

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20220005067

SUMMARY OF AMENDMENT

This amendment corrects scrivener’s errors and updates cross-references related to various Land Development Code (LDC) sections.

ORIGIN

Growth Management
 Community Development
 Department (GMCDD)

HEARING DATES

BCC	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	8/24/2022

LDC SECTION TO BE AMENDED

2.03.03	Commercial Zoning Districts
2.03.07	Overlay Zoning Districts
2.03.08	Rural Fringe Zoning Districts
6.01.02	Easements

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

TBD

DSAC

TBD

CCPC

TBD

BACKGROUND

This LDC amendment corrects scrivener’s errors and updates various citations/references throughout the LDC. This staff-led effort required collaboration between Zoning and Development Review divisions in the GMCDD. These changes are necessary to keep citations current and language appropriate. Research to relevant codes was applied for validity. This amendment makes corrections in the following LDC sections:

LDC section 2.03.03 B.1.c.8.: The word “principle” should read “principal.” The word has a different meaning. This section is referring to the primary uses listed in LDC section 2.03.03 B.1.a.

LDC section 2.03.03 C.1.a.42.: The chapter citation of the Florida Administrative Code (F.A.C.) is cited incorrectly. There is no chapter 589A-36. Chapter 59A-36 is appropriate, it being entitled “Assisted Living Facility,” with this LDC section referring to this subject.

LDC section 2.03.07 F.2.b.: LDC section 4.02.06 is referenced as it pertains to the design standards for the GGPOD zoning overlay. This citation is incorrect. The GGPOD zoning overlay should cite LDC section 4.02.26. These design standards have been in this section since their adoption in the LDC.

LDC section 2.03.08 B.1.a.(5): The LDC section citation for 2.03.08 C. is incorrect. The LDC section for Natural resource protection area overlay district (NRPA) was changed from 2.03.08 C. to 2.03.08 B. with Ordinance Number 2005-27 and this citation was not updated with it.

LDC section 2.03.08 B.1.b.: The typo, “eth” has remained in this section since the current, amended LDC Ordinance 2004-41 was adopted.

LDC section 6.01.02 C.: The word “principle” should read “principal.” The word has a different meaning. This section is referring to the primary structures located on a lot.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts associated with this amendment.

GMP CONSISTENCY

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

Amend the LDC as follows:

2.03.03 – Commercial Zoning Districts

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B. Commercial Convenience District (C-2). The purpose and intent of the commercial convenience district (C-2) is to provide lands where commercial establishments may be located to provide the small-scale shopping and personal needs of the surrounding residential land uses within convenient travel distance except to the extent that office uses carried forward from the C-1 district will expand the traditional neighborhood size. However, the intent of this district is that retail and service uses be of a nature that can be economically supported by the immediate residential environs. Therefore, the uses should allow for goods and services that households require on a daily basis, as opposed to those goods and services that households seek for the most favorable economic price and, therefore, require much larger trade areas. It is intended that the C-2 district implements the Collier County GMP within those areas designated agricultural/rural; estates neighborhood center district of the Golden Gate Master Plan; the neighborhood center district of the Immokalee Master Plan; and the urban mixed use district of the future land use element permitted in accordance with the locational criteria for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum density permissible in the C-2 district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County GMP. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the C-2 commercial convenience district.

* * * * *

c. Conditional uses. The following uses are permissible as conditional uses in the commercial convenience district (C-2), subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

8. Personal services, miscellaneous (7299 - not listed as ~~principle~~ principal uses and limited to babysitting bureaus; birth certificate agencies; car title and tag services; computer photography or portraits; dating service; diet workshops; dress suit rental; tax rental; genealogical investigation service; hair removal; shopping service for individuals only; wardrobe service, except theatrical; wedding chapels, privately operated) with 1,800 square feet or less of gross floor area in the principal structure.

* * * * *

1 C. Commercial Intermediate District (C-3). The purpose and intent of the commercial
 2 intermediate district (C-3) is to provide for a wider variety of goods and services intended
 3 for areas expected to receive a higher degree of automobile traffic. The type and variety
 4 of goods and services are those that provide an opportunity for comparison shopping,
 5 have a trade area consisting of several neighborhoods, and are preferably located at the
 6 intersection of two-arterial level streets. Most activity centers meet this standard. This
 7 district is also intended to allow all of the uses permitted in the C-1 and C-2 zoning districts
 8 typically aggregated in planned shopping centers. This district is not intended to permit
 9 wholesaling type of uses, or land uses that have associated with them the need for outdoor
 10 storage of equipment and merchandise. A mixed-use project containing a residential
 11 component is permitted in this district subject to the criteria established herein. The C-3
 12 district is permitted in accordance with the locational criteria for commercial and the goals,
 13 objectives, and policies as identified in the future land use element of the Collier County
 14 GMP. The maximum density permissible in the C-3 district and the urban mixed use land
 15 use designation shall be guided, in part, by the density rating system contained in the
 16 future land use element of the Collier County GMP. The maximum density permissible or
 17 permitted in the C-3 district shall not exceed the density permissible under the density
 18 rating system.

