

**RESOLUTION NO. 2022- 36**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING THE ADMINISTRATIVE CODE FOR LAND DEVELOPMENT, WHICH WAS CREATED BY ORDINANCE NO. 2013-57, TO ESTABLISH A REVIEW PROCESS FOR THE LIMITED DENSITY BONUS POOL ALLOCATION; AND PROVIDING AN EFFECTIVE DATE. [PL202110001033]**

WHEREAS, the Board of County Commissioners adopted Ordinance No. 2013-57 on September 24, 2013 to establish an Administrative Code; and

WHEREAS, Ordinance No. 2013-57 provides for the adoption of Exhibit “B”, the Administrative Code for Land Development, which shall be maintained by the County Manager or designee; and

WHEREAS, Ordinance No. 2013-57 also provides that amendments required to maintain the Administrative Code for Land Development shall be made by resolution adopted by the Board; and

WHEREAS, the Board desires to revise the Administrative Code for Land Development, to establish a review process for the limited density bonus pool allocation as detailed in Exhibit “A” attached hereto and incorporated herein;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that the Administrative Code for Land Development, which was created by Ordinance No. 2013-57, is hereby amended as reflected in Exhibit “A” attached hereto and incorporated herein.

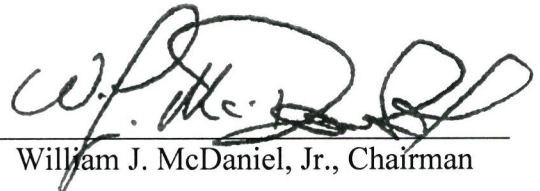
This Resolution shall become effective on the date of adoption by the Board.

THIS RESOLUTION ADOPTED by majority vote this 8<sup>th</sup> day of March, 2022.


ATTEST:  
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

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

By:   
William J. McDaniel, Jr., Chairman

Approved as to form and legality:

 HIFAL  
Heidi F. Ashton-Cicko 12-22-21  
Managing Assistant County Attorney

Attachments: **Exhibit "A"**: Chapter 3, Section E, Mixed Use Project (MUP) – Public Hearing for use of Bonus Density Pool and/or other Deviations; Chapter Four, Section F – Mixed Use Project – Administrative Approval, Chapter 6, Section N, Limited Density Bonus Pool Allocation (LDBPA), Chapter 12, Acronyms

# Exhibit A – Administrative Code Changes

Collier County Land Development Code | *Administrative Procedures Manual*  
Chapter 3 | *Quasi-Judicial Procedures with a Public Hearing*

## Chapter 3. Quasi-Judicial Procedures with a Public Hearing

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### E. Mixed Use Project (MUP) – Public Hearing for use of Bonus Density Pool and/or other Deviations

**Reference** LDC sections 4.02.16 C.8, 10.02.15 and LDC Public Notice subsection 10.03.06 N.

**Applicability** This procedure applies to a request for a mixed use project (MUP) within the Bayshore Gateway Triangle Community Redevelopment Area which seeks to utilize the Bonus Density Pool and/or other deviations. This does not include the Limited Density Pool Allocation.

**Eligible Applicants** **Property owners** in the following zoning districts:

1. Bayshore Zoning Overlay ~~Mixed Use District~~, Neighborhood Commercial (BZOBMUD-NC) Subdistrict
2. Bayshore Zoning Overlay ~~Mixed Use District~~, Waterfront (BZOBMUD-W) Subdistrict
3. Gateway Triangle Zoning ~~Mixed Use District~~ Overlay, Mixed Use District (GTZOGTMUD-MXD) Subdistrict

**Pre-application** A pre-application meeting is required.

**Initiation** The **applicant** files a “*Mixed Use Project Plan (MUP) with Deviations- Public Hearing,*” with the Planning & Zoning Division.

