

ORDINANCE NO. 2024 - 08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NUMBER 2004-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH ESTABLISHED THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING THE APPROPRIATE ZONING ATLAS MAP OR MAPS BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM A COMMERCIAL INTERMEDIATE (C-3) ZONING DISTRICT TO A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DISTRICT FOR THE PROJECT TO BE KNOWN AS THE HOME DEPOT-SE NAPLES CPUD, TO ALLOW DEVELOPMENT OF 140,000 SQUARE FEET OF GROSS FLOOR AREA OF USES INCLUDING COMMERCIAL PROFESSIONAL AND GENERAL OFFICE DISTRICT (C-1) USES, COMMERCIAL CONVENIENCE DISTRICT (C-2) USES, COMMERCIAL INTERMEDIATE DISTRICT (C-3) USES, HOME IMPROVEMENT STORE USES AND MISCELLANEOUS REPAIR SERVICE USES; AND PROVIDING FOR REPEAL OF RESOLUTION NO. 86-119, A PROVISIONAL USE FOR A RADIO BROADCASTING STUDIO AND THE PARTIAL REPEAL OF ORDINANCE NO. 92-43 RELATING TO A FRONTAGE ROAD AND SHARED ACCESS COMMITMENT ON PROPERTY LOCATED ON THE SOUTH SIDE OF TAMiami TRAIL EAST (U.S. 41), APPROXIMATELY 650 FEET EAST OF BAREFOOT WILLIAMS ROAD, IN SECTION 33, TOWNSHIP 50 SOUTH, RANGE 26 EAST, CONSISTING OF 13.77± ACRES; AND BY PROVIDING AN EFFECTIVE DATE. [PL20220000543]

WHEREAS, D. Wayne Arnold, AICP, of Q. Grady Minor & Associates and Hamilton Williams of Greenberg Farrow Architecture, representing applicant Coleman, Yovanovich & Koester, P.A. and owner Home Depot U.S.A., a Delaware corporation, petitioned the Board of County Commissioners of Collier County, Florida, to change the zoning classification of the herein described real property.

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

SECTION ONE:

The zoning classification of the herein described real property located in Section 33, Township 50 South, Range 26 East, Collier County, Florida, is changed from Commercial Intermediate (C-3) Zoning District to a Commercial Planned Unit Development (CPUD) for a 13.77± acre project to be known as the Home Depot-SE Naples CPUD, to allow development of 140,000 square feet of gross floor area of uses including Commercial Professional and General Office District (C-1) Uses, Commercial Convenience District (C-2) Uses, Commercial Intermediate (C-3) uses, home improvement store uses, and miscellaneous repair service uses in accordance with Exhibits A through F attached hereto and incorporated by reference herein. The appropriate zoning atlas map or maps, as described in Ordinance Number 2004-41, as amended, the Collier County Land Development Code, is/are hereby amended accordingly.

SECTION TWO:

Ordinance No. 92-43 is hereby partially repealed as to property described in this CPUD, and Resolution No. 86-119 is fully repealed.

SECTION THREE:

This Ordinance shall become effective upon filing with the Department of State and on the date that the Growth Management Plan Amendment in Ordinance No. 2024-07 becomes effective.


PASSED AND DULY ADOPTED by super-majority vote of the Board of County Commissioners of Collier County, Florida, this 26th day of March 2024.

ATTEST:
CRYSTAL K. KINZEL, CLERK

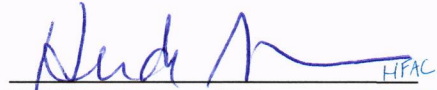
By: 
Attest as to Chairman's, Deputy Clerk
signature only

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
Chris Hall, Chairman

This ordinance filed with the
Secretary of State's Office the
1st day of April, 2024
and acknowledgement of that
filing received this 1st day
of April, 2024
By: 
Deputy Clerk

Approved as to form and legality:



Heidi F. Ashton-Cicko 3-14-24
Managing Assistant County Attorney

- Exhibit A: List of Permitted Uses
- Exhibit B: Development and Design Standards
- Exhibit C: Master Concept Plan
- Exhibit D: Legal Description
- Exhibit E: Deviations
- Exhibit E-1: Building Facades
- Exhibit E-2: Wall Signs
- Exhibit F: Development Commitments

EXHIBIT A LIST OF PERMITTED USES

A maximum of 140,000 square feet of gross floor area shall be permitted within the CPUD. Regulations for development of this PUD shall be in accordance with the contents of this document and all applicable sections of the Growth Management Plan (GMP), the Land Development Code (LDC), and the Administrative Code in effect at the time of approval of the Site Development Plan (SDP) or plat. Where the PUD ordinance does not provide development standards, then the provision of the specific sections of the LDC that are otherwise applicable shall apply.

