

# Bayshore CRA Regulatory Opportunities

DRAFT – February 15, 2019

The following sections address many of the regulatory issues raised during the development of the Bayshore Community Redevelopment Area (CRA) Redevelopment Plan:

- Naming of districts
- Land uses and use standards
- Commercial areas deviations
- Parking and driveways
- Streetwalls
- Building height transitions
- Potential incentives
- Drainage
- Additional concerns

Many of the sections include draft regulatory language (shown in italics) that can be incorporated into Collier County’s land development regulations after review and refinement. Other sections, such as development incentives outline regulatory alternatives and the concerns that should be addressed if the County pursues these alternatives.

## 1.0 Naming of the Districts

Despite the district names, the Bayshore and Gateway Triangle Mixed Use Overlay districts allow mixed-use development only in portions of the districts. This was noted as a point of confusion during the planning process. Renaming the districts as shown in Table 1-1 would eliminate the misconception that mixed-use development is allowed throughout the overlays. Currently in the code, the abbreviations of these districts are used at the beginning of the abbreviation of each subdistrict; for example, the Neighborhood Commercial subdistrict in the Bayshore Mixed Use District is abbreviated as BMUD-NC. This format can be retained with the changes, so this subdistrict would be abbreviated BDOD-NC.

Table 1-1: Current and Proposed Overlay District Names

Current Overlay District Name	Proposed Overlay District Name
Bayshore Mixed Use District (BMUD)	Bayshore Design Overlay District (BDOD)
Gateway Triangle Mixed Use District (GTMUD)	Gateway Triangle Design Overlay District (GTDOD)

## 2.0 Land Uses and Use Standards

**Residential Portions of GTMUD and BMUD Districts.** Within these areas, the County should consider developing standards for the following uses:

- **Accessory Storage Sheds.** Existing setback requirements limit the ability to place storage sheds on certain residential lots within residential portions of the BMUD and GTMUD districts. Accessory structures behind single-family units and multi-family units must be setback at least

10 feet from the rear property line. Most rear setbacks are 15 feet, and some are even smaller (the rear setback for GTMUD-R is 8 feet for a single-family home). The lack of storage has resulted in outdoor storage that some residents have found to be unsightly. While the availability of storage sheds would not necessarily eliminate the issue, the flexibility to establish accessory storage sheds in certain setback areas could reduce the amount of outdoor storage. A reduction of the rear setback requirement for accessory buildings would increase the likelihood that there is room to place an accessory building. However, without clear design guidelines on such sheds, the sheds would likely create their own visual blight. Design guidelines could require accessory structures to have similar colors and materials as the primary structure. Bulk standards could establish the maximum height and floor area for sheds. This issue requires further discussion to ensure that relaxing setback requirements would lead to neighborhood enhancement.

**Accessory Front Garages.** Regarding the placement of accessory buildings in front of the primary building, this option generally is not allowed in residential BMUD and GTMUD areas except in single-family detached corner lots where accessory structures are located in the front yard with longer street frontage; these structures require a minimum setback of 10 feet from the rear property line and the same side setback as required by the primary structure (Section 4.02.16 C.2 of the *Land Development Code* - LDC). Detached accessory garages may be considered in front yards provided that:

- The structures are complementary (e.g., similar materials and architecture) to the principal structure; and
- Garage doors are perpendicular to the front property line or are setback no less than 20 feet from the front property line if facing the right-of-way to reduce the visual impact and ensure that there is room between the garage door and the sidewalk to accommodate a vehicle.

**Accessory Dwelling Units.** Accessory dwelling units (ADUs) can provide a valuable stock of affordable/workforce housing that would be compatible with existing residential neighborhoods. However, if a substantial number of the units are used for short-term vacation rentals, this can inflate housing costs substantially and reduce the availability of affordable housing. For this reason, and due to constraints, the State has placed on the regulation of short-term vacation rentals, these uses should be explored concurrently.

As an initial step, a definition of an ADU should be added to the code; it is recommended that this definition be distinct from that of a guesthouse given differences between them. The definition of an ADU should allow for its rental with a formal lease agreement (the code prohibits rental of guest houses). Additionally, a provision should be added to Section 5.03.03 that makes it clear that ADUs are not subject to the guesthouse regulations in this section, with reference to the ADU provisions; suggested regulatory language is provided below. Note that the following ordinance text is intended to be used as a starting point for future discussions.

5.05.##<sup>1</sup> - **Accessory Dwelling Units** [Accessory dwelling units should be considered in conjunction with vacation rental provisions.]

- A. **Generally.** Where authorized by zoning district standards, accessory dwelling units (ADUs) may be allowed as an accessory use to single-family detached dwelling units subject to minor site plan review and compliance with the standards in this section. Covered open porches, carports and detached single story garages may not be converted to ADUs, except when a converted garage retains at least two independently accessible parking spaces.
- B. **ADU Intent.** Accessory dwelling units are small dwelling units that are sized and designed to accommodate one or two individuals who lease the property for periods of three (3) months or longer. They are considered accessory to a principal single-family dwelling and are not considered dwelling units when calculating density.
- C. **ADU Types.** There are two types of ADUs:
  - 1. **Integrated ADUs.** Integrated ADUs are units that are created by dividing space within a principal building, or by adding floor area to an existing building. Integrated ADUs may be accessed from within the principal building or from outside, according to the standards of this section.
  - 2. **Detached ADUs.** Detached ADUs are units that are located inside of accessory buildings. The accessory building that includes a detached ADU may also include a garage.
- D. **Minimum Lot Areas Where Permitted.** New ADUs are allowed only where the minimum lot area provided in Exhibit ##. Where an existing, legally established ADU does not meet the minimum standards, the Planning Director may authorize its continued use upon finding that the unit satisfies the criteria for approval of administrative relief established in Section ##.  
[Develop and insert Exhibit ##, which establishes minimum lot areas for each type of ADU by base or overlay district.]
- E. **Owner Occupancy.** [Owner occupancy is required as set out in this section but this is not essential.]
  - 1. Either the principal residence or the accessory dwelling unit must be owner-occupied. Only one of the units is allowed to be rented to a non-owner, unless an exception is granted pursuant to the provisions of this Section.
  - 2. A copy of the property's homestead exemption from the Assessor shall be submitted to the Zoning Division Director or designee on or before March 1st of every odd-numbered year attesting to owner occupancy. These affidavits and a record of compliance with this requirement will be kept on file at the Zoning Division.

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<sup>1</sup> Throughout this document “##” is used to indicate a section or exhibit number that should be assigned during the code drafting process.

