

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20190002647

ORIGIN

Growth Management
Department Staff

HEARING DATES

BCC TBD
CCPC TBD
DSAC 08-05-20
DSAC-LDR 12-17-19

SUMMARY OF AMENDMENT

In accordance with F.S. Chapter 125.022, this amendment modifies the timeframes and procedural review requirements to processing an application for the approval of a development permit or development order for Stewardship Receiving Areas (SRA) Designations.

LDC SECTIONS TO BE AMENDED

4.08.07 SRA Designation

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval

DSAC
TBD

CCPC
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BACKGROUND

On June 28, 2019, Chapter 2019-165 Laws of Florida was adopted and amended F.S. 125.022 “Development Permits and Orders”. The legislative change established new time limitations and review requirements for an application for approval of a development permit or development order issued by local governments. As stipulated in the statute, the terms “development permit” and “development order” have the same meaning under the Community Planning, F.S.163.3164 (15) and (16), however, building permits are specifically excluded from the new limitations and requirements. See Exhibit A below.

Currently, the application review process for a Stewardship Receiving Area (SRA) Designation is set forth in LDC section 4.08.07 E. The SRA application requires a master plan that identifies land uses, number of dwelling units, and leasable retail and/or office square footage. It includes a development document, reports on public facilities impact and economic assessment, provision for school concurrency when there are residential uses, and any SSA Designated Credits. Therefore, an SRA Designation meets the state’s definition of a development permit.

The new statutory process requires, within 30 days after receiving an application for approval, the County to issue a letter indicating all required information has been submitted and the application is deemed complete or advise the applicant additional information is required and cite any particular areas that are deficient. If the application is deficient, the applicant has up to 30 days to address and submit the required information. Within 180 days, after the County has deemed the application complete, the County must act to approve, approve with conditions, or deny the development permit for applications that require final action through a quasi-judicial hearing or public hearing. The County may request, and the applicant can agree or not agree to waive the time limitation. In addition, when reviewing the application, the County may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. Further, before the third request for additional information is made, the County must offer a meeting with the applicant to resolve any outstanding issues.

Because the SRA application review process must be in accordance with the requirements of F.S.125.022, this amendment removes LDC sections 4.08.07 E.3,4,5 and 6. The proposed amendment adds text to comply with the time limitations and procedural review requirements of F.S.125.022. This is the only LDC section to review

timeframes in accordance with F.S.125.022.

FISCAL & OPERATIONAL IMPACTS GMP CONSISTENCY

There are no fiscal impacts associated with this amendment. Operational changes will be as required per F.S. 125.022. This LDCA may be deemed consistent with the Future Land Use Element. DW

EXHIBITS: A) F.S. Chapters 125.022 and 163.3164 (15) and (16).

Amend the LDC as follows:

4.08.07-SRA Designation

* * * * *

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 LDC sSection 4.08.07 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, and Review. 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 LDC ~~s~~Section 4.08.07 D. The review and approval of the application shall be in accordance with section 125.022, Florida Statutes.

~~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.~~

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

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- ~~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.~~
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Exhibit A – F.S. Chapters 125.022 and 163.3164 (15) and (16)

F.S. Chapter 125.022 Development permits and orders.

(1) Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. Within 120 days after the county has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. [380.0552](#).

(2) When reviewing an application for a development permit or development order that is certified by a professional listed in s. [403.0877](#), a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. Except as provided in subsection (5), if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(3) When a county denies an application for a development permit or development order, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(4) As used in this section, the terms "development permit" and "development order" have the same meaning as in s. [163.3164](#), but do not include building permits.

(5) For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

(6) Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(7) This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

F.S. 163.3164 Community Planning Act; definitions. As used in this act:

* * * * *

(15) "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

(16) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

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LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20200000268

ORIGIN

Growth Management
Department

HEARING DATES

BCC TBD
CCPC TBD
DSAC 08-05-20
DSAC-LDR 06-18-20

SUMMARY OF AMENDMENT

This amendment shall extend the effective time period for the Transfer of Development Rights (TDR) early entry bonus credits from sending lands in the Rural Fringe Mixed Use District.

LDC SECTION TO BE AMENDED

2.03.07 Overlay Zoning Districts

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval

DSAC
TBD

CCPC
TBD

BACKGROUND

This amendment is a companion amendment to the Growth Management Plan Amendment for the Transfer of Development Rights Early Entry Bonus Extension PL 20190002635.

On February 25, 2020 (the Transmittal Hearing), the Board of County Commissioners directed staff to transmit to the Florida Department of Economic Opportunity an amendment to the Growth Management Plan (GMP) that will extend the effective date of the TDR early entry bonus credits from March 5, 2004 to September 27, 2022. Final action by the Board (the adoption hearing) is anticipated to occur within the next four months and by ordinance the Future Land Use Element will be amended and extend the availability of early entry TDR bonus credits for properties within the RFMU District.

The purpose of this LDC amendment is to be consistent with the GMP amendment and extend the time period to September 27, 2022 for early entry TDR bonus credits.

FISCAL & OPERATIONAL IMPACTS

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

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff.

EXHIBITS: None

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Amend the LDC as follows:

2.03.07 – Overlay Zoning Districts

D. Special Treatment Overlay (ST).

4. Transfer of Development Rights (TDR).

c. TDR credits from RFMU sending lands: General Provisions

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

c) Early Entry Bonus credits. Early Entry Bonus credits shall be generated at a rate of 1 additional credit for each TDR credit that is severed from RFMU sending land for the period from March 5, 2004, until ~~March~~ September 27, 2012 2022, unless further extended by resolution by the Board of County Commissioners. Early Entry Bonus credits shall cease to be generated after the termination of this early entry bonus period. However, Early Entry Bonus credits may continue to be used to increase density in RFMU and non-RFMU Receiving Lands after the termination of the Early Entry Bonus period.

f. Procedures applicable to the severance and redemption of TDR credits and the generation of TDR Bonus credits from RFMU sending lands.

ii. In order to facilitate the County's monitoring and regulation of the TDR Program, the County shall serve as the central registry for all TDR severances, transfers (sales) and redemptions, as well as maintain a public listing of TDR credits available for sale along with a listing of purchasers seeking TDR credits. No TDR credit generated from RFMU sending lands may be utilized to increase density in any area unless the following procedures are complied with in full.

b) TDR Bonus credits shall not be used to increase density in either non-RFMU receiving areas or RFMU receiving lands until a TDR credit certificate reflecting the TDR Bonus credits is obtained from the County and recorded.

1) Early Entry Bonus credits. All TDR credit certificates issued by the County for the period from

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1 the effective date of this provision until ~~March 27,~~
2 ~~2015~~ [September 27, 2022](#), unless further extended
3 by resolution by the Board of County
4 Commissioners, shall include one Early Entry
5 Bonus credit or fractional Early Entry Bonus credit
6 for each TDR credit or fractional TDR credit
7 reflected on the TDR credit certificate. Where TDR
8 credits were severed from March 5, 2004, until the
9 effective date of this provision, the County shall,
10 upon receipt of a copy of the TDR credit certificate
11 reflecting those previously severed TDR credits,
12 issue a TDR credit certificate entitling Early Entry
13 Bonus credits equal in number to the previously
14 severed TDR credits.

15	*	*	*	*	*	*	*	*	*	*	*	*	*
16	#	#	#	#	#	#	#	#	#	#	#	#	#



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20190002818

ORIGIN

Growth Management Department

SUMMARY OF AMENDMENT

This amendment clarifies the calculation of density for single-family, two-family or duplex dwelling units and multi-family units, on legal non-conforming lots of record in the RMF-6 District. It further clarifies the definition for non-conforming lots of record and lot of record.

HEARING DATES

BCC TBD
 CCPC TBD
 DSAC 08-05-20
 DSAC-LDR 06-18-20
 12-17-19

LDC SECTION TO BE AMENDED

1.08.00 Definitions
 9.03.03 Types of Nonconformities

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
 Approval

DSAC
 TBD

CCPC
 TBD

BACKGROUND

This amendment seeks to clarify how to resolve the calculation of the number of dwelling units, for legally platted non-conforming lots of record in the RMF-6 zoning district. Since the adoption of Ordinances 74-12 and 13 (Coastal Area) and 74-14 and 15 (Immokalee Area), the interior minimum lot area standards for single-family, two-family or duplex, and multi-family dwelling units has changed over time. The provision to allow an additional unit when the calculation of allowable density results in a fractional unit of .50 or greater has also changed over time and has been problematic for staff to resolve given prior administrative staff memorandums (See Exhibit A).

This amendment shall reduce staff time in the determination of the non-conforming lots of record that may be entitled for an additional unit based on the density calculation of a fractional unit of 0.50 or greater for single family, two-family or duplex dwelling units. It clarifies that the minimum lot area required to support a two-family or duplex dwelling unit is 9,750 square feet or greater for non-conforming lots, provided an agreement for deed was executed prior to the adoption of Ordinance 74-42. Additionally, staff recognized single family dwelling units could be constructed on legal non-conforming lots smaller than 6,500 square feet provided an agreement for deed was executed prior to July 1, 1998. This is the effective date of Ordinance 98-63 which had increased the minimum lot size from 6,000 square feet to 6,500 square feet. The amendment does not alter the minimum setback requirements which still have to be met.

The definitions for “Lot of Record” and “Nonconforming Lots of Record” are also changed to clarify that the agreement for deeds are relative only to the “former” Coastal Area Planning District and Immokalee Area Planning District which had been established respectively by Ordinances 76-30 and 74-15. On January 5, 1982 these zoning regulations and Planning Districts were repealed when the Board adopted Ordinance 82-02, the unified zoning ordinance for the unincorporated area of the County. Further, the reference date of “prior to May 1, 1979” is deleted as it was an incorrect reference which referenced Ordinance 79-29.

Lastly, a cross reference to LDC section 9.03.03 A has been added to the definition of nonconforming lots of record.

FISCAL & OPERATIONAL IMPACTS

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

GMP CONSISTENCY

The subject LDC amendment pertains to permitted density for non-conforming lots in the RMF-6 zoning district. The Future Land Use Element (FLUE), Immokalee Area Master Plan (IAMP) and Golden Gate Area Master Plan (GGAMP) all contain provisions for determining eligible density for rezoning property; that is, they regulate zoning density in context of density allowed by the Future Land Use Map designation when a zoning change is sought. However, they do not regulate density permitted by *existing* zoning districts; this LDCA will not increase density beyond the present 6 dwelling units per acre. Therefore, staff concludes this petition may be found consistent with the FLUE, IAMP and GGAMP.

EXHIBITS: A) Ordinance Historical Table

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Text underlined is new text to be added

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Amend the LDC as follows:

LDC 1.08.00 Definitions

* * * * *

Lot of record: A lot of record is (1) a lot which is part of a subdivision recorded in the public records of Collier County, Florida; or (2) a lot, parcel, or the least fractional unit of land or water under common ownership which has limited fixed boundaries, described by metes and bounds or other specific legal description, the description of which has been so recorded in the public records of Collier County, Florida, on or before the effective date of this LDC; or (3) a lot, parcel, or the least fractional unit of land or water under common ownership which has limited fixed boundaries, for which an agreement for deed was executed prior to October 14, 1974, if within the former Coastal Area Planning District, and January 5, 1982, if ~~presently within or previously~~ within the former Immokalee Area Planning District ~~prior to May 1, 1979~~.

* * * * *

Nonconforming lots of record: Any lawful lot or parcel which was recorded, or for which an agreement for deed was executed prior to October 14, 1974, if within the former Coastal Area Planning District, and January 5, 1982, if within the former Immokalee Area Planning District, which lot or parcel does not meet the minimum width or lot area requirements as a result of the passage of this Code shall be considered as a legal nonconforming lot and shall be eligible for the issuance of a building permit provided all the other requirements of this Code and the Florida Statutes are met. This definition also includes any lot or parcel made nonconforming by a rezoning initiated by Collier County to implement the Zoning Reevaluation Ordinance Number 90-23 (1990). For nonconforming lots of record within the RMF-6 zoning district, see LDC section 9.03.03 A.

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9.03.03 - Types of Nonconformities

A. *Nonconforming lots of record.* In any district, any permitted or permissible structure may be erected, expanded, or altered on any lot of record at the effective date of adoption or relevant amendment to the LDC.

1. Except as provided herein, the minimum yard requirements in any residential district except RMF-6 shall be as for the most similar district to which such lot of record most closely conforms in area, width and permitted use, except that when possible the greater of any yard requirement in either district shall apply, and except when specifically provided for in the district regulations.

a. Rural Agricultural (A) zoning district:

i. Front Yard: 40 feet.

ii. Side Yard: 10 percent of lot width, not to exceed 20 feet on each side.

iii. Rear Yard: 30 feet.

b. Estates (E) zoning district: See LDC section 2.03.01 for setbacks.

c. RMF-12:

i. Single-family dwellings revert to RSF-6 standards.

ii. Duplex and multi-family dwellings revert to RMF-6 standards.

- 1 d. Mobile Home (MH) zoning district:
 - 2 i. Front Yard: 10 feet.
 - 3 ii. Side Yard: 5 feet or zero (0) foot. Where zero is used, the opposite
 - 4 yard must maintain a minimum of 10 feet.
 - 5 iii. Rear Yard: 8 feet.
 - 6 iv. Waterfront Yard (Side or Rear): 10 feet.
- 7 2. The minimum side yard requirement in any commercial or industrial district shall
- 8 be equal to the height of the proposed principal structure, or the minimum side
- 9 yard requirement in the district, whichever is lesser.
- 10 3. Nonconforming through lots, which are nonconforming due to inadequate lot depth,
- 11 may have a reduced front yard along the local road frontage. The reduction shall
- 12 be computed at the rate of fifteen (15) percent of the depth of the lot, as measured
- 13 from edge of the right-of-way. Front yards along the local road shall be developed
- 14 with structures having an average front yard of not less than six (6) feet; no building
- 15 thereafter erected shall project beyond the average line. The reduced front yard
- 16 setback shall be prohibited along a collector or arterial roadway.
- 17 4. When two or more adjacent legal nonconforming lots of record are either combined
- 18 under a single folio or parcel number for taxing purposes by the property
- 19 appraiser's office, or combined as a single parcel by recording the previously
- 20 separate non-conforming lots into one legal description, neither or both of these
- 21 actions will prohibit the owner or future owners from subsequently splitting the
- 22 parcel into two or more folio or parcel numbers for tax purposes, or severing the
- 23 parcels into their former legal descriptions as legal nonconforming lots of record
- 24 according to the original legal description(s) at the time the property was
- 25 recognized as legal nonconforming. Prior to any two or more adjacent legal non-
- 26 conforming lots being combined for development, a legally binding document must
- 27 be recorded to reflect a single parcel with a unified legal description. Once such a
- 28 document has been recorded to amend the legal description and a development
- 29 permit has been approved by the County for development as that unified parcel,
- 30 the property cannot be split or subdivided except as may then be allowed by this
- 31 Code.
- 32 5. Nonconforming Corner Lots. Corner lots of record which existed prior to the date
- 33 of adoption of Collier County Ordinance No. 82-2 [January 5, 1982] and which do
- 34 not meet minimum lot width or area requirements established in the LDC, shall be
- 35 required to provide only one full depth front yard. The full depth front yard
- 36 requirement shall apply to the front yard which has the shorter or shortest street
- 37 frontage. The setback requirement for the remaining front yard(s) may be reduced
- 38 to 50 percent of the full front yard setback requirement for that district, exclusive of
- 39 any road right-of-way or road right-of-way easement. For setbacks for Estates (E)
- 40 zoning district, see LDC section 2.03.01.
- 41 6. RMF-6 Districts. A two family or duplex dwelling unit may be constructed on any
- 42 legal non-conforming lot of record provided the minimum lot area is 9,750 square
- 43 feet or greater and an agreement for deed was executed prior to October 14, 1974
- 44 to establish the lot.
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A single family dwelling unit may be constructed on any legal non-conforming lot of record provided the lot area is less than 6,500 square feet and an agreement for deed was executed prior to July 1, 1998 to establish the lot.

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Exhibit A – Ordinance Historical Table

INTERIOR MINIMUM LOT AREA						
Ordinance Number	Zoning District	Dwelling Type			Fractional Unit Entitled	
		Single-Family	Two-Family	Multi-Family		
74-12 and 13 (Coastal Area)	MF-1 (SF and 2F)	6,600		N/A		
	MF-2 (SF,2F, MF)			8,400		
	MF-3 (2F and MF)	N/A	12,000			
	RSF-4	8,500	Not Applicable (N/A)			
	RSF-5	7,500				
	RSF-6	6,000				
74-14 and 15 (Immokalee Area)	MF-1	6,600		N/A		
	MF-1A					
	MF-2			6,600		
	MF-2A			6,000		
	RSF-4	6,000	N/A			
74-42 (Effective Date 10-14-74)	RM-1 (2F and MF)	N/A	7,000			
	RM-1A					
	RSF-4	7,500				
	RM-2	N/A	1 net acre (4,500 s.f. /unit)			
75-36 (Effective Date 9-2-75)	RM-1 (2F and MF)	N/A	7,000			
	RM-1A	7,500	Non-Conforming LOR (6,500 s.f.) MF			
	RM-2	N/A	1 net acre (4,500 s.f. /unit)			
76-30 (Effective Date 7-2-76)	RM-1 (2F and MF)	N/A	7,000			
	RM-1A	7,500	Non-Conforming LOR (6,500 s.f.) MF			
	RM-2	N/A	Non-Conforming lots within platted subdivisions prior to 10-14-74: lot area in accordance with recorded plat. 1 net acre (4,500 s.f./unit)			
82-02 (Effective Date 1-11-82) (Adoption Date 1-05-82)	RMF-6	7,260 s.f. each dwelling unit			Yes	
	RSF-5	Non-Conforming LOR				
91-102 (Effective Date 11-13-91)	RMF-6	7,260 s.f. each dwelling unit			Yes	
	RSF-6	Non-Conforming LOR				
	RSF-6	6,000 s.f.	6,500 s.f.			
92-73 (Effective Date 10-12-92)	RMF-6	7,260 s.f. each dwelling unit			Yes	
	MF and Townhomes	1 acre-not to exceed 6 per gross acre				
	RSF-6	6,000	N/A			
		Non-Conforming LOR				
98-63 (Effective Date 7-1-98)	RMF-6	6,500	12,000	5,500 s.f. per unit	Deleted	
	99-06 (Effective Date 2-1-99)	RMF-6	6,500	12,000	5,500 s.f. per unit	Yes
		Non-Conforming LOR (6,500 s.f.)				
04-41 (Effective Date 7-28-2004)	RMF-6	6,500	12,000	5,500 s.f. per unit	Yes, can round up	

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20190002819

ORIGIN

Growth Management
Department

HEARING DATES

BCC	TBD
CCPC	TBD
DSAC	08-05-20
DSAC-LDR	06-18-20, 12-17-19

SUMMARY OF AMENDMENT

This amendment establishes submittal requirements, criteria for review, and an approval process for temporary special events that take place in or use County owned or maintained rights-of-way. It further allows for the temporary placement of signage within rights-of-way.

LDC SECTIONS TO BE AMENDED

5.04.05 Temporary Events
5.04.06 Temporary Signs
10.03.06 Public Notice and Required Hearings for Land Use Petitions

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
Approval with Recommendation	TBD	TBD

BACKGROUND

On October 22, 2019 the Board directed staff to amend the LDC to establish a temporary use permit and approval process for special events that require the use and temporary road closure of County owned or maintained rights-of-way and allow applications for such events to be processed until the LDC new standards are adopted. See exhibit “A”, the executive summary and initial proposed LDC text.