PERMITTED USES:

A. Principal Uses:

1. No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the uses permitted by right in the C-1, C-2 and C-3 Zoning District and the following uses. The uses listed in Section B. below are prohibited and any uses not listed below for SIC 7699 are prohibited:
2. Home improvement stores, including enclosed unroofed garden center (enclosed unroofed garden center is included in the calculation of the maximum gross floor area) (SIC 5211 - 5261)
3. Repair services – miscellaneous (SIC 7699)
 - a. Antique and furniture repair
 - b. Bicycle repair
 - c. Optical repair
 - d. Camera repair
 - e. Dental instrument repair
 - f. Key duplicating
 - g. Laboratory instruments
 - h. Leather goods repair
 - i. Locksmith shops
 - j. Luggage repair
 - k. Medical equipment repair
 - l. Musical instrument repair
 - m. Nautical repair
 - n. Picture framing
 - o. Rug repair
 - p. Saddlery repair
 - q. Scientific instrument repair
 - r. Sewing machine repair
 - s. Sharpening and repair of knives, saws and tools
 - t. Surgical instrument repair

- u. Taxidermists
- v. Thermostat repair
- w. Typewriter repair
- x. Window and blind repair
- 4. Any other principal use which is comparable in nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals (BZA) or the Hearing Examiner by the process outlined in the LDC.

B. The following uses are prohibited:

- 1. Animal specialty services (0752)
- 2. Automotive Services (7549)
- 3. Educational plants and public schools
- 4. Group Care Facilities
- 5. Membership organizations, miscellaneous (8699)
 - a. Farm granges
 - b. Humane societies
- 6. Parking Lots/Structures (7521)
- 7. Personal services, miscellaneous (7299)
 - a. Bartering services
 - b. Comfort station operation
 - c. Escort service
 - d. Turkish baths
- 8. Public administration (9661)
- 9. Retail services - miscellaneous (5999)
 - a. Monuments/tombstones
 - b. Sales barns
- 10. Valet parking

C. Accessory Uses:

Accessory uses and structures customarily associated with the permitted principal uses and structures, including, but not limited to:

- 1. Gazebos
- 2. Light truck and trailer rental (defined to include trailers, flatbed trucks, pick-up trucks and box trucks not requiring a commercial driver license). A maximum of 20 total vehicles, trailers, equipment will be available for rental on-site.
- 3. Light construction equipment rental, including but not limited to power tools, lawn equipment, and light truck/trailer rental as defined above.
- 4. Outdoor display of merchandise, including but not limited to storage sheds and lawn equipment, plants and garden supplies.
- 5. Seasonal sales, including but not limited to Christmas trees, garden supplies, pumpkins and similar seasonal merchandise, these are limited to sales operated by the property owner and subject to the time limitations in Section 5.04.05 of

the LDC. Third party sales are subject to the permitting requirements of LDC 5.04.05.

6. Water management
7. Any other accessory use which is comparable in nature with the foregoing list of permitted accessory uses, as determined by the Board of Zoning Appeals (BZA) or the Hearing Examiner by the process outlined in the LDC.

D. Conditional Uses:

1. None

EXHIBIT B

LIST OF DEVELOPMENT STANDARDS

The standards for land uses within the development shall be as stated in these development standard tables. Standards not specifically set forth herein shall be those specified in applicable sections of the LDC in effect as of the date of approval of the SDP or subdivision plat.

TABLE I
COMMERCIAL DEVELOPMENT STANDARDS

| | PRINCIPAL USES | ACCESSORY USES |
|---|---------------------|----------------|
| MINIMUM LOT AREA | 10,000 SQUARE FEET | N/A |
| MINIMUM LOT WIDTH | 100 FEET | N/A |
| MINIMUM YARDS (External) | | |
| From Tamiami Trail East ROW (Front) | 25 FEET | 25 FEET |
| From Eastern PUD Boundary (Side) | 25 FEET | 10 FEET |
| From Western PUD Boundary (Side) | 25 FEET | 15 FEET |
| From Southern Boundary (Rear) | 25 FEET | 15 FEET |
| MINIMUM YARDS (Internal) | | |
| Internal Drives/ROW | 10 FEET | 0 FEET |
| Rear | 10 FEET | 10 FEET |
| Side | 10 FEET | 10 FEET |
| MINIMUM DISTANCE BETWEEN STRUCTURES | 10 FEET | 10 FEET |
| MAXIMUM HEIGHT | | |
| Zoned | 50 FEET | 25 FEET |
| Actual | 60 FEET | 25 FEET |
| MINIMUM GROSS FLOOR AREA FOR ANY PERMITTED USE | 1,000 SQUARE FEET | N/A |
| MAXIMUM GROSS FLOOR AREA FOR PUD | 140,000 SQUARE FEET | N/A |

