

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20220004350

ORIGIN

Board of County
Commission (Board)

HEARING DATES

BCC	11/08/2022
	10/25/2022
CCPC	09/15/2022
	09/01/2022
DSAC	08/03/2022
DSAC-LDR	07/27/2022

SUMMARY OF AMENDMENT

For variance applications proposed on properties located within the Rural and Urban Golden Gate Estates designated areas of the Golden Gate Area Master Plan (GGAMP), this amendment will change the mailed written public notification distance to property owners from 1 mile to 1,000 feet. Also, this Land Development Code (LDC) amendment requires a companion amendment to the Collier County Administrative Code for Land Development, regarding public notice procedures for land use petitions.

LDC SECTION TO BE AMENDED

10.03.05 Required Methods of Providing Public Notice

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval

DSAC
Approval

CCPC
Approval

BACKGROUND

Prior to 2021, the required mailed notice for properties located in the urban designated area of the Future Land Use Element of the Growth Management Plan (GMP) was 500 feet of a subject property. For all other areas, the mailed notices were sent to all property owners within 1,000 feet of the property lines of the subject property. However, the mailed notice requirements changed once Ordinance 2021-25 was adopted on July 13, 2021. The new ordinance increased the mailed notice distance from 1,000 feet to 1 mile, for properties located within the boundaries of the Rural Golden Gate Estates Sub-Element of the GGAMP and in the Urban Golden Gate Estates Sub-Element of the GGAMP.

On June 14, 2022, the Board directed staff to change the distance of the mailed notice, from 1 mile to 1,000 feet, for variance applications on lands located in the Estates. It was reasoned that variance applications are typically minor and localized in nature (e.g., encroachments into a side or rear yard that may affect only an adjoining property or a few others) and are not anticipated to have major impacts to public infrastructure, such as to the transportation system or stormwater management, as potentially would a rezoning application, conditional use request, or GMP amendment. Staff drafted the proposed LDC amendment such that the distance of the mailed notice requirement for variance applications would be reduced from 1 mile to 1,000 feet for all properties zoned Estates (E) and located throughout the Rural Golden Gate Estates Sub-Element of the GGAMP and the Urban Golden Gate Estates Sub-Element of the GGAMP.

With respect to variances, LDC section 9.04.02 states as follows:

A variance is authorized for any dimensional development standard, including the following: height, area, and size of structure; height of fence; size of yards and open spaces; dimensional aspects of landscaping and buffering requirements; size, height, maximum number of, and minimum setback for signs; and minimum requirements for off-street parking facilities.” Unlike other land use petitions, a request for variance is specific to the location of a subject property and “... has no adverse effect on the community at large or neighboring property

owners.

This LDC amendment requires a companion amendment to the Collier County Administrative Code for Land Development (Administrative Code), regarding public notice procedures for land use petitions.

DSAC-LDR Subcommittee (Subcommittee) Recommendation:

The Subcommittee recommended approval (3-1). Prior to the motion, the Subcommittee requested that staff clarify the Background portion to ensure greater accuracy. Staff updated the Background, Summary, and GMP Consistency portions of this staff report for accuracy purposes.

DSAC Recommendation:

The Committee recommended approval.

Collier County Planning Commission (CCPC) Recommendation:

The CCPC recommended approval.

The DSAC-LDR, DSAC, and CCPC reviewed a version of the LDC amendment that proposed to reduce the mailed notification distance to include all the varying designations, districts, and subdistricts of the Rural and Urban Sub-Elements of the GGAMP (and their associated zoning). However, the LDC amendment has been since updated to ensure that its applicability is specific to E-zoned properties, which is more consistent with the Board's original direction.

FISCAL & OPERATIONAL IMPACTS

There is no fiscal impact to the County. Costs associated with mailed notices are the responsibility of the petitioner.

GMP CONSISTENCY

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

EXHIBITS: A) Administrative Code Amendment

Amend the LDC as follows:

10.03.05 – Required Methods of Providing Public Notice

This section shall establish the required methods of providing public notice. Chapter 8 of the Administrative Code shall establish the public notice procedures for land use petitions.

