

ORDINANCE NO. 13 - 32

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY PROVIDING FOR: SECTION ONE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER FIVE – SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS, TO ALLOW OUTPARCELS AND FREESTANDING BUILDINGS WITHIN A PLANNED UNIT DEVELOPMENT (PUD) AN EXCEPTION TO THE PRIMARY FAÇADE REQUIREMENTS FOR THE “BACK” OF THE BUILDING, AND TO ALLOW PUDS WITH A COMMERCIAL COMPONENT TO USE THE ALTERNATIVE ARCHITECTURAL REVIEW PROCESS; SECTION TWO, CONFLICT AND SEVERABILITY; SECTION THREE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION FOUR, EFFECTIVE DATE.

2013 MAY 21 PM 1:06
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
FILED

Recitals

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code (hereinafter LDC), which was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, the LDC may not be amended more than two times in each calendar year unless additional amendment cycles are approved by the Collier County Board of Commissioners pursuant to Section 10.02.09 A. of the LDC; and

WHEREAS, this amendment to the LDC is the first amendment for the calendar year 2013; and

WHEREAS, on March 18, 1997, the Board adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold an advertised public hearing on the date noted herein, and did take action concerning this amendment to the LDC; and

WHEREAS, the subject amendments to the LDC are hereby determined by this Board to be consistent with and to implement the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (1), Florida Statutes; and

WHEREAS, this ordinance is adopted in compliance with and pursuant to the Community Planning Act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w); and

WHEREAS, this ordinance is adopted pursuant to the constitutional and home rule powers of Fla. Const. Art. VIII, § 1(g); and

WHEREAS, all applicable substantive and procedural requirements of the law have otherwise been met.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

SECTION ONE: AMENDMENTS TO SECTION 5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS

Section 5.05.08, Architectural and Site Design Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.08 Architectural and Site Design Standards

* * * * *
C. *Building design standards.*
* * * * *

9. Outparcels and freestanding buildings within a PUD and common ownership developments.

a. Purpose and intent. To provide unified architectural design and site planning for all on-site **structures**, and to provide for safe and convenient vehicular and pedestrian **access** and movement within the site.

b. **Façades standards. All façades must meet the requirements of 5.05.08.C.5, Project standards.**

i. **Primary façades. All exterior façades of freestanding structures, including structures located on outparcels, are considered primary façades, and must meet the requirements of this Section with respect to the architectural design treatment for primary façades - Section 5.05.08 C.2. Primary façade standards, except for those façades considered secondary façades.**

ii. **Secondary façades. One façade of a freestanding structure, including structures located on outparcels, that is internal to the site and that does not abut or face public or private streets adjacent to the development. Outparcels and freestanding buildings are allowed one secondary façade.**

- c. Design standards. The design for freestanding **buildings** must employ architectural, site and landscaping design elements integrated with, and common to those used on the primary **structure** and its site. These common design elements must include colors, building materials, and landscaping associated with the main **structure**. All freestanding **buildings** must provide for vehicular and pedestrian inter-connection between **adjacent outparcels** or freestanding sites and the primary **structure**.
- d. Primary **façade** standards. The following design features are in addition to the list of requirement options to meet Section 5.05.08 C.2. Primary **façade** standards:
 - i. Walls expanding the design features of the **building**, not less than 7 feet high, creating a courtyard not less than 12 feet from the **building** and length of no less than 60% percent of the length of the associated **façade**. The courtyard may be gated and able to be secured from exterior public **access**. Grilled openings are allowed if courtyard is landscaped. Opening depths or wall terminations must be a minimum of 12 inches deep. If the courtyard contains service or utility equipment, the height and design must prevent view from the exterior. Courtyard walls are not to be considered fences.
 - ii. Trellis or latticework used as a support for climbing plants may count as window area equal to the plant coverage area.

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- F. *Deviations and Alternate Compliance.* The following alternative compliance process is established to allow deviations from the requirements of this Section as approved by the County Manager or his designee.
1. Review and approval procedure. Upon request by the applicant, the County Manager or his designee may administratively approve a Site and **Development** Plan application that includes an alternative architectural design and site **development** plan that may be substituted in whole or in part for a plan meeting the standards of Section 5.05.08. Approved deviations are allowed only as to the specific design and plan reviewed. Any modification to an approved design shall necessitate re-review and approval by the County Manager or his designee.
 2. Review criteria. In approving an alternative plan, the County Manager or his designee must find that the proposed alternative plan accomplishes the purpose and intent of this Section in the same manner as the provisions would. If the plan is approved through this provision, the Site **Development** Plan approval letter shall specifically note the deviations and the basis for their approval.
 3. Submittal requirements. In addition to the base submittal requirements, applicants must provide the following:
 - a. Architectural design plan and/or site **development** plan clearly labeled as an "Alternative Architectural Design Standards Plan". This plan must identify the section numbers from this Section from which the deviation is being requested.
 - b. A narrative statement that specifically identifies all standards of Section 5.05.08 from which the deviations are requested, and the justification for the request. This statement must include a description of how the alternative plan accomplishes the purpose and intent of this Section, without specifically complying with those standards identified.
 4. Applicability.
 - a. The following types of **buildings** and uses qualify for an administrative determination of deviations from Section 5.05.08. **development** standards:

- i. Assembly,
- ii. Educational,
- iii. Institutional,
- iv. **Mixed use buildings** (such as commercial/residential/office), and
- v. Any other non-commercial building, or use, that is not listed under ~~Section~~ **Section 5.05.08 D. Design standards for specific building types of this Section, and due to its function, has specific requirements making meeting Section 5.05.08- standards unfeasible.**
- vi. Buildings located on property with a commercial zoning designation when submitted for Site **Development Plan** review ~~on or after November 10, 2004,~~ except for the following:
 - ~~a) Buildings located on outparcels, freestanding (non-attached multiple or individual) buildings located on property with a PUD zoning designation, or multiple buildings developed under a unified, common development plan (such as a shopping center).~~
 - a)b) **Buildings** with a gross building area of 10,000 square feet or more on the ground floor.
 - b)e) **Multi-story buildings** with a total gross building area of 20,000 square feet or more.
 - c)d) 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 5.05.08.

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SECTION TWO: 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 phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding Section not affect the validity of the remaining portion.

SECTION THREE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections 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.

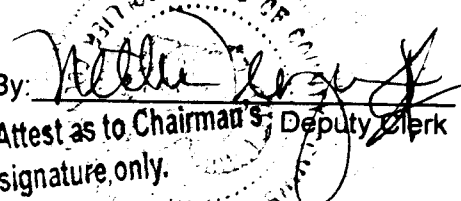
SECTION FOUR: EFFECTIVE DATE

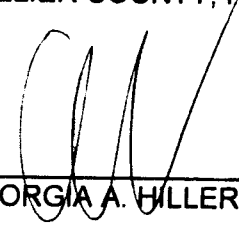
This Ordinance shall become effective upon filing with the Florida Department of State, Tallahassee, Florida.

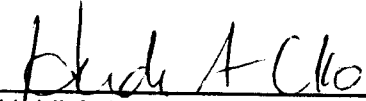
PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 14th day of May, 2013.

ATTEST:
DWIGHT E. BROCK, CLERK

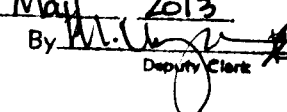
BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: 
Attest as to Chairman's, Deputy Clerk signature, only.
Approved as to form and legal sufficiency:

By: 
GEORGIA A. HILLER, ESQ., Chairwoman

 ^{HIFAC 4/16/13}
Heidi Ashton-Cicko, Esquire
Managing Assistant County Attorney

04-CMD-01077/1043

This ordinance filed with the Secretary of State's Office the 21st day of May, 2013 and acknowledgement of that filing received this 28th day of May, 2013
By: 
Deputy Clerk

Words ~~struck through~~ are deleted, words underlined are added

STATE OF FLORIDA)

COUNTY OF COLLIER)

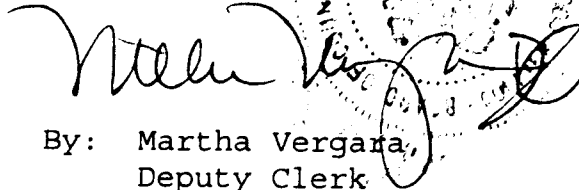
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2013-32

which was adopted by the Board of County Commissioners on the 14th day of May, 2013, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 20th day of May, 2013.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners


By: Martha Vergara,
Deputy Clerk