**Application Contents** MUPs that require a public hearing shall follow the applicable submittal requirements of a Conditional Use in *Chapter 3 C. of the Administrative Code*. In addition, pursuant to LDC subsection 10.02.15 A.2., the **applicant** shall prepare a conceptual plan depicting mixed use development and noting all deviations.

**Completeness and Processing of Application** The Planning & Zoning Division will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the **applicant** will receive a mailed or electronic response notifying the **applicant** that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

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

1. **NIM:** The **NIM** shall be completed at least 15 days before the advertised Planning Commission hearing. The **NIM** shall be advertised and a mailed written notice shall be

# Exhibit A – Administrative Code Changes

## Collier County Land Development Code | *Administrative Procedures Manual* Chapter 3 | *Quasi-Judicial Procedures with a Public Hearing*

given to **property owners in the notification area** at least 15 days prior to the **NIM** meeting.

2. **Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised Planning Commission hearing.
3. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before each advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
  - Date, time, and location of the hearing;
  - Description of the proposed land uses; and
  - 2 in. x 3 in. map of the project location for the BZA advertisement.
4. **Sign:** (see format below) Posted at least 15 days before the advertised Planning Commission hearing date.

<p>PUBLIC HEARING REQUESTING MIXED USE PROJECT APPROVAL</p> <p>PETITION NUMBER: _____</p> <p>TO ALLOW: _____ (Request-Sufficiently clear to describe the project)</p> <p>LOCATION: _____</p> <p>DATE: _____ TIME: _____</p> <p>CONTACT: _____</p> <p>THE ABOVE TO BE HELD IN THE BOARD OF COUNTY COMMISSIONERS CHAMBERS, THIRD FLOOR, COLLIER COUNTY GOVERNMENT CENTER, 3299 TAMIAMI TRAIL EAST, NAPLES, FLORIDA, 34112.</p>
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- Public Hearing**
1. The EAC shall hold at least 1 advertised public hearing, if required.
  2. The Planning Commission shall hold at least 1 advertised public hearing.
  3. The BZA shall hold at least 1 advertised public hearing.

**Decision maker** The BZA, following recommendations from both the EAC, if required, and the Planning Commission.

**Review Process** The Planning & Zoning Division will review the application, identify whether additional materials are needed, prepare a Staff Report, and schedule a hearing date before the EAC, if required, and Planning Commission to present the petition for review.

Following the recommendation by the Planning Commission, the Planning & Zoning Division will prepare an Executive Summary and schedule a hearing date before the BZA to present the petition for review.

# Exhibit A – Administrative Code Changes

Collier County Land Development Code | *Administrative Procedures Manual*  
Chapter 3 | *Quasi-Judicial Procedures with a Public Hearing*

Updated Resolution 2022-###

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# Exhibit A – Administrative Code Changes

Collier County Land Development Code | *Administrative Procedures Manual*  
Chapter 4 | *Administrative Procedures*

## Chapter 4. Administrative Procedures

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### F. Mixed Use Project – Administrative Approval

- Reference** LDC sections 10.02.15 and 4.02.16.
- Applicability** This procedure applies to a request for a mixed use project (MUP) within the Bayshore Gateway Triangle Community Redevelopment Area that is not seeking a Density Bonus and/or is eligible for administrative deviations pursuant to LDC subsections 10.02.15 A.1 and 10.02.15 B.
- Eligible Applicants** **Property owners** in the following zoning districts:
- Bayshore Zoning Overlay Mixed Use District, Neighborhood Commercial (BZOBMUD-NC) Subdistrict
  - Bayshore Zoning Overlay Mixed Use District, Waterfront (BZOBMUD-W) Subdistrict
  - Gateway Triangle Zoning Mixed Use District Overlay, Mixed Use District (GTZOGTMUD-MXD) Subdistrict.
- Pre-application** A pre-application meeting is required.
- Initiation** The **applicant** files a “*Mixed Use Project Plan (MUP) – Administrative Approval*” application with the Development Review Division.
- Application Contents** Pursuant to LDC subsection 10.02.15 A.1.b, MUPs that may be administratively approved shall follow the applicable submittal requirements of a site development plan. ⇔ See Chapter 4 I. of the Administrative Code for additional information.
- Completeness and Processing of Application** The Planning & Zoning Division will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the **applicant** will receive a mailed or electronic response notifying the **applicant** that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.
- Notice** No notice is required.
- Public Hearing** No public hearing is required.
- Decision maker** The County Manager or designee.
- Staff Review Process** The Development Review Division will review the application, identify whether additional materials are needed and prepare a letter of approval or denial utilizing the criteria identified in the LDC subsection 10.02.15 A.1. and 10.02.15 B.
- Appeals** Administrative appeals shall be in accordance with the **Code of Laws and Ordinances** section 250-58.

# Exhibit A – Administrative Code Changes

Collier County Land Development Code | *Administrative Procedures Manual*  
Chapter 4 | *Administrative Procedures*

Updated Resolution 2022-###

# Exhibit A – Administrative Code Changes

## Collier County Land Development Code | *Administrative Procedures Manual* Chapter 6 | *Waivers, Exemptions, and Reductions*

### Chapter 6. Waivers, Exemptions, and Reductions

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#### N. Limited Density Bonus Pool Allocation (LDBPA)

**Reference** LDC section 4.02.16 C. and LDC section 10.03.06 R.

**Applicability** Property Owners in the Bayshore Zoning Overlay District (BZO) and Gateway Triangle Zoning Overlay District (GTZO), which are zoned as either multi-family or mixed use, 2 contiguous acres or less are allowed to add 2 units per acre when satisfying the criteria of LDC section 4.02.16.C.10.

**Initiation** The applicant files a “Limited Density Bonus Pool” application with the Planning & Zoning Division.

**Pre-Application** A pre-application meeting is required.

**Application Contents** A limited density pool application must include the following, in addition to the Application Contents and Requirements for an SDP, SDPA, or SIP. ⇔ See Chapter 4 I.2 – I.4 of the Administrative Code.

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

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

The application must include the following:

1. A narrative of the redevelopment project and how it is consistent with the standards for approval, LDC section 4.02.16.C10.
2. Submittal of a Traffic Impact Statement.
3. Demonstrated compliance with the County’s access management policies.

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

1. **Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the first advertised hearing.
2. **Newspaper Advertisement:** The legal advertisement shall be published at least 15 days before each advertised hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
  - a. Date, time, and location of the hearing;



# Exhibit A – Administrative Code Changes

## Collier County Land Development Code | *Administrative Procedures Manual* Chapter 6 | *Waivers, Exemptions, and Reductions*

- b. Application number and project name;
- c. 2 in. x 3 in. map of project location; and
- d. Description of location.

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

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

**Decision maker** The Hearing Examiner or BZA.

**Review Process** The Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare a Staff Report utilizing the criteria established in LDC section 4.02.16 C.10.d. to present to the decision maker.