SITE SUMMARY

TOTAL SITE AREA: 13.77± ACRE

| | |
|-------------------|-----------------|
| COMMERCIAL | 10.22± AC (74%) |
| WATER MANAGEMENT | 1.08± AC (8%) |
| LANDSCAPE BUFFERS | 1.21± AC (9%) |
| PRESERVE | 1.26± AC (9%) |

COMMERCIAL/OFFICE: MAXIMUM 140,000 S.F.

OPEN SPACE:

REQUIRED: 30%
PROVIDED: 30% (WITHIN THE OVERALL PUD)

PRESERVE:

REQUIRED: 1.26± ACRES (8.42 ACRES NATIVE VEGETATION X 15%)
PROVIDED: 1.26± ACRES

DEVIATIONS (SEE EXHIBIT E)

1. RELIEF FROM LDC SECTION 4.05.04.E, PARKING SPACE REQUIREMENTS
2. RELIEF FROM LDC 5.05.08.G., ARCHITECTURAL AND SITE DESIGN STANDARDS, DEVIATION AND ALTERNATE COMPLIANCE PROCESS
3. RELIEF FROM LDC SECTION 5.06.04.F.4., WALL SIGN STANDARDS
4. RELIEF FROM LDC SECTION 5.06.04.F.4.A., WALL SIGN STANDARDS
5. RELIEF FROM LDC SECTION 4.02.12, DESIGN STANDARDS FOR OUTDOOR STORAGE

NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MINOR MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
2. PRESERVES MAY BE USED TO SATISFY THE LANDSCAPE BUFFER REQUIREMENTS AFTER EXOTIC VEGETATION REMOVAL IN ACCORDANCE WITH LDC SECTIONS 4.06.02 AND 4.06.05.E.1. SUPPLEMENTAL PLANTINGS WITH NATIVE PLANT MATERIALS SHALL BE IN ACCORDANCE WITH LDC SECTION 3.05.07., IF NECESSARY TO MEET THE BUFFER REQUIREMENT AFTER REMOVAL OF EXOTICS.



Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

Q. Grady Minor and Associates, P.A.
3810 Via Dei Rici
Bonita Springs, Florida 34131

THE HOME DEPOT – SE NAPLES CPUD

EXHIBIT C
MASTER PLAN NOTES
REVISED NOVEMBER 7, 2023

SCALE:
JOB CODE:
HDET-22
DATE:
OCTOBER 2022
FILE NAME:
HDET-22 EXH C MCP2-R3
SHEET 2 OF 2

G:\PLANNING\PROJ - PLANNING\HDET-22 HOME DEPOT EAST TRAIL\DRAWINGS\HDET-22 EXH C MCP2-R3.DWG 11/7/2023 4:07 PM

EXHIBIT D
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

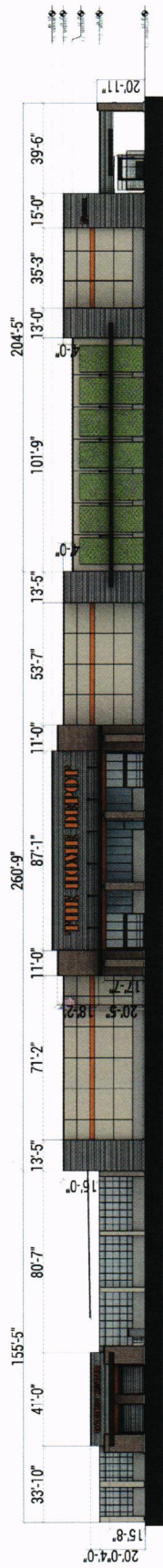
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, AND RUN ALONG THE WESTERLY BOUNDARY OF SAID SECTION, N 02°35'33" E FOR 1321.79 FEET; THENCE LEAVE SAID SECTION LINE AND RUN N 89°59'07" E FOR 2438.67 FEET TO THE POINT OF BEGINNING; THENCE N 54°26'32" W FOR 1390.84 FEET; THENCE N 35°33'28" E FOR 400.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 90, (U.S. 41); THENCE S 54°26'32" E ALONG SAID RIGHT OF WAY LINE FOR 1500.00 FEET; THENCE S 35°33'28" W FOR 400.00 FEET; THENCE N 54°26'32" W FOR 109.16 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH EASEMENT AS SET FORTH IN THAT CERTAIN EASEMENT DEED AND AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5241, PAGE 2436 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