3. *The Zoning Division Director or designee may grant an exception to the owner occupancy requirement for temporary absences of two (2) years or less when the owner submits acceptable reason of absence from the Naples/Collier County Area, which may include military service, work assignment, or health reasons. The Zoning Division Director or designee may grant one extension of up to one (1) additional year. This exception would allow both units to be rented to non-owners.*
  4. *Purchasers of homes with an accessory dwelling unit must register with the Zoning Division Director or designee within sixty (60) days of purchase by submitting a notarized owner-occupancy affidavit.*
  5. *If the provisions of this section are not met, the property owner shall cause the accessory dwelling unit to be vacated as a dwelling unit and/or remove the unit and return the property to its single-family dwelling status.*
- F. **Number of ADUs.** *No parcel shall contain more than one (1) ADU. [Need to also include language to ensure that density increase to allow for ADU does not count as a second unit.]*
- G. **Maximum Floor Area of the ADU.** *The floor area of a newly established ADU shall not exceed the 550 square feet of floor area. The floor area is measured as the area within the ADU itself and does not include areas of an accessory building that are used for other purposes, such as a detached garage or a workshop that is not incorporated into the ADU.*
- H. **Setbacks.** *Buildings with internal or external ADUs shall comply with applicable minimum setbacks for principal structures. Where an ADU is established in an existing principal or accessory structure that fails to conform with applicable setbacks for a principal structure, an ADU may be established on the ground floor provided that the ADU is setback at least five (5) feet from the nearest property line. The provisions of this paragraph do not apply to ADUs existing at the time of adoption of this LDC.*
- I. **Height.** *The height of a detached ADU shall not exceed fifteen (15) feet unless the ADU is established in a legally non-conforming accessory building. If the County wishes to allow upper floor garage apartments, the height could be increased to 24 feet, however this will result in some loss of privacy for adjacent property owners unless restrictions on windows and balcony locations are established.*
- J. **Building Code Compliance.** *All ADUs shall comply with building code requirements for residences.*
- K. **Design Standards.** *ADUs shall conform to the following design standards:*
1. **Integrated ADUs.** *Integrated ADUs shall not involve design modifications to the exterior of the principal building that make their presence obvious. Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a single-family building (e.g., side doors, French doors, etc.). External*

*stairs are not allowed to provide access to a newly established second-story ADU. If a building is expanded to accommodate an ADU, the expansion shall be designed in a manner that is comparable to the principal building.*

2. **Detached ADUs.** *Detached ADUs shall be designed and configured in the following manner:*
  - a. *Detached ADUs shall be permanently attached to a permanent foundation, shall comply with locally adopted building codes for detached single-family dwellings, shall be constructed of the same materials as the principal structure, and shall have rooflines and other design features that are consistent with those of the principal structure.*
  - b. *Where an alley access exists, ADUs shall take vehicular access from the alley.*
  - c. *The use of dormers shall be limited as follows:*
    - i. *A dormer ridge or roof line shall not extend above the primary roof ridge.*
    - ii. *The width of a dormer face shall not exceed the lesser of sixteen (16) feet or fifty (50) percent of the length of the wall plane upon which the dormer is located.*
    - iii. *More than one dormer is allowed on a wall plane, provided that the total combined width of dormer faces does not exceed fifty (50) percent of the wall plane length.*
    - iv. *The space between dormers shall not be less than the greater of one-half the width of the adjoining dormer, or one-half the average of the two dormers if they are different sizes.*
    - v. *A dormer shall be set back a minimum of three (3) feet from the nearest building wall plane that runs perpendicular to the dormer face.*
  - d. *Second floor windows of detached units or garage units shall face streets and alleys. Windows that face or overlook interior lot lines shall be located at least three and one-half (3.5) feet above the finished floor unless the Zoning Division Director or designee determines that other features are in place to protect the privacy of the adjacent lot's rear yard.*
  - e. *Access to second floor units shall be from internal stairs, except that the Planning Director may approve external stairs if:*
    - i. *External stairs parallel streets or alleys and are not located parallel to interior side property lines; or*
    - ii. *The Zoning Division Director or designee determines that other features are in place to protect the privacy of the adjacent lot's rear yard.*

- f. Exterior second floor decks or balconies may not be located so they face or overlook the interior side property lines. Decks or balconies for an ADU shall face streets or alleys.
- g. ADUs must be constructed on a fixed, permanent foundation. [The intent with this provision is to avoid use of mobile homes as ADUs.]

3. **Parking for ADUs.**

- a. In addition to the parking requirements for the principal building set out in Section 4.05.01, one (1) off-street parking space shall be provided for the ADU.
  - i. Existing on-site, required parking must be retained but may be reconfigured.
  - ii. Parking spaces must be enclosed in a garage, under a carport, or on a pad surfaced with a pervious parking surface approved by the County Engineer.

5.05.## - **Short-Term Vacation Rental**

[Review in conjunction with ADUs. Note that “F.S. §509.032(7)(b) (2016) provides that a local law, ordinance, or regulation, adopted after June 1, 2011, may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This restricts the ability of local governments to regulate short-term rentals. However, Florida’s First District Court of Appeal in *Bennett v. Walton County*, 174 So. 3d 386 (Fla. 1st DCA 2015), presented a means to potentially and significantly legally impair the Airbnb and VRBO business model.” See *Florida Bar Journal*, February, 2017 Volume 91, No. 2, “Florida Community Associations Versus Airbnb and VRBO in Florida” by William P. Sklar and Jerry C. Edwards <https://www.floridabar.org/news/tfb-journal/?durl=%2Fdivcom%2Fjn%2Fjnjournal01.nsf%2F8c9f13012b96736985256aa900624829%2F2db1463a73b15092852580b400568181> ]

[Note: some jurisdictions distinguish between short-term room rental and short-term home rental.]

- A. **Generally.** One short-term vacation rental (STVR) unit be allowed in any single-family dwelling unit in a [insert list of zoning districts] according to the standards of this section. [They can’t be prohibited, but Miami Beach limits STVRs to specific districts.]
- B. **Purpose.** The provisions of this subsection are necessary to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by vacation rental homes. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods in which they are located. Maintenance of existing residential neighborhoods is essential to its continued economic strength. It is the intent of this subsection to minimize the impact of vacation rentals on adjacent residences, and to minimize the impact of the commercial character of vacation rentals.

*[Some jurisdictions limit the location and density of STVRs to limit their impacts on the neighborhood character and housing prices, but this may be challenged as an unlawful prohibition.]*

- C. **Registration.** *Prior to establishing a STVR, the applicant shall submit an application for [insert applicable business license title]. The application shall specify the maximum number of occupants allowed in each individual vacation rental. The maximum number of occupants allowed in a vacation rental home shall not exceed the lesser of three (3) persons per on-site parking space, or two (2) persons plus two persons per bedroom.*
- D. **Appearance and Visibility.** *The vacation rental home use shall not change the residential character of the outside of a dwelling unit, either by the use of colors, materials, signage, lighting; or by the construction of accessory structures or garages that are visible off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations, or odors not commonly experienced in residential areas.*
- E. **Parking.** *All parking associated with a vacation rental home in a residential district shall comply with Section 4.05.00 [Insert parking section applicable to single family homes, and shall be on the same lot as the short-term vacation rental home.]. On-street parking abutting the lot may be used to satisfy the parking requirements of this paragraph.*
- F. **Local Contact Person / Property Manager.**
  - 1. *A designated property manager, who may be the owner of the vacation rental home or the owner's agent, shall reside in Collier County.*
  - 2. *The name, address, and telephone number(s) of the property manager shall be submitted to the Police and Fire Departments and visibly posted in the unit. Any change in the local contact person's address or telephone number(s) shall be promptly furnished to said agencies.*
- G. **Guest Registration Log Required.** *A guest registration log shall be maintained by the owner, including the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay and the room number of each guest. The log must be available for inspection by County officials upon request.*
- H. **Fire Extinguishers.** *A at least one (1) fire extinguisher that is in good working order shall be maintained at all times on each floor of the premises of all vacation rental homes.*
- I. **Required Notices.** *The following notices shall be posted in a conspicuous location inside the rental unit:*
  - 1. *A copy of the vacation rental permit;*
  - 2. *The name, address, and telephone number(s) of the property manager;*
  - 3. *The location of the fire extinguisher; and*