Since the Board’s directive, staff has identified the following changes and clarifications:

- In LDC section 5.04.05 A.5.c.i, the words “development standards” are replaced with applicable “requirements”.
- In LDC section 5.04.05 A.5.i, the word “deputies” is replaced with “law enforcement officers”.
- In LDC section 5.04.06 B.1.e, the word “directional” is replaced with “temporary” and “to promote tourism” is added as another benefit to the Community.
- In LDC section 5.04.06 A.3.a, temporary signs are currently prohibited for placement within any public right-of-way. This standard is amended to allow for an exception when temporary signs are permitted in accordance with the new provisions of the proposed amendment.
- In LDC section 5.04.05 A.5, a new subsection is added to assure compliance with the Federal Manual on Uniform Traffic Control Devices and FDOT’s Roadway and Traffic Design standard plans for the location, placement and maintenance of traffic signs associated with the event.
- Lastly, in LDC section 10.03.06, the mail notification requirement is changed so the mailed notice to be sent is determined by the right-of-way being impacted rather than from the radius of the event.

The proposed standards are designed to provide uniform requirements for temporary special events requiring the use of rights-of-way. Rights-of-way permit forms shall be updated accordingly.

DSAC-LDR Subcommittee Recommendation on 12-17-19:

- Eliminate the first sentence that states “Any event which necessitates the use of the public rights-of-way of an arterial or collector roadway....” or reword, since any event can capture everything such as a group of bicycle riders, high school long distance foot race and yard sales which could use the right-of-way.
- Regulate only those events that would cause excessive congestion, maintenance of vehicular traffic and necessitate a lane or road closure or cause odor, noise, or lighting impacts.
- Clarify what the difference is for an event, directional, and entrance sign for the event.
- The term “neighborhood”, as applied to the mailed notification area is overreaching and creates an unnecessary expense to include all properties within one-quarter mile radius. The notification should be limited to only those property owners and homeowner associations abutting the right-of-way being impacted for the event.

Additional DSAC-LDR Subcommittee Recommendations on 06-18-20:

- Consistently capitalize or use a lower case for the word “County”.
 - “County” is capitalized throughout the text.
- Consider changing the reference from “Fire District” to “Fire Marshall”.
 - No change to the text, since “Fire District” is consistent with other provisions within the LDC.
- Consider increasing the temporary sign area from 24 inches by 32 inches to 2’ x 3’ since it is the standard size for sign vendors and the sign board would not be cut by 6 inches.
 - The right of way permit application for the placement of temporary directional signs limits the sign dimension to 24 inches by 32 inches. This standard has been applied since 1997. Staff has no objection to the change since LDC section 5.06.04 F.9 allows on premise directional signs to be no greater than 6 square feet.
- Clarify mailed notices will be sent out 15 days in advance of first advertised public hearing.
 - No change to the text, since the administrative code requires all mailed notices for advertised public hearings to be sent out 15 days in advance.
- Make the FDOT application requirements more user friendly by narrowing the applicable FDOT maps and provide an informational check list sheet for local and collector roadways.
 - Staff is currently in the process of revising the Application for Special Events form. The pertinent FDOT Standard Plan Index sheet for state roadways, marked maps and checklist for the placement of appropriate signage shall be included.

FISCAL & OPERATIONAL IMPACTS

There shall be an added expense for the applicant to comply with the mailed notice requirement and for any special event reviewed by the HEX or Board.

GMP CONSISTENCY

The various Elements of the Growth Management Plan do not regulate the use of rights-of-way. Therefore, this LDCA may be found consistent with the GMP.

EXHIBITS: A) Executive Summary

Amend the LDC as follows:

1 **5.04.05 – Temporary Events**

2
3 A. Special Events. This section establishes the location and development standards for
4 special events, including temporary market events, sales and promotional events, and sports,
5 religious, ~~and~~ community events, and events in County rights-of-way.

6
7 1. Standards applicable to all special events.

8
9 a. Sanitary facilities shall be provided for the duration of the event. Proof
10 of consent by business management shall be provided if permanent
11 business restrooms are to be used.

12
13 b. Safe ingress and egress shall be provided to the site, including
14 emergency access measures.

15
16 c. A maximum of 25 percent of the vehicular use area may be occupied or
17 otherwise rendered unusable by the placement of temporary structures,
18 equipment, and merchandise associated with the special event, unless
19 equivalent additional off-site parking is provided.

20
21 d. The minimum required number of handicapped parking spaces for the
22 site pursuant to LDC section 4.05.07 shall not be used for the special
23 event.

24
25 e. In support of the special event, temporary structures, equipment,
26 merchandise, and signage may be placed on the site subject to the
27 approval of a site diagram depicting the locations of principal structures,
28 parking, temporary structures, and signage.

29
30 i. Temporary signage shall be subject to the restrictions set forth in
31 LDC section 5.04.06.

32
33 ii. All temporary structures, equipment, merchandise, or placement
34 and parking of vehicles in conjunction with the special event shall
35 be located in a parking lot or open space at least 10 feet from the
36 property line, except events in County rights-of-way that are
37 approved in accordance with LDC section 5.04.05 A.5. All
38 temporary structures, equipment, merchandise, or placement
39 and parking of vehicles in conjunction with the special event ~~and~~
40 shall be removed at the conclusion of each event.

41
42 iii. A building permit may be required for the erection of temporary
43 tents or structures.

44
45 f. See Collier County Code of Laws Sections 118-102 and 118-131 to 118-
46 155, or successor sections, for additional standards related to solid
47 waste and recycling collection.

48

- g. No sales, advertising, or other activity related to the special event shall be permitted in the public right-of-way in accordance with Collier County Code of Laws Section 26-1, or successor sections, unless approved in accordance with LDC section 5.04.05 A.5.
- h. Application. The Administrative Code shall establish the procedural requirements for special events.

* * * * *

5. Events in **County** Rights-of-Way.

- a. A temporary use permit shall be required for events which take place in any County owned or maintained rights-of-way.
- b. The temporary use permit application shall be submitted at least 120 days prior to an event that requires Hearing Examiner or Board approval or 60 days prior to an event that requires administrative approval.
- c. At a minimum, temporary use permit applications for events shall be reviewed by the following Collier County departments, divisions, and outside agencies:
 - i. Collier County Growth Management Department shall determine compliance with all applicable **requirements.**
 - ii. Collier County Sherriff's Office shall determine whether any additional security or police service is necessary.
 - iii. The applicable Fire District shall determine whether any additional fire service is required.
 - iv. Emergency Medical Services shall determine whether any additional medical services are required.
 - v. Collier County Bureau of Emergency Services shall determine whether additional crowd control is required.
 - vi. Collier County Risk Management shall determine whether additional insurance or bonds are required for the event.
- d. Any event that necessitates the use of the right-of-way of any arterial or collector roadway, or any event which necessitates closing all or part of any County owned or maintained right-of-way between the hours of 7:00 AM through 9:00 AM or 3:30 PM through 6:30 PM shall require review and approval at a public hearing of the Hearing Examiner or Board of County Commissioners. Public notice shall be in accordance with LDC section 10.03.06 Z. Any appeal from a Hearing Examiner decision shall be to the Board of Zoning Appeals.

- 1 e. Events that do not require a public hearing as set forth in LDC section
- 2 5.04.05 A.5.d above, shall be reviewed by the County Manager or
- 3 designee. Any appeal from an administrative determination shall be to the
- 4 Hearing Examiner or Board of Zoning Appeals, as applicable.
- 5
- 6 f. Criteria for review:
- 7
- 8 i. The applicant has complied with all required criteria on the permit
- 9 application form.
- 10
- 11 ii. Sufficient support personnel, including certified crowd managers
- 12 are available to assist in the conduct of the event.
- 13
- 14 iii. Adequate support facilities are available for the event including, but
- 15 not being limited to, parking, refuse collection, sanitation, and
- 16 lighting.
- 17
- 18 iv. No conflict exists with the requested event and other approved and
- 19 previously scheduled events.
- 20
- 21 v. Crowd size has been determined to be a manageable size for the
- 22 proposed event and site.
- 23
- 24 vi. The event is generally compatible with the character of the
- 25 surrounding area.
- 26
- 27 vii. The applicant complied with the terms and conditions of any
- 28 previously approved permits.
- 29
- 30 g. Applications shall include a site plan and route map that shows the
- 31 proposed route of the event, areas of assembly or dispersal, parking areas,
- 32 location of temporary signs, maintenance of traffic signs (such as detour
- 33 signs, barricades, or cones), stationing of any crowd managers, officers, or
- 34 flag persons, temporary detours to be utilized by the public, and all
- 35 temporary construction or structures (stages, booths, water and toilet
- 36 facilities, etc.).
- 37
- 38 h. The placement and location of maintenance of traffic signs shall be in
- 39 accordance with the Federal Manual on Uniform Traffic Control Devices,
- 40 as amended, and FDOT's Roadway and Traffic Design standard plans.
- 41
- 42 i. Certified crowd control managers shall be provided at a minimum ratio of
- 43 one per 250 participants or attendees. Hiring of off-duty law enforcement
- 44 officers shall satisfy the requirement for certified crowd control managers.
- 45
- 46 j. The County Manager or designee may revoke a temporary use permit if it
- 47 is determined that any condition or stipulation has been violated, that the
- 48 approval was in error or based on inaccurate information, or that the use
- 49 negatively impacts the surrounding uses or poses a safety hazard, or
- 50 otherwise is negatively impacting the safety, health or welfare of the
- 51 general public.

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4 **5.04.06 - Temporary Signs**

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6 A. A temporary use permit is required for the placement of any temporary ground sign, snipe
7 sign, or banner that is not otherwise lawfully permitted. Temporary signs shall be allowed
8 subject to the restrictions imposed by this section.
9

10 1. The County Manager or designee may issue temporary sign permits, classified by
11 use, as necessary to adequately address each of the temporary signs described
12 within this section. For each permit type the nonrefundable fee shall be as
13 established in the fee schedule for the services performed by the Growth
14 Management Division.
15

16 2. Temporary signs and banners shall not be erected prior to obtaining the
17 appropriate temporary use permit and shall be removed on or before the expiration
18 date of the temporary use permit authorizing said sign.
19

20 3. Standards applicable to all temporary signs.
21

22 a. Temporary signs and banners permitted by authority of this section shall
23 not be placed within any public right-of-way, except when an event in the
24 right-of-way is approved and a temporary use permit is issued in
25 accordance with LDC sections 5.04.05 A.5 and 5.04.06 B.1.
26

27 i. Sign placement shall not obstruct or impair the safe visibility,
28 ingress, or egress of pedestrians and motorists.
29

30 b. The occupant of a lot, parcel, multi-tenant parcel or mixed use building,
31 may display 1 on-site temporary sign; a second such sign may be displayed
32 on a property having a second street frontage.
33

34 c. Absent specific standards to the contrary, temporary signs shall be located
35 onsite and no closer than 10 feet to any property line.
36

37 d. Temporary signs and banners used on nonresidential or mixed use
38 properties shall not exceed 32 square feet in sign area or 8 feet in height.
39

40 e. Temporary signs used on residentially zoned properties shall not exceed 4
41 square feet in area or 3 feet in height.
42

43 B. Temporary Sign Permit Types and Standards.
44

45 1. Temporary Events. A temporary use permit for a temporary event, issued per LDC
46 section 5.04.05., shall allow for the placement of temporary signage as classified
47 and regulated herein.
48

49 a. A "sign only" temporary use permit may be issued for temporary ground
50 signs and banners used to promote a sale, event, or activity not requiring
51 a temporary event temporary use permit per LDC section 5.04.05 of this

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Code. Such uses include, however are not limited to, study or course offerings, vacation camp, non-public indoor events, and sales events occurring within the confines of an established business.

- i. "Sign only" temporary use permits will be allowed, regulated, and enforced as special event signs.
- ii. Time limits for "sign only" temporary use permits shall be the same as those for special events, see LDC subsection 5.04.05 A.3.

b. Special event signs.

- i. Special event signs shall be erected not more than 15 calendar days prior to the supporting event and shall be removed within 7 calendar days after the event has taken place.

c. Seasonal sales signs.

- d. Garage sales signs. Two temporary signs may be placed on the property where the sale is being conducted.

e. Temporary signs for events in rights-of-way.

- i. Signs may display the event, name, date, location and a directional arrow pointing to the direction of the event only.

- ii. No sales, advertisement, or commercial message is allowed on signs.

- iii. Maximum dimension of 2 feet by 3 feet.

- iv. No signs shall be erected more than seven days prior to a scheduled event, and all signs must be removed within three business days after the event completion.

- v. No signs shall be located within the right-of-way medians.

- vi. No signs shall be attached to traffic control signs or other authorized highway signs and impede vehicular or pedestrian traffic.

- vii. Limited to six signs within a five-mile radius of the event boundaries. However, events recognized at a regular meeting of the Board of County Commissioners to benefit the Community and promote tourism are limited to up to 40 signs.

#

10.03.06 – Public Notice and Required Hearings for Land Use Petitions

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Z. Events in Rights-of-Way, pursuant to LDC section 5.04.05 A.5.

1. The following advertised public hearing is required:

a. One Hearing Examiner or BCC hearing.

2. The following notice procedures are required:

a. Newspaper advertisement prior to the advertised public hearing in accordance with F.S. 125.66.

b. Mailed notice prior to the first advertised public hearing. For the purposes of this application, all mailed notices shall be sent to property owners, neighborhoods and business associations within one-quarter mile of the County right-of-way impacted by the event.

#

Exhibit A – Executive Summary

16.A.20

10/22/2019

EXECUTIVE SUMMARY

Recommendation to direct staff to bring back for a public hearing an ordinance, amending the Land Development Code and the Administrative Code to clarify the submittal requirements, criteria for review, and approval process for special events that will require the use of county owned or maintained rights-of-way, and allow applications for such events to be processed under the proposed new standards while the LDC amendment process is pending.

OBJECTIVE: To provide sufficient time and standard procedures for County divisions or other outside agencies required to review all special event applications and to streamline the permitting process especially for application which will require road closure such as parades, races, rallies, or other event that would require the use of Collier County owned or maintained rights-of-way. This change would provide staff and outside groups such as the Sheriff's Office, Fire Districts, Emergency Medical Services, Bureau of Emergency Services, and Collier County Risk Management, the opportunity to review in detail each application and enhance the health and safety of the residents and visitors to Collier County.

CONSIDERATIONS: The Land Development Code is silent with regards to standards for special events that will require the use of county owned and/or maintained right-of-way, such as foot races or bicycle races. Depending on the location and timing, these events can have a significant impact on traffic and access to private properties. Staff proposes establishing the following standards and approval process for these events:

- A requirement for temporary use permits (TUP) for events which take place in any county owned or maintained rights-of-way (this applies to sidewalks, travel lanes, etc.).
- A requirement for a public hearing in front of the Hearing Examiner for any event which necessitates the use of any arterial or collector rights-of-way or for the closing of any county owned or maintained rights-of-way during AM or PM peak hours.
- A requirement to submit applications a minimum of 60 days prior to the beginning of an event that requires administrative approval and 120 days prior to an event that requires a public hearing.
- The ability to appeal administrative decisions to the Hearing Examiner and to appeal Hearing Examiner decisions to the Board of Zoning Appeals.
- A requirement for TUPs for events in rights-of-way to be reviewed by:
 - Collier County Growth Management Division,
 - Collier County Sherriff's Office,
 - Fire Districts,
 - Emergency Medical Services,
 - Collier County Bureau of Emergency Services, and
 - Collier County Risk Management.
- A requirement for site plans and route maps.
- A requirement for certified crowd control managers.
- An allowance for the County Manager or designee to revoke a TUP under certain circumstances.
- An allowance for directional signs to be located in the public right-of-way according to the following criteria:
 - Signs may display the event, name, date, location and directional arrow pointing in the direction of the event only,
 - No sales, advertisement, or commercial messages allowed on signs,
 - Maximum dimension of 24 inches by 32 inches,
 - No signs shall be erected more than seven days prior to a scheduled event, and all signs must be removed within three business days after the event completion,

Packet Pg. 1522

Exhibit A – Executive Summary

16.A.20

10/22/2019

- No signs may be located within the medians,
- No signs shall be attached to traffic control signs or other authorized highway signs,
- Limited to six signs within a five-mile radius of the event boundaries, and
- An additional allocation of up to 40 special event directional signs for events recognized by the Board of County Commissioners to benefit the community.
- A requirement for Newspaper advertisement and mailed notice prior to the advertised public hearing.

Standards in Other Communities

Standard	Charlotte County	Lee County	City of Naples	Sarasota County	West Palm Beach	Escambia County
Limitations on Road Closures						
Traffic Safety Plans/Maintenance of Traffic	x	x	x		x	x
Application Submittal Deadline (prior to event date)	30 days prior	30 days prior	1 year to 60 days prior	10 days prior	6 months for "high impact events" or 6 weeks	60 days prior
Crowd Management		Requires coordination with Sherriff	x		x	
Sign Standards		x	x		x	
Public Notice Requirements			x			
Multi-Agency Review/Approval	x	x			x	x
Cancellation During Declared Emergencies					x	
Administrative Approval	x	x	City Council approval for street closings	x	Road closures approved by Mayor	x
Appeal Process				x		
Location of Standards	LDC	LDC, Administrative Code, Stand-alone Ordinance	LDC, Application	LDC	LDC, Application terms and conditions	Application

Staff is requesting approval to advertise, and bring back for public hearing, an ordinance approving the standards, processes and procedures described above, and authorization to allow staff to process existing applications under the proposed new zoning standards while the zoning change is in progress.

FISCAL IMPACT: Cost of advertising for the LDC amendment is estimated at \$1,200.

Packet Pg. 1523

Exhibit A – Executive Summary

16.A.20

10/22/2019

GROWTH MANAGEMENT IMPACT: There is no Growth Management Impact associated with this action.

LEGAL CONSIDERATIONS: This item is approved as to form and legality, and it requires a majority vote for approval. An affirmative vote of four will be needed when the Board hears the LDC amendment in the future. (HFAC)

RECOMMENDATION: Recommendation to direct staff to bring back for a public hearing an ordinance, amending the Land Development Code and the Administrative Code to establish a temporary use permit and approval process for special events that will require the use of county owned or maintained rights-of-way, and allow applications for such events to be processed under the proposed new standards while the LDC amendment process is pending.

Prepared by: James French, Deputy Department Head, Growth Management Department
Claudine Auclair, Business Center Manager, Growth Management Department

ATTACHMENT(S)

1. Draft LDCA for Executive Summary 10-14-19 w CAO approval (PDF)

Packet Pg. 1524

Exhibit A – Executive Summary

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

Amend the LDC as follows:

- 1 **5.04.05 – Temporary Events**
- 2
- 3 A. Special Events. This section establishes the location and development standards for
- 4 special events, including temporary market events, sales and promotional events, and
- 5 sports, religious, ~~and~~ community events, and events in rights-of-way.
- 6
- 7 1. Standards applicable to all special events.
- 8
- 9 a. Sanitary facilities shall be provided for the duration of the event. Proof
- 10 of consent by business management shall be provided if permanent
- 11 business restrooms are to be used.
- 12
- 13 b. Safe ingress and egress shall be provided to the site, including
- 14 emergency access measures.
- 15
- 16 c. A maximum of 25 percent of the vehicular use area may be occupied or
- 17 otherwise rendered unusable by the placement of temporary structures,
- 18 equipment, and merchandise associated with the special event, unless
- 19 equivalent additional off-site parking is provided.
- 20
- 21 d. The minimum required number of handicapped parking spaces for the
- 22 site pursuant to LDC section 4.05.07 shall not be used for the special
- 23 event.
- 24
- 25 e. In support of the special event, temporary structures, equipment,
- 26 merchandise, and signage may be placed on the site subject to the
- 27 approval of a site diagram depicting the locations of principal structures,
- 28 parking, temporary structures, and signage.
- 29
- 30 i. Temporary signage shall be subject to the restrictions set forth in
- 31 LDC section 5.04.06.
- 32
- 33 ii. All temporary structures, equipment, merchandise, or placement
- 34 and parking of vehicles in conjunction with the special event shall
- 35 be located in a parking lot or open space at least 10 feet from the
- 36 property line, except events in rights-of-way that are approved in
- 37 accordance with LDC section 5.04.05 A.5. All temporary
- 38 structures, equipment, merchandise, or placement and parking
- 39 of vehicles in conjunction with the special event ~~and~~ shall be
- 40 removed at the conclusion of each event.
- 41
- 42 iii. A building permit may be required for the erection of temporary
- 43 tents or structures.
- 44

Attachment: Draft LDCA for Executive Summary 10-14-19 w CAO approval (10215 : Special Events)

Exhibit A – Executive Summary

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- 1 f. See Collier County Code of Laws Sections 118-102 and 118-131 to 118-155, or successor sections, for additional standards related to solid waste and recycling collection.
- 2
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- 4
- 5 g. No sales, advertising, or other activity related to the special event shall be permitted in the public right-of-way in accordance with Collier County Code of Laws Section 26-1, or successor sections, unless approved in accordance with LDC section 5.04.05 A.5.
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- 10 h. Application. The Administrative Code shall establish the procedural requirements for special events.
- 11
- 12

13 * * * * *

14
15 5. Events in Rights-of-Way.