19 1. The following uses, as identified with a number from the Standard Industrial
 20 Classification Manual (1987), or as otherwise provided for within this section are
 21 permissible by right, or as accessory or conditional uses within the commercial
 22 intermediate district (C-3).

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24 a. Permitted uses.

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26 42. Group care facilities (category I and II, except for homeless
 27 shelters); care units, except for homeless shelters; nursing homes;
 28 assisted living facilities pursuant to § 429.02 F.S. and ch. ~~589A-36~~
 29 59A-36 F.A.C.; and continuing care retirement communities
 30 pursuant to ch. 651 F.S. and ch. 69O-193 F.A.C.; all subject to LDC
 31 section 5.05.04.

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34 **2.03.07 – Overlay Zoning Districts**

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36 F. Golden Gate Parkway Overlay District (GGPOD)

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38 2. Applicability.

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1 b. Property owners within the GGPOD may establish uses, densities, and
 2 intensities in accordance with the underlying zoning classification of the
 3 GGPOD. The design standards of the GGPOD pursuant to LDC section
 4 4.02.~~06-26~~ shall apply.

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9 **2.03.08 – Rural Fringe Zoning Districts**

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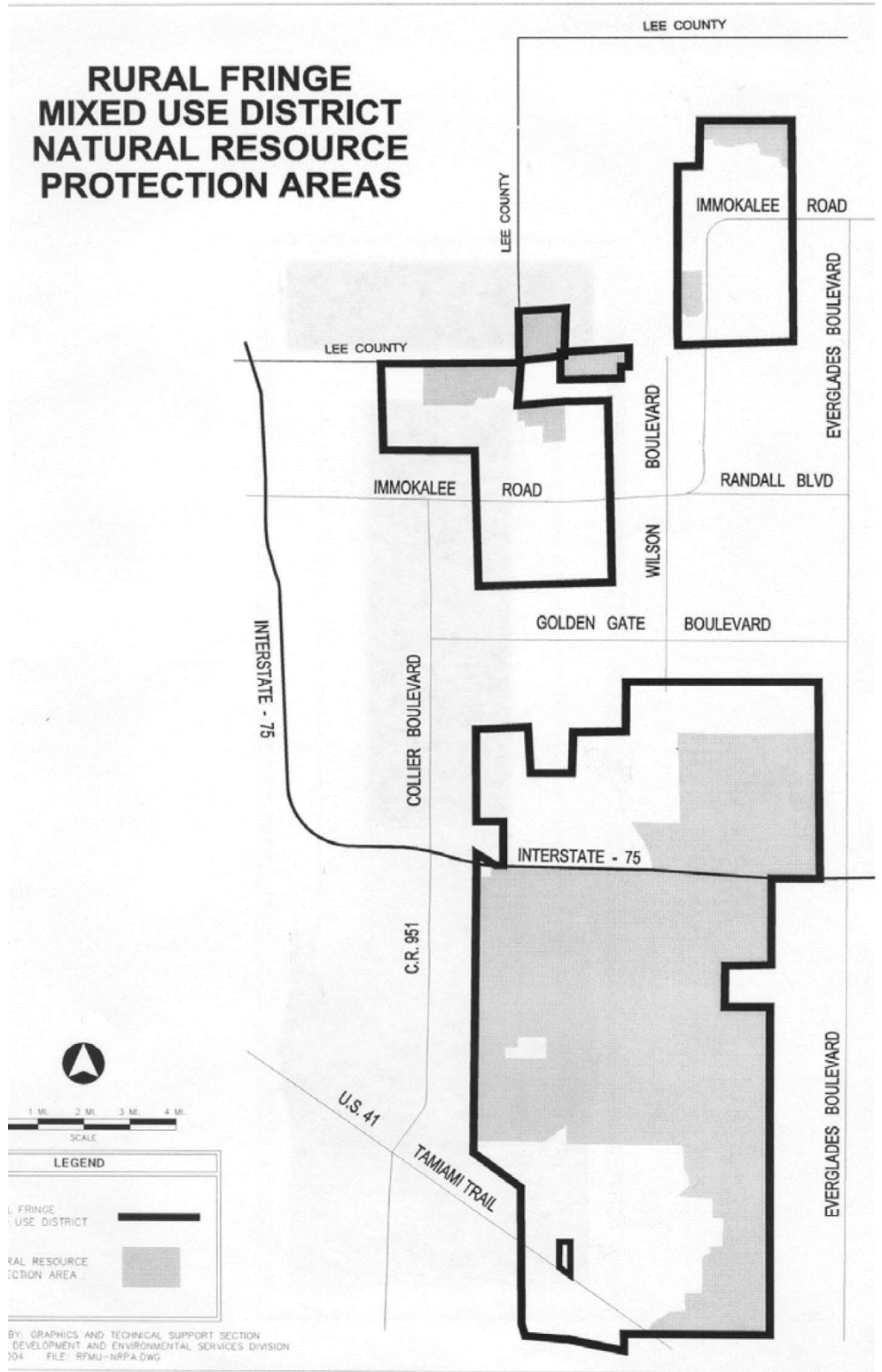
12
 13 B. Natural resource protection area overlay district (NRPA).
 14 1. Purpose and intent. The purpose and intent of the Natural Resource Protection
 15 Area Overlay District (NRPA) is to: protect endangered or potentially endangered
 16 species by directing incompatible land uses away from their habitats; to identify
 17 large, connected, intact, and relatively unfragmented habitats, which may be
 18 important for these listed species; and to support State and Federal agencies'
 19 efforts to protect endangered or potentially endangered species and their habitats.
 20 NRPAs may include major wetland systems and regional flow-ways. These lands
 21 generally should be the focus of any federal, state, County, or private acquisition
 22 efforts. Accordingly, allowable land uses, vegetation preservation standards,
 23 development standards, and listed species protection criteria within NRPAs set
 24 forth herein are more restrictive than would otherwise be permitted in the
 25 underlying zoning district and shall to be applicable in addition to any standards
 26 that apply tin the underlying zoning district.