4. *Information on the trash and curbside recycling programs.*

**J. Permits.**

1. *The vacation rental home permit number is required to be clearly displayed on all advertisements and listings of the unit including online advertisements. For those vacation rental homes in existence on the effective date of this provision, the permit number will be distributed and must be displayed prior to any renewal of the unit's business license.*
2. *Vacation rental home permits shall be granted solely to the applicant and shall not be transferable to any other person or legal entity. The vacation rental home permit shall include a non-transferability clause and the use shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been issued.*

**K. Relationship to Other Ordinances.**

1. *Each short-term vacation home rental is subject to fees and taxes required for hotels, motels and other facilities providing short-term accommodations.*
2. *Short-term vacation home rentals must meet the standards of the City's adopted residential building codes, as amended from time to time.*

**Brewpubs, Cideries, Micro-distilleries.** Add the following definitions to section 1.08.02 of the LDC and allow by right in the GTMUD-MXD and BMUD-NC districts subject to the conditions following the definitions:

**Definitions:**

**Brewpub:** A brewpub is:

**Option A:** *An establishment where food, beer, and malt beverages are duly-licensed to be produced, sold and/or consumed on site subject to applicable State and local regulations. [This open definition may necessitate more detailed performance standards to limit scale of operations. Because the State limits brewpubs to 10,000 kegs (5,000 barrels or 155,000 gallons per year, a production cap is not needed.]*

**Option B:** *Primarily an eating and drinking establishment (restaurant) with a small brewery on the premises which produces beer, ale, or other malt beverage, and where the majority of the beer produced is consumed on the premises. This classification allows a brewpub to sell beer at retail and/or act as wholesaler for beer of its own production for off-site consumption, subject to applicable State licenses. [This limits brewing to an accessory role in the business, which can be defined by area of operations or sales.]*

**Cidery:** *An establishment where food, beer, and beverages are duly-licensed to be produced, sold and/or consumed on site. [Note that the same options for brewpub apply to a cidery.]*

**Microbrewery:** An establishment where beer and malt beverages are duly-licensed to be made on the premises and then sold or distributed, and which produces less than 15,000 barrels (465,000 U.S. gallons) of beer per year. [A numerical cap is established to limit scale of production.]

**Micro-distillery:** A duly-licensed establishment primarily engaged in on-site distillation of spirits in quantities not to exceed 75,000 gallons per year. The distillery operation processes the ingredients to make spirits by mashing, cooking, and fermenting. The micro-distillery operation does not include the production of any other alcoholic beverage.

**Regional brewery:** A duly-licensed brewery with an annual beer production of between 15,000 and 6,000,000 barrels. A regional brewery may include a taproom as an accessory use.

**Taproom:** A room that is ancillary to the production of beer at a brewery, cidery microbrewery, and brewpub where the public can purchase and/or consume alcoholic beverages on site subject to State and local regulations.

**Tasting Room:** A room that is ancillary to the production of spirits where the public can purchase and/or consume the spirits produced by the micro-distillery on site subject to State and local regulations.

#### **Potential Use Standards:**

**Brewpubs and Cideries:** In addition to the development standards of the applicable zoning district, general development standards, and use specific standards for restaurants and bars, an establishment that meets the definition of a brewpub shall comply with the following:

- A. Revenue from food sales shall constitute more than 50 percent of the total business revenues;
- B. No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
- C. Where permitted by local ordinance, state and federal law, retail carryout sale of beer produced on the premises shall be allowed in specialty containers holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces). These containers are commonly referred to as growlers;
- D. Brewpubs may sell beer in keg containers larger than a U.S. gallon (3,785 ml/128 US fluid ounces) for the following purposes and in the following amounts:
  1. An unlimited number of kegs for special events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three such brewers.
  2. An unlimited number of kegs for City co-sponsored events where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event co-sponsors but is instead, dispensed by employees of the brewpub.

- E. *All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;*
- F. *Access and loading bays shall not face toward any street, excluding alleys;*
- G. *Access and loading bays facing an adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;*
- H. *Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.*
- I. *No outdoor storage shall be allowed. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.*

**Microbreweries and Microdistilleries:** *In addition to applicable development standards of the zoning district, general development standards, and use specific development standards for restaurant or retail uses, an establishment that meets the definition of a microbrewery shall comply with the following:*

- A. *In the GCMXD district, this use shall be permitted only in conjunction with a restaurant, tap room, tasting room or retail sales and service:*
- B. *No more than 75 percent of the total gross floor space of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;*
- C. *The façade and main entry of any accessory use(s) shall be oriented toward the street, excluding alleys, and, if located in a shopping center, to the common space where the public can access the use;*
- D. *Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s) to any accessory use(s).*
- E. *All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;*
- F. *Access and loading bays are discouraged from facing toward any street, excluding alleys;*
- G. *Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;*
- H. *Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;*
- I. *No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers, except as follows: spent or used grain, which is a natural byproduct of the brewing process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent or used grain shall be:*

1. Designated on the approved site plan;
  2. Permitted within the interior side or rear yard or within the minimum building setbacks;
  3. Prohibited within any yard abutting a residential use or residential zoning district;
  4. Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum five feet in height.
- J. Where provided, tasting or tap rooms, occupying a gross floor area of no less than 500 sq. ft.

**Doggie Dining.** The following sample ordinance text would enable Collier County to allow residents to take their dogs with them when they visit certain restaurants with outdoor dining. While not appropriate in all contexts, this option can enhance the ambiance of neighborhood restaurants and promote community interaction.

**### - Doggie Dining.**

- A. **Purpose.** Pursuant to section 509.233(2), Florida Statutes, there is hereby created in Collier County, a local exemption procedure to certain provisions of the United States Food and Drug Administration Food Code, as amended from time to time and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments, which exemption procedure may be known as the Dog Friendly Dining Program.
- B. **Definitions.** As used in this section:
  1. **Division** – the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.
  2. **Dog** – an animal of the subspecies *canis lupus familiaris*.
  3. **Outdoor Area** – an area adjacent to a public food service establishment intended for use by patrons of such public food service establishments, which area is not heated or cooled in conjunction with the public food service establishment it serves and is not enclosed by walls, doorways and closeable windows covering 100% of the combined surface area of the vertical planes constituting the perimeter of the area.
  4. **Public Food Service Establishment** – Any building, vehicle, place or structure where food is prepared, served or sold for immediate consumption on or in the vicinity of the premises, called for or taken out by customers or prepared prior to being delivered to another location for consumption.
- C. **Permit Required, Applications.**
  5. To protect the health, safety and general welfare of the public, a public food service establishment is prohibited from having any dog on its premises unless it possesses a valid permit issued in accordance with this section.

6. *B. Applications for a permit under this section shall be made to the [permit issuing authority] on a form provided for such purpose by the County and shall include, along with any other such information deemed reasonably necessary by the [permit issuing authority] to implement and enforce the provisions of this section:*
    - a. *The name, mailing address and telephone contact information of the permit applicant and the subject food service establishment.*
    - b. *A diagram and description of the outdoor area to be designated as available to patrons' Dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the [permit issuing authority]. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.*
    - c. *A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.*
    - d. *All application materials shall contain the appropriate license number for the subject public food service establishment issued by the division.*
    - e. *A permit fee of fifty dollars (\$50.00).*
  7. *Each permit shall expire on the December 31 next following issuance, regardless of when issued.*
  8. *The County reserves the right to deny the application for a permit under this section to any public food service establishment found to have violated the provisions of this section in three (3) or more instances during the twelve (12) months preceding the date of receipt of the permit application.*
- D. General Regulations; Cooperation.** *In order to protect the health, safety and general welfare of the public and pursuant to section 509.233, Florida Statutes, all permits issued pursuant to this section are subject to the following requirements:*
1. *All public food service establishment employees shall wash their hands promptly after touching, petting or otherwise handling any dog. Employees shall be prohibited from touching, petting or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.*
  2. *Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. waterless hand sanitizer shall be provided at all tables in the designated outdoor area.*
  3. *Employees and patrons shall be instructed that they shall not allow dogs to come in to contact with services dishes, utensils, tableware, linens, paper products or any other items involved in food service operations.*

4. *Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.*
5. *Dogs shall not be allowed on chairs, tables or other furnishings.*
6. *All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.*
7. *Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.*
8. *At least one sign reminding employees of the applicable rules, including those contained in this part and those additional rules and regulations, if any, included as condition of a permit issued by the [permit issuing authority], shall be posted in a conspicuous location frequented by employees within the Public Food Service Establishment. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height and printed in easily legible typeface of not less than twenty-point font size.*
9. *At least one sign reminding patrons of the applicable rules, including those contained in this part and those additional rules and regulations, if any, included as a condition of a permit issued by the [permit issuing authority], shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height and printed in easily legible typeface of not less than twenty-point font size.*
10. *At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portions of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height and printed in easily legible typeface of not less than twenty-point font size*
11. *Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment and ingress and egress to the entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.*
12. *A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment but shall expire automatically upon such sale or transfer. The subsequent owner shall be required to reapply for a permit pursuant to this section if such owner wishes to*

*continue to accommodate patrons' dogs. Permit must be displayed in a prominent location.*

**E. Enforcement, Penalty.**

- 1. The provisions of this section are cumulative. Nothing herein shall be construed to permit any activity or condition which would constitute a nuisance or be contrary to any law or legal duty. Notwithstanding the issuance of a permit issued in accordance with this section, a public food service establishment may still be in violation of other provisions of law.*
- 2. In accordance with section 509.233(6), Florida Statutes, the [permit issuing authority] shall accept and document complaints related to the doggie dining program within the County and shall timely report to the Division all such complaints and the City's enforcement response to such complaint. The [permit issuing authority] shall also timely provide the Division with a copy of all approved applications and permits issued pursuant to this section.*
- 3. The provisions of this section may be enforced by the [permit issuing authority]. Any person determined to have willfully failed to comply with any provision of this section shall be guilty of an offense punishable as provided in section ## of the County Code. Each dog on the premises of a public food service establishment in violation of this section shall constitute a separate offense. This penalty is in addition to any other remedy available to the County.*

**GTMUD-MXD District.** While land uses authorized within the GTMUD district are generally appropriate with some exceptions noted below, many heavy commercial/light industrial uses are allowed by the underlying zoning districts. The County should consider adding the following uses and establishing the following design and operational standards to mitigate the impacts of these uses on residences allowed within the area:

**Auto Repair.** Neither "auto repair" nor "repair" are defined in section 1.08.02. Presumably, "repair", which is listed as a permitted use in the BMUD-NC and the GTMUD-MXD includes auto repairs. Since auto repairs, along with allowed metal products fabrication and some research and development activities can be relatively intensive and noisy operation, these uses could be made more compatible if each of these uses were defined as industrial buildings and the following specific design and operations standards were added to the section 5.05.08-E.6.:

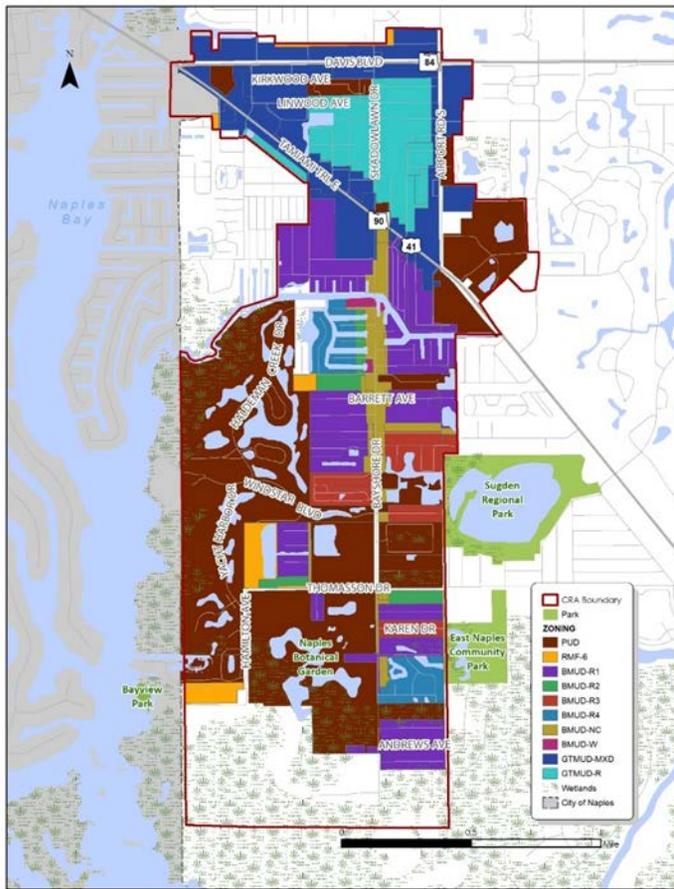
**Garages and Loading Bays:** *Within a GTMUD or BMUD [Consider broadening applicability.] district, industrial/factory buildings shall be designed so that garage or loading bay openings do not face a residential zoning district located within 200 feet of the opening. Existing industrial/factory buildings that have garage or loading bay openings that face a residential zoning district that is located within 200 feet of a residential district shall remain closed during operations of the use, except when the opening is being used to move goods or vehicles into or out of the building.*

**Outside Operations:** *No outside operations are allowed within 400 feet of a residential district except for the purpose of moving items into or out of authorized outdoor storage areas.*

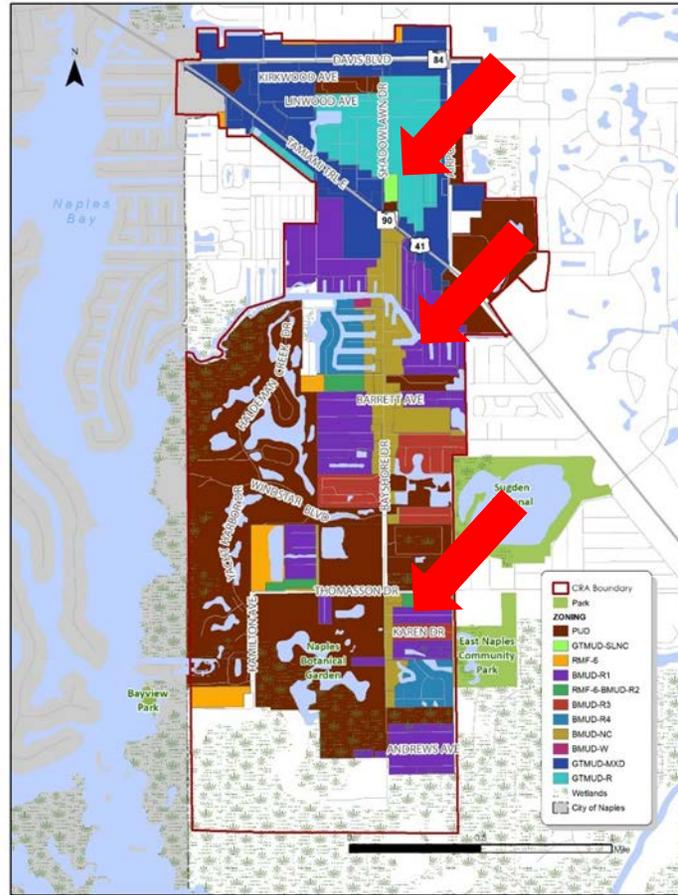
**Expanded Neighborhood Commercial Areas.** The Redevelopment Plan promotes more urban-style development, including an increase in mixed-use designations, in Section 3.2, Objective 1, Strategy 1. Allowing the BMUD-NC designation along Bayshore Drive be extended an additional parcel in depth to allow more space for this type of development to occur would help achieve this objective. An equivalent of the BMUD-NC designation should be applied to parcels abutting the southern portion of Shadowlawn Drive (south of Shadowlawn Elementary) for a single lot depth to facilitate more mixed-use development in the Triangle area (see Map 2-1). Unlike the Bayshore corridor, the street patterns along Shadowlawn Drive are poorly suited to support compatible extension of commercial zoning or auxiliary parking beyond the lots facing the corridor. Developers will retain the option to apply for a PUD on sites to obtain mixed-use allowances.

**Repetitive Residential Design.** Participants in the CRA Plan process raised concerns about the need for standards to avoid repetitive housing design. While diverse design is not specifically addressed for residential units in section 4.02.16 (Design Standards for Development in the Bayshore Gateway Triangle Redevelopment Area), the section provides design guidance for several residential unit types. If the County determines that redundant design is an issue, it could address this by extending the applicability of some of the architectural and site design standards in section 5.05.08 to address multi-family and single-family attached residences. In particular, the County could apply the building design standards for façades/wall height transition elements, variation in massing, building design treatments, roof treatments in sections 5.05.08.D.3, 4, 5, and 10. Applicable provisions could be added to 4.02.16 rather than cross-referencing section 5.05.08.

Map 2-1: Comparison of Current Overlay Districts to Overlay Districts with Expansion of Neighborhood



Existing Overlays



Expanded BMUD-NC and Added GTMUD-NC

### 3.0 Commercial Areas Deviations

Administrative deviations by the County Manager are authorized for architectural and site design standards in Section 5.05.08, for landscaping buffering in section 10.02.03-A3 and for mixed-use plans in section 10.02.15-B. The mixed-use plan deviations, which are limited to mixed-use developments include front setbacks, architectural and site design standards, landscape and buffer requirements, and parking space requirements. In addition to allowing these deviations for mixed-use development in the GTMUD-MXD and BMUD-NC, the County should consider extending all of these deviation options to the same single use developments in these overlay developments as are permitted in Section 5.05.08. To achieve this, Section 10.02.15-B.1. could be amended as follows:

1. **Authority.** *The County Manager or designee may grant administrative deviations for proposed developments requesting, or which have obtained, MUP approval through a public hearing process. The following administrative deviations may be granted for the above-referenced MUPs and for site plans for the uses listed in Section 5.05.08-G.4., providing such deviation requests demonstrate compliance with the applicable criteria.*

The following uses from 5.05.08-G.4 are those recommended to be made eligible for deviations in 10.02.15-B.1. This would ease development generally for several community-oriented uses and smaller properties with a commercial zoning designation.

Section 5.05.08-G.4 uses:

- Assembly
- Educational
- Institutional
- Mixed use buildings (such as commercial/residential/office)
- Any other non-commercial building, or use, that is not listed under LDC [section 5.05.08](#) E. Design standards for specific building types of this section, and due to its function, has specific requirements making meeting LDC [section 5.05.08](#) standards unfeasible.
- Buildings located on property with a commercial zoning designation when submitted for Site Development Plan review except for the following:
  - Buildings with a gross building area of 10,000 square feet or more on the ground floor.
  - Multi-story buildings with a total gross building area of 20,000 square feet or more.
  - Project sites with more than one building where the aggregate gross building area is 20,000 square feet or more. Individual buildings within a project site that have been previously granted deviations where additional development causes an aggregation of building area 20,000 square feet or greater, must bring existing buildings up to the requirements of LDC [section 5.05.08](#).

The deviations would also be expanded to the specific requirements listed under the following sections:

- LDC [section 5.05.08](#) B.3. Alterations to an existing building.
- LDC [section 5.05.08](#) E.2.d. for Self-storage buildings

Note that these uses and requirements are already listed for deviations from the architectural and site design standards in 5.05.08, the additional deviations would likely be geared primarily towards any additional requirements for front setbacks, landscape and buffer requirements, and parking space requirements.

There are several additional requirements to meet for Section 10.02.15-B.1 deviations. For setback deviations, the project must also meet the following conditions or circumstances:

- If constructed where otherwise required, the building(s) or structure(s) would conflict with regulatory standards for existing public utilities or encroach into an associated public utility easement, which cannot reasonably be relocated or vacated based on physical or legal restrictions, as applicable.
- The property has a unique or challenging parcel shape or boundary, such as a narrow lot frontage on the public street.

Additionally, “in order to administratively approve a front setback deviation, the proposed design shall create a connective and walkable environment by demonstrating a comparable relationship between proposed alternative building(s) location(s) and their associated pedestrian and vehicular pathways, and associated parking facilities and transit alternatives.”

To be eligible for landscape and buffer requirements, the project “must additionally provide a minimum of 110 percent of the open space requirement for mixed use projects in addition to other conditions that the County Manager or designee deems necessary.”