- 16
- 17 a. A temporary use permit shall be required for events which take place in any county owned or maintained rights-of-way.
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- 19
- 20 b. The temporary use permit application shall be submitted at least 120 days prior to an event that requires Hearing Examiner approval or 60 days prior to an event that requires administrative approval.
- 21
- 22
- 23
- 24 c. At a minimum, temporary use permit applications for events in rights-of-way shall be reviewed by the following Collier County departments, divisions, and outside agencies:
- 25
- 26
- 27
- 28 i. Collier County Growth Management Department shall determine compliance with all applicable development standards.
- 29
- 30
- 31 ii. Collier County Sherriff's Office shall determine whether any additional security or police service is necessary.
- 32
- 33
- 34 iii. The applicable fire district shall determine whether any additional fire service is required.
- 35
- 36
- 37 iv. Emergency Medical Services shall determine whether any additional medical services are required.
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- 39
- 40 v. Collier County Bureau of Emergency Services shall determine whether additional crowd control is required.
- 41
- 42
- 43 vi. Collier County Risk Management shall determine whether additional insurance or bonds are required for the event.
- 44
- 45
- 46 d. Any event which necessitates the use of the right-of-way of any arterial or collector roadway, or any event which necessitates closing all or part of any County owned or maintained right-of-way between the hours of 7:00 AM through 9:00 AM or 3:30 PM through 6:30 PM shall require review and
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Attachment: Draft LDCA for Executive Summary 10-14-19 w CAO approval (10215 : Special Events)

Exhibit A – Executive Summary

16.A.20.a

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approval at a public hearing of the Hearing Examiner or Board of County Commissioners. Public notice shall be in accordance with LDC section 10.03.06 Z. Any appeal from a Hearing Examiner decision shall be to the Board of Zoning Appeals.

e. Events that do not require public hearing as set forth in LDC section 5.04.05 A.5.d. above, shall be reviewed by the County Manager or designee. Any appeal from an administrative determination shall be to the Hearing Examiner or Board of Zoning Appeals, as applicable.

f. Criteria for review:

i. The applicant has complied with all required criteria outlined on the permit application form.

ii. Sufficient support personnel are available to assist in the conduct of the event.

iii. Adequate support facilities are available for the event with the support facilities including, but not being limited to, parking, refuse collection, sanitation, and lighting.

iv. No conflict exists with the requested event and other approved and previously scheduled events.

v. Crowd size has been determined to be a manageable size for the proposed event and site.

vi. The event is generally compatible with the character of the surrounding area.

vii. The applicant complied with terms and conditions of any previously granted permits.

g. Applications shall include a site plan and route map that shows the: proposed route of the event, areas of assembly or dispersal; parking areas; locations of directional signs, maintenance of traffic signs (such as detour signs, barricades, or cones); stationing of any crowd managers, officers, or flagpersons, temporary detours to be utilized by the public, and all temporary construction or structures (stages, booths, water and toilet facilities, etc.).

h. Certified crowd control managers shall be provided at a minimum ratio of 1 per 250 participants or attendees. Hiring of off-duty deputies shall satisfy the requirement for certified crowd control managers.

i. The County Manager or designee may revoke a temporary use permit if it is determined that any condition or stipulation has been violated, that the approval was in error or based on inaccurate information, or that the use

Attachment: Draft LDCA for Executive Summary 10-14-19 w CAO approval (10215 : Special Events)

Exhibit A – Executive Summary

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Text underlined is new text to be added
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1 negatively impacts the surrounding uses or poses a safety hazard, or
2 otherwise is negatively impacting the safety, health or welfare of the
3 general public.

4 # # # # # # # # # # # # # #

5
6
7 **5.04.06 - Temporary Signs**

8
9 A. A temporary use permit is required for the placement of any temporary ground sign, snipe
10 sign, or banner that is not otherwise lawfully permitted. Temporary signs shall be allowed
11 subject to the restrictions imposed by this section.

12
13 1. The County Manager or designee may issue temporary sign permits, classified by
14 use, as necessary to adequately address each of the temporary signs described
15 within this section. For each permit type the nonrefundable fee shall be as
16 established in the fee schedule for the services performed by the Growth
17 Management Division.

18
19 2. Temporary signs and banners shall not be erected prior to obtaining the
20 appropriate temporary use permit, and shall be removed on or before the
21 expiration date of the temporary use permit authorizing said sign.

22
23 3. Standards applicable to all temporary signs.
24
25 a. Temporary signs and banners permitted by authority of this section shall
26 not be placed within any public right-of-way.

27
28 i. Sign placement shall not obstruct or impair the safe visibility,
29 ingress, or egress of pedestrians and motorists.

30
31 b. The occupant of a lot, parcel, multi-tenant parcel or mixed use building, may
32 display 1 on-site temporary sign; a second such sign may be displayed on a
33 property having a second street frontage.

34
35 c. Absent specific standards to the contrary, temporary signs shall be located onsite
36 and no closer than 10 feet to any property line.

37
38 d. Temporary signs and banners used on nonresidential or mixed use properties shall
39 not exceed 32 square feet in sign area or 8 feet in height.

40
41 e. Temporary signs used on residentially zoned properties shall not exceed 4 square
42 feet in area or 3 feet in height.

43
44 B. Temporary Sign Permit Types and Standards.

45
46 1. Temporary Events. A temporary use permit for a temporary event, issued per
47 section 5.04.05., shall allow for the placement of temporary signage as classified
48 and regulated herein.

49

Attachment: Draft LDCA for Executive Summary 10-14-19 w CAO approval (10215 : Special Events)

Exhibit A – Executive Summary

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

- 1 a. A "sign only" temporary use permit may be issued for temporary ground
2 signs and banners used to promote a sale, event, or activity not requiring
3 a temporary event temporary use permit per section 5.04.05 of this Code.
4 Such uses include, however are not limited to, study or course offerings,
5 vacation camp, non-public indoor events, and sales events occurring within
6 the confines of an established business.
7
8 i. "Sign only" temporary use permits will be allowed, regulated, and
9 enforced as special event signs.
10
11 ii. Time limits for "sign only" temporary use permits shall be the same
12 as those for special events, see subsection 5.04.05 A.3.
13
14 b. Special event signs.
15
16 i. Special event signs shall be erected not more than 15 calendar
17 days prior to the supporting event and shall be removed within 7
18 calendar days after the event has taken place.
19
20 c. Seasonal sales signs.
21
22 d. Garage sales signs. Two temporary signs may be placed on the property
23 where the sale is being conducted.
24
25 e. Directional signs for events in rights-of-way signs.
26
27 i. Signs may display the event, name, date, location and directional
28 arrow pointing in the direction of the event only.
29
30 ii. No sales, advertisement, or commercial message is allowed on
31 signs.
32
33 iii. Maximum dimension of 24 inches by 32 inches.
34
35 iv. No signs shall be erected more than seven days prior to a
36 scheduled event, and all signs must be removed within three
37 business days after the event completion.
38
39 v. No signs may be located within the medians.
40
41 vi. No signs shall be attached to traffic control signs or other authorized
42 highway signs.
43
44 vii. Limited to six signs within a five-mile radius of the event boundaries.
45 However, events recognized at a regular meeting of the Board of
46 County Commissioners to benefit the Community are limited to up
47 to 40 directional signs.
48

49 # # # # # # # # # # # # # #

Attachment: Draft LDCA for Executive Summary 10-14-19 w CAO approval (10215 : Special Events)

Exhibit A – Executive Summary

16.A.20.a

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1 **10.03.06 – Public Notice and Required Hearings for Land Use Petitions**
2
3 * * * * *
4
5 Z. Events in Rights-of-Way, pursuant to LDC section 5.04.05 A.5.
6
7 1. The following advertised public hearing is required:
8
9 a. One Hearing Examiner or BCC Hearing.
10
11 2. The following notice procedures are required:
12
13 a. Newspaper Advertisement prior to the advertised public hearing in
14 accordance with F.S. 125.66.
15
16 b. Mailed Notice prior to the first advertised public hearing. For the purposes
17 of this application, all mailed notices shall be sent to property owners, and
18 neighborhood and business associations within one-quarter mile radius
19 from the event.
20
21 # # # # # # # # # # # # #

Attachment: Draft LDCA for Executive Summary 10-14-19 w CAO approval (10215 : Special Events)

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20200000359

SUMMARY OF AMENDMENT

This Land Development Code Amendment (LDCA) proposes to allow enclosed, indoor, air-conditioned self-storage use as a Permitted Use when combined in the same building with other uses that are permitted in the C-4 Commercial Zoning District.

ORIGIN

Board of County
Commissioners (Board)

HEARING DATES

Board TBD
CCPC TBD
DSAC 08/05/2020
DSAC-LDR 07/28/2020

LDC SECTIONS TO BE AMENDED

2.03.03 Commercial Zoning Districts
5.05.08 Architectural and Site Design Standards

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval (4-0)

DSAC
TBD

CCPC
TBD

BACKGROUND:

This LDCA follows a previous proposal (LDCA-PL20180003473) to establish separation standards between self-storage facilities within the U.S. 41 corridor area that was not approved by the Board (See Exhibit A). On December 10, 2019, the Board directed staff to address their concerns regarding self-storage buildings within the U.S. 41 corridor area, through incentives for mixed-use developments rather than requiring separation standards.

This amendment changes self-storage facilities from a Conditional Use to a Permitted Use in the C-4 zoning district, but only if the self-storage use is combined in the same building as with other permitted uses in the C-4 zoning district and occupies less than 50 percent of the total area of the first floor. Examples of buildings containing self-storage combined with other uses are shown in Exhibit B. This LDCA applies to all C-4 districts throughout the County and does not apply only to properties within the U.S. 41 Corridor that was previously identified.

DSAC-LDR Subcommittee Recommendation

On July 28, 2020, the DSAC-LDR Subcommittee recommended approval contingent upon the following:

- Revise LDC section 5.05.08 E.2.f.ii. to indicate “The architectural design for the entire building shall be a consistent theme, in order to avoid having contrasting styles for each use.”

Continued on next page

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts associated with this LDCA. By designing a self-storage facility combined with other uses in the same building, developers will not need to obtain Conditional Use approval and can immediately go through the Site Development Plan process, thereby reducing cost, time, and risk.

GMP CONSISTENCY

This LDCA does not introduce a new use in C-4 district, rather it changes how an existing use is permitted under certain conditions. Only a few subdistricts within the Future Land Use Element, Immokalee Area Master Plan and Golden Gate Area Master Plan Sub-Elements allow C-4 zoning, e.g. Mixed Use Activity Center Subdistrict. Those few subdistricts do not restrict how the C-4 uses are allowed – by right or by conditional use. Therefore, this LDCA may be deemed consistent with the GMP.

EXHIBITS: A – Amendment History; B – Examples of Self Storage Combined with Other Uses.

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Amend the LDC as follows:

2.03.03 – Commercial Districts

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

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

a. *Permitted uses.*

90. Motorcycle dealers (5571).

91. Motor freight transportation and warehousing (4225, limited to enclosed, indoor air-conditioned self-storage) when located with at least one other permitted commercial use in the same building, and subject to the following:

a. The enclosed, indoor air-conditioned self-storage shall occupy less than 50 percent of the total floor area of the first floor.

b. Any accessory office or retail component incidental to the enclosed, indoor air-conditioned self-storage use will not count toward the calculation of the floor area of the other permitted use(s). The accessory office or retail component of an enclosed, indoor air-conditioned self-storage use will

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count toward the calculation of the floor area of the self-storage use.

942. Museums and art galleries (8412).

[renumber remaining uses]

* * * * *

c. **Conditional uses.** The following uses are permitted as **conditional uses** in the general commercial district (C-4), subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

24. Motor freight transportation and warehousing (4225, enclosed, indoor air-conditioned ~~and mini-and~~ self-storage ~~warehousing~~ only).

#

5.05.08 – Architectural and Site Design Standards.

* * * * *

E. Design standards for specific building uses.

* * * * *

2. Self-storage buildings. Self-storage buildings are subject to all of the applicable provisions of this section with the following exceptions and additions:

* * * * *

f. Combined with another use or uses in the same building.

i. When an enclosed, indoor self-storage use is located in the same building with another permitted commercial use or uses and the square footage of the other use or uses exceeds 50 percent of the ground floor area of the building, then the primary façade design features of LDC section 5.05.08 D.2.b. shall apply.

ii. The architectural theme for the entire building shall be consistent throughout, in order to avoid having contrasting styles for each use.

#

Exhibit A – Amendment History

In April of 2010, the East Naples Foundation completed Vision for the East Trail, which was a privately-initiated planning effort that resulted in the completion of a strategic plan for an approximately 14-mile stretch of the U.S. 41 corridor.

On February 14, 2017, the Board of County Commissioners (Board) directed staff to begin the process of developing a corridor study with the goal of obtaining community input and creating incentives for the desired development types. After getting input from the community, in April of 2018, Johnson Engineering, Inc. completed the U.S. 41 Corridor Study-Summary of Findings and Recommendations to the Board (“Corridor Study”) on behalf of the County. The Corridor Study was presented to and accepted by the Board on April 24, 2018. One recommendation of the Corridor Study suggested having a minimum distance separation between new self-storage facilities.

In response to the Corridor Study, staff drafted a Land Development Code amendment (LDCA) (PL20180003473) containing a 1,320-foot minimum separation requirement between new and existing self-storage buildings on properties zoned C-4 for lots fronting on U.S. 41, between the intersection of Palm Street/Commercial Drive and Price Street/Triangle Boulevard. The proposed LDCA included a relief process (i.e., distance waiver) if an applicant could demonstrate that an adequate supply of neighborhood goods and services are available within a quarter-mile radius of the new building.

On September 10, 2019, staff brought a request to the Board to advertise a new ordinance containing separation requirements between self-storage buildings. The Board discussed the item and voted 4-1 against advertising the ordinance in its current form and unanimously voted to bring back the item later so that staff could provide incentives, locational requirements, or alternatives.

Exhibit B – Examples of Self Storage Combined with Other Uses



16638 Sheridan Street in Pembroke Pines, FL



401 34th Street North in St. Petersburg, FL

Exhibit B – Examples of Self Storage Combined with Other Uses



107 Hillcrest Street in Orlando, FL



Renaissance Commons in Boynton Beach, FL

Exhibit B – Examples of Self Storage Combined with Other Uses

Source: Google Maps

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20190001927

ORIGIN

Board of County
Commissioners (Board)

HEARING DATES

Board	TBD
CCPC	TBD
DSAC	08/05/2020
DSAC-LDR	07/28/2020
	02/19/2020
	01/07/2020
	12/17/2019

SUMMARY OF AMENDMENT

This LDC amendment (LDCA) creates the Golden Gate Parkway Overlay District (GGPOD), which serves to implement several policies of the recently adopted Golden Gate Area Master Plan. The GGPOD will be comprised of two new subdistricts—the Activity Center subdistrict (GGPOD-AC) and the Downtown subdistrict (GGPOD-DT). The GGPOD shall supersede the current provisions of the Golden Gate Downtown Center Overlay District and the Golden Gate Parkway Professional Office Commercial Overlay.

LDC SECTIONS TO BE AMENDED

- 1.08.01 Abbreviations
- 2.03.07 Overlay Zoning Districts
- 2.05.01 Density Standards and Housing Types
- 4.02.26 Golden Gate Parkway Activity Center Overlay (GGPACO) Building, Development, and Site Design Standards
- 4.02.37 Design Standards for Development in the Golden Gate Downtown Center Commercial Overlay District (GGDCCO)
- 4.05.02 Design Standards
- 5.05.04 Group Housing
- 5.05.08 Architectural and Site Design Standards
- 10.03.06 Public Notice and Required Hearings for Land Use Petitions

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval

DSAC
TBD

CCPC
TBD

BACKGROUND

The Golden Gate City Sub-Element of the Golden Gate Area Master Plan (GGAMP) was adopted on September 24, 2019. Modifications to the LDC, to support and implement residential and commercial redevelopment and renewal initiatives, are required to be initiated within two years. New uses, development standards, and a deviation process are introduced with this amendment. These initiatives are recommended by the GGAMP. More specifically, the LDCA shall comply with the following policies:

Policy 2.1.3

Within two years, Collier County shall create development standards to guide the transformation of Golden Gate Parkway and the Activity Center into destinations that are convenient, pleasant and safe for pedestrians and cyclists, and maintain strong connections to transit service.

Policy 2.1.5

Collier County shall discourage new land uses along Golden Gate Parkway and within the Activity Center that impede pedestrian activity and are solely auto-oriented, such as car washes, storage facilities, auto dealerships and drive throughs. Land development regulations will be initiated within two years to ensure compatibility of auto-oriented uses within the pedestrian environment.

Policy 2.2.2

Within two years of adoption, Collier County shall initiate a community renewal plan to include economic development strategies, urban design schemes, and infrastructure improvements. Renewal plans shall be in concert with the vision of Golden Gate City and promote vibrant urbanism, improve aesthetics and support walkability.

Policy 2.2.3

Within two years of adoption, Collier County shall initiate the involvement of Golden Gate City residents and business owners to consider amendments to the Land Development Code to support and implement residential and commercial redevelopment and renewal initiatives. Amendments shall include incentives for remodeling and renovation by creating criteria and standards for variances and/or deviations.

The proposed GGPOD-DT and GGPOD-AC are both consistent with the GGAMP. The GGPOD is intended to work with the economic strategies and purpose of the County's Golden Gate City Economic Development Zone (see Exhibit B). The current provisions of the Golden Gate Parkway Professional Office Commercial Overlay in LDC sections 2.03.07 F. and 4.02.26 and the provisions of the Golden Gate Downtown Center Commercial Overlay District in LDC sections 2.03.07 O. and 4.02.37 will be removed and replaced by the proposed provisions of the GGPOD. One main facet of the GGPOD is to incentivize redevelopment within the Golden Gate community by proposing new multi-family uses on parcels where they are not currently permitted. Also, a host of new advanced manufacturing uses are proposed, consistent with what was adopted in the GGAMP. Staff used information from The Brookings Institution and the Florida Dept. of Economic Opportunity as resources when choosing the appropriate Standard Industrial Classification associated with advanced manufacturing. These advanced manufacturing uses are not allowed under the current zoning or existing overlay districts. In order to be allowed in the GGPOD-AC, operators will need to demonstrate compliance with the new design standards that have been specifically drafted for them. Lastly, the GGPOD introduces new development standards that are aimed at promoting vibrant urbanism, improving aesthetics, and supporting walkability, which is consistent with Policies 2.2.2 and 2.1.3 of the GGAMP.

DSAC-LDR Subcommittee Recommendation

On July 28, 2020, the DSAC-LDR Subcommittee discussed making multiple changes throughout the document but ultimately recommended approval, contingent upon the following two conditions:

- Subject to staff revising the Overlay relative to ensuring that no existing development rights are intentionally or unintentionally contravened or eliminated—including building height and uses—and to clarify that language where it exists or where there is confusion.
- Require a minimum 10-foot wide landscape buffer adjacent to residentially zoned property.

FISCAL & OPERATIONAL IMPACTS

No fiscal impacts are anticipated. However, the workload of the Office of the Hearing Examiner can potentially increase due to the creation of the deviation process, resulting in an operational impact. Notwithstanding the potential benefits gained from relaxing certain development standards and allowing a vast array of new uses, there is a potential impact to property owners if existing buildings become non-conforming once the GGPOD is adopted.

