

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20240009067

ORIGIN

Board of County
Commissioners (Board)

HEARING DATES

Board	TBD
CCPC	TBD
DSAC	<u>11/06/2024</u> TBD
DSAC-LDR	<u>10/15/2024</u> TBD

SUMMARY OF AMENDMENT

This LDC amendment establishes interim regulations for the rental of guesthouses within urban the Urban Golden Gate Estates zoned lots. LDC amendments are reviewed by the Board, Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR).

LDC SECTION TO BE AMENDED

2.03.01	Agricultural Districts
5.03.03	Guesthouses

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval ~~TBD~~

DSAC
TBD

CCPC
TBD

BACKGROUND: The provisions for guesthouses were first adopted in 1974 when the Coastal Planning Area District regulations were established. This ordinance defined them as an “accessory dwelling unit,” which was to be “used exclusively for the non-commercial accommodation of friends or relatives of the occupant or owner of the principal dwelling.” In 1976, the provisions were clarified to prohibit the leasing or renting of a guest accommodation facility and to allow one guest house to be a permitted accessory use in both the Agricultural (A) and Estates (E) zoning districts. Since then, the guesthouse provisions have been amended from time to time, but the prohibition of renting them has remained.

On February 14, 2023, the Board discussed an item sponsored by Commissioner McDaniel that sought to amend the LDC to allow the rental of guesthouses. During the presentation, Commissioner McDaniel suggested that the rental of guesthouses should be restricted to homesteaded properties located in the urban Estates—the rationale of the restriction being that on-site landlords do a good job of managing the actions of their tenants. The Board members further discussed the prospect of amending the LDC but later agreed that Commissioner Hall should first discuss the matter with the Affordable Housing Advisory Committee (AHAC) before the Board gives direction to staff. On May 15, 2023, staff presented the prospect of guesthouse rentals within the Urban Golden Gate Estates to the AHAC. The AHAC supported looking at the rental of guesthouses as a possible solution to the affordable housing shortage within the County. The motion recognized that it was the desire of AHAC to increase supply and to allow this in the Urban Estates. It also was their desire to recommend exploring guesthouse rental for the Rural Estates. Finally, the program should be offered to homesteaded properties (and that the exemption would remain) and that it should be kept at market-rate rents. The AHAC wanted staff to provide the Board with the rent-ranges and the percentage of homesteaded properties out of the 3,559 targeted properties. On May 14, 2024, the Board discussed Item 11.A. under the County Manager’s Report, which was a recommendation to provide staff direction on the Board’s request for staff to gather input on the community’s desire to allow for the legal renting of guesthouses within the urban Estates Zoning District, based upon the conclusions provided for within the Guesthouse Rental White Paper. By a vote of 4-1, the Board directed staff to move forward with an LDC amendment with the provision in writing of the one-year revisit and a specific report from Code Enforcement.

The provisions for the Density Rating System in the Future Land Use Element (FLUE) of the Growth

Management Plan (GMP) recognizes that guesthouses are considered accessory dwellings and are not counted toward density. However, the Density Rating System in the FLUE is only applicable to certain geographic areas of the County and yields to either the Immokalee Area Master Plan or Golden Gate Area Master Plan (GGAMP), where applicable, in matters of density and application. The geographic area encompassed by this LDC amendment is located within the jurisdiction of the GMP but with a majority of the lots located within the GGAMP, specifically the Urban Golden Gate Estates Sub-Element (see Exhibit A). According to the Estates Designation of the Urban Golden Gate Estates Sub-Element of the GGAMP, this designation is characterized by low density semi-rural residential lots within limited opportunities for other land uses. Typical lots are 2.25 acres; however, there are some legal non-conforming lots as small as 1.14 acres. Residential density is limited to a maximum of one unit per 2.25 gross acres, or one unit per legal non-conforming lot of record, exclusive of guesthouses. Multiple family dwelling units, duplexes, and other structures containing two or more principal dwellings are prohibited in all Districts and Subdistricts in the Estates Designation. The density exclusion for guesthouses is also provided for in the Residential Estates Subdistrict of the Estates – Mixed Use District. Since the Urban Golden Gate Estates Sub-Element is silent with respect to the rental of guesthouses, no GMP amendment will be necessary or required to amend the LDC to allow guesthouse rentals in the Estates zoning district. Transportation Planning staff reviewed the proposed Amendment and anticipates that there will be minimal impacts on the road network based on the following findings:

- There are a limited number of parcels effected by the amendment.
- The Urban Subdistrict contains an established road network with major north-south and east-west arterials and collectors.
- Traffic impacts resulting from the rental units should more widely be distributed within the subdistrict compared to traditional PUD developments with single point trip impacts.
- There is a reasonable network of interconnected local-neighborhood roads providing alternative routes.
- There are numerous goods/services/employment opportunities adjacent to this subdistrict area to reduce trip lengths on the network compared to longer rural commuter-residential trips.

The DSAC-LDR recommended approval of the amendment on October 15, 2024. However, two noteworthy changes were made since the hearing. The first change was to incorporate a sunset clause of five years. The second change was to specify a minimum duration of nine month for any lease agreement between a lessor and lessee of the guesthouse. A minimum duration will help to ensure the guesthouses will not be used for short-term lodging but to remain as part of the County's housing supply, to indirectly promote the goal of addressing the affordable housing problem.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal impacts to the County, except for the cost of advertising an ordinance amending the LDC, which is estimated \$50.00. Funds are available within the Unincorporated Area General Fund (1011) and Zoning & Land Development Cost Center (138319). Property owners who wish to rent their guesthouse will bear the cost of a registration fee, which is anticipated to be \$50 from Zoning and any fee that is typically charged for the Business Tax Receipt. Fiscal and operational impacts are to be determined.

GMP CONSISTENCY

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

EXHIBITS: A) Boundary Map; None B) Public Comments at DSAC-LDR; and C) Apartment Survey

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Amend the LDC as follows:

2.03.01 - Agricultural Districts

A. Rural Agricultural District (A). The purpose and intent of the rural agricultural district (A) is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of the County, are permissible as conditional uses in the A district. The A district corresponds to and implements the Agricultural/Rural land use designation on the future land use map of the Collier County GMP, and in some instances, may occur in the designated urban area. The maximum density permissible in the rural agricultural district within the urban mixed use district shall be guided, in part, by the density rating system contained in the future land use element of the GMP. The maximum density permissible or permitted in A district shall not exceed the density permissible under the density rating system. The maximum density permissible in the A district within the agricultural/rural district of the future land use element of the Collier County GMP shall be consistent with and not exceed the density permissible or permitted under the agricultural/rural district of the future land use element.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as accessory or conditional uses in the rural agricultural district (A).

* * * * *

b. Accessory uses.

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6. One guesthouse ~~Guesthouses~~, subject to LDC section 5.03.03.

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5.03.03 – Guesthouses

Where a guesthouse is an allowable use, it shall be permitted only in compliance with the following standards. See LDC section 1.08.02 Guesthouse for additional information.

- A. No guest accommodation facility in a single-family residential district, whether a freestanding guest house or guest accommodations which are structurally integrated with the main dwelling, may be utilized for commercial purposes.
- B. Leasing or renting a guest accommodation facility shall constitute a violation of this LDC, except as provided for in LDC section 5.03.03 F.

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- 1 C. If the principal dwelling ~~a main residence~~ is leased or rented, a guest accommodation
2 facility accessory to it may not be occupied by the property owner, since that would
3 constitute the unlawful utilization of single-family zoned property for two-family dwelling
4 purposes.
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- 6 D. The following site design standards apply to all guest-houses:
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- 8 1. Minimum lot area shall be 43,560 square feet.
9
 - 10 2. Minimum lot width shall be 105 feet.
11
 - 12 3. The maximum floor area shall be forty (40) percent of the air-conditioned, enclosed
13 living area (excluding garages, carports, patios, porches, utility areas, and the like)
14 of the principal dwelling.
15
 - 16 4. Detached guest-houses shall not be closer than twenty (20) feet to the principal
17 dwelling.
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- 19 E. A guesthouse may be constructed prior to a principal dwelling, provided the guest house
20 meets the minimum requirements of a single-family residence in the district in which it is
21 being constructed. At such time as a principal residence is constructed, then the floor area
22 percentages listed above shall apply.
23
- 24 F. The leasing or renting of a guesthouse shall be prohibited unless the following
25 requirements are met:
26
- 27 1. The subject property is located within the Estates (E) zoning district west of Collier
28 Boulevard.
29
 - 30 2. The subject property is owner-occupied where the landlord, as defined by Florida
31 Statutes section 83.43, makes permanent residence within the principal dwelling
32 and to whom a homestead exemption, as defined in Florida Statutes section
33 196.031, has been granted and continues or remains.
34
 - 35 3. If the Property Appraiser determines the landlord is no longer eligible, entitled, or
36 qualified to receive the homestead exemption, the continued leasing or renting of
37 the guesthouse shall constitute an unlawful utilization of the guesthouse, effective
38 upon the date when the Property Appraiser provides written notification via certified
39 letter of the denial of the homestead exemption.
40
 - 41 4. The guesthouse must contain sleeping facilities, a bathroom, and a kitchen.
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 - 43 5. A minimum of one off-street parking space shall be required for each guesthouse
44 permitted under this subsection.
45
 - 46 6. The Administrative Code for Land Development shall establish the process and
47 application submittal requirements to lease or rent a guesthouse under this
48 section.
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1 7. The minimum duration of any lease between a lessor and lessee shall be nine
2 months.

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4 8. The provisions of LDC section 5.03.03 F. shall sunset five years from [the adoption
5 date of this LDC amendment] unless extended by the Board of County
6 Commissioners by resolution.

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