# Exhibit A – Administrative Code Changes

## Chapter 12. Acronyms

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A – Rural Agricultural Zoning District	FIAM – Financial Impact Analysis Module
ACOE – Army Corps of Engineers	FIHS – Florida Interstate Highway System
ACP – Agricultural Clearing Permit	FLUCFCS - Land Use Cover and Forms Classification System
ACSC – Area of Critical State Concern	FLUE – Future Land Use Element
ADT – Average Daily Trips	FLUM – Future Land Use Map
ASI – Area of Significant Influence	FP – Final Plat
BCC – Board of Collier County Commissioners	FS – Florida Statutes
BD – Boat Dock Petition	FSA – Flow way Stewardship Area
<u>BZOBMUD</u> – Bayshore <u>Zoning Overlay Drive Mixed</u> <u>Used District</u>	GC – Golf Course
BP – Business Park District	GGAMP – Golden Gate Area Master Plan
BZA – Board of Zoning Appeals	GGPPOCO – Golden Gate Pkwy Professional Office Commercial Overlay District
C-1 – Commercial Professional General Office District	GMP – Growth Management Plan
C-2 – Commercial Convenience District	GPCD – Gallons Per Capita per Day
C-3 – Commercial Intermediate District	GT – Gopher Tortoise
C-4 – General Commercial District	<u>GTZO – Gateway Triangle Zoning Overlay District</u>
C-5 – Heavy Commercial District	GWP – Ground Water Protection Zone
CCME – Conservation and Coastal Management Element	GZO – Goodland Zoning Overlay
CCPC – Collier County Planning Commission	HSA – Habitat Stewardship Area
CSSL(P) – Coastal Construction Setback Line (Permit)	I – Industrial Zoning District
CDD – Community Development District	ICBSD – Immokalee Central Business Subdistrict
CEB – Code Enforcement Board	LDC – Land Development Code
CF – Community Facility	LOS – Level of Service
CIE – Capital Improvement Element	LPA – Local Planning Agency
CIP – Capital Improvement Program	LSPA – Littoral Shelf Planting Area
CMO – Corridor Management Overlay	M/F – Multi-family Use or Zoning
C.O. – Certificate of Occupancy	MH – Mobile Home
CON – Conservation Zoning District	MHO – Mobile Home Overlay
CRD – Compact Rural Development	MLW – Mean Low Water
CSP – Conceptual Site Plan	MPP – Manatee Protection Plan
CU – Conditional Use	NBMO – North Belle Meade Overlay
DBH – Diameter at Breast Height	NC – Neighborhood Commercial District
DEO – Department of Economic Opportunity	NRPA – Natural Resource Protection Area
D.O. – Development Order	O.C. – On Center
DRI – Development of Regional Impact	P – Public Use District
DSWT – Dry Season Water Table	PPL – Plans and Plat
E – Estates Zoning District	PSI – Pounds Per Square Inch
EAC – Environmental Advisory Council	PSP – Preliminary Subdivision Plat
EIS – Environmental Impact Statement	PUD – Planned Unit Development
EPA – Environmental Protection Agency	RSF – Residential Single-Family Districts
EXP – Excavation Permit	RCW – Red Cockaded Woodpecker
FAC – Florida Administrative Code	RFMU – Rural Fringe Mixed Use District
FDEP – Florida Department of Environmental Protection	RLS – Request for Legal Service
FDOT – Florida Department of Transportation	RLSA(O) – Rural Lands Stewardship Area (Overlay)
FFWCC – Florida Fish & Wildlife Conservation Commission	RMF – Residential Multi-Family Districts
	RNC – Residential Neighborhood Commercial Subdistrict

# Exhibit A – Administrative Code Changes

R.O.W. – Right of Way  
RSF – Residential Single-Family  
SBCO – Santa Barbara Commercial Overlay District  
SBR – School Board Review  
SDP – Site Development Plan  
S/F – Single Family Use/Zoning  
SFWMD – South Florida Water Management District  
SIP – Site Improvement Plan  
SLR – Sound Level Reduction  
SRA – Stewardship Receiving Area  
SSA – Stewardship Sending Area  
ST – Special Treatment Zoning Overlay  
ST-NAR – Special Treatment-Natural Aquifer Recharge  
SWFRPC – Southwest Florida Regional Planning Council

TCEA – Transportation Concurrency Exception Areas  
TCMA – Transportation Concurrency Management Areas  
TDR – Transfer of Development Rights  
TP – Turtle Permit  
TTRVC – Travel Trailer Recreational Vehicle Campground  
USFWS – United States Fish & Wildlife Service  
VOB – Vehicle on the Beach Permit  
VR – Village Residential Zoning District  
VRP – Vegetation Removal Permit  
VRSFP – Vegetation Removal & Site Fill Permit  
W – Waterfront District  
WRA – Water Retention Area (within RLSA)

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