GMP CONSISTENCY

The proposed changes to the LDC are consistent with the updates in the recently adopted GMP amendment.

EXHIBITS: A) Proposed Administrative Code Section; B) Ordinance 2018-56

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Amend the LDC as follows:

1.08.01 – Abbreviations

* * * * *

GGAMP	Golden Gate Area Master Plan
<u>GGPOD</u>	<u>Golden Gate Parkway Overlay District</u>
<u>GGPOD-AC</u>	<u>Golden Gate Parkway Overlay District-Activity Center subdistrict</u>
<u>GGPOD-DT</u>	<u>Golden Gate Parkway Overlay District-Downtown subdistrict</u>
GGPPOCO	Golden Gate Parkway Professional Office Commercial Overlay District
GMP	Collier County Growth Management Plan

#

2.03.07 - Overlay Zoning Districts

* * * * *

F. Golden Gate Parkway Overlay District (GGPOD)

1. Purpose and intent. The purpose and intent of these provisions is to implement the goals, objectives, and policies of the GGAMP, specifically the Golden Gate City Sub-Element. These provisions shall also be utilized in concert with the County's Golden Gate City Economic Development Zone, Ordinance 2018-56.

2. Applicability.

a. The use regulations of this LDC section and the design standards of LDC section 4.02.26, shall apply to all properties as shown in Illustration 1 of LDC section 2.03.07 F.4.b.

b. Property owners within the GGPOD may establish uses, densities, and intensities in accordance with the underlying zoning classification or the GGPOD. In either instance, however, the density and intensity shall not exceed the maximum allowed pursuant to the GMP. The design standards of the GGPOD pursuant to LDC section 4.02.26 shall apply.

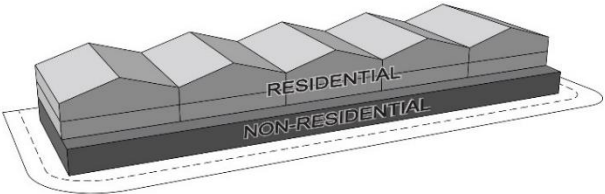
c. Any PUD established prior to the effective date of this ordinance, including amendments or boundary changes, may elect to utilize the use regulations and design standards of the GGPOD. Any PUD proposed after the effective date of this ordinance shall apply the provisions of the GGPOD, unless a deviation is approved in accordance with LDC section 10.02.13 A.3.

d. Where a property or a PUD is partially located within the boundary of the GGPOD, the provisions of the GGPOD shall only be available to that portion of the property located within the GGPOD.

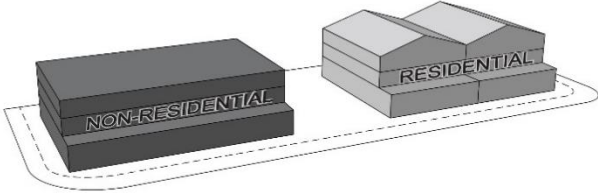
e. Conditional Uses approved prior to the effective date of this ordinance that include design standards inconsistent with the provisions of the GGPOD may elect to utilize the provisions of the GGPOD without the review of the CU as required by LDC section 10.02.08 G.4.

3. Definitions. The following definitions shall apply to the GGPOD:

Mixed use: A single development project with a residential component and a nonresidential component. The mix of uses may be arranged horizontally (separate buildings with a common development plan) or vertically (in the same building), or some combination of both. Examples include but are not limited to the following:



Vertical mixed use



Horizontal mixed use

4. Establishment of subdistricts.

a. Purpose and Intent.

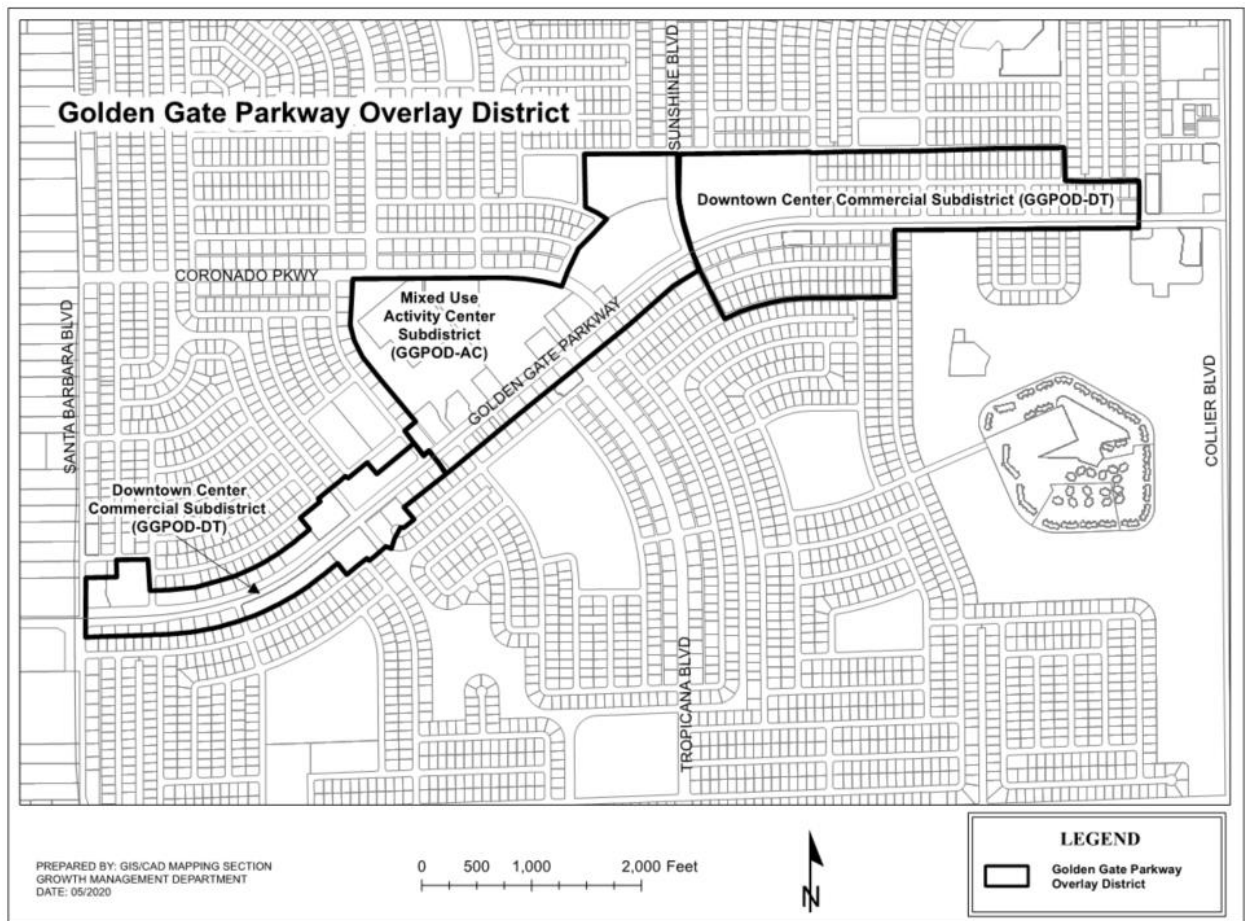
i. The Mixed Use Activity Center Subdistrict (GGPOD-AC). This subdistrict is intended to be mixed-use (commercial, residential, institutional) in character. The concept is designed to concentrate new and existing commercial zoning in locations where traffic impacts can be readily accommodated, to avoid strip and disorganized patterns of commercial development, and to create focal points within the community. The standard for intensity of commercial uses are uses allowed in the C-1 through C-5 zoning districts but with certain exceptions. In addition, uses that are specifically intended to support economic development in Golden Gate city are also allowed.

ii. Downtown Center Commercial Subdistrict (GGPOD-DT). This subdistrict is to encourage redevelopment along Golden Gate Parkway in order to improve the physical appearance of the area and create a vibrant and viable downtown subdistrict within Golden Gate City. Emphasis shall be placed on the creation of a pedestrian-oriented boulevard. The provisions of this subdistrict

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are intended to ensure harmonious development of commercial and mixed use buildings at a pedestrian scale that are compatible with residential development within and outside of the subdistrict. The subdistrict allows the aggregation of properties in order to promote flexibility in site design. The types of uses permitted within this subdistrict are low intensity retail, office, personal services, institutional, and residential. Non-residential development is intended to serve the needs of residents within the subdistrict, surrounding neighborhoods, and passerby.

b. Boundaries of GGPOD and subdistricts. The boundaries of the GGPOD and subdistricts are identified in Illustration 1 below:



(map to be added)

Illustration 1 - GGPOD with subdistricts

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5. Table of Uses.

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

b. Table 1.

<u>Use Category</u>	<u>Mixed Use Activity Center Subdistrict (GGPOD-AC)¹</u>	<u>Downtown Center Commercial Subdistrict (GGPOD-DT)¹</u>
<u>Residential Uses</u>		
1) <u>Artist village.</u>	<u>P</u>	<u>P</u>
2) <u>Dwelling, Multi-Family, including townhouses.</u>	<u>P</u>	<u>P</u>
3) <u>Live-work units.</u>	<u>P</u>	<u>P</u>
4) <u>Any use listed as permitted in the underlying zoning.</u>	<u>P</u>	<u>P</u>
5) <u>Any use listed as a conditional use in the underlying zoning district.</u>	<u>CU</u>	<u>CU</u>
<u>Commercial Uses²</u>		
1) <u>Any use listed as permitted in the underlying zoning district.</u>	<u>P</u>	<u>P</u>
2) <u>Any use listed as a conditional use in the underlying zoning district.</u>	<u>C</u>	<u>C</u>
3) <u>Any use listed as a permitted use in any of the C-1, C-2, or C-3 zoning districts, without size limitations.</u>	<u>P</u>	<u>P</u>
4) <u>Any use listed as a conditional use in any of the C-1, C-2, or C-3 zoning districts, without size limitations.</u>	<u>P</u>	<u>CU⁴</u>
5) <u>Any use listed as a permitted use in the C-4 or C-5 zoning districts.</u>	<u>P</u>	
6) <u>Any use listed as a conditional use in the C-4 or C-5 zoning districts.</u>	<u>CU⁴</u>	
7) <u>Hotels and motels (7011, 7021, and 7041).</u>	<u>P</u>	<u>P</u>
<u>Economic Development Uses^{2, 3}</u>		
1) <u>Aircraft and parts (3721-3728).</u>	<u>P</u>	
2) <u>Beverages (2082-2087).</u>	<u>P</u>	
3) <u>Communications equipment (3661-3669).</u>	<u>P</u>	
4) <u>Computer and office equipment (3571-3579).</u>	<u>P</u>	
5) <u>Construction, mining, and materials handling (3531, 3534-3537).</u>	<u>P</u>	
6) <u>Dental laboratories (8072).</u>	<u>P</u>	

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<u>7) Drugs (2833-2836).</u>	<u>P</u>	
<u>8) Electrical industrial apparatus (3621-3629).</u>	<u>P</u>	
<u>9) Electric lighting and wiring equipment (3641-3646, 3648).</u>	<u>P</u>	
<u>10) Electric transmission and distribution equipment (3612-3613).</u>	<u>P</u>	
<u>11) Electronic components and accessories (3671-3679).</u>	<u>P</u>	
<u>12) Engines and turbines (3511-3519).</u>	<u>P</u>	
<u>13) Farm machinery and equipment (3523-3524).</u>	<u>P</u>	
<u>14) Furniture and fixtures, not elsewhere classified (2599).</u>	<u>P</u>	
<u>15) General industrial machinery and equipment (3561, 3563, 3565-3569).</u>	<u>P</u>	
<u>16) Household appliances, not elsewhere classified (3639).</u>	<u>P</u>	
<u>17) Household audio and video equipment, and audio (3651-3652).</u>	<u>P</u>	
<u>18) Jewelers' findings and materials, and lapidary work (3915).</u>	<u>P</u>	
<u>19) Laboratory apparatus and analytical, optical, measuring, and controlling instruments (3821-3829).</u>	<u>P</u>	
<u>20) Manufacturing industries, not elsewhere classified (3999).</u>	<u>P</u>	
<u>21) Metalworking machinery and equipment (3546 and 3548).</u>	<u>P</u>	
<u>22) Miscellaneous electrical machinery, equipment, and supplies (3691-3692, 3695-3699).</u>	<u>P</u>	
<u>23) Miscellaneous industrial and commercial (3593-3599).</u>	<u>P</u>	
<u>24) Ophthalmic goods (3851).</u>	<u>P</u>	
<u>25) Photographic equipment and supplies (3861).</u>	<u>P</u>	
<u>26) Refrigeration and service industry machinery (3581-3582, 3586-3589).</u>	<u>P</u>	
<u>27) Search, detection, navigation, guidance, aeronautical, and nautical systems and instruments (3812).</u>	<u>P</u>	
<u>28) Special industry machinery, except metalworking (3552-3559).</u>	<u>P</u>	
<u>29) Surgical, medical, and dental instruments and supplies (3841-3845).</u>	<u>P</u>	
<u>30) Transportation equipment, not elsewhere classified (3799).</u>	<u>P</u>	

31) <u>Watches, clocks, clockwork operated devices, and parts (3873).</u>	P	
32) <u>Any other Economic Development use which is comparable in nature with the list of permitted uses contained herein and consistent with the purpose and intent statement of the GGPOD as determined by the Hearing Examiner or Board of Zoning Appeals, pursuant to LDC section 10.02.06.</u>	P	

Notes:

¹ See LDC section 2.03.07 F.6. for specific prohibitions in the GGPOD.

² See LDC section 4.02.26 B.14. for pollution control standards.

³ See LDC section 4.02.26 C. for design standards specific to Economic Development uses.

⁴ Vertical mixed use developments shall be permitted uses.

6. Prohibited uses. These uses are prohibited, except that uses existing as of [effective date of Ordinance] may continue to operate as a permitted use until the use ceases for a period of one year. This section does not apply to the uses allowed in the underlying zoning district.

a. Prohibited uses in the GGPOD-AC and GGPOD-DT.

i. Ancillary plants.

ii. Animal specialty services, except veterinary (0752, with outdoor kenneling).

iii. Automobile dealers (5511 and 5599).

iv. Automobile parking (7521), tow-in parking lots only.

v. Automotive services (7549).

vi. Automotive repair services (7532-7539).

vii. Boat dealers (5551).

viii. Building construction (1521-1542).

ix. Car washes (7542).

x. Carpentry and floor work contractors (1751-1752).

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- 1 xi. Communication towers.
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- 3 xii. Concrete work (1771).
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- 5 xiii. Correctional institutions (9223).
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- 7 xiv. Electrical contractors (1731).
- 8
- 9 xv. Equipment Rental and Leasing, Not Elsewhere Classified (7359 –
- 10 airplane rental and leasing; industrial truck rental and leasing; oil
- 11 field equipment rental and leasing; oil well drilling equipment rental
- 12 and leasing; and toilets, portable: rental and leasing only).
- 13
- 14 xvi. Farm product raw materials (5153-5150).
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- 16 xvii. Fuel dealers (5983-5989).
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- 18 xviii. Gasoline service stations (5541).
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- 20 xix. Glass and glazing work (1793).
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- 22 xx. Golf courses, public (7992).
- 23
- 24 xxi. Heating and air-conditioning contractors (1711).
- 25
- 26 xxii. Heavy construction equipment rental and leasing (7353).
- 27
- 28 xxiii. Installation or erection of building equipment contractors (1796).
- 29
- 30 xxiv. Local trucking without storage (4212).
- 31
- 32 xxv. Marinas (4493 and 4499).
- 33
- 34 xxvi. Masonry, stonework, tile setting and plastering contractors (1741-
- 35 1743).
- 36
- 37 xxvii. Mobile home dealers (5271).
- 38
- 39 xxviii. Motion picture theatres, drive-in (7833).
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- 41 xxix. Motor freight transportation and warehousing (4225).
- 42
- 43 xxx. Motor vehicle dealers, new and used (5511, 5521).
- 44
- 45 xxxi. Motorcycle dealers (5571).
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- 47 xxxii. Outdoor storage yards.
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- 49 xxxiii. Packing Services (4783).

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xxxiv. Painting and paper hanging (1721).

xxxv. Passenger car leasing (7515).

xxxvi. Passenger car rental (7514).

xxxvii. Plumbing contractors (1711).

xxxviii. Recreational vehicle dealers (5561).

xxxix. Roofing, siding and sheet metal work contractors (1761).

xl. Special trade contractors, not elsewhere classified (1799).

xli. Structural steel erection contractors (1791).

xlii. Taxicabs (4121).

xliii. Truck rental and leasing, without drivers (7513).

xliv. Veterinary services (0741 & 0742, with outdoor kenneling).

xlv. Utility trailer and recreational vehicle rental (7519).

xlvi. Any commercial use, excluding a bank, that employs drive-up, drive-in, or drive-through delivery of goods or services. Pedestrian walk-up windows located outside of the building shall not be included in this prohibition and shall be allowed.

b. Additional prohibitions for the GGPOD-DT only.

i. Any commercial use employing drive-up, drive-in, or drive-through delivery of goods or services. Pedestrian walk-up windows located outside of the building shall not be included in this prohibition and shall be allowed.

ii. No automatic food and drink vending machines located outside of a building.

iii. Enameling, painting, or plating as a principal use is prohibited; however, these are permitted if accessory to an artist or craft studio.

iv. Prisons, detention facilities, halfway houses, soup kitchens, homeless shelters, and single-room occupancy hotels, which are dormitory-style hotels with shared bathrooms and public space.

~~F. Golden Gate Parkway Professional Office Commercial Overlay (GGPPOCO).~~

1 ~~1. The provisions of the "GGPPOCO" district are intended to provide Golden Gate~~
 2 ~~City with a viable professional office commercial district. The professional office~~
 3 ~~commercial district has two (2) purposes. (1), to serve as a bonafide entry way into~~
 4 ~~Golden Gate City. (2), to provide a community focal point and sense of place. The~~
 5 ~~uses permitted within this district are generally low intensity, office development~~
 6 ~~which minimize vehicular traffic, provide suitable landscaping, control ingress and~~
 7 ~~egress, and ensure compatibility with abutting residential districts.~~

8
 9 ~~2. These regulations apply to properties north and south of Golden Gate Parkway,~~
 10 ~~starting at Santa Barbara Boulevard and extending eastward to 52nd Terrace S.W.~~
 11 ~~in Golden Gate City as measured perpendicularly from the abutting right-of-way for~~
 12 ~~a distance of approximately 3,600 feet more or less and consisting of~~
 13 ~~approximately 20.84 acres. These properties are identified on Map two (2) of the~~
 14 ~~Golden Gate Area Master Plan. Except as provided in this regulation, all other use,~~
 15 ~~dimensional, and development requirements shall be as required in the underlying~~
 16 ~~zoning categories.~~

17
 18 ~~a. Permitted Uses.~~

- 19 ~~1. Accounting (8721).~~
- 20 ~~2. Adjustment and collection services (7322).~~
- 21 ~~3. Advertising agencies (7311).~~
- 22 ~~4. Architectural services (8712).~~
- 23 ~~5. Auditing (8721).~~
- 24 ~~6. Banks and credit Unions (6021-6062).~~
- 25 ~~7. Bookkeeping services (8721).~~
- 26 ~~8. Business associations (8611).~~
- 27 ~~9. Business consulting services (8748).~~
- 28 ~~10. Business credit institutions (6153—6159).~~
- 29 ~~11. Commercial art and graphic design (7336).~~
- 30 ~~12. Commercial photography (7335).~~
- 31 ~~13. Computer programming services (7371).~~
- 32 ~~14. Computer programming, processing, data preparation, information~~
 33 ~~retrieval, facilities management, and miscellaneous services (7371,~~
 34 ~~7374—7376, 7379).~~
- 35 ~~15. Credit reporting services (7323).~~
- 36 ~~16. Direct mail advertising services (7331).~~
- 37 ~~17. Eating places (5812 except carry-out restaurants; contract feeding;~~
 38 ~~dinner theaters; drive-in and drive-through restaurants; fast food~~
 39 ~~restaurants, carry-out; restaurants, fast food; submarine sandwich~~
 40 ~~shops).~~
- 41 ~~18. Employment Agencies (7361).~~
- 42 ~~19. Engineering services (8711).~~
- 43 ~~20. Health services, offices and clinics (8011—8049).~~
- 44 ~~21. Holding and other investment offices (6712—6799).~~
- 45 ~~22. Insurance carrier, agents and brokers (6311—6399, 6411).~~
- 46 ~~23. Legal services (8111).~~
- 47 ~~24. Loan brokers (6163).~~
- 48 ~~25. Management services (8741—8742).~~
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- ~~26. Mortgage bankers and loan correspondents (6162).~~
- ~~27. Museums and art galleries (8412).~~
- ~~28. Personal credit institutions (6141).~~
- ~~29. Photographic studios, portrait (7221).~~
- ~~30. Professional Membership organizations (8621).~~
- ~~31. Public administration (9111-9199, 9229, 9311, 9411-9451, 9511-9532, 9611-9661).~~
- ~~32. Public relations services (8743).~~
- ~~33. Radio, television and publishers advertising representatives (7313).~~
- ~~34. Real estate (6512-6514, 6519, 6531-6553).~~
- ~~35. Research, development, and testing services (8732).~~
- ~~36. Secretarial and court reporting services (7338).~~
- ~~37. Security and commodity brokers, dealers, exchanges, and services (6211-6289).~~
- ~~38. Surveying services (8713).~~
- ~~39. Tax return preparation services (7291).~~
- ~~40. Travel agencies (4724).~~
- ~~41. Veterinary services (0742, excluding outside kenneling).~~
- ~~42. Any other commercial use or professional service which is comparable in nature with the foregoing uses.~~

~~b. Accessory Uses.~~

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

~~3. For signage to be located along the Golden Gate Parkway, see sections 5.06.00 of the Collier County Sign Code and the Golden Gate Master Plan.~~

#

O. Reserved. ~~Golden Gate Downtown Center Commercial Overlay District (GGDCCO). Special conditions for properties in the vicinity of Golden Gate Parkway in Golden Gate City, as identified on the Golden Gate Downtown Center Commercial Subdistrict Map of the Golden Gate Area Master Plan and as contained herein.~~

- ~~1. Applicability. These regulations apply to properties in Golden Gate City lying north of Golden Gate Parkway, generally bounded by 23rd Avenue SW and 23rd Place SW to the north, 45th Street SW to the west, and 41st Street SW and Collier Boulevard to the east. South of Golden Gate Parkway, these regulations apply to properties bounded by 25th Avenue SW to the south, 47th Street SW to the west, and 44th Street SW to the east. These properties are more precisely identified on the "Golden Gate Downtown Center Commercial Subdistrict" map of the Golden Gate Area Master Plan and as depicted on the applicable official zoning atlas maps. Except as provided in this section and section 4.02.26, all other use, dimensional and development requirements shall be as required or allowed in the underlying zoning districts.~~

1 ~~2. Purpose and Intent. The purpose and intent of this overlay district (see Downtown~~
 2 ~~Center Commercial Subdistrict Map) is to encourage redevelopment herein in~~
 3 ~~order to improve the physical appearance of the area and create a viable~~
 4 ~~downtown district for the residents of Golden Gate City and Golden Gate Estates.~~
 5 ~~Emphasis shall be placed on the creation of pedestrian-oriented areas, such as~~
 6 ~~outdoor dining areas and pocket parks, that do not impede the flow of traffic along~~
 7 ~~Golden Gate Parkway. Also, emphasis shall be placed on the construction of~~
 8 ~~mixed-use buildings. Residential dwelling units constructed in this overlay district~~
 9 ~~are intended to promote resident business ownership. The provisions of this~~
 10 ~~overlay district are intended to ensure harmonious development of commercial~~
 11 ~~and mixed-use buildings at a pedestrian scale that is compatible with residential~~
 12 ~~development within and outside of the overlay district.~~

13
 14 ~~3. Aggregation of Properties. This overlay district encourages the aggregation of~~
 15 ~~properties in order to promote flexibility in site design. The types of uses permitted~~
 16 ~~within this overlay district are low intensity retail, office, personal services,~~
 17 ~~institutional, and residential. Non-residential development is intended to serve the~~
 18 ~~needs of residents within the overlay district, surrounding neighborhoods, and~~
 19 ~~passersby.~~

20
 21 ~~4. Permitted uses:~~

22
 23 ~~a. Residential uses: As permitted by right in the existing residential zoning~~
 24 ~~districts, except as otherwise prohibited by this overlay, when:~~

25 ~~1. In an existing owner occupied structure.~~

26 ~~2. In an existing non-owner occupied structure, until such time as~~
 27 ~~cessation is required by subsection 4.02.37 A.1~~

28
 29 ~~b. Residential within a mixed use building~~

30
 31 ~~c. Commercial uses:~~

32 ~~1. Accounting services (8721).~~

33 ~~2. Adjustment and collection services (7322).~~

34 ~~3. Advertising Agencies (7311).~~

35 ~~4. Apparel & accessory stores (5611-5699).~~

36 ~~5. Architectural services (8712), limited to 5,000 square feet per floor.~~

37 ~~6. Auto and home supply stores (5531).~~

38 ~~7. Barber shops (7241).~~

39 ~~8. Beauty shops (7231).~~

40 ~~9. Building cleaning and maintenance services (7349).~~

41 ~~10. Business associations (8611).~~

42 ~~11. Business consulting services (8748).~~

43 ~~12. Business services – miscellaneous (7397).~~

44 ~~13. Business repair service.~~

45 ~~14. Carpet and upholstery cleaning (7217).~~

46 ~~15. Commercial art and graphic design (7336).~~

- 1 16. ~~Commercial photography (7335).~~
- 2 17. ~~Computer programming, data processing, rental, leasing, repair~~
- 3 ~~and other services (7371-7379).~~
- 4 18. ~~Computer and computer software stores (5734).~~
- 5 19. ~~Credit reporting services (7323).~~
- 6 20. ~~Department stores (5311).~~
- 7 21. ~~Direct mail advertising services (7331).~~
- 8 22. ~~Disinfecting and pest control services (7342).~~
- 9 23. ~~Drug stores (5912), limited to 5,000 square feet per floor.~~
- 10 24. ~~Eating establishments and places (5812 except commercial use~~
- 11 ~~employing drive-up, drive-in, or drive-through delivery of goods~~
- 12 ~~and/or services).~~
- 13 25. ~~Electrical and electronic repair shop (7629).~~
- 14 26. ~~Employment agencies (7361).~~
- 15 27. ~~Engineering services (8711), limited to 5,000 square feet per floor.~~
- 16 28. ~~Equipment rental and leasing (7359), not including heavy~~
- 17 ~~construction equipment.~~
- 18 29. ~~Essential services, see sec. 2.01.03; except that law enforcement,~~
- 19 ~~fire, and emergency medical services uses are limited to~~
- 20 ~~administrative offices only.~~
- 21 30. ~~Food stores (groups 5411-5499).~~
- 22 31. ~~Funeral service and crematories (7261).~~
- 23 32. ~~General merchandise stores (5331-5399).~~
- 24 33. ~~Glass stores (5231).~~
- 25 34. ~~Hardware stores (5251).~~
- 26 35. ~~Health services, offices and clinics (8011-8049).~~
- 27 36. ~~Home furniture and furnishing stores (5712-5719).~~
- 28 37. ~~Home health care services (8082).~~
- 29 38. ~~Household appliance stores (5722).~~
- 30 39. ~~Insurance carriers, agents and brokers (6311-6399, 6411).~~
- 31 40. ~~Labor unions (8631).~~
- 32 41. ~~Landscape architects, consulting and planning (0781), limited to~~
- 33 ~~5,000 square feet per floor.~~
- 34 42. ~~Large Appliance Repair Service (7623).~~
- 35 43. ~~Laundry and drycleaners agents, garment pressing, linen supply,~~
- 36 ~~cleaning services (7212, 7213, 7219); no coin-operated laundries~~
- 37 ~~or drycleaners.~~
- 38 44. ~~Legal services (8111).~~
- 39 45. ~~Libraries (8231).~~
- 40 46. ~~Management services (8741, 8742).~~
- 41 47. ~~Medical equipment rental and leasing (7352).~~
- 42 48. ~~Membership organizations - miscellaneous (8699).~~
- 43 49. ~~Museums and art galleries (8412).~~
- 44 50. ~~Musical instrument stores (5736).~~
- 45 51. ~~Outdoor advertising services (7312).~~
- 46 52. ~~Paint stores (5231).~~
- 47 53. ~~Parks, public or private; limited to pocket parks only, generally~~
- 48 ~~described as a small area accessible to the general public that often~~

- 1 includes ~~plantings, fountains, seating areas, and other similar~~
- 2 ~~passive open space features.~~
- 3 ~~54. Personal services - miscellaneous (7299, babysitting bureaus,~~
- 4 ~~clothing and costume rental, dating service, depilatory salons, diet~~
- 5 ~~workshops, dress suit rental, electrolysis, genealogical~~
- 6 ~~investigation service, and hair removal only).~~
- 7 ~~55. Personnel supply services (7363, except labor pools).~~
- 8 ~~56. Photocopying and duplicating services (7334).~~
- 9 ~~57. Photofinishing laboratories (7384).~~
- 10 ~~58. Photographic studios, portrait (7221).~~
- 11 ~~59. Physical fitness facilities (7991).~~
- 12 ~~60. Political organizations (8651).~~
- 13 ~~61. Professional membership organizations (8621).~~
- 14 ~~62. Public relations services (8743).~~
- 15 ~~63. Radio, television and consumer electronics stores (5731).~~
- 16 ~~64. Radio, television and publishers advertising representatives (7313).~~
- 17 ~~65. Record and prerecorded tape stores (5735).~~
- 18 ~~66. Real estate (6512, 6531, 6541).~~
- 19 ~~67. Retail - miscellaneous (5921-5963 and 5992-5999, excluding liquor~~
- 20 ~~stores, pawn shops, retail firearm and ammunition sales), limited to~~
- 21 ~~5,000 square feet per floor.~~
- 22 ~~68. Retail nurseries, lawn and garden supply stores (5261).~~
- 23 ~~69. Schools - vocational (8243-8299).~~
- 24 ~~70. Secretarial and court reporting services (7338).~~
- 25 ~~71. Security and commodity brokers, dealers, exchanges, and services~~
- 26 ~~(6211-6289).~~
- 27 ~~72. Shoe repair shops or shoeshine parlors (7251).~~
- 28 ~~73. Surveying services (8713), limited to 5,000 square feet per floor.~~
- 29 ~~74. Tax return preparation services (7291).~~
- 30 ~~75. United States Postal Service (4311, except major distribution~~
- 31 ~~center).~~
- 32 ~~76. Videotape Rental (7841), limited to 1,800 square feet of gross floor~~
- 33 ~~area.~~
- 34 ~~77. Wallpaper stores (5231).~~
- 35 ~~78. Watch, clock and jewelry repair (7631).~~

- 37 ~~5. Accessory uses. Accessory uses within the GGDCCO include the uses listed~~
- 38 ~~below.~~
- 39
- 40 ~~a. Caretaker's residence, accessory to commercial and mixed use projects~~
- 41 ~~only.~~
- 42
- 43 ~~b. Enameling, painting, or plating, accessory to an artist's studio or craft studio~~
- 44 ~~only.~~
- 45
- 46 ~~c. Play areas and playgrounds.~~
- 47
- 48 ~~d. Recreational facilities.~~
- 49

DRAFT

Text underlined is new text to be added

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- ~~6. Conditional uses. Conditional uses within the GGDCCO include the uses listed below, subject to the standards and procedures established in section 10.08.00.~~
 - ~~a. Auctioneering Services, auction rooms and houses (5999, 7389); limited to 5,000 square feet per floor.~~
 - ~~b. Community centers.~~
 - ~~c. Dance studios, schools, and halls (7911).~~
 - ~~d. Food stores (5411-5499), over 5,000 square feet.~~
 - ~~e. Motion picture theaters (7832).~~
 - ~~f. Outdoor dining areas, not directly abutting the Golden Gate Parkway right-of-way.~~
- ~~7. Prohibited uses. Prohibited uses within the GGDCCO include the uses listed below:~~
 - ~~a. New residential-only structures.~~
 - ~~b. Any commercial use employing drive-up, drive-in or drive-through delivery of goods or services.~~
 - ~~c. Sexually oriented businesses (Code of Laws, 26-151 et seq.).~~
 - ~~d. Enameling, painting or plating as a primary use. However, these uses are permitted if secondary to an artist's or craft studio.~~
 - ~~e. Single-room occupancy hotels, prisons, detention facilities, halfway houses, soup kitchens or homeless shelters.~~

#

2.05.01 - Density Standards and Housing Types

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

Housing Type: Zoning District:	Single-family	Duplex	Townhouse	Multifamily	Mobile Home	Cluster	Guest House	Caretaker Units (number allowed)	Timeshare	Recreational vehicles ¹	Maximum Density ^{2, 17} (units per gross acre)
*	*	*	*	*	*	*	*	*	*	*	*
GGDCCO <u>GGPOD</u>			<u>✓</u>	<u>✓</u>							Per <u>the GMP</u> and/or the underlying zoning district

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3 **4.02.26 - Design Standards for the Golden Gate Parkway Overlay District (GGPOD).**
4

5 **A. General.**
6

7 1. Unless otherwise specified, the standards contained in this section shall be
8 applicable to all development, except for single-family dwellings (detached) and
9 two-family dwellings on residentially-zoned lots, group housing, public schools,
10 and any use listed as a prohibited use pursuant to LDC section 2.03.07 F.6.a.
11 These excepted uses shall comply with the dimensional standards for principal and
12 accessory uses in the underlying zoning district and all other applicable standards
13 of the LDC.
14

15 2. The provisions of LDC section 4.02.38 shall not apply to properties in the GGPOD.
16

17 3. LDC provisions of LDC section 5.03.02 H. shall not apply to properties in the
18 GGPOD.
19

20 4. The provisions of LDC section 5.05.07 shall not apply to townhouse development
21 in the GGPOD.
22

23 5. The provisions of LDC section 5.05.08 shall not apply to “vertical mixed use”
24 projects in the GGPOD, except for the following standards:
25

26 a. LDC section 5.05.08 D.8. (overhead doors);
27

28 b. LDC section 5.05.08 D.15. (neon tubing);
29

30 c. LDC section 5.05.08 E.8. (parking structures), which shall be in accordance
31 with LDC section 4.02.26 B.9.
32

33 d. LDC section 5.05.08 F.3. (pedestrian pathways);
34

35 e. LDC section 5.05.08 F.4. (service function areas and facilities);
36

37 f. LDC section 5.05.08 F.6. (drive-through facilities location and buffering
38 standards); and
39

40 g. LDC section 5.05.08 F.7. (lighting).

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B. Architectural, building, and site design standards.

1. Table 1. Dimensional Requirements in the GGPOD.

	<u>Residential Use</u>	<u>Non-Residential Use and Mixed Use</u>
<u>Min. Lot Area (square feet)</u>	<u>Townhouse: 2,000 (per unit); Multi-Family: 10,000</u>	<u>10,000</u>
<u>Min. Lot Width (linear feet)</u>	<u>Townhouse: 20 Multi-Family: 100</u>	<u>100</u>
<u>Max. Floor Area Ratio</u>	<u>N/A</u>	<u>0.90 (hotels only)</u>
<u>Min. Floor Area (square feet per unit)</u>	<u>Efficiency: 450 1 Bedroom: 600 2+ Bedroom: 750</u>	<u>N/A</u>
<u>Max. Building Coverage (%)</u>	<u>100</u>	
<u>Required Yards</u>		
<u>Min. Front Yard (feet)</u>	<u>0^{1,2}</u>	
<u>Max. Front Yard (feet)</u>	<u>15</u>	
<u>Min. Side Yard (feet)</u>	<u>0¹</u>	
<u>Min. Rear Yard (feet)</u>	<u>5</u>	
<u>Max. Zoned Height (feet)</u>		
<u>GGPOD-AC</u>	<u>Townhouse: 45 Multi-Family: 75</u>	<u>75</u>
<u>GGPOD-DT</u>	<u>Townhouse: 45 Multi-Family: 60</u>	<u>60</u>

Notes:

1 No building, appurtenance, or site design element listed in LDC section 4.02.01 D., or any outdoor seating areas shall project beyond the property line or be placed into a right-of-way.

2 All projects providing a front yard setback greater than zero feet must accommodate pedestrians, bicyclists, or be designed with combination of planting, seating, or hardscaped areas.

2. Terminating vistas. Buildings or projects that terminate a vista at the end or turning point of any street or pedestrian path shall include design features to emphasize the importance of the view. Examples of design features include but are not limited to tower elements, porte-cocheres, and cupolas.

3. Blank walls. Building wall areas must be interrupted with a minimum of an opening or relief work every 120 square feet, measured both horizontally and vertically. Examples of relief work may include but not be limited to stucco reveals, foam decorative banding, planted trellises, or other design treatments.

4. Roof material. Asphalt shingles are prohibited.

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- 1 5. Exterior building façade materials. Corrugated or metal panels are limited to no
- 2 more than 33 percent of exterior building facades (not applicable to roofs).
- 3
- 4 6. Architectural massing. Transitional massing elements specified in LDC section
- 5 5.05.08 D.3. shall be provided on proposed buildings in the GGPOD that are twice
- 6 the height or more of adjacent residential development located external to the
- 7 GGPOD or twice the height or more of the maximum height allowed on adjacent
- 8 residentially-zoned properties that are external to the GGPOD.
- 9
- 10 7. Streetscape design of buildings. The standards contained herein are
- 11 applicable to all properties fronting on existing rights-of-way that are 60 feet in
- 12 width or greater or on new streets of any width platted after (the adoption date of
- 13 this ordinance) pursuant to LDC section 4.02.26 D.
- 14
- 15 a. Design features at intersections. Buildings located at the intersection
- 16 of two or more arterial, collector, or new streets platted after (the adoption
- 17 of this ordinance) shall include design features to emphasize their location
- 18 as gateways and transition points within the community. Examples of
- 19 required design features include but are not limited to tower elements,
- 20 public plazas, or courtyards.
- 21
- 22 b. Windows. The ground floor of non-residential buildings shall have at
- 23 least 60 percent of its façade designed with windows to provide visual
- 24 interest for pedestrians and to serve as a deterrent to crime.
- 25
- 26 c. Building entrances. Buildings located along public or private streets must
- 27 be designed with main entrances for pedestrians clearly defined and
- 28 oriented to the street.
- 29
- 30 8. Landscape. Landscaping and buffering shall be provided in accordance with LDC
- 31 section 4.06.00 at time of SDP or PPL, except as follows:
- 32
- 33 a. Buffers. No landscape buffer shall be required along the perimeter of any
- 34 lot line, except where such lot consists of a nonresidential use and is
- 35 adjacent to lands located outside the GGPOD and zoned for single-family
- 36 residential dwellings. In this instance, a minimum five-foot wide planting
- 37 strip with shrubs and trees shall be required. Shrubs shall be no less than
- 38 five feet in height and spaced a maximum of four feet on-center at the time
- 39 of planting. Trees shall be a minimum of 10 feet in height, four feet in
- 40 spread, 1-3/4-inch caliper, and spaced a maximum of one per 25 linear
- 41 feet. These landscape buffers may be interrupted to provide for pedestrian
- 42 access only.
- 43
- 44 b. Parking lots, vehicular use area, and service function areas. Landscaping
- 45 for off-street parking lots, vehicular use areas, and service function areas
- 46 shall be designed in accordance with LDC section 4.06.03, except for the
- 47 following:
- 48
- 49 i. Interior of parking lot.