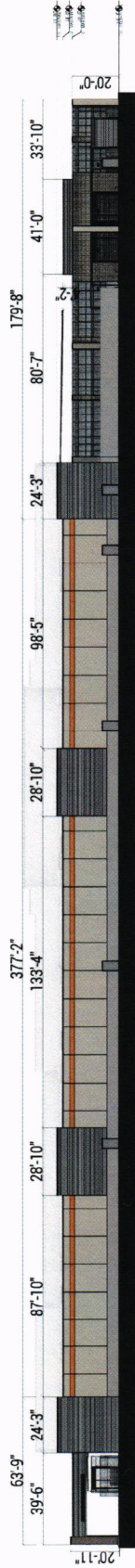
CONTAINING 13.77± ACRES MORE OR LESS

EXHIBIT E LIST OF DEVIATIONS

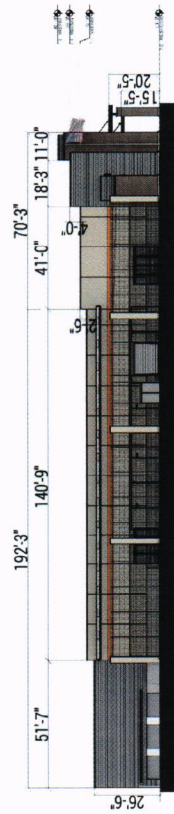
- Deviation #1: Relief from LDC Section 4.05.04.E, which states required off-street parking according to the requirements of this Code shall not be reduced in area or changed to any other use unless the permitted or permissible use that it serves is discontinued or modified, or equivalent required off-street parking is provided meeting the requirements of this Code to instead allow a reduction up to 10% of the required parking to meet landscape requirements within the vehicular use area and provide adequate stormwater facilities.
- Deviation #2: Relief from LDC 5.05.08.G., Deviations and alternate compliance, which authorizes the County Manager or designee to administratively approve deviations from compliance with Section 5.05.08 of the LDC for specific types of buildings to allow the Home Improvement Stores that can be constructed within the PUD to be eligible for this deviation process.
- Deviation #3: Relief from LDC Section 5.06.04.F.4., Wall Sign standards, which states One wall, mansard, canopy or awning sign shall be permitted for each single-occupancy parcel, or for each unit in a multiple-occupancy parcel. End units within shopping centers and multiple-occupancy parcels, or single occupancy parcel where there is a double frontage on a public right-of-way, to instead be allowed an additional wall sign, not exceeding 35 square feet in size, on a second building elevation not fronting a public-right-of-way.
- Deviation #4: Relief from LDC Section 5.06.04.F.4.a., Wall Sign standards, which states the maximum allowable display area for signs shall not be more than 20 percent of the total square footage of the visual façade including windows of the building or unit to which the sign will be attached and shall not, in any case, exceed 250 square feet for buildings over 60,000 square feet in area to instead be allowed the maximum allowable display area of 354 square feet for the sign fronting Tamiami Trail East.
- Deviation #5: Relief from LDC Section 4.02.12, Design Standards for Outdoor Storage which requires all permitted or conditional uses allowing for outdoor storage, including but not limited to storage of manufactured products, raw or finished materials, or vehicles other than vehicle intended for sale or resale, shall be required to screen such storage areas with a fence, or equivalent landscaping or combination thereof, not less than seven (7) feet in height above ground level, to instead permit the proposed 6' high wall within the Type A buffer to satisfy this requirement for the areas shown as material storage on the PUD master plan. The areas utilized for equipment, rental vehicles, and display, are not required to be screened.