#### **4.0 Parking and Driveways**

The parking provisions and the provisions for deviations seem to be reasonable within the existing LDC. Parking ratios, provisions for off-site parking, provision for parking in the right-of-way, and flexibility provided within the CRA are reasonable, particularly if the recommendations above for deviations are incorporated. To expand the County’s flexibility to efficiently address the needs of infill development, the County may wish to explore the potential to establish parking mitigation fees that allow an applicant to pay into a parking fund that would be dedicated to the capital costs of providing additional parking to targeted areas within the CRA.

During development of the CRA Redevelopment Plan, participants raised concerns about limitations on the creation of circular driveways. Many, if not most of the lots in the area lack sufficient width to accommodate circular drives, which are permitted on lots with widths of 100 feet or greater. The maximum driveway width permitted in the Bayshore Gateway for single family residential lots is 18 feet measured at the right of way line. These requirements apply to the portion of the driveway located in the County right-of-way. Accommodating circular drives on narrow lots means that most of the front yard area would be paved, which creates both aesthetic and drainage issues. As a result, it is recommended to retain the existing requirements at this time.

#### **5.0 Streetwalls**

An additional concern raised during the Redevelopment Plan update process was the requirement of streetwalls for non-residential surface parking lots that abut the right-of-way of certain roadways, as set out in Section 4.02.16 E. 3. ii. of the LDC. This section indicates where streetwalls are applicable:

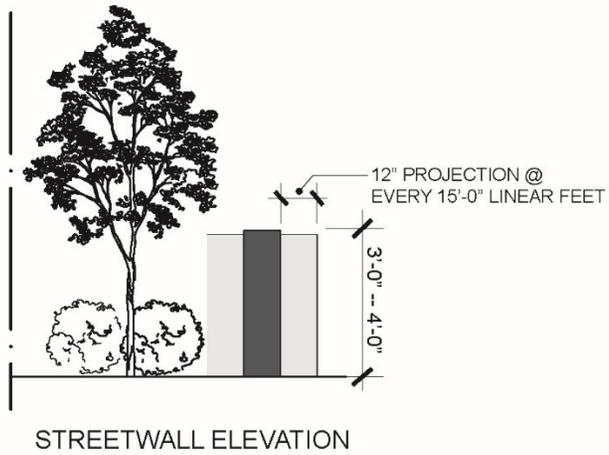
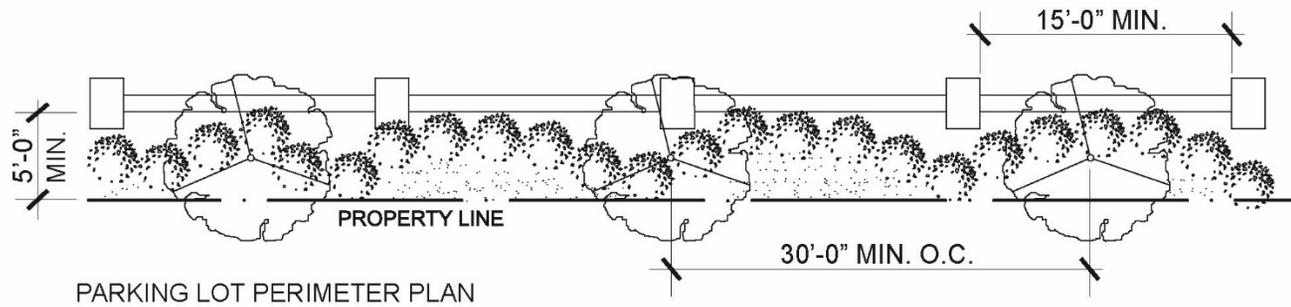
“Streetwalls shall be used when surface parking lots for non-residential uses abut the right-of-way of Bayshore Drive, Van Buren Avenue, Thomasson Drive in the BMUD and US 41, Davis Boulevard, and Commercial Drive in the mini-triangle portion of the GTMUD” (see Map 4-1).

The County should make the streetwall requirement more flexible by allowing a streetwall with smaller landscaping buffers or allowing buffers with no streetwall. If a streetwall is put in place without landscape buffers, then other amenities should be provided (e.g., shade elements, expanded sidewalks, murals, public art, etc.). Note that the CRA and MSTU are currently looking into a licensing agreement with property owners to take over installation and maintenance of buffer landscaping and walls to allow for a unified look.

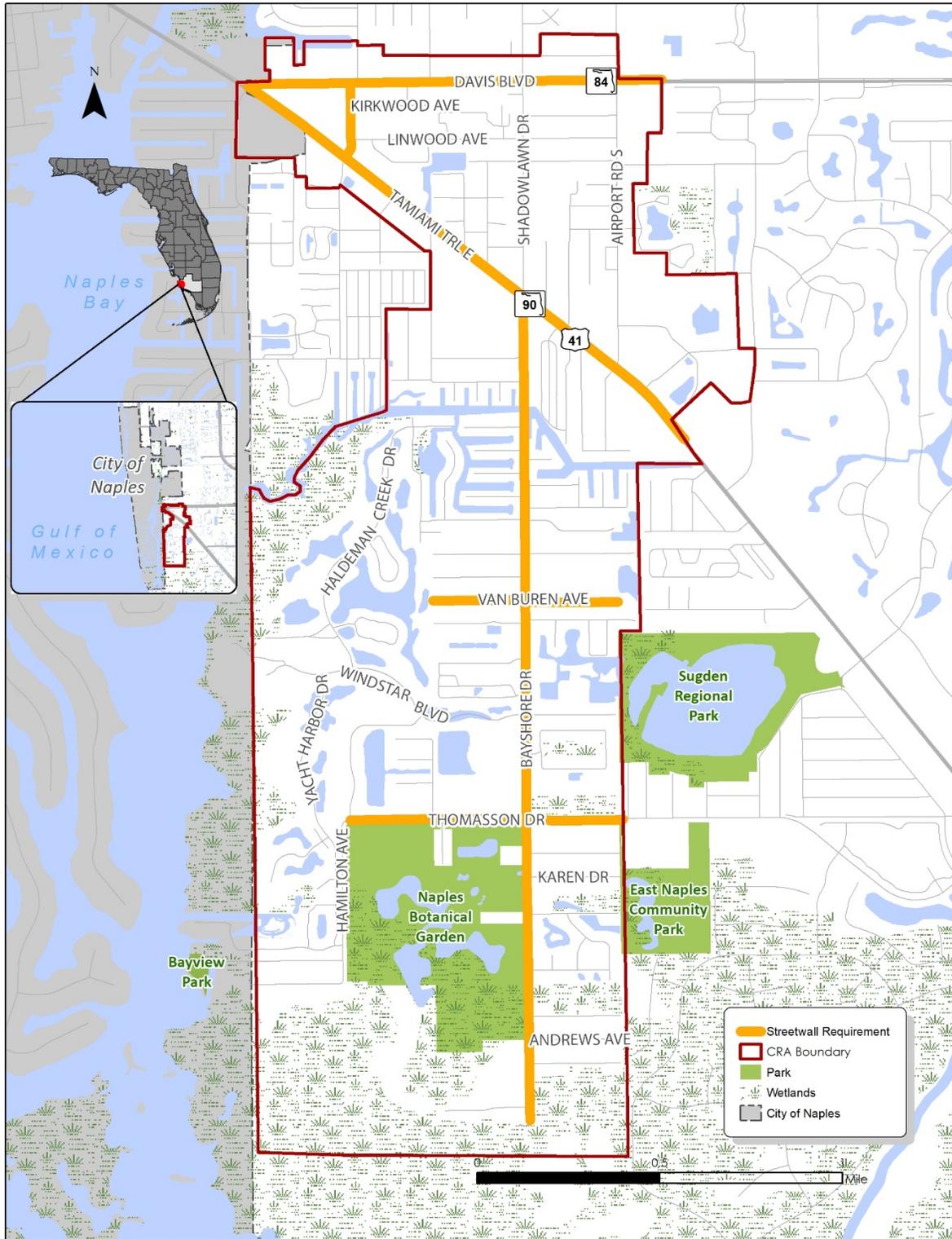
Figure 4-1 shows a diagram of the current streetwall requirements. The following additional regulatory adjustments are recommended:

- Limit the wall height to three feet (current max height is 4 feet).
- Clarify the applicability of the streetwall and setback requirements to front parking (50% of total parking is allowed out front) and lots where parking as a primary use. The current code is unclear and could be interpreted many ways.
- If streetwall requirement is retained for front parking and lots where parking is a primary use, add exemption for existing parking between the building and the street for several developed sites and transitional provisions established.
- Consider including requirements for residential units to provide streetwalls. As the corridors change over time, there may be new residential developments with similar parking arrangements as commercial – for visual consistency it may make sense to have streetwalls along those frontages as well.

Figure 5-1: Streetwall Diagram of Current Regulations



Map 5-1: Roadways Where Streetwall Requirements of Section 4.02.16 E. 3. ii are Applicable



Note: requirements only apply to non-residential uses abutting right-of-way of highlighted roadways.

## 6.0 Building Height Transitions

During CRA Redevelopment Plan development, participants raised concerns about height transitions between the more intensive GTMUD and BMUD districts and surrounding residential neighborhoods. The main areas where this is likely to occur are:

- Between mixed-use or commercial development in the GTMUD-MXD district (which may be 56 feet in height and abutting development in the GTMUD-R district (which is limited to 35 feet in height); and
- Between mixed-use or commercial development in the BMUD-NC or BMUD-W districts (which may be 56 feet in height) and abutting development in the BMUD-R1 through BMUD-R4 districts (which is limited to 35 feet in height).

To address this, the County should consider adopting bulk plane provisions that require portions of buildings in the GTMUD-MXD, BMUD-NC or BMUD-W that abut a lot in the GTMUD-R, BMUD-R1, BMUD-R2, BMUD-R3 or BMUD-R4 district to be set back an additional 1 foot for each 1 foot in height that the applicable portion of the building exceeds 42 feet in height.

## 7.0 Potential Incentives

**Density Pool Unit Eligibility Criteria and Approval Process.** Currently, the Growth Management Plan identifies certain locations within the Bayshore Gateway Triangle Redevelopment Overlay in conjunction with certain project eligibility criteria that qualify a project for use of bonus density pool units. The LDC currently restricts the use of these units to mixed use projects in the BMUD-NC, BMUD-W, GTMUD-MXD (see LDC Sec. 10.02.15). The bonus density is calculated by deducting the base density of the underlying zoning district from the 12 unit maximum being sought; the difference in units per acre determines the bonus density allocation. The process currently requires both a public hearing with the Planning Commission and the Board of County Commissioners. Input from the Redevelopment Plan update process indicated a desire for a more formal CRA role in this review process when the density bonus is sought in the CRA.

Additionally, the Growth Management Plan requires properties having direct frontage on one or more of Bayshore Drive, Davis Boulevard, Airport- Pulling Road (west side only), or US 41 East to have a Planned Unit Development designation to be eligible for density pool units. It also requires that the project have a minimum acreage of 3 acres, constitute redevelopment of a site, and consist of all market-rate units.

The following changes are recommended:

- Remove the acreage requirements in the Growth Management Plan (GMP) and LDC for use of these units, including an exception to PUD acreage requirements for developments in the Bayshore Gateway Triangle Redevelopment Overlay (note that the PUD requirement would still be retained where applicable in the GMP); this change will allow for a mix of sizes of developments that can qualify for bonus density pool units, while still allowing the Planning Commission and County Commission a say in the development process by retaining the other PUD requirements where currently applicable.
- Remove mixed-use requirement to allow single-use residential projects in the BMUD-NC to also use these units; this change will allow for an additional option via higher density residential developments to transition between commercial/mixed-use areas and lower density residential neighborhoods bordering these areas. In this way, higher density residential can act as a buffer.

- Remove, where currently applicable, the requirement that all units in a development must be market-rate. If a developer chose to build workforce/affordable housing in the area, they should still be eligible for bonus density pool units.
- It is recommended that the Advisory Board be formally included in the approval process for more tailored decision-making to the area and that the public hearing requirements be removed to make the process more administrative in nature.
- Consideration should be given to tying additional bonus density from the Density Pool to the provision of community amenities. The County may wish to consider the provision of density and/or height bonuses in exchange for the provision of additional amenities within a development, such as surplus structured parking that could be made available for parking mitigation purposes or surplus community spaces, such as expanded sidewalks, courtyards, plazas or pocket parks. In evaluating these incentives, the County may:
  - Allow densities or heights in excess of those allowed by right in the current ordinance;
  - Require that densities or heights over a portion of what is currently allowed be earned by provision of amenities (e.g., if current height is 42 feet, then 35 feet allowed by right and 7 feet could be earned through incentives); or
  - A combination of the above.

The first approach would provide the greatest fiscal incentive for infill development but may not be appropriate for all portions of the Bayshore CRA. Prior to deciding on one of the above approaches, the County should determine how much flexibility exists for increased heights or densities and identify the greatest public needs for which bonus densities or heights may be granted. Coordination with local property owners and developers would be needed to establish the relative values of desired improvements and the density bonuses.

### **Other Density Bonus Considerations**

In addition to the availability of the Density Bonus Pool, the other density bonus currently available within the Bayshore Gateway CRA is the Affordable Housing Density Bonus Program (AHDBP). Following the refinement of the criteria associated with the density pool units described in the previous section, consideration could be given to adjusting the AHDBP, to make it more attractive to build affordable/attainable housing units within the Bayshore Gateway CRA. Some potential ideas for adjustments could include the following:

- Remove one-unit reduction of base density in the Coastal High Hazard Area (CHHA) to encourage use of affordable housing density bonus; these provisions can be made in conjunction with a review and any needed modification of housing design provisions to ensure a certain level of resilient building quality in the CHHA.
- Allow for applicants within the CRA to use the bonus density pool to get up to 12 units or the affordable-workforce housing density bonus to get up to 12 units. To further incentivize building affordable housing, the programs could be combined to allow up to 24 units per acre if you use both the bonus density pool and affordable-workforce housing density bonus programs. The bonus density pool would be used for the first additional units and the affordable-workforce housing bonus density program for the next 12.
- Make the affordable-workforce housing density bonus a ministerial process (staff approval only, no formal public hearing) to encourage its use.

Any potential changes to the AHDBP should be closely coordinated with Community & Human Services Division to ensure integration with their efforts on implementing the Community Housing Plan.

## 8.0 Drainage

The CRA area has some local streets with sufficient right-of-way to safely accommodate additional on-street or head-in parking. Some of these streets rely on swales to accommodate stormwater management needs. The County should explore opportunities to replace swales with green infrastructure alternatives that could accommodate parking and the stormwater functions of the existing swales. In evaluating this alternative, the County will need to balance the benefits of additional parking supplies with the capital and maintenance costs for the green infrastructure. Green infrastructure can include, but is not limited to:

- (a) Green infrastructure (GI) for planting areas includes:

1. Bioswales;



2. Bioretention cells;



3. Constructed wetlands;



- 4. Dry detention basins;



- 5. Stormwater planters; and



- 6. Green roofs.



(b) Green infrastructure that does not require planting includes:

- 1. Infiltration Trenches;



- 2. Cisterns and underground stormwater chambers, constructed for detention;



- 3. Blue roofs; or



- 4. Retention ponds.



- (c) Design and construction of hardscape surfaces, including but not limited to parking spaces, drive aisles, walkways, and gathering spaces with pervious paving.
- (d) Alternative green infrastructure designs that the City Engineer determines will safely and efficiently manage stormwater.

## 9.0 Additional Concerns

The following additional regulatory concerns have been raised during the development of the CRA Plan:

**Site Development Plan Review Process.** The CRA Area Redevelopment Plan amendment process highlighted the desire for better incorporation of the CRA staff and Advisory Board into the site development plan review process. It is important to balance deliberative review with strong reliance on the LDC (and amendments to the LDC to achieve as much of the development vision as possible), which helps avoid excessive deliberative decision-making and a resulting slow-down of the process. To this end, in conjunction with the other LDC amendments for development requirements listed in this memo, the CRA should be included in public notice requirements when a property within the CRA area is rezoned or requires a public hearing process for other reasons; the CRA should receive the same notice that adjacent property owners receive. This notice will allow CRA staff to invite applicants to an Advisory Board meeting to discuss proposals prior to public hearing.

**Heavy Commercial/Industrial Uses.** The current GMP provisions for the Bayshore/Gateway Triangle Redevelopment Overlay allow for uses permitted under existing zoning districts to continue (development and redevelop) unless the zoning overlay is amended to restrict those uses. As noted elsewhere in this document, the current zoning overlay allows for all permitted uses associated with the base zoning districts as long as the zoning overlay's dimensional standards are met. It is recommended that the overlay and/or the GMP be amended to restrict those industrial-oriented uses (particularly under the C-5 zoning district) that may be incompatible with the vision of the Bayshore Gateway CRA.

**Housing Unit Size.** The VR district does not establish a minimum floor area for dwelling units, which would allow the development of tiny houses at the maximum allowable densities in each district. The County should determine whether this is an oversight or whether the district is an appropriate district to allow tiny houses and other developments with small footprint residential units.

**Gated Communities.** Concerns raised about gated communities include two distinct issues: whether to allow private roads with or without gates and whether to allow the construction of walls around residential developments. Both of these issues are significant policy issues that involve discussions that extend beyond the boundaries of the CRA. The private streets discussion should address the issues of design and long-term maintenance of private streets, in addition to the issues of limiting public access and providing adequate connectivity to foster automotive, bike and pedestrian mobility. The walled neighborhood discussion should focus on design, connectivity and mobility concerns.

**Overlay District Applicability.** A need for clarity on the applicability of Bayshore Gateway Triangle Mixed Use District Overlays in relation to the base zoning districts arose from the LDC update process. To this end, the Purpose and Intent sections from Section 2.03.07 for these overlays should be added to Section 4.02.16, which includes the design criteria for these overlays. Language should be added to these sections to indicate that the regulations in these sections should support and be consistent with the CRA Area Redevelopment Plan and vision.

The following information provides more explanation on the relationship between these overlays and base zoning districts. The LDRs establish the land uses allowed within each BMUD and GTMUD subdistrict, paragraph 3 of section 2.03.07 allows the property owner to choose between overlay and base zoning standards for uses and densities subject to the design standards established in Sections 4.02.16. Paragraph 3 states that:

“Development in the activity center is governed by requirements of the underlying zoning district and the mixed-use activity center subdistrict requirements in the FLUE, except for site development standards as stated in section 4.02.16 of the LDC.”

and

“Property owners within the BMUD may establish uses, densities and intensities in accordance with the LDC regulations of the underlying zoning classification, or may elect to develop/redevelop under the provisions of the applicable BMUD Subdistrict. In either instance, the BMUD site development standards as provided for in section 4.02.16 shall apply.”

While the language is not clear, the first provision is intended to state that Section 4.02.16 replaces most base district lot development standards (e.g., lot width, yards/setbacks, floor areas, building separation and building height). The second provision above allows the property owner to choose between the base district and the overlay district for applicable uses and densities. The use limitations of the overlay district should prevail over the base zoning where there are conflicts. Because the densities established in section 4.02.16 for the BMUD-R1, BMUD-R2, BMUD-R3, BMUD-R-4 and GTMUD-R subdistricts defer to the base district zoning densities of most residential lots are subject to base district densities. There are only 6 lots within the BMUD and GTMXD districts that are affected by density provisions of the second provision above. These lots front on Bayshore Drive within the BMUD-NC subdistrict and have RMF-6 base zoning. For these parcels, the property owner can choose between the 6 dwelling units per acre allowed by the base zoning or 12 dwelling units per acre allowed by the overlay district (note that the 12-unit maximum is obtained through density bonus provisions).

While the practical effect of the above provisions is minimal, the confusion could be reduced by revising Section 2.03.07 I.3. as follows:

3. Relationship to the Underlying Zoning Classification and Collier County Growth Management Plan.
  - a. The purpose of the BMUD is to fulfill the goals, objectives and policies of the Collier County Growth Management Plan (GMP), as may be amended. Specifically, the BMUD implements the provisions of section V.F, Bayshore Gateway Triangle Redevelopment Overlay, of the Future Land Use Element. Portions of the Bayshore Overlay District coincide with Mixed Use Activity Center #16 designated in the Future Land Use Element (FLUE) of the Collier County GMP. Development in the activity center is governed by requirements of the underlying zoning district and the mixed-use activity center subdistrict requirements in the FLUE, except where site development standards are established in section 4.02.16 of the LDC, they shall prevail over conflicting base district standards.
  - b. Property owners within the BMUD may establish densities in accordance with the LDC regulations of the underlying zoning classification or may elect to develop/redevelop under

the provisions of the applicable BMUD Subdistrict. In either instance, BMUD site development shall comply with the design standards for development established in section 4.02.16.

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