- 1 a) A maximum of 30 percent of the landscape islands may
- 2 have a minimum width of five feet inside planting area.
- 3
- 4 b) Plantings within parking lots shall be a maximum of 25
- 5 percent turf grass. The balance shall be shrubs or
- 6 groundcover in planting areas appropriate to the design.
- 7
- 8 ii. Perimeter of parking lot, vehicular use area, or service function
- 9 area. The perimeter shall have a five-foot wide perimeter planting
- 10 area, exclusive of curbing. The perimeter planting area shall be
- 11 designed in accordance with the following:
- 12
- 13 a) Trees a minimum of 10 feet in height, four feet in spread, 1-
- 14 3/4-inch caliper, and spaced a maximum of one per 25 linear
- 15 feet.
- 16
- 17 b) Shrubs arranged in a staggered pattern with a minimum size
- 18 of three gallons, spaced no more than three feet on-center
- 19 at the time of planting to provide year-round screening.
- 20 Where the perimeter planting area abuts lands outside the
- 21 GGPOD and zoned for single-family residential, the shrubs
- 22 shall be no less than five feet in height and spaced four feet
- 23 on-center at the time of planting.
- 24
- 25 c) Perimeter planting strips may be interrupted to provide for
- 26 driveway openings or for pedestrian access points.
- 27
- 28 c. Building foundation plantings.
- 29
- 30 i. Buildings, including parking structures with ground floor commercial
- 31 or residential along the front facade, shall be required to have
- 32 foundation plantings designed in accordance with LDC section
- 33 4.06.05, except for as follows:
- 34
- 35 a) The minimum required planting area shall be the equivalent
- 36 of 10 percent of the gross ground floor area of the building.
- 37
- 38 b) As an alternative to providing a continuous building
- 39 foundation planting width, the planting areas shall be
- 40 located within 25 feet of the building edge in the form of
- 41 landscaped courtyards and seating area landscaping.
- 42
- 43 c) It is unnecessary to provide foundation plantings along
- 44 facades where the building is setback less than five feet
- 45 from the property line; however, the minimum size of the
- 46 required planting area shall still be required and re-allocated
- 47 elsewhere on-site.
- 48

1 d) None of the required foundation plantings shall be located
2 within perimeter buffers or within parking lot, vehicular use,
3 or service function areas.

4
5 ii. Stand-alone parking structures and parking structures designed
6 without ground floor retail or residential uses along the front façade
7 shall provide foundation landscaping in accordance with LDC
8 section 4.06.05 C., except that the minimum width of the planting
9 bed shall be 10 feet.

10
11 9. Signage. The sign standards of LDC sections 5.06.02 and 5.06.04 shall apply to
12 all mixed use and non-residential projects within the GGPOD. In addition, the
13 following provisions shall apply to all wall, awning, ground, blade, and menu signs
14 for all nonresidential and mixed use projects:

15
16 a. Signs on awnings can be combined and calculated with wall signs, to the
17 extent that signs on walls and awnings shall not exceed the maximum
18 square footage allowed for wall signs.

19
20 b. Graphic elements, logos, mosaic tiles, or names created in flooring
21 immediately outside the front entrance with a maximum size of six square
22 feet are allowed.

23
24 c. Non-illuminated plaques shall be allowed subject to the following:

25
26 i. Each business may mount a maximum of two plaques at their front
27 entrance with each plaque restricted to a maximum of two square
28 feet. Plaques must be flush or pin-mounted on the storefront or
29 façade.

30
31 ii. A plaque with a maximum size of two square feet may be mounted
32 at the exit door of each business. The purpose of this plaque is to
33 identify the business name or address for emergency response or
34 for the delivery of goods.

35
36 d. A wall sign not to exceed three square feet is allowed in connection with a
37 walk-up or take-out window. This sign shall not count toward the maximum
38 size or number allowed for wall signs.

39
40 10. Open space.

41
42 a. In order to promote a vibrant, walkable, urban community, the GGPOD
43 public open space standards are intended to concentrate open space in
44 structured, functional, and usable spaces that are nodes along connected
45 pedestrian paths or corridors that are accessible to the public.

46
47 b. The standards of LDC section 4.02.01 B. shall apply, except that a
48 minimum of 15 percent of the gross area shall be devoted to useable open
49 space as follows:

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- i. Residential developments on parcels 2.5 acres or greater; or
 - ii. Commercial, Economic Development, and mixed use projects on five acres or greater.
 - c. Usable open space, as defined in LDC section 1.08.02, shall also include publicly accessible site features, such as pedestrian and walking paths, plazas, and passive furnishings. Passive furnishings include but are not limited to benches, pavilions, and picnic areas. Pervious trail links connecting within or across open spaces may count toward the requirement of usable open space. Lakes, detention areas with publicly accessible sidewalks or other impervious paths, and active recreation fields or courts that are accessible to the public may be counted toward the required public open space.
- 11. Pedestrian pathways. Pedestrian pathways required in accordance with LDC section 5.05.08 F.3. shall be a minimum of six feet in width.
- 12. Exterior lighting.
 - a. Public paths shall be clearly marked by using design elements such as landscaping and pedestrian lighting.
 - b. Illumination levels in the GGPOD shall not exceed 0.5 footcandles at property lines where adjacent to residential development that is external to the GGPOD or residentially-zoned property that is external to the GGPOD, excluding where required pursuant to LDC section 6.06.03.
- 13. Public transit facilities. In addition to the off-site improvements required in LDC section 6.06.02 A., where a bus stop is located immediately adjacent to the subject property or where a property abuts a bus route, a landing pad, bicycle storage rack, and bus stop identification sign, all of which approved by CAT, shall be provided by Developer at no cost to the County in the adjacent right-of-way or within a dedicated easement, for all new development and redevelopment projects proposing more than 50 dwelling units or 10,000 square feet of a non-residential use. If these CAT facilities exist, the County Manager or designee may waive this requirement.
- 14. Pollution control. Any discharge from industrial, commercial, or manufacturing processes to a stormwater or surface water management system is prohibited. Wastewater from any industrial, commercial, or manufacturing process must be contained within a building or disposed of through the Collier County Water-Sewer District's wastewater collection system pursuant to the Collier County Industrial Pretreatment Ordinance, (Ord. No. 2003-18, as amended).
- 15. Service function areas and facilities. The provisions of LDC section 5.05.08 F.4. shall apply, except that loading docks, solid waste facilities, recycling facilities, and other services elements shall be placed to the sides or rear of the building. Service

1 function areas shall be screened along rights-of-way in accordance with LDC
2 Section 4.02.26 B., where applicable.

3
4 16. Off-street parking and loading. Unless otherwise specified, all parking and loading
5 standards shall comply with LDC Section 4.05.00. In addition, the following
6 provisions shall apply:

7
8 a. Location of parking lots. The design of off-street parking lots shall comply
9 with the provisions of LDC section 5.05.08 F.2 except that parking lots,
10 vehicular use areas, and service function areas shall be located to the sides
11 or rear of buildings.

12
13 b. Driveways for single-family attached dwelling units. Where a lot abuts an
14 alley and the rear yard accommodates the driveway and unenclosed
15 parking of vehicles in accordance with LDC section 4.02.03 D., the
16 minimum length of such driveway shall be 23 feet.

17
18 c. Screening from abutting rights-of-way. Off-street parking lots and vehicular
19 use areas shall be screened along rights-of-way in accordance with LDC
20 section 4.02.26 B.8., where applicable.

21
22 d. Spaces required.

23
24 i. Hotels shall provide one space per hotel room.

25
26 ii. All other non-residential uses shall provide a minimum number of
27 parking spaces equal to one space per 1,000 square feet.

28
29 e. Reductions to the number of required spaces.

30
31 i. Off-street parking requirements shall be reduced cumulatively by
32 the following provisions, when applicable:

33
34 a) No additional off-street parking is required for outdoor dining
35 or outdoor restaurant seating areas.

36
37 b) For mixed use projects, the required number of residential
38 off-street parking spaces is reduced by 10 percent.

39
40 c) The minimum number of spaces required shall be reduced
41 by the County Manager or designee when it has been
42 determined that the reduction is necessary to preserve an
43 existing healthy tree or trees (with a 12-inch or greater
44 diameter at breast height) from being damaged or removed,
45 and where the SDP provides for the retention of said tree or
46 trees.

47
48 ii. Off-street parking requirements shall be further reduced by applying
49 only one of the following provisions:

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- a) If the subject property is located within the GGPOD-AC and within 330 feet of an improved public transit facility, such as a bus shelter, bus transfer facility, or park and ride site, the required number of off-street parking spaces shall be reduced by 20 percent;
- b) If the subject property is located within the GGPOD-DT and within 330 feet of an improved public transit facility, such as a bus shelter, bus transfer facility, or park and ride site, the required number of off-street parking spaces shall be reduced by 10 percent; or
- c) If a public transit facility, such as bus shelter, bus transfer facility, or park and ride accommodation, is provided on-site and in coordination with and accepted by the Collier Area Transit, or if a bike-share station or ride-share pick up/drop off zone is provided on-site, the facility shall substitute for a portion of the standard required off-street parking spaces. The total percentage of parking reduction shall only equal a maximum of 30 percent of the minimum required off-street parking spaces. The County Manager or designee may approve an alternative parking credit if the applicant provides a site-specific analysis of the projected frequency of passenger or patron use demonstrating a greater off-set of parking spaces is warranted.
- f. On-street parking. Where on-street parking exists or is permitted, a development shall count the spaces directly abutting the site's frontage toward the minimum parking requirement; however, the on-street parking spaces are considered public spaces and are not for the exclusive use of the adjacent use.
- g. Parking structures.
- i. Parking structures shall comply with LDC section 5.05.08 E.8, except that building foundation landscaping shall be provided in accordance with LDC section 4.02.26 B.8.c.ii.
 - ii. Parking structure façades shall be designed to screen views of automobiles by the general public from adjacent streets and driveways.
 - iii. Freestanding light fixtures on the top level of the parking structures shall be a maximum of 20 feet in height and setback from the perimeter of the structure a minimum distance of twice the height of the light fixture. Light fixtures shall be fully shielded to contain light to the surface of the deck only.

1 h. Bicycle parking. Bicycle parking shall apply to all commercial, mixed
2 use, and Economic Development uses. Bicyclists shall have access via
3 sidewalks, pathways, or driveways to the public right-of-way and be located
4 as provided below:

5
6 i. Parking structures. Required bicycle parking shall be located in
7 or near main entrances or elevators to provide for pedestrian safety,
8 visibility, and security of property.

9
10 ii. On site. Bicycle parking (not located within a parking
11 structure) shall be located on site within 50 feet of main building
12 entrances. Bicycle parking shall not obstruct walkways.

13
14 iii. Right-of-way. Bicycle parking may be located within the public
15 right-of-way of a new local street platted after (the adoption date of
16 this ordinance), provided a minimum clearance of five feet is
17 maintained for pedestrian access.

18
19 iv. Shared bicycle parking. Where there is more than one
20 building on a site, or parking is shared with an adjacent site, bicycle
21 parking shall be distributed equally to serve all buildings and main
22 entrances.

23
24 C. Additional design standards for the Economic Development uses in the GGPOD. The
25 following design standards shall be applicable to all Economic Development uses
26 identified in Table 1 of LDC section 2.03.07 F.5.:

27
28 1. Loading areas. All loading areas shall be oriented away from adjacent residential
29 uses, except for where obstructed by an intervening building.

30
31 2. Outside storage and display. No outside storage and display shall be permitted
32 except when approved as part of a temporary/special event in accordance with
33 LDC section 5.04.05.

34
35 3. Operations.
36
37 a. All activity associated with the uses in this category shall be conducted
38 within a fully enclosed building. Activity includes but is not limited to the
39 following:

40
41 i. The use or storage of any fixed or movable business equipment;

42
43 ii. The use, storage, display, sale, delivery, offering for sale,
44 production, or consumption in any business, or by any business
45 invitee on the premises of the business, of any goods, wares,
46 merchandise, products, or foods; or

47
48 iii. The performance of any work or services.
49

1 b. All Economic Development use operations and equipment, including
2 accessory process equipment, such as compressors and air handlers, shall
3 be contained in an enclosed structure.
4

5 4. Noise. No Economic Development use shall produce noise exceeding the sound
6 level limits for Commercial or Tourist uses as set forth in the Collier County Noise
7 Control Ordinance No. 90-17, as amended.
8

9 5. Odors. No Economic Development use shall cause or allow the emission of odor.
10

11 6. Vibrations. No use shall operate to produce ground vibration noticeable by a
12 reasonable person with normal sensitivity, outside the building for single-use
13 buildings or outside the Economic Development use space inside mixed use and
14 multi-tenant buildings.
15

16 7. Smoke and particulate matter. No Economic Development use shall discharge
17 outside the building for single-use buildings or outside the Economic Development
18 use space inside mixed use and multi-tenant building any toxic or noxious matter
19 in such a concentration that will endanger the public health, safety, comfort, or
20 general welfare.
21

22 8. Electrical disturbance. No Economic Development use shall create any electrical
23 disturbance which interferes unduly with the normal operation of equipment or
24 instruments or which is reasonably likely to cause injury to any person located
25 inside or outside building.
26

27 9. Appearance. Industrial/factory buildings shall be designed in accordance with the
28 provisions of LDC section 5.05.08., excluding the exceptions, modifications, and
29 additions listed in LDC section 5.05.08 E.7.b through h.
30

31 D. Design of new streets and alleys in the GGPOD. The standards contained herein are
32 applicable to all new streets and alleys in the GGPOD.
33

34 1. Streets.
35

36 a. Streets are intended to form a modified grid to provide continuous
37 pedestrian walkways. The street network corresponds to a mix of uses and
38 a higher level of building and site design standards, in order to promote
39 pedestrian comfort and movement of bicycles and to foster a vibrant urban
40 realm.
41

42 b. These standards shall apply to new streets in the GGPOD platted after (the
43 adoption date of this ordinance). Streets shall be a minimum of 66 feet in
44 width and comprised of the following:
45

46 i. Eight-foot wide sidewalks;
47

48 ii. Five-foot wide street tree planting zones containing cut-outs for
49 trees, located between the sidewalks and the Type F curbs.

1 Lighting fixtures shall be provided within the street tree planting
 2 zone and located to avoid conflict with street trees. Any at-grade
 3 surface area within the street tree planting zone that is not occupied
 4 by a tree or light fixture shall be ADA compliant. Light fixtures shall
 5 be consistent with the decorative lighting identified in the Golden
 6 Gate Community Roadways Beautification Master Plan. If such
 7 lighting is unavailable, similarly themed lighting shall be used. Tree
 8 cut-outs shall be designed as follows:

- 9
- 10 a) Placed abutting the FDOT Type F curb;
- 11
- 12 b) Minimum at-grade dimension of five feet with a minimum
 13 area of 25 square feet;
- 14
- 15 c) Contain sufficient volume of soil necessary to promote a
 16 healthy tree and directing roots away from sidewalks
 17 through the use of structural soils or modular suspended
 18 pavement systems. If the option of structural soil is utilized,
 19 a minimum of two cubic feet of structural soil per square feet
 20 of mature tree crown projection shall be provided; and
- 21
- 22 d) Spaced 40 feet on center with trees having a minimum
 23 average mature canopy spread of 20 feet and an eight-foot
 24 vertical clearance for pedestrians.
- 25
- 26 iii. Type F curbs, designed in accordance with current FDOT Design
 27 Standards;
- 28
- 29 iv. On-street parking areas containing eight-foot wide by 23-foot long
 30 parallel parking spaces; and
- 31
- 32 v. Vehicular travel lanes 10 feet in width.

33

34 c. Public utility and drainage infrastructure may be placed in the right-of-way
 35 of new streets platted (after the adoption date of this ordinance) in the areas
 36 designated below and subject to the following restrictions:

- 37
- 38 i. Storm and sanitary sewers shall be located within the travel lanes.
 39 Where both are present, parallel sewers shall be constructed with
 40 junction boxes and manholes centered in either travel lane. Where
 41 only one is present, structures may be located at the centerline of
 42 the roadway or centered within either travel lane. On curves,
 43 sufficient structures shall be provided to facilitate pipeline
 44 alignments that achieve minimum horizontal separation criteria
 45 found in FAC 62-555.314(1). Where feasible, sewer laterals and
 46 storm drains shall connect to sewer mains at right angles to
 47 facilitate perpendicular crossings with other utilities in the right-of-
 48 way and to minimize proximity to tree roots.
- 49

- 1 ii. Potable water and sanitary sewer force mains shall be located
- 2 between the travel lanes and the street tree planting zones, on
- 3 opposite sides of the roadway. The main shall be centered
- 4 underneath the on-street parking, four feet from both the gutter and
- 5 the travel lane.
- 6
- 7 iii. Other underground utilities shall be underneath the sidewalks.
- 8
- 9 iv. Above-ground structures and appurtenances shall be placed in the
- 10 street tree planting zone, outside the tree cut-outs and no closer
- 11 than five feet to any street tree.

12

13 2. Alleys. Alleys are intended to function as accessways to off-street parking lots,

14 vehicular use areas, and services areas. New alleys, including the width of the

15 paved area, shall be a minimum of 20 feet in width. The standards related to the

16 streetscape design of buildings in LDC section 4.02.26 B.7. are not applicable

17 along alleys.

18

19 E. Deviation requests for projects in the GGPOD.

20

21 1. Purpose and Intent. Property owners in the GGPOD may request deviations from

22 certain standards, as established in LDC section 4.02.26 E.2., to allow for flexibility

23 in building and site design, and to support and initiate incentives for new

24 development on vacant property or redevelopment on existing sites.

25

26 2. Applicability.

27

28 a. The Administrative Code, Chapter 6.M. shall establish the process and

29 submittal requirements for deviation requests in the GGPOD. Deviations

30 in the GGPOD may be requested for new development or redevelopment

31 projects in connection with any of the following types of applications:

- 32
- 33 i. SDP, SDPA, or SIP as established in LDC section 10.02.03;
- 34
- 35 ii. Building permit for signs as established in LDC section 5.06.11; or
- 36
- 37 iii. PPL for townhouses developed on fee simple lots under individual
- 38 ownership, as established in LDC section 10.02.04.

39

40 b. Unless otherwise specified, property owners shall be eligible to seek a

41 deviation from the following code provisions:

- 42
- 43 i. Design standards for the GGPOD: LDC section 4.02.26. All
- 44 dimensional standards of this section, excluding building height,
- 45 may be considered for a deviation request. In addition, deviations
- 46 from non-dimensional provisions, such as from the design
- 47 standards for Economic Development uses in LDC section 4.02.26
- 48 C., are also allowed.

49

- 1 ii. Loading space requirements: LDC section 4.05.06 B.
- 2
- 3 iii. Landscaping in vehicular use areas: LDC section 4.06.03 B.
- 4
- 5 iv. Landscaping requirements for industrial and commercial
- 6 development: LDC section 4.06.05 B.3.
- 7
- 8 v. Building foundation plantings: LDC section 4.06.05 C., including
- 9 Table inset.
- 10
- 11 vi. Development standards for signs in nonresidential districts: LDC
- 12 section 5.06.04.
- 13

3. Conflict with other relief processes.

- 14
- 15
- 16 a. This section is not intended to replace the current established process of
- 17 requesting deviations associated with the following:
- 18
- 19 i. Master plan elements of the respective PUD pursuant to LDC
- 20 section 10.02.13. However, the deviation process of LDC section
- 21 4.02.26 E. is available to PUD-zoned lands within the GGPOD
- 22 provided that such request is based on a specific dimensional or
- 23 design requirement described in LDC section 4.02.26 E.2., and
- 24 provided the request further promotes compliance with the purpose
- 25 and intent of the GGPOD.
- 26
- 27 ii. Site plan with deviations for redevelopment projects pursuant to
- 28 LDC section 10.02.03 F., unless such request is based on a
- 29 dimension, site feature, or architectural standard listed under LDC
- 30 section 4.02.26 E.2.
- 31
- 32 iii. Deviations and alternate compliance pursuant to LDC section
- 33 5.05.08 G.
- 34
- 35 iv. Post take plan application pursuant to LDC section 9.03.07 A.
- 36
- 37 b. Deviations from the LDC which are not expressly provided for in this section
- 38 shall be processed as variances in accordance with LDC section 9.04.00.
- 39

4. Evaluation criteria. When evaluating a deviation, the following criteria shall be considered:

- 40
- 41
- 42
- 43 a. Whether the proposed deviation is compatible with adjacent land uses and
- 44 achieves the requirements and/or intent of the regulations as closely as is
- 45 practicable;
- 46
- 47 b. Whether the proposed deviation is the minimum amount necessary to allow
- 48 for reasonable use of the property and/or address the issue necessitating
- 49 the deviation request; and

1 c. Whether the reduced or increased standard requested by the deviation is
 2 mitigated for, either on the subject site or by providing a public benefit on
 3 the subject site. Examples of such on-site mitigation include but are not
 4 limited to: increasing setbacks from the adjacent road right-of-way when
 5 proposing to deviate from sign size limitations; increasing plantings or
 6 planting sizes or installing a fence or wall where a reduced buffer width is
 7 proposed; providing public pedestrian and/or bicycle pathway easements
 8 or other similar mobility improvements including transit enhancements;
 9 providing public parking; providing beautification in the public realm,
 10 including street trees, street furniture, lighting and other similar public
 11 benefits.