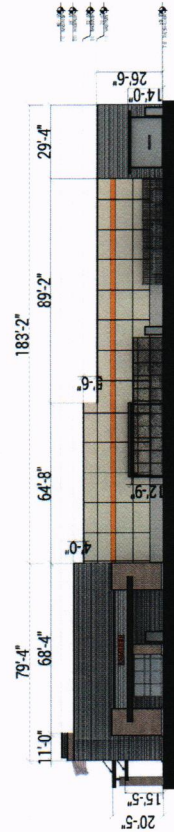
NORTH (FRONT) ELEVATION



SOUTH (REAR) ELEVATION



EAST (SIDE) ELEVATION



WEST (SIDE) ELEVATION

EXHIBIT E1 BUILDING FACADES



EXHIBIT E2
WALL SIGNS

54' - 8 7/8"

4' - 6" [**THE HOME DEPOT**

54" CHANNEL LETTERS
246.33 SQUARE FEET

13' - 7 7/16"

2' - 6" [**LUMBER**

30" CHANNEL LETTERS
34 SQUARE FEET

11' - 6"

3' - 0" [ **RENTAL**

36" LOGO W/ LETTERS
34.5 SQUARE FEET

28' - 9"

2' - 6" [**GARDEN CENTER**

30" CHANNEL LETTERS
71.88 SQUARE FEET

EXHIBIT F

LIST OF DEVELOPMENT COMMITMENTS

PURPOSE:

The purpose of this Section is to set forth the development commitments for the development of this project.

GENERAL:

A. One entity (hereinafter the Managing Entity) shall be responsible for PUD monitoring until close-out of the PUD, and this entity shall also be responsible for satisfying all PUD commitments until close-out of the PUD. At the time of this PUD approval, the Managing Entity is Home Depot U.S.A., Inc., 2455 Paces Ferry Road, Atlanta, GA 30339 or its assigns. Should the Managing Entity desire to transfer the monitoring and commitments to a successor entity, then it must provide a copy of a legally binding document that needs to be approved for legal sufficiency by the County Attorney. After such approval, the Managing Entity will be released of its obligations upon written approval of the transfer by County staff, and the successor entity shall become the Managing Entity. As Owner and Developer sell off tracts, the Managing Entity shall provide written notice to County that includes an acknowledgement of the commitments required by the PUD by the new owner and the new owner's agreement to comply with the Commitments through the Managing Entity, but the Managing Entity shall not be relieved of its responsibility under this Section. When the PUD is closed-out, then the Managing Entity is no longer responsible for the monitoring and fulfillment of PUD commitments.

B. Issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law." (Section 125.022, FS)

C. All other applicable state or federal permits must be obtained before commencement of the development.

TRANSPORTATION:

A. The total daily trip generation for the PUD shall not exceed 241 two-way PM peak hour net trips based on the use codes in the ITE Manual on trip generation rates in effect at the time of application for SDP/SDPA or subdivision plat approval.

B. Vehicular and Pedestrian interconnection to the property to the west will be provided by Owner, as shown on the Master Plan. Owner will provide an access easement over a portion of the PUD to the property owner to the west, or an access easement to the public for public use without responsibility of maintenance by Collier County, at time of the first Site Development Plan or Plat. Owner of this PUD will be responsible for maintenance of the access easement. The

vehicular connection and supporting infrastructure will be constructed to the property line by the Owner of this PUD prior to the first Certificate of Occupancy. The interconnection shall remain open to the public. All references to owner include its successors and assigns.

ENVIRONMENTAL:

A. The CPUD Shall be required to preserve 15% of native vegetation. 8.42± acres of native vegetation exist on-site requiring a minimum preservation of 1.26± acres ($8.42 \times .15 = 1.26$). A minimum of 1.26± acres of native vegetation shall be retained on-site.

LANDSCAPING:

A. Preserves may be used to satisfy the landscape buffer requirements after exotic Vegetation removal in accordance with LDC sections 4.06.02 and 4.06.05.e.1. Supplemental plantings with native plant materials shall be in accordance with LDC Section 3.05.07, if necessary to meet the buffer requirement after removal of exotics.

B. The type 'A' landscape buffer located along the southern boundary of the PUD shall be enhanced to include the vegetation required for a type 'B' buffer and shall include a six-foot-high opaque masonry wall.

C. The LDC required buffer plantings along the U.S. 41 ROW shall consist of native canopy trees.

PLANNING:

A. Parking lot lighting shall be dark sky compliant (flat panel, full cut off fixtures— backlight, upright and glare (BUG) rating where $U = 0$) to avoid light spill onto adjacent properties. Fixtures within 50-ft of residential properties along the PUD boundary shall be set at no higher than a 15-ft mounting height. Otherwise, the site light poles shall not exceed a 25-ft mounting height. Light levels along the PUD boundary shall be limited to no more than 0.2-ft-candles along the joint property line where adjacent to residential property.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 1, 2024

Crystal K. Kinzel, Clerk of Court
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, FL 34112

Dear Ms. Kinzel,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2024-08, which was filed in this office on April 1, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh