**Collier County Land Development code 4.07**

* **4.07.00 - DESIGN STANDARDS FOR PLANNED UNIT DEVELOPMENTS**

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* **4.07.01 - Unified Control**

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A.

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

B.

The **applicant** shall present competent substantial evidence of the unified control of the entire area within the proposed PUD district and shall state agreement that if he proceeds with the proposed **development,** he will:

1.

Notify the County Manager or his designee in writing of any change in ownership, control and/or name of the **development.**

2.

Do so in accordance with:

a.

The PUD master plan of development officially adopted for the district;

b.

Regulations and development standards as set forth in the PUD document and PUD master plan;

c.

Such other conditions or modifications as may be attached to the rezoning of land to the PUD classification; and

d.

The Collier County growth management plan and land development code.

3.

Provide written agreements, contracts, deed restrictions, or sureties acceptable to the county for completion of the undertaking in accord with the adopted PUD master plan as well as for the continuing operation and maintenance of such areas, functions and facilities that are not to be provided, operated or maintained at general public expense; and

4.

Bind his successors in title to any commitments made under[section 2.03.06](https://library.municode.com/fl/collier_county/codes/land_development_code?nodeId=CH2ZODIUS_2.03.00ZODIPEUSACUSCOUS_2.03.06PLUNDEDI), this[section 4.07.00](https://library.municode.com/fl/collier_county/codes/land_development_code?nodeId=CH4SIDEDEST_4.07.00DESTPLUNDE) and[section 10.02.13](https://library.municode.com/fl/collier_county/codes/land_development_code?nodeId=CH10APREDEKIPR_10.02.00APRE_10.02.13PLUNDEPUPR).

(Ord. No. 04-72, § 3.R)

* **4.07.02 - Design Requirements**

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In addition to all general provisions and procedures established in this section, the following specific requirements, limitations and standards shall apply to all PUD districts except that[section 4.07.02](https://library.municode.com/fl/collier_county/codes/land_development_code?nodeId=CH4SIDEDEST_4.07.00DESTPLUNDE_4.07.02DERE) D. shall not apply when there is no residential component within the PUD and[section 4.07.03](https://library.municode.com/fl/collier_county/codes/land_development_code?nodeId=CH4SIDEDEST_4.07.00DESTPLUNDE_4.07.03SPREINPLUNDE) shall not apply when there is no industrial component in the PUD.

A.

Minimum area.

1.

The minimum area required for a PUD shall be ten (10) contiguous acres except as otherwise provided for within a specific zoning or overlay district, or when located within an activity center or within the urban coastal fringe areas as designated on the future land use map of the GMP, or when located within a **neighborhood center** as designated on the golden gate area master plan future land use map or Immokalee area master plan future land use map of the GMP, or when implementing the residential mixed use neighborhood subdistrict or the commercial mixed use subdistrict in the future land use element of the GMP, where no minimum acreage requirements must be met.

2.

For infill **parcels**, the minimum area required for a PUD shall be two (2) contiguous acres. For purposes of the planned unit development district only, the term *"infill parcels"* shall refer to property implementing any of the infill subdistricts identified in the future land use element or golden gate area master plan element of the GMP, or property sharing at least two common boundaries with **parcels** that are developed.

3.

For a PUD subject to the minimum area requirement of ten (10) contiguous acres, an exception shall be made for properties separated by either an intervening planned or developed public **street right-of-way**; provided, however, no portion of such separated properties shall be less than five (5) acres. For infill parcels, an exception shall be made for properties separated by either an intervening planned or developed public **street right-of-way**. For a PUD with no minimum area requirement, as identified in section 4.07.02.A.1., that PUD may include properties separated by either an intervening planned or developed public **street right-of-way**.

B.

External relationships.

1.

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

2.

The PUD shall provide protection of the **development** from potentially adverse surrounding influences and protection of the surrounding area from potentially adverse influences generated by or within the PUD. Fences, walls, or vegetative screening at the boundaries of PUD districts shall be provided, at a minimum, in accordance with the landscaping/**buffering** requirements of[section 4.06.00](https://library.municode.com/fl/collier_county/codes/land_development_code?nodeId=CH4SIDEDEST_4.06.00LABUVERE) to protect residents from undesirable views, lighting, noise, or other adverse off-site influences, or to protect residents of adjoining districts from similar possible influences from within the PUD district.

3.

In all cases, screening shall, at a minimum, be designed to protect existing or potential first-floor residential occupant window levels.

4.

Off-**street** parking areas for five (5) or more cars, service areas for loading or unloading vehicles other than passengers, and areas for storage and collection of trash and garbage shall be so screened.

C.

Internal relationships. The **development plan** for a PUD district shall provide for safe, efficient, convenient, and harmonious grouping of **structures**, uses and facilities, and for appropriate relation of space inside and outside **buildings** to intended uses and structural features.

D.

**Residential density.**

1.

The overall maximum **residential density** permissible or permitted in a PUD shall be calculated by dividing the total number of **dwelling** **units** by the total of gross acreage of the proposed PUD excluding the acreage of the areas designated for commercial, industrial, or other land use having an established equivalent **residential density** in this LDC.

2.

The maximum **density** permissible or permitted in a PUD shall not exceed the **density** permissible under the **density** rating system, or applicable policies contained in the future land use element. Land use intensities for nonresidential uses shall be governed by provisions of the most similar use district or as otherwise provided in these regulations.

3.

The BCC may lessen **density** or intensity of **development** when it has been determined that **development** to the maximum **density** or intensity permissible in this section would:

a.

Create inconvenient or unsafe **access** to the PUD; or

b.

Create traffic congestion in the **streets** which adjoin or lead to the PUD; or

c.

Place a burden on parks, recreational areas, schools, and other facilities which serve or are proposed to serve the PUD; or

d.

Be in conflict with the intent or provisions of the GMP; or

e.

Create a threat to property or incur abnormal public expense in areas subject to natural hazards; or

f.

Be incompatible or inconsistent with surrounding neighborhoods or areas; or

g.

Otherwise be inappropriate.

E.

Minimum dimensional standards.

1.

Except as provided for within the industrial and neighborhood **village center** component of this section, dimensional standards within any tract or increment of the proposed PUD shall conform to the minimum dimensional and other standards of the zoning district to which it most closely resembles in type, **density**, and intensity of use. Where there is uncertainty, the more restrictive standards shall apply.

2.

Variation from these minimum dimensional standards may be approved if the PUD demonstrates unique or innovative design. For purposes of this section, examples of unique and innovative design may include, but are not limited to:

a.

Providing usable **common open space** within individual tracts or increments to offset and compensate for decreases in typical **lot** sizes or **yard** requirements.

b.

Providing for public **access** to **open space** areas beyond the boundaries of the property.

c.

The use(s) occurring within the PUD are such that **compatibility** with surrounding uses can be assured by applying different requirements than would be applicable under another zoning district.

d.

Providing places for public assembly such as parks and plazas which are linked together and centrally located to ensure accessibility.

e.

Siting **buildings** and **dwelling** **units** to provide optimum **access** to **open space** areas.

f.

Providing for the integration and preservation of natural resources with **development**, through conservation of natural resources such as streams, lakes, **flood plains**, groundwater, wooded areas and areas of unusual beauty or importance to the natural ecosystem.

g.

Providing certain personal services, offices and convenience shopping goods to residents of the PUD having the effect of reducing the number of vehicular trips for these purposes to destinations outside of the PUD.

h.

Providing a suitable neighborhood park, as determined on a case-by-case basis by the Board of County Commissioners.

3.

Submission of schematic architectural drawings, site plans, floor plans, elevations, and perspectives which shall graphically demonstrate the proposed reduction in dimensional standards for all proposed land use types and their **accessory** uses within the PUD shall also be required to provide support documentation for reduction in the minimum standards of the LDC.

4.

Where required side **yard** **setbacks** are permitted to be zero (0), a site improvement plan, pursuant to Chapter 10, of this LDC shall be approved prior to issuance of a **building** permit.

F.

Off-**street** parking and off-**street** loading requirements shall be as for comparable type, **density** and intensity of uses established in the PUD. No parking spaces on or within any public or private road or travelway shall be counted in fulfilling the required number of spaces. Landscaping for vehicular areas shall be as established in LDC[section 4.06.00](https://library.municode.com/fl/collier_county/codes/land_development_code?nodeId=CH4SIDEDEST_4.06.00LABUVERE).

1.

Residential off-**street** parking. **Driveways** must be at least 23 feet in length, measured from the back of the **sidewalk** to the garage, to allow room to park a vehicle on the **driveway** without parking over the **sidewalk**. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular line to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic by providing equivalent space.

G.

**Open space** requirements. **Usable open space** for PUDs shall be provided as follows, except as required in the Rural Fringe Mixed Use District within the Future Land Use Element of the Growth Management Plan.

1.

Within PUD districts composed entirely of residential **dwelling units** and **accessory uses**, at least 60 percent of the gross area shall be devoted to **usable open space**.

2.

Within PUD districts containing commercial, industrial and mixed use including residential, at least 30 percent of the gross area shall be devoted to **usable open space**.

3.

An appropriate percentage of the gross project area may be required to be dedicated to public use as **usable open space** for all **development** after a determination by the BCC that a public need exists for such public facilities and that the amount of area dedicated is directly related to the impacts or needs created by the proposed **development**.

H.

The desirable natural, historic, or archaeological features of the site including trees and other vegetation of consequence of a PUD district shall be preserved and protected. The disturbance of terrain or vegetation in a manner likely to significantly increase either wind or water erosion within or **adjacent** to the PUD district is prohibited.

I.

Within the residential portion of a PUD district, all utilities, including telephone, television cable, and electrical systems, shall be installed underground; provided, however, appurtenances to these systems which require aboveground installation must be opaquely screened and thereby may be exempted from these requirements; and primary facilities providing service to the site of the **development** or necessary to service areas outside the district may be exempted from this requirement.

J.

**Streets**, drives, parking and service areas.

1.

**Streets**, drives, parking, and service areas shall provide safe and convenient **access** to **dwelling** **units** and project facilities, and for service and emergency vehicles and shall be otherwise consistent with the Collier County Functional Classification and Future Roadway Plans, as may be amended from time to time.

2.

**Streets** shall be laid out and constructed so as not to require excessive cuts or fills or to interfere with desirable drainage in or **adjacent** to the district.

3.

In addition, all major arteries as shown on the master plan of **development** shall be limited **access** facilities and the only vehicular **access** thereto shall be public **streets** unless otherwise provided for within the approved PUD master plan.

4.

Principal vehicular **access** points shall be designed to encourage smooth traffic flow and minimize hazards to vehicular or pedestrian traffic. Merging and turn lanes and/or traffic dividers shall be required where existing or anticipated heavy traffic flows indicate need. The interconnection of **collector** and local **streets** within the PUD to **adjacent** lands or **developments** shall be required except where determined by the County Manager or designee that an interconnection is not feasible or warranted due to existing **development** patterns, transportation network needs, or the like. Interconnection of local **streets** shall be designed to discourage through traffic, and not adversely impact local **streets** in the neighboring residential areas. Where **streets** within the district intersect adjoining **streets**, visibility triangle shall be maintained.

5.

All **streets** or roads within the PUD shall be public unless specifically identified and approved as private on the PUD master plan, and shall comply with all requirements for **streets** and roads as contained in section 4.03.00.

6.

Public or private **streets** approved within the PUD after November 12, 2008 shall be maintained by the developer, master association, community development district or special district governing body and successors and/or assigns, unless otherwise approved by the BCC.

(Ord. No. 06-07, § 3.M; Ord. No. 08-63, § 3.R; Ord. No. 12-38, § 3.R; Ord. No. 13-56, § 3.M)