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 30 a. NRPA overlay areas. NRPAs are located in the following areas:

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 34 (5) South Golden Gate Estates.
 35 The NRPA lands within the Rural Fringe Mixed Use District to which
 36 the Section 2.03.08 ~~C.B.~~ regulations apply (i.e. - numbers 3 and 4
 37 above) are depicted by the following map:



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1 b. NRPAS designated as RFMU sending lands within the RFMU district.
 2 NRPAs located in the RFMU district are identified as RFMU sending lands
 3 and are further subject to the provisions, conditions and standards set forth
 4 in section 2.03.08 (A)(4). Private property owners within these NRPAs may
 5 transfer residential development rights from these important
 6 environmentally sensitive lands to other identified "receiving" lands
 7 pursuant to ~~eth~~ specific provisions set forth in section 2.01.03 of this Code.

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6.01.02 – Easements

13 If applicable, easements shall be provided along lot lines or along the alignment of the
 14 improvements requiring easements in accordance with all design requirements so as to provide
 15 for proper access to, and construction and maintenance of, the improvements. All such
 16 easements shall be properly identified on the preliminary subdivision plat and dedicated on the
 17 final subdivision plat.

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21 C. Protected/preserve area and easements. A nonexclusive easement or tract in favor of
 22 Collier County, without any maintenance obligation, shall be provided for all
 23 "protected/preserve" areas required to be designated on the preliminary and final
 24 subdivision plats or only on the final subdivision plat if the applicant chooses not to submit
 25 the optional preliminary subdivision plat. Any buildable lot or parcel subject to or abutting
 26 a protected/preserve area required to be designated on the preliminary and final
 27 subdivision plats, or only on the final subdivision plat if the applicant chooses not to submit
 28 the optional preliminary subdivision plat, shall have a minimum setback as required by the
 29 LDC, or other setback that may be approved as a deviation through the PUD approval
 30 process by the Board of County Commissioners from the boundary of such
 31 protected/preserve area in which no ~~principle~~principal structure may be constructed. The
 32 required preserve principal structure setback line and the accessory structure setback
 33 lines shall be clearly indicated and labeled on the final plat where applicable. Further, the
 34 preliminary and final subdivision plats, or only on the final subdivision plat if the applicant
 35 chooses not to submit the optional preliminary subdivision plat, shall require that no
 36 alteration, including accessory structures, fill placement, grading, plant alteration or
 37 removal, or similar activity shall be permitted within such setback area without the prior
 38 written consent of the County Manager or designee; provided, in no event shall these
 39 activities be permitted in such setback area within ten feet of the protected/preserve area
 40 boundary. Additional regulations regarding preserve setbacks and buffers are located in
 41 Chapters 4 and 10, and shall be applicable for all preserves, regardless if they are platted
 42 or simply identified by a recorded conservation easement. The boundaries of all required
 43 easements shall be dimensioned on the final subdivision plat. Required
 44 protected/preserve areas shall be identified as separate tracts or easements having
 45 access to them from a platted right-of-way. No individual residential or commercial lot or
 46 parcel lines may project into them when platted as a tract. If the protected/preserve area
 47 is determined to be jurisdictional in nature, verification must be provided which documents
 48 the approval of the boundary limits from the appropriate local, state or federal agencies
 49 having jurisdiction and when applicable pursuant to the requirements and provisions of
 50 the growth management plan. All required easements or tracts for protected/preserve
 51 areas shall be dedicated and also establish the permitted uses for said easement(s) and/or

DRAFT

Text underlined is new text to be added

~~Text strikethrough is current text to be deleted~~

1 tracts on the final subdivision plat to Collier County without the responsibility for
2 maintenance and/or to a property owners' association or similar entity with maintenance
3 responsibilities. An applicant who wishes to set aside, dedicate or grant additional
4 protected preserve areas not otherwise required to be designated on the preliminary
5 subdivision plat and final subdivision plats, or only on the final subdivision plat if the
6 applicant chooses not to submit the optional preliminary subdivision plat, may do so by
7 grant or dedication without being bound by the provisions of this section.
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