12
 13 5. Public notice. Public notice, including signage, notice to property owners, and an
 14 advertised public hearing, is required for deviation requests and shall be provided
 15 in accordance with the applicable provisions of LDC section 10.03.06 R.

16
 17 ~~Golden Gate Parkway Professional Office Commercial Overlay District (GGPPOCO)—Special~~
 18 ~~Conditions for the Properties Abutting Golden Gate Parkway East of Santa Barbara Boulevard as~~
 19 ~~Referenced in the Golden Gate Parkway Professional Office Commercial District Map (Map 2) of~~
 20 ~~the Golden Gate Area Master Plan~~

21
 22 ~~A. The following standards shall apply to all uses in this overlay district. Where a specific~~
 23 ~~development criteria and standards also exist in the Golden Gate Master Plan, or the~~
 24 ~~Future Land Use Element of the GMP, they shall supersede any less stringent requirement~~
 25 ~~or place additional requirements on development.~~

26
 27 ~~B. In support of the purpose and intent of the GGPPOCO a common architectural style is~~
 28 ~~required for all proposed development within the overlay district. During the site~~
 29 ~~development plan review process, architectural drawings shall be submitted indicating that~~
 30 ~~all proposed buildings will have an architectural style which is similar to that approved for~~
 31 ~~the existing PUDs within the district boundaries. Such architectural drawings shall depict,~~
 32 ~~at a minimum, the following: the use of stucco, except for trim; pastel colors; pedestrian~~
 33 ~~pockets, including benches and lampposts; tile roofs, except that where tile roofs are not~~
 34 ~~provided, decorative parapet walls shall be constructed above the roof line.~~

35
 36 ~~C. Projects shall be encouraged in the form of a PUD (there shall be no minimum acreage~~
 37 ~~requirement for PUD rezones except for the requirement that all requests for rezoning~~
 38 ~~must be at least 40,000 square feet in area unless the proposed rezone is an extension~~
 39 ~~of an existing zoning district consistent with the Golden Gate Area Master Plan).~~

40
 41 ~~D. Minimum project area shall be 2 acres.~~

42
 43 ~~E. Buildings shall be set back from Golden Gate Parkway a minimum of 40 feet and from~~
 44 ~~rear lot line a minimum of 25 feet.~~

45
 46 ~~F. Buildings shall have a maximum height of 25 feet plus 10 feet for under building parking.~~

47
 48 ~~G. Transportation.~~

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- ~~1. Access to projects shall be provided exclusively via Golden Gate Parkway and shall be limited to 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. Signage permitted in this overlay shall be restricted to those signs permitted under section 5.06.00 the Collier County Sign Code.~~

~~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.~~

~~# # # # # # # # # # # # # #~~

~~**4.02.37 – Reserved. Design Standards for Development in the Golden Gate Downtown Center Commercial Overlay District (GGDCCO)**~~

~~A. Development criteria. The following standards shall apply to all uses in this overlay district. Where specific development criteria and standards also exist in the Golden Gate Area Master Plan, or the Future Land Use Element of the Growth Management Plan, these standards shall supersede any less stringent requirement or place additional requirements on development.~~

- ~~1. Cessation of residential uses. Existing, non-owner-occupied residential uses located along Golden Gate Parkway shall cease to exist no later than seven (7)~~

1 years after the effective date of the adoption of the Downtown Center Commercial
2 Subdistrict in the Golden Gate Area Master Plan (adopted October 26, 2004;
3 effective January 14, 2005). This does not require the removal of residential
4 structures located on Golden Gate Parkway that are converted to uses allowed in
5 this overlay district within one (1) additional year; nor does this require the removal
6 of residential structures located elsewhere in this overlay district.

7
8 ~~2. Multi-story buildings.~~

9
10 a. ~~Only retail, personal service, and institutional uses are allowed on the first~~
11 ~~floor.~~

12
13 b. ~~All uses allowed by this zoning overlay, except restaurants and cocktail~~
14 ~~lounges, are allowed on the second floor.~~

15
16 c. ~~Only residential uses are allowed on the third floor.~~

17
18 ~~3. Density. Density shall be as per the underlying zoning district. For mixed-use~~
19 ~~projects, density shall be calculated based upon total project acreage.~~

20
21 ~~4. Setbacks.~~

22
23 a. ~~All development and redevelopment on lots abutting Golden Gate Parkway~~
24 ~~shall have a front yard and setback of no more than 15 feet. All projects~~
25 ~~providing a front yard setback greater than 0 feet must provide restaurant~~
26 ~~seating, and/or open space areas such as other seating, planting areas,~~
27 ~~and decorative landscape planters within such front yard, except that water~~
28 ~~management retention and detention areas are prohibited.~~

29
30 b. ~~All development and redevelopment on properties in the overlay area not~~
31 ~~abutting Golden Gate Parkway must comply with the front yard setback~~
32 ~~requirements of that property's underlying zoning.~~

33
34 c. ~~Side yard setback shall be a minimum of 5 feet.~~

35
36 d. ~~Rear yard setback shall be no less than 1/2 of the building height, with a 15-~~
37 ~~foot minimum.~~

38
39 ~~5. Building footprint limits.~~

40
41 a. ~~Minimum building footprint of 3,000 square feet.~~

42
43 b. ~~Maximum building footprint of 12,000 square feet.~~

44
45 ~~6. Minimum floor area—Residential.~~

46
47 a. ~~Mixed use. Minimum floor area of 1,500 square feet.~~

48
49 ~~7. Minimum height. The zoned height of buildings shall be no less than 34 feet.~~

- 1 ~~8. Maximum height. The actual height of buildings shall not exceed 3 stories or 45~~
- 2 ~~feet.~~
- 3
- 4 ~~9. Crime Prevention Through Environmental Design (CPTED) Standards. The~~
- 5 ~~Golden Gate community supports the CPTED philosophy as a way to reduce~~
- 6 ~~crime, improve neighborhood and business environments, and increase overall~~
- 7 ~~quality of life of its citizens. CPTED principles such as natural surveillance, natural~~
- 8 ~~access control, and territorial reinforcement shall be incorporated into the overall~~
- 9 ~~design of the project, consistent with the provisions in this overlay and as identified~~
- 10 ~~below.~~
- 11
- 12 ~~a. Public paths shall be clearly marked by using design elements such as~~
- 13 ~~landscaping and pedestrian accent lighting.~~
- 14
- 15 ~~b. Public entrances shall be clearly defined by walkways and signage, as~~
- 16 ~~specifically provided in this overlay.~~
- 17
- 18 ~~10. Common architectural style. In support of the purpose and intent of the GGDCCO,~~
- 19 ~~all structures within the overlay district shall have a common Mediterranean~~
- 20 ~~architectural style, with barrel tile roofs, stucco façades, arches and wood accent~~
- 21 ~~members used as details. During the site development plan review process,~~
- 22 ~~architectural drawings shall be submitted to demonstrate adherence to this~~
- 23 ~~requirement. All commercial and mixed use buildings and projects shall be subject~~
- 24 ~~to the provisions of section 5.05.08 of the Code, except as provided herein.~~
- 25
- 26 ~~11. Architectural standards. All buildings shall meet the requirements set forth in~~
- 27 ~~section 5.05.08, except as otherwise specified below:~~
- 28
- 29 ~~a. Buildings with frontage on Golden Gate Parkway shall have 60 percent of~~
- 30 ~~the ground-floor façade finished with clear or lightly tinted glass.~~
- 31
- 32 ~~b. The glazed area of the façade above the first floor shall be at least twenty~~
- 33 ~~(20) percent but shall not exceed 35 percent of the total area, with each~~
- 34 ~~façade being calculated independently.~~
- 35
- 36 ~~c. Design elements used to embellish the primary façade shall be similarly~~
- 37 ~~incorporated into the rear façade of buildings.~~
- 38
- 39 ~~d. The façades of buildings 5,000 square feet or larger shall use rooflines that~~
- 40 ~~vary in height or architectural embellishments, such as cupolas, at least~~
- 41 ~~every 80 feet.~~
- 42
- 43 ~~e. Parapet roof treatments are prohibited.~~
- 44
- 45 ~~f. Flat roofs must be screened with a mansard edge barrel tile roof extending~~
- 46 ~~the length of all façades.~~
- 47
- 48 ~~g. Building entrances shall be accentuated through architectural elements,~~
- 49 ~~lighting, landscaping, and/or paving stones.~~

- 1
- 2 ~~12. Outdoor display/sale of merchandise.~~
- 3
- 4 ~~a. No automatic food and drink vending machines shall be located exterior to~~
- 5 ~~buildings.~~
- 6
- 7 ~~13. Access. Those aggregated lots developed under these overlay provisions and~~
- 8 ~~fronting on Golden Gate Parkway must provide site access from abutting local~~
- 9 ~~streets and may not obtain site access from Golden Gate Parkway, and where one~~
- 10 ~~such commercial or mixed use development provides site access at the project~~
- 11 ~~boundary abutting other lots, whether aggregated or not for commercial or mixed~~
- 12 ~~use development. Such developments must provide for joint or cross access with~~
- 13 ~~the abutting property or properties in order to share access and minimize the~~
- 14 ~~number of points from Golden Gate Parkway.~~
- 15
- 16 ~~14. Parking standards. All commercial and mixed use projects shall meet the parking~~
- 17 ~~requirements as set forth below:~~
- 18
- 19 ~~a. A minimum of 3 public parking spaces for each 1,000 square feet of~~
- 20 ~~commercial floor area.~~
- 21
- 22 ~~b. A minimum of 1.5 parking spaces for each residential unit.~~
- 23
- 24 ~~c. No parking is allowed in the front yard of lots abutting Golden Gate~~
- 25 ~~Parkway.~~
- 26
- 27 ~~d. There shall be no parking requirement for outdoor restaurant seating areas.~~
- 28
- 29 ~~e. Shared parking is required, where possible and feasible.~~
- 30
- 31 ~~f. Interconnection between adjacent parking lots is required, where possible~~
- 32 ~~and feasible.~~
- 33
- 34 ~~g. Parking facility lighting shall be consistent with the pedestrian/accent~~
- 35 ~~decorative lighting fixtures illustrated in Fig. 29, page 5-9 of the Golden~~
- 36 ~~Gate Community Roadways Beautification Master Plan, as amended, and~~
- 37 ~~shall be maintained at a light level of 3.0 foot candles, and arranged and~~
- 38 ~~shielded in a manner that protects roadways and neighboring properties~~
- 39 ~~from direct glare or other interference.~~
- 40
- 41 ~~h. All projects that are adjacent to residential development within the district~~
- 42 ~~and/or residentially zoned properties outside the district shall provide~~
- 43 ~~lighting fixtures with full-cutoff optics that direct the light source downward.~~
- 44
- 45 ~~i. The overnight parking of commercial vehicles, with a rated load capacity of~~
- 46 ~~one ton or more, is prohibited.~~
- 47

- 1 j. ~~The overnight parking of commercial vehicles shall be limited to 1 vehicle~~
- 2 ~~per 1,000 square feet of commercial floor area, not to exceed 6 commercial~~
- 3 ~~vehicles per building.~~
- 4
- 5 15. ~~Project standards. In addition to the site design elements described in section~~
- 6 ~~5.05.08 F.1, all projects shall provide:~~
- 7
- 8 a. ~~Two accept or specimen trees, above the minimum landscape code~~
- 9 ~~requirements, for every 100 linear feet along both the front and rear~~
- 10 ~~façades, at a minimum height of 18 feet at planting, except that projects~~
- 11 ~~with frontage along Golden Gate Parkway shall only be required to provide~~
- 12 ~~the planting along the rear façade.~~
- 13
- 14 b. ~~Decorative landscape planters or planting areas, a minimum of 5 feet wide,~~
- 15 ~~and areas for shaded seating consisting of a minimum of 100 square feet.~~
- 16
- 17 16. ~~Landscaping. All commercial and mixed use projects shall meet the landscape~~
- 18 ~~requirements in section 4.06.00 of the Code, unless otherwise specified in this~~
- 19 ~~zoning overlay.~~
- 20
- 21 a. ~~Project Perimeter Buffering. All projects that are located adjacent to~~
- 22 ~~residential zoning external to the district boundaries shall provide a 6-foot~~
- 23 ~~wide sidewalk and a minimum 19-foot wide landscape planting area, except~~
- 24 ~~that the project's frontage along Golden Gate Parkway shall be exempt~~
- 25 ~~from this requirement.~~
- 26
- 27 ~~The planting area shall be landscaped with: 1. shrubs and ground cover;~~
- 28 ~~shrubs shall be planted in a double row and be no less than 24 inches in~~
- 29 ~~height at time of planting; and, 2. Trees, planted one per 30 linear feet and,~~
- 30 ~~at time of planting, shall be a minimum height of 22 feet.~~
- 31
- 32 b. ~~Internal Project Buffering. All projects that are located adjacent to a~~
- 33 ~~residential use within the district boundaries shall provide an Alternative B~~
- 34 ~~buffer per section 4.06.02 C.2, except: walls and berms are prohibited, a~~
- 35 ~~freestanding hedge must be 6 feet in height, if a fence is provided it must~~
- 36 ~~be accompanied by a hedge 3 feet in height with a 2 foot spread at time of~~
- 37 ~~planting. The project frontage along Golden Gate Parkway shall be exempt~~
- 38 ~~from this requirement.~~
- 39
- 40 c. ~~Building Foundation Planting Areas. Building foundation plantings shall be~~
- 41 ~~required for all projects, except for buildings adjacent to Golden Gate~~
- 42 ~~Parkway and the rights-of-way abutting the district's external boundaries.~~
- 43
- 44 d. ~~Project Vehicular Use Areas. Mountable curbs shall be provided for all~~
- 45 ~~terminal landscape islands as depicted in Figure 3, Section 4.06.03.B.3.~~
- 46
- 47 17. ~~Golden Gate Parkway Right-of-Way Improvements. Right-of-way improvements~~
- 48 ~~required for properties/lots with frontage along Golden Gate Parkway.~~
- 49

1 a. ~~Curbing. All projects/lots shall provide Type "F" non-mountable curbing per~~
2 ~~F.D.O.T. "Roadway and Traffic Design Standards" Index 300, the latest~~
3 ~~edition.~~

4
5 b. ~~Landscaping. All projects/ lots shall be required to provide an 8 foot wide~~
6 ~~landscaping strip between the curb and sidewalk. This planting area may~~
7 ~~be reduced between tree spacing to 5 feet wide, for a maximum of 50~~
8 ~~percent of the buffer area, to accommodate street furnishings and fixtures,~~
9 ~~consistent with the Golden Gate Community Roadways Beautification~~
10 ~~Master Plan.~~

11
12 ~~The landscaping strip shall be landscaped with: 1. Turf, not to exceed 50~~
13 ~~percent of the planting area; 2. Shrubs and ground cover, at a minimum of~~
14 ~~50 percent coverage, not to exceed a mature height of 24 inches; and, 3.~~
15 ~~Canopy trees, planted one per 30 linear feet and, shall be at time of~~
16 ~~planting, a minimum 4-inch caliper with 8 feet of clear trunk and 22 feet in~~
17 ~~height.~~

18
19 ~~All planting materials in the public right-of-way shall be consistent with~~
20 ~~those identified in the Golden Gate Community Roadways Beautification~~
21 ~~Master Plan. Installation and maintenance shall be consistent with the~~
22 ~~Collier County Construction Standards Handbook for Work Within the~~
23 ~~Right-of-Way.~~

24
25 ~~Where right-of-way plantings above are not practicable, a planting area~~
26 ~~and/or a decorative planter(s) may be provided consistent with the Collier~~
27 ~~County Construction Standards Handbook for Work Within the Right-of-~~
28 ~~Way.~~

29
30 ~~Property owners shall be required to enter into a Landscape Maintenance~~
31 ~~Agreement with the County for the installation and maintenance of the~~
32 ~~required right-of-way plantings. Landscape Maintenance Agreements shall~~
33 ~~require a signed and sealed landscape and irrigation plan(s), review by the~~
34 ~~appropriate Transportation Division staff, approval by the Board of County~~
35 ~~Commissioners, and recording of said agreement with the Clerk of Courts.~~
36 ~~Plans shall include, but not be limited to, the following:~~

- 37
38 i. ~~Existing conditions inventory.~~
39
40 ii. ~~Proposed plantings/details of planting methods and~~
41 ~~maintenance specifications.~~
42
43 iii. ~~Location of utilities.~~
44
45 iv. ~~Location of drainage facilities.~~
46
47 v. ~~Irrigation proposal, including water connections.~~
48

1 ~~c. Sidewalks. All projects/lots shall provide a ten foot wide sidewalk between~~
 2 ~~the required landscape strip identified in "b." above and the property line.~~
 3 ~~Sidewalks shall be constructed pursuant to the Land Development Code~~
 4 ~~and the "Construction Standards Handbook for Work Within the Right-of-~~
 5 ~~Way". Decorative pavers (consistent with the approved pavers identified in~~
 6 ~~the Golden Gate Community Roadways Beautification Master Plan) may~~
 7 ~~be substituted for portions of sidewalk, subject to approval by the County~~
 8 ~~Manager, or designee.~~

9
 10 ~~Where a portion of the required sidewalk cannot be constructed in the~~
 11 ~~public right-of-way, the property owner shall locate such portion on their~~
 12 ~~private property and grant the County an easement.~~

13
 14 ~~18. Address numbers. Address numbers shall be 8 inches in vertical height and shall~~
 15 ~~be located on the primary building façade. Numbering materials shall be reflective~~
 16 ~~and have a contrasting background.~~

17
 18 ~~19. Signage. As required, allowed, or prohibited in section 5.06.00 of the Code.~~

19
 20 ~~20. Lighting. As described and provided in the Golden Gate Community Roadways~~
 21 ~~Beautification Master Plan or as identified below:~~

22
 23 ~~a. Internal Project Lighting. All projects shall use architectural decorative~~
 24 ~~lighting. Such lighting shall be the same decorative lighting as identified in~~
 25 ~~Figure 29 on page 5-9 of the Golden Gate Community Roadways~~
 26 ~~Beautification Master Plan. If such lighting becomes unavailable, similarly~~
 27 ~~themed lighting shall be used. Light fixtures must light all public use areas~~
 28 ~~adjacent to the building (e.g. entryway, courtyards, etc.) to a recommended~~
 29 ~~0.5 candle level of illumination. Lighting shall be arranged in a manner that~~
 30 ~~protects roadways and neighboring properties from direct glare or other~~
 31 ~~interference.~~

32
 33 ~~b. Street/Roadway Lighting. Architectural decorative lighting shall be used~~
 34 ~~along Golden Gate Parkway within the public right-of-way. Such lighting~~
 35 ~~shall be a variation of the decorative lighting identified as Figure 29 on page~~
 36 ~~5-9 of the Golden Gate Community Roadways Beautification Master Plan,~~
 37 ~~more specifically identified as the Lumec Domus Series (DMS50-250MH-~~
 38 ~~SG3-480-LD-DL-CRL72-1A/U.S. 41 East lighting fixture). If such lighting~~
 39 ~~becomes unavailable, similarly themed lighting shall be used. The~~
 40 ~~installation and maintenance of lighting shall be consistent with the Collier~~
 41 ~~County Construction Standards Handbook for Work Within the Right-of-~~
 42 ~~Way.~~

43
 44 ~~21. Dumpsters. Dumpsters shall be screened and positioned out of view from public~~
 45 ~~rights-of-way and pedestrian walkways.~~

46
 47 # # # # # # # # # # # # #
 48

1 **4.02.38 - Specific Design Criteria for Mixed Use Development within C-1 through C-3 Zoning**
2 **Districts**

3
4 * * * * *
5

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

21
22 C. *Commercial Mixed Use Design Criteria.* Projects utilizing the Commercial Mixed Use
23 option within a C-1, C-2, or C-3 Zoning District shall comply with the following standards
24 and criteria:

25
26 1. These design criteria are applicable to the C-1 through C-3 zoning districts,
27 excluding where located in the GGPOD.

28
29 # # # # #
30

31 **4.05.02 - Design Standards**

32
33 * * * * *
34

35 E. Access shall meet the following standards:
36
37 1. Be arranged for convenient and safe access of pedestrians and vehicles.
38
39 2. Off- street parking areas must be accessible from a street, alley or other public
40 right-of-way.
41
42 3. Access via a rear property right-of-way shall be required if available in lieu of direct
43 access.
44
45 4. Except for properties located in the GGPOD, ~~For~~ any nonresidential development
46 which abuts an alley, a maximum of ten (10) parking spaces, not to exceed thirty
47 (30%) percent of the required parking for the proposed use, may be accessed
48 solely from the alley. Said parking spaces shall be clearly marked and arranged
49 in such a manner so that each parking space meets the minimum size required in

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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, and for townhouses and multi-family dwellings in the GGPOD where access is provided from the rear yard from an abutting alley.

#

5.05.04 - Group Housing

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

- C. Table of site design standards for category I and category II group care facilities:

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

Special setback requirements for property abutting roadways	25 feet of a road right-of-way line ¹
---	--

¹ For properties located in the GGPOD, the front setback shall be in accordance with LDC section 4.02.26 B.1.

- 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-pace living environment shall adhere to the following standards in addition to those established by the underlying zoning district.

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

- 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, except for properties within the GGPOD, the front setback shall be in accordance with LDC section 4.02.26 B.1.

5.05.08 - Architectural and Site Design Standards

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

- E. Design standards for specific building uses.

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

- 7. Industrial/factory buildings.

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- 1 a. Applicability. All standards listed in LDC section 5.05.08 are applicable
2 with the following exceptions, modifications, and additions. However, the
3 provisions contained in LDC section 5.05.08 E.7.b. through h. below shall
4 not be applicable to industrial/factory buildings located within the GGPOD.
5

6 # # # # # # # # # # # # # #

10.03.06 - Public Notice and Required Hearings for Land Use Petitions

9 * * * * *
10

- 11
12 R. Site Plan with Deviations for Redevelopment, pursuant to LDC section 10.02.03 F and
13 deviations in the GGPOD, pursuant to LDC section 4.02.26 E.
14

- 15 1. The following advertised public hearings are required:

- 16 a. One Planning Commission or Hearing Examiner hearing.
17
18 b. If heard by the Planning Commission, one BZA hearing.
19

- 20
21 2. The following notice procedures are required:

- 22 a. Newspaper Advertisement prior to the advertised public hearing in
23 accordance with F.S. § 125.66.
24
25 b. Mailed Notice prior to the advertised public hearing.
26
27

28 # # # # # # # # # # # # # #

Exhibit A – Proposed Administrative Code Section

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 6 | *Waivers, Exemptions, and Reductions*

Chapter 6. Waivers, Exemptions, and Reductions

* * * * *

M. Deviation Requests for Projects in the Golden Gate Parkway Overlay District (DR-GGPOD)

Reference LDC sections 2.03.07 F., 4.02.26 E., and LDC Public Notice section 10.03.06 R.

Applicability Property owners in the GGPOD may request deviations from certain standards, as established in LDC section 4.02.26 E.2., to allow for flexibility in building and site design, and to support and initiate incentives for new development on vacant property or redevelopment on existing sites.

Deviations in the GGPOD may be requested for new development or redevelopment projects requiring an SDP, SDPA, or SIP, as established in LDC section 10.02.03, or a building permit in the case of a sign deviation, as established in LDC section 5.06.11. Deviations may also be requested in connection with a PPL for townhouses developed on fee simple lots under individual ownership, as established in LDC section 10.02.04.

Initiation The applicant files a “*Deviations for Projects in Golden Gate Parkway Overlay District*” application with the Zoning Division.

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

Pre-Application A pre-application meeting is required.

Application Contents A deviation request made in connection with an SDP, SDPA, or SIP must include the necessary information and drawing(s) required with the Application Contents and Requirements for a site development plan, site development plan amendment, or a site improvement plan. ↔ See Chapter 4 I.2 – I.4 of the Administrative Code.

A deviation request in connection with a sign permit must include the necessary information and drawing(s) required with the Application Contents and Requirements for a sign permit. ↔ See Chapter 4 H. of the Administrative Code.

Submittal Credentials: Pursuant to LDC section 10.02.03, the engineering plans shall be signed and sealed by the applicant’s professional engineer licensed to practice in the State of Florida. For projects subject to LDC section 5.05.08, architectural drawings, shall be signed and sealed by a licensed architect, registered in the State of Florida. Landscape plans shall be signed and sealed by licensed landscape architect, registered in State of Florida.

Sheet size: The site improvement plan and the coversheet shall be prepared on a maximum size sheet measuring 24 inches by 36 inches, drawn to scale showing the areas affected by the amendment. The sheet must clearly show the change “clouded” and clearly delineate the area and scope of the work to be done.

The application must include the following:

Exhibit A – Proposed Administrative Code Section

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

Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 6 | *Waivers, Exemptions, and Reductions*

1. A narrative of the project and how it is consistent with the evaluation criteria identified in LDC section 4.02.26 E.4.
2. Description of each requested deviation and justification for each request. Requested deviations shall be clearly delineated in the petition. The LDC section for which the deviation seeks relief from shall be identified.
3. Project enhancements to offset or minimize the deviations shall be clearly identified.
4. Exceptions to the required Application Contents. A deviation request made in connection with townhouses developed on fee simple lots under individual ownership must include all items listed under Application Contents for Construction Plans and Final Subdivision Plats in Chapter 5.D.1. of the Administrative Code, except for the following:
 - a. Fire Flow Test.
 - b. Environmental Data Requirements.
 - c. Traffic Impact Analysis.
 - d. Engineer’s Report.
 - e. Permits.

Notice Notification requirements are as follows. ⇔ See Chapter 8 of the Administrative Code for additional notice information.

1. **Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the first advertised hearing.
2. **Newspaper Advertisement:** The legal advertisement shall be published at least 15 days before each advertised hearing in a newspaper of general circulation. The legal advertisement shall include at a minimum:
 - a. _____ Date, time, and location of the hearing;
 - b. _____ Application number and project name;
 - c. _____ 2 in. x 3 in. map of project location;
 - d. _____ Requested deviations and proposed project enhancements; and
 - e. _____ Description of location.

Public Hearing The Hearing Examiner or Planning Commission shall hold at least 1 advertised public hearing. ⇔ See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.

If the petition is heard by the Planning Commission, one BZA hearing is required.

Decision maker The Hearing Examiner or BZA.

Review Process The Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare Staff Report or Executive Summary, utilizing the criteria established in LDC section 4.02.26 E.4, to present to the decision maker.

ORDINANCE NO. 2018- 56

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING THE GOLDEN GATE CITY ECONOMIC DEVELOPMENT ZONE; PROVIDING FOR THE CALCULATION OF AN ANNUAL TAX INCREMENT AMOUNT WITHIN THIS DEVELOPMENT ZONE; CREATING AN ECONOMIC DEVELOPMENT TRUST FUND FOR THIS DEVELOPMENT ZONE FOR THE TRANSFER AND MAINTENANCE OF SUCH TAX INCREMENT AMOUNTS; AUTHORIZING THE PLEDGE AND APPROPRIATION OF ECONOMIC DEVELOPMENT TRUST FUNDS; SETTING FORTH THE ECONOMIC DEVELOPMENT PLAN FOR THIS DEVELOPMENT ZONE; CREATING AND SETTING FORTH THE DUTIES OF THE GOLDEN GATE CITY ECONOMIC DEVELOPMENT ADVISORY BOARD; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in addition to its broad home rule powers, Collier County is expressly authorized under Section 125.045, Florida Statutes, to “expend public funds for economic development activities, including, but not limited to, developing or improving local infrastructure, issuing bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants, leasing or conveying real property, and making grants to private enterprises for the expansion of businesses existing in the community or the attraction of new businesses to the community;” and

WHEREAS, Collier County previously adopted Ordinance No. 2010-20 providing for the creation of Innovation Zones, specifically finding as follows:

“It is the policy of the Board to promote economic growth which results in high wage jobs and helps diversify the economy of Collier County. To further this policy, it is the intent of the Board to create a dedicated source of revenue to fund an economic development program and to advance economic development initiatives in zones of geographic concentration within the unincorporated areas of the County. These zones, to be called Innovation Zones, will be designated by the Board from time to time through the implementation of Economic Development Plans adopted by resolution for each Innovation Zone;” and

WHEREAS, there is a compelling need for redevelopment within the commercial areas of Golden Gate City, whose specific needs require an approach that is substantially similar to, but not identical with, Innovation Zones as contemplated in Ordinance No. 2010-20; and

WHEREAS, recognizing the need to spur economic development in Golden Gate City, Collier County has already taken over the water and sewer service for Golden Gate City in part to provide commercial property owners a solution to development constraints caused by limited service; and

WHEREAS, Collier County wishes to continue to provide enhanced opportunities for economic development and redevelopment within the existing commercial areas within Golden Gate City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

Section One: Definitions and Findings

This Ordinance is intended to be a companion ordinance to Ordinance No. 2010-20, known as the Collier County Innovation Zone Ordinance. Accordingly, the Board of County Commissioners hereby adopts in full the definitions and findings set forth in Ordinance 2010-20, except for the Base Year Assessment Roll, which is defined below, and as modified hereby incorporates such definitions and findings as if specifically set forth below.

Section Two. Creation of the Golden Gate City Economic Development Zone.

The Board of County Commissioners hereby creates the Golden Gate City Economic Development Zone, which shall constitute the entirety of Golden Gate City, as graphically described in Exhibit A.

Section Three. Initial Tax Increment Year and Percentage.

For purposes of establishing the Base Year Assessment Roll, the base year shall be the last Collier County Real Property Assessment Roll certified by the Property Appraiser for the County Fiscal Year beginning October 1, 2015. Tax increments shall commence to be deposited into the Trust Fund with the County Fiscal Year commencing on October 1, 2019, and funding shall continue through September 30, 2029, unless extended by majority vote of the Board by Resolution. The amount of the tax increment to be deposited into the Trust Fund shall be equal to 100% of the amount based on the formula set forth in Section 4(B) of Collier County Ordinance No. 2010-20.

Section Four: Creation of an Economic Trust Fund.

The County hereby creates the Golden Gate City Economic Development Zone Trust Fund. The tax increment shall be deposited into the trust fund and the trust fund proceeds shall be utilized to implement the Economic Development Plan set forth in Section Five. The Trust Fund corpus will not exceed One Million Dollars (\$1,000,000) in any single fiscal year and is subject to annual appropriation by the County. Up to 5% of the Trust Corpus shall be reserved as an annual administrative fee for the County. Upon termination of the Trust Fund any unspent and unencumbered proceeds shall revert to the County's General Fund.

Section Five: Adoption of the Economic Development Plan.

The primary purpose of the Golden Gate City Economic Development Zone is to attract and retain qualified targeted industry business as defined by Florida Statute 288.106 and such businesses or industries identified by the Board of County Commissioners. Trust funds may be utilized in any lawful manner, including infrastructure required to serve new target businesses or the expansion of an existing target business; payment of County Impact Fees to be paid by the new target business or the expansion of an existing target business; and payment of building permit fees or other County fees related to the construction of structures to serve the target business. In addition to this primary purpose, trust funds may be utilized in any lawful manner which the Board of County Commissioners determines fosters economic development. Payment of funds are purely discretionary, and must be approved in advance by the Board of County Commissioners. All expenses must be fully documented in a manner acceptable to the County. Priority of funding will be for the redevelopment and renewal of the commercial district along Golden Gate Parkway, as graphically represented by Exhibit A.

Section Six: Creation of Golden Gate City Economic Development Zone Advisory Board.

The Golden Gate City Economic Development Zone Advisory Board (hereinafter referred to as the Advisory Board) is hereby established.

(a) Appointment and Composition. The Advisory Board shall be composed of seven (7) members who are appointed by resolution of the Board of County Commissioners, and shall be representative of the residential, business and commercial interests of the Golden Gate City Economic Development Zone. Non-residential members of the Advisory Board need not live within Golden Gate City, and upon recommendation of the Commissioner of the District, may reside outside of Collier County. Members of the Advisory Board shall be appointed by and serve at the pleasure of the Board of County Commissioners.

(b) Terms of Office. The initial terms of office of the Advisory Board members shall be one year for three members, and two years for four members, and each appointment or re-appointment thereafter shall be for two years. Appointments to fill any vacancies on the Advisory Board shall be for the remainder of the unexpired term of office.

(c) Removal from Office. Removal of members from the Advisory Board shall be in accordance with the provisions of Collier County Ordinance No. 2001-55, as it may be amended or by its successor ordinance.

(d) Officer; Quorum; Rules of Procedure. Annually the members of the Advisory Board shall elect a chairperson and vice chairperson from among the members. The chairperson's and vice chairperson's terms shall be for one year with eligibility for re-election by the members of the Advisory Board. The presence of fifty-one percent (51%) of the current voting membership, but never less than three total, shall constitute a quorum of the Advisory Board necessary to take action and transact business. In addition, an affirmative vote of a simple majority shall be necessary in order to take official action. Furthermore, by simple majority vote, but never with less than 5 members present, the Advisory Board shall adopt rules of procedure for its meetings, and thereafter shall be governed by its Procedures, as adopted and amended from time to time, subject to the approval of the Board of County Commissioners. The Advisory Board shall keep a written record of meetings, resolutions, findings and determinations. Copies of all Advisory Board minutes, resolutions, reports and exhibits shall be submitted to the Board of County Commissioners. The Advisory Board meetings shall be open to the public and conducted in the Sunshine.

(e) Reimbursement of Expenses. Members of the Advisory Board shall serve without compensation, but shall be entitled to receive reimbursement for expenses reasonably incurred in the performance of their duties upon prior approval of the Board of County Commissioners.

(f) Functions, Powers and Duties of the Advisory Board. The function, powers and duties of the Advisory Board shall be to aid and assist the Board of County Commissioners in carrying out the purpose of the Golden Gate City Economic Development Zone, including but not limited to advising and assisting the Board of County Commissioners in the establishment, review and enhancement of policies and programs to attract businesses or industries to the Golden Gate City Economic Development Zone, reviewing and making recommendations on applications for funding through the Trust Fund, as well as handling any matters that may be assigned by the Board of County Commissioners.

(g) Duties of the County Manager's Office. The County Manager's Office will provide such documentation, information, descriptions of procedures, secretarial support and general assistance to the Advisory Board as may be necessary for the Advisory Board to carry out its functions as set forth herein.

Section Seven: Conflict and Severability.

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

Section Eight: Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and may be made a part of the Code of Laws and Ordinances of Collier County, Florida. The section of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section," "Article," or any other appropriate word.

Section Nine: Effective Date.

This Ordinance shall take effect upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 13th day of November, 2018.

ATTEST:
CRYSTAL K. KINZEL, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: [Signature]
Deputy Clerk

By: [Signature]
Andy Solis, Chairman

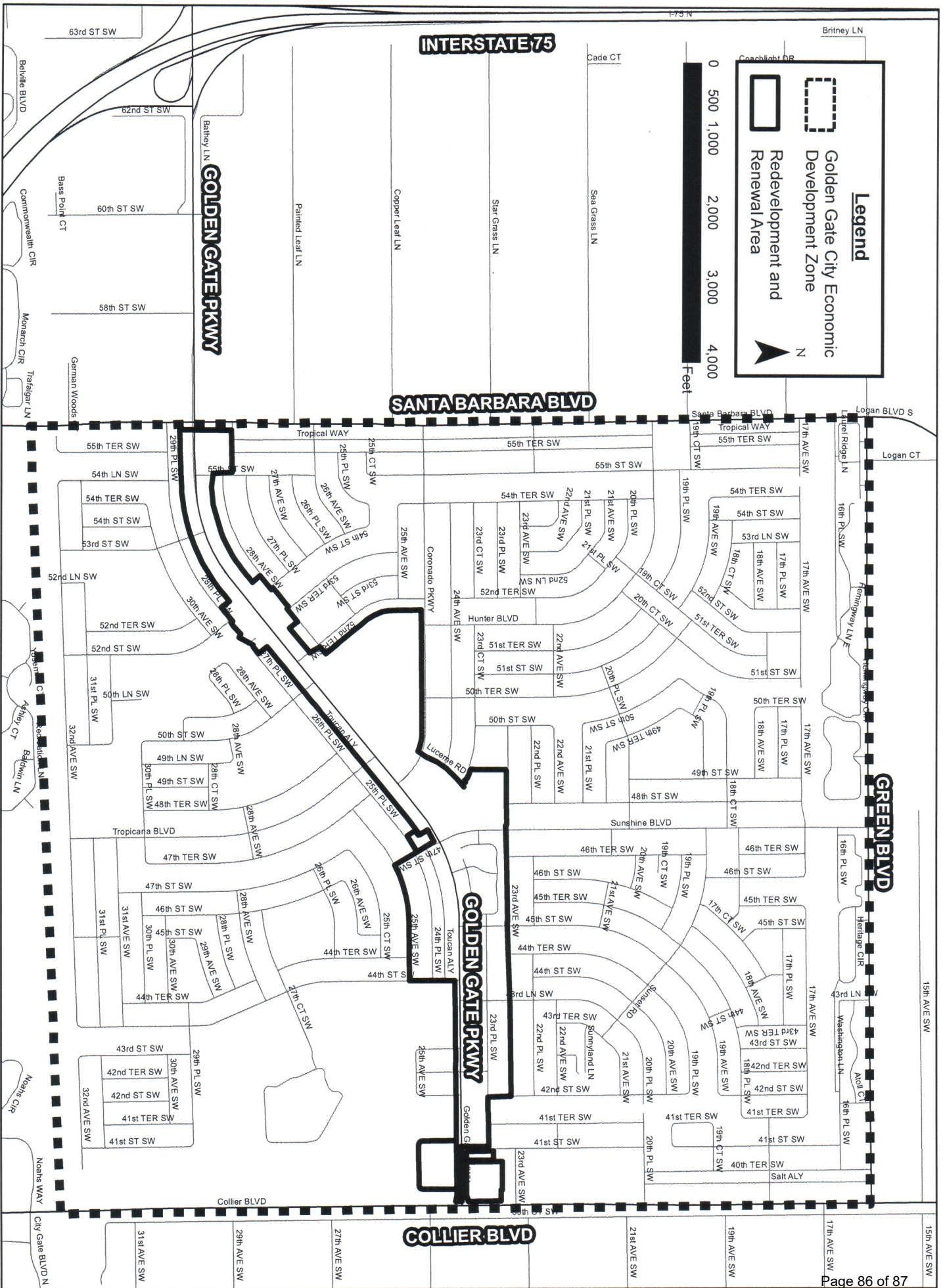
Attest as to Chairman's
signature only.

Approved as to form and legality:

[Signature]
Jeffrey A. Klatzkow, County Attorney

This ordinance filed with the
Secretary of State's Office the
14th day of November, 2018
and acknowledgement of that
filing, received this 14th day
of November 2018
By: [Signature]
Deputy Clerk

GOLDEN GATE CITY ECONOMIC DEVELOPMENT ZONE ORDINANCE MAP





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 14, 2018

Ms. Crystal K. Kinzel, Clerk
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Ann Jennejohn

Dear Ms. Kinzel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2018-56, which was filed in this office on November 14, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb