBILE HOME** in the zoning district assigned to the property, as well as other applicable standards found in this Code. However, a new family care facility shall not be located within a radius of 1,000 feet of another existing family care facility.

C. Table of site design standards for category I and category II **GROUP CARE FACILITIES**:

	Category I and II	Homeless Shelters
Minimum habitable floor area (sq. ft.)	1,500 + 200 for each person over six	1,500 + 150 for each person over six
Minimum lot area (sq. ft.)	6,000 + 1,500 for each person over six	6,000 + 400 for each person over six
Parking spaces	2 per five beds (minimum of 2 spaces)	
Separation requirement from an existing group care facility in RMF-6, RMF-12, RMF-16, RT, and VR zoning districts	Radius of 1,200 feet or more	
Separation requirement from an existing group care facility in A, estates, and RSF 1--6 zoning districts	Radius of 500 feet or more	
Special setback requirements for property abutting residential zoning districts	20 feet from residential property line	
Special setback requirements for property abutting roadways	25 feet of a road right-of-way line	

D. All other care housing environments as defined in this Code, including, but not limited to, **CARE UNITS**, assisted living units, continuing care retirement communities, nursing homes, and **DWELLING UNITS** that are part of an aging-in-place living environment shall adhere to the following standards in addition to those established by the underlying zoning district.

1. The maximum **FLOOR AREA RATIO** shall not exceed 0.45.
2. No structure shall be erected within twenty (20) feet of any **ABUTTING LOT** or **PARCEL** which is zoned residential, nor within twenty-five (25) feet of a road **RIGHT-OF-WAY**.
3. Parking spaces required:
  - a. Independent living units. One (1) per **DWELLING UNIT**.
  - b. Assisted living units. 0.75 per assisted unit.
  - c. Nursing **CARE UNITS**. Two (2) parking spaces per five (5) beds.
4. The procedures for applications and review of proposed **GROUP CARE FACILITIES** are set forth in Chapter 10.

**5.05.05 Automobile Service Stations**

A. The purpose of this section is to ensure that **AUTOMOBILE SERVICE STATIONS** do not adversely impact **ADJACENT** land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with service stations, particularly those open twenty-four (24) hours, may be incompatible with surrounding uses, especially residential uses. Therefore, in the interest of protecting the health, safety, and general welfare of the public, the following regulations shall apply to the location, layout, drainage, operation, landscaping, parking, and permitted sales and service activities of **AUTOMOBILE SERVICE STATIONS**.

B. Table of site design requirements:

	Site Standards
Minimum lot area (sq. ft.)	30,000
Minimum lot width (ft.)	150
Minimum lot depth (ft.)	180
Separation from <b>ADJACENT AUTOMOBILE SERVICE STATIONS</b> (ft.) (based on distance between nearest points)	500
Minimum setbacks:	
Front yard	50
Side yard	40
Rear yard	40

C. **BUILDING** architecture shall meet the requirements of section 5.05.08.

D. The following landscape requirements are in addition to the requirements of section 4.06.00 Landscaping and Buffering.

1. **RIGHT-OF-WAY BUFFER** landscaping:

a. Landscaping **ADJACENT** to rights-of-way external to the **DEVELOPMENT** project shall be located within a **LANDSCAPE BUFFER** easement which is a minimum of twenty-five (25) feet in width. Water management swales shall not be located within these **BUFFER** areas; however, water management facilities such as underground piping shall be permitted.

b. An undulating **BERM** with a maximum slope of 3:1 shall be constructed along the entire length of the **LANDSCAPE BUFFER**. The **BERM** shall be constructed and maintained at a minimum average height of three (3) feet. The **BERM** shall be planted with ground cover (other than grass), shrubs, hedges, trees, and palms.

c. The required trees and palms shall be clustered in double rows with a minimum of three (3) trees per cluster. Canopy trees shall be planted a maximum of twenty (20) feet on center within a cluster. The use of palms within the **RIGHT-OF-WAY BUFFER** shall be limited to landscaped areas **ADJACENT** to vehicular **ACCESS** points. Palms shall be planted in staggered heights, a minimum of three (3) palms per cluster, spaced at a maximum

of eight (8) feet on center, with a minimum of a four (4) foot difference in height between each tree. Exceptions will be made for Roystonea spp. and Phoenix spp. (not including roebelenii) which may be planted one (1) palm per cluster. A maximum distance of twenty-five (25) feet between all types of tree clusters shall be maintained (See Illustration 1 below).

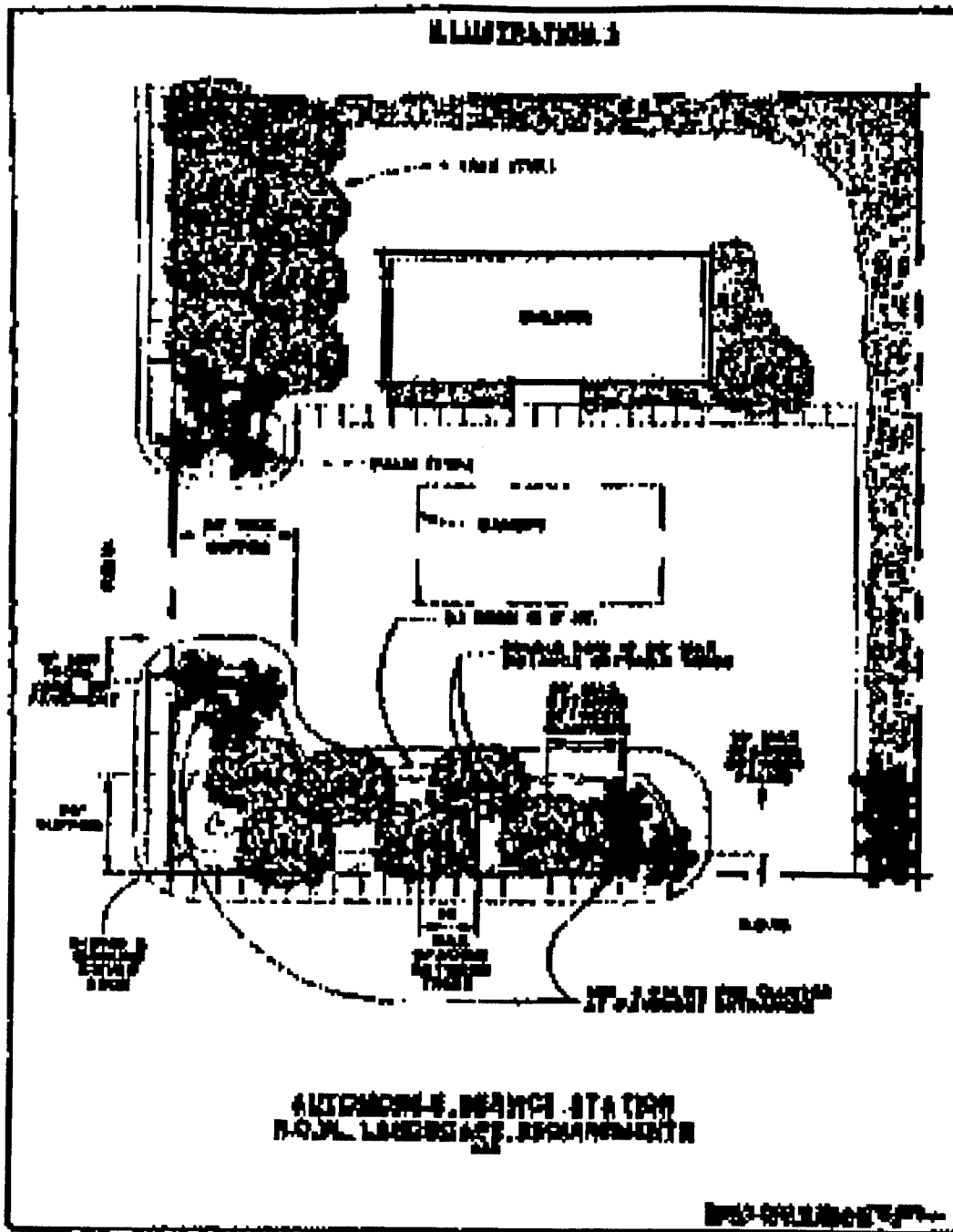
d. All of the trees shall be a minimum of fourteen (14) feet in height at the time of installation. Trees shall have a minimum of a three and one-half (3 ½) inch caliper at twelve (12) inches above the ground and a six (6) foot spread. At installation, shrubs shall be a minimum of ten (10) gallon, five (5) feet in height, with a three (3) foot spread, planted four (4) feet on center.

2. Landscaping **ADJACENT** to all other property lines:

a. Side property boundaries (other than those **ADJACENT** to rights-of-way) shall be planted with single row hedges consistent with the minimum requirements of section 4.06.00, Landscaping and Buffering.

b. Rear property boundaries (other than those **ADJACENT** to road rights-of-way) shall be planted with a single row hedge. The hedge shall be a minimum height of four (4) feet at planting, planted at three (3) feet on center, and shall be maintained at a height of five (5) feet.

c. Curbing shall be installed and constructed, consistent with minimum code requirements, between all paved areas and landscape areas.



**Illustration 1 - Auto Service Station R.O.W. Landscape Requirements**

- E. AUTOMOBILE SERVICE STATION** sites shall be separated from **ADJACENT** residentially zoned or residentially developed properties by an architecturally designed six (6) foot high masonry wall or fence

utilizing materials similar in color, module, and texture to those utilized for the **BUILDING**. Landscaping shall be planted on the residential side of the fence or wall.

1. The BZA may, by resolution, grant a waiver of part or all of the minimum separation requirements set forth herein if it is demonstrated by the **APPLICANT** and determined by the BZA that the site proposed for **DEVELOPMENT** of an **AUTOMOBILE SERVICE STATION** is separated from another **AUTOMOBILE SERVICE STATION** by natural or man-made boundaries, structures, or other features which offset or limit the necessity for such minimum distance requirements. The BZA's decision to waive part or all of the distance requirements shall be based upon the following factors:
  - a. Whether the nature and type of natural or manmade boundary, structure, or other feature lying between the proposed establishment and an existing **AUTOMOBILE SERVICE STATION** is determined by the BZA to lessen the impact of the proposed service station. Such boundary, structure, or other feature may include, but is not limited to, lakes, marshes, nondevelopable **WETLANDS**, designated preserve areas, canals, and a minimum of a four (4) lane **ARTERIAL** or **COLLECTOR RIGHT-OF-WAY**.
  - b. Whether the **AUTOMOBILE SERVICE STATION** is only engaged in the servicing of automobiles during regular, daytime business hours, or, if in addition to or in lieu of servicing, the station sells food, gasoline, and other convenience items during daytime, nighttime, or on a twenty-four (24) hour basis.
  - c. Whether the service station is located within a **SHOPPING CENTER** primarily accessed by a **DRIVEWAY**, or if it fronts on and is accessed directly from a platted road right-of-way.
  - d. Whether the granting of the distance waiver will have an adverse impact on **ADJACENT** land uses, especially residential land uses.

F. Lighting.

1. All lighting facilities shall be directed away from adjoining properties.
2. On-site luminaries shall be of low level, indirect diffuse type, and shall not exceed a height of greater than twenty (20) feet above finished **GRADE**.
3. Lighting located underneath a canopy shall be of low level, indirect diffuse type designed to provide light only to the pump island areas located underneath said canopy.



- G. All restrooms shall be located inside or to the side or rear of the **BUILDING**.
- H. As required by section 5.03.04, a six (6) foot high enclosed trash area to be integrated with the design of the service station shall be provided.
- I. Storage tanks shall be located below **GRADE**.
- J. There shall be no outside displays of products, stacking of tires, or other merchandise.
- K. No **AUTOMOBILE SERVICE STATION** shall have an entrance or exit for vehicles within 200 feet along the same side of a **STREET** as a **SCHOOL**, public playground, **CHILD CARE CENTER**, **CHURCH**, hospital, public library, or any institution for dependents or for children, except where such property is in another **BLOCK**.
- L. Color accent banding on gasoline canopy structures and all other structures is prohibited. Canopies shall be of one (1) color, consistent with the predominant color of the **PRINCIPAL STRUCTURE**, if applicable. The color of all structures on-site shall be of soft earth tones or pastels.
- M. Each **AUTOMOBILE SERVICE STATION** shall provide the necessary infrastructure and pre-wiring in order to provide the capabilities for generator service in case of emergencies.
- N. In addition to the retail dispensing of automobile fuels and oil, only the following services may be rendered and sales made, except as indicated:
  - 1. Sales and servicing of spark plugs, batteries, distributors, and distributor parts.
  - 2. Sales, mounting, balancing, and repair of tires and wheel alignments, but not recapping of tires.
  - 3. Sales and replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, shock absorbers, mirrors, exhaust systems, and the like.
  - 4. Provision of water, antifreeze, flushing of the cooling system, air conditioning recharge, and the like.
  - 5. Providing and repairing fuel pumps and lines.
  - 6. Minor motor adjustments not involving removal of the head or crankcase.
  - 7. Greasing and lubrication.
  - 8. Sales of cold drinks, candies, tobacco, and similar convenience goods for service station customers, but strictly and only as **ACCESSORY** and incidental to the principal business operation.
  - 9. Provision of road maps and other information.

10. No mechanical work shall be allowed outside of the enclosed areas.
11. Oil drainage pits or appliances for such purpose or repair purposes shall be located within a wholly enclosed **BUILDING**.
12. Uses permissible at an **AUTOMOBILE SERVICE STATION** do not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles (except as expressly permitted in subsection 13. below), commercial garage as an **ACCESSORY USE**, or other work involving undue noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in such stations. An **AUTOMOBILE SERVICE STATION** is not a facility for the sale of automobile vehicles, a repair garage, a body shop, or a truck stop.
13. The temporary storage of vehicles shall be permitted if the vehicles are to be serviced at the service station or if the vehicles have been towed by the service station and are being held for servicing, for an insurance company, or for salvage. Any such vehicle(s), other than those vehicles serviced daily, shall be stored within an area surrounded by an opaque fence not less than six (6) feet high. Said vehicles shall not be stored longer than sixty (60) days.
14. Washing and polishing of automobiles and sale of automobile washing and polishing materials, but this only allows auto detailing as an **ACCESSORY USE**. This provision does not allow carwashes except in those zoning districts where a carwash is a permitted use, and where such carwashes shall be subject to criteria specified in the zoning district.

O. Procedural requirements are set forth in Chapter 10.

**5.05.06 Private Airports**

- A. The **APPLICANT** must control the airspace within 700 feet from the ends of the primary surface(s). The control is to prevent any **AIRPORT HAZARDS** from being grown, erected, or otherwise placed within a glide path of twenty (20) to one (1) from the ends of the primary surface. This control may be created by ownership, right-of-way, easement, or a combination thereof.
- B. The **SETBACK** for the primary surface shall be 200 feet.
- C. Other structures must conform with **SETBACKS** of the underlying district; however, they may not be placed within fifty (50) feet of the primary surface.

**5.05.07 Townhouse DEVELOPMENT**

- A. Table of site design standards:

	Site Standards
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Minimum lot area (sq. ft.)	2,500 per dwelling unit
Minimum lot width (ft.)	30
Minimum setbacks:	
Front yard – front entry garage	20
Front yard – side entry garage	10
Side yard	A
Rear yard – principal structures	20
Rear yard – accessory structures	10

A = ZERO (0) LOT LINE; otherwise ten (10) feet for **PRINCIPAL STRUCTURES**, or one-half (1/2) the height of the sum of the walls facing one another, whichever is greater.

## 5.05.08 Architectural Standards for Commercial BUILDINGS and Projects

### A. Purpose and intent

The purpose of these standards and guidelines is to supplement existing **DEVELOPMENT** criteria with specific criteria that apply to the design of commercial **BUILDINGS** and projects. Commercial **DEVELOPMENT** depends on high visibility from major public streets. In turn, their design of **BUILDING(s)** and site determines much of the image and attractiveness of the streetscapes and character of a community. Massive and/or generic **DEVELOPMENTS** that do not contribute to, or integrate with, the community in a positive manner can be detrimental to a community's image, and sense of place. The goal is to create and maintain a positive ambiance and strong community image and identity by providing for architectural and site design treatments which will enhance the visual appearance of commercial **DEVELOPMENT** in Collier County, while still providing for design flexibility. These standards are intended to enhance the quality of life in Collier County.

The prominent styles of architecture in Collier County include: a blend of Spanish Mediterranean with barrel tile roofs, stucco facades, arches and wood accent members used as typical details; Florida Cracker style, which includes metal roofs and covered porches; and Bermuda/Island Regency which includes white tile roofs with stucco facades and quoins used as typical details. While no particular style of architecture is prohibited herein, the above referenced individual styles, and the interpretation or blending of characteristics associated with these styles are encouraged.

These standards and guidelines incorporate a basic level of architectural design with site design features which incorporate safe and convenient vehicular use areas and pedestrian ways, and landscape, lighting and signage treatments intended to result in a comprehensive plan for **BUILDING** design and site **DEVELOPMENT** consistent with the goals, policies and objectives of the Collier County Growth Management Plan and the purpose and intent of this Code. These regulations are intended to promote the use of Crime Prevention Through Environmental Design (C.P.T.E.D.) principals including: visibility - visibility for law enforcement

and other people in the area; natural surveillance - placing areas of activity where they can be seen by law enforcement and the public; and defensible space - designing areas which people will take as their own and not be willing to relinquish this space other undesirable activities.

## B. Applicability

Provisions of this division are applicable in all commercial zoning districts, commercial and non-residential components of PUD districts, DRIs, business park districts, industrial zoned areas and all other zoning districts for non-residential **DEVELOPMENTS** and **BUILDINGS** fronting on arterial or **COLLECTOR ROADS** as described by the transportation circulation element of the growth management plan, when located in the urban residential areas as indicated on the future land use map of the growth management plan, as provided below:

1. *Renovations and redevelopment:* In the case of additions or renovations to, or redevelopment of, an existing **BUILDING** or project, where the cost of such addition, renovation, or redevelopment exceeds 50 percent of the value of the existing structure(s), or 20 percent of the square footage of the existing structures, the provisions of this division shall apply.

2. *Discontinuance:* The provisions of section 9.03.00 of this Code do not apply to the provisions of section 5.05.08 which require structural **ALTERATIONS** and are superseded by the following. Where the use of a structure ceases for any reason, except where governmental action impedes **ACCESS** to the premises, for a period of more than 365 consecutive days, the provisions of this Code which may require structural **ALTERATIONS** shall be adhered to prior to reoccupancy of the structure. With respect to vehicular use and required landscape areas, the provisions of this section shall apply where the use of a structure ceases for any reason, except where governmental action impedes **ACCESS** to the premises, for a period of more than 180 consecutive days.

3. *Required site **DEVELOPMENT** or improvement plan.* Compliance with the standards set forth in this division shall be demonstrated by submittal of architectural drawings and a site **DEVELOPMENT** plan or site improvement plan in accordance with section 10.02.03 of this Code.

4. *Illustrations.* Illustrations provided in this section 5.05.08 are intended to provide a graphic example of a specific provision or provisions set forth herein. Variations from these illustrations which nonetheless adhere to the provisions of this division, are encouraged.