A. Neighborhood Information Meetings (NIM). Neighborhood Information Meetings, where required, shall be held prior to the first public hearing and noticed as follows:

1. Mailed Notice shall be sent prior to the NIM and shall be pursuant to LDC section 10.03.05 B.

2. Newspaper Advertisement prior to the NIM.

B. Mailed Notice.

1. Where required, Mailed Notice shall be sent to property owners in the notification area as follows:

a. For areas in the urban designated area of the future land use element of the Growth Management Plan notices shall be sent to all property owners within 500 feet of the property lines of the subject property.

b. For all other areas, except areas designated in the Rural Golden Gate Estates Sub-Element or Urban Golden Gate Estates Sub-Elements of the Golden Gate Area Master Plan, notices shall be sent to all property owners within 1,000 feet of the property lines of the subject property.

c. For areas designated within the Rural and Urban Golden Gate Estates Sub-Elements of the Golden Gate Area Master Plan, notices shall be sent to all property owners within one mile of the subject property lines, except for Estates (E) zoned variance applications, which shall be 1,000 feet of the subject property lines.

d. Notices shall also be sent to property owners and condominium and civic associations whose members may be impacted by the proposed land use changes and who have formally requested the county to be notified. A list of such organizations must be provided and maintained by the county, but the applicant must bear the responsibility of insuring that all parties are notified.

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Exhibit A- Administrative Code

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

Collier County Land Development Code | *Administrative Procedures Manual* Chapter 8 | Public Notice

C. Mailed Notice

Applicability For applicable land use petitions, a **mailed notice** shall be as follows.

Notice Requirements Mailed written notices shall be sent by regular mail to **property owners in the notification area** listed below. Names and addresses of **property owners** shall be those listed on the latest ad valorem tax rolls of the County. The ~~County must send~~ **mailed notice** must be sent out at least 15 days before the hearing for all applications, except as identified otherwise in the Administrative Code.

The **applicant** must provide a copy of the list of all parties noticed by the required notification deadline to the ~~Planning & Zoning Department~~ Division staff.

The written notice must include:

- a. Date, time, and location of the **NIM** meeting or public hearing;
- b. Description of the proposed land uses; and
- c. 2 in. x 3 in. map of the project location.

For a conditional use, rezoning, PUD, PUD extension, or variance, the notice must also include:

- a. A clear description of the proposed land uses;
- b. A clear description of the applicable development standards;
- c. Intensity or density in terms of total floor area of commercial or industrial space and dwelling units per acre for residential projects;
- d. A clear description of the institutional or recreational uses when part of the development strategy; and
- e. The substance of the proposed ordinance or resolution (rezoning only).

For a site plan with deviations for redevelopment projects, the notice must also include:

- ~~T~~he type of deviation sought.

The ~~e~~Clerk to the BCC will make a copy of all notices available for public inspection during ~~the~~ regular business hours.

Recipients of Mailed Written Notice **Property owners in the notification area** are described below and shall be based on the latest tax rolls of Collier County and any other persons or entities who have formally requested notification from the County:

→ Urban designated area of the future land use element of the growth management plan

The notification area includes:

1. All property owners within 500 feet of the property lines of the subject property ~~or one mile of the property lines of the subject property if located within the areas designated in the Urban Golden Gate Estates Sub-Element of the Golden Gate Master Plan.~~

Exhibit A- Administrative Code

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Text underlined is new text to be added

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2. If any of the land in the area listed in paragraph 1 is owned by the same person or entity who owns the subject property, the 500-foot ~~or one mile~~ distance is measured from the boundaries of the entire ownership or PUD.
3. The maximum notification area is ½ mile (2,640 feet) from the subject property except for areas designated in the Urban and Rural Golden Gate Estates Sub-Element of the Golden Gate Area Estates Master Plan.

→ All other areas The notification area includes:

1. All property owners within 1,000 feet of the property lines of the subject property. However, for ~~For~~ areas designated in the Urban and Rural Golden Gate Estates Sub-Element of the Golden Gate Area Master Plan, the notices shall be sent to all property owners within one mile of the property lines of the subject property, except for Estates (E) zoned variance applications, which shall remain at 1,000 feet of the subject property.
2. If any of the land in the area listed in paragraph 1 is owned by the same person or entity who owns the subject property, the 1,000-foot or one mile distance is measured from the boundaries of the entire ownership or PUD.
3. The maximum notification area is ½ mile (2,640 feet) from the subject property, except for areas designated in the Urban and Rural Golden Gate Estates Sub-Element of the Golden Gate Area Master Plan.

→ Associations

Notification shall also be sent to **property owners** and condominium and civic associations whose members are impacted by the proposed land use changes and who have formally requested the County to be notified. A list of such organizations shall be provided and maintained by the County, but the **applicant** must bear the responsibility of ~~in~~ensuring all parties are notified.