

LDC Amendment Request

ORIGIN: CDES

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DEPARTMENT: Comprehensive Planning

AMENDMENT CYCLE: Cycle 1, 2007

LDC PAGE: LDC10:141

LDC SECTION(S): **10.03.05 Notice Requirements for Public Hearings Before the BCC, the Planning Commission, the Board of Zoning Appeals, the EAC, and the Historic Preservation Board**

CHANGE: Adding the requirement of posting signs announcing public hearings for site-specific amendments to the Growth Management Plan (GMP) and reorganization of the general provisions for signage.

REASON: To better inform the public of hearings involving amendments to the Growth Management Plan.

FISCAL & OPERATIONAL IMPACTS: Impact to the County is minimal -- some additional staff time will be necessary to review the sign contents prior to posting by the applicant; also, for County-initiated petitions, the County would bear the cost for posting of sign(s). Impact to applicants will vary, depending upon property dimensions. Presently, each sign costs between \$800 and \$1,200 and signs must be posted prior to both CCPC hearings. Historically, an average of about five site-specific GMP amendment petitions are received annually.

RELATED CODES OR REGULATIONS: None.

GROWTH MANAGEMENT PLAN IMPACT: None.

OTHER NOTES/VERSION DATE: Created March 7, 2007

Amend the LDC as follows:

10.03.05 Notice Requirements for Public Hearings Before the BCC, the Planning Commission, the Board of Zoning Appeals, ~~the~~ EAC, and the Historic Preservation Board

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B. *Notice and public hearing where proposed amendment would change zoning classification of land and for **conditional uses** and variances, for planned unit development (PUD) rezoning extensions and for small-scale or other site-specific comprehensive plan amendments. In the case of a small-scale or other site-specific comprehensive plan amendment, an application for extension of PUD zoning status or the rezoning of land, to include rezonings, **conditional uses** and variances initiated by other than the board of county commissioners or amendments to planned unit **developments**, such provisions shall be enacted or amended pursuant to the following public notice and hearing requirements by the planning commission and the board of county commissioners as applicable. Small-scale or other site-specific comprehensive plan amendments, PUD extensions, rezoning, **conditional use** and variance petitions initiated by the board of county commissioners or its agencies for county owned land shall be subject to these provisions.*

1. Applications for a PUD extension, whether initiated by the **applicant** or the BCC, shall only be heard by the BCC pursuant to the notice and advertising requirements set forth in sections 10.03.05 B. & 10. and 9 11. of this Code.
2. In the case of PUD extensions pursuant to sections 10.02.13 ~~€ D.4.,~~ 10.02.13 ~~€ D.5.a.~~ and 10.02.13 ~~€ D.6.~~ of this Code, a **sign** shall be posted at least 15 days prior to the date of the hearing before the BCC and shall conform to the applicable **sign** requirements listed in ~~subsections 3.c., 3.d., 4 and 5~~ below.

a. The **sign** advising of the PUD extension hearing shall be in substantially the following format:

PUBLIC HEARING FOR A PLANNED UNIT DEVELOPMENT
(PUD) EXTENSION

TO PERMIT: _____ (set forth alternatives going to
the BCC)

DATE: _____

TIME: _____

b. THE ABOVE TO BE HELD IN COMMISSIONERS MEETING
ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON
TURNER BUILDING, 3301 E. TAMIAMI TRAIL, NAPLES,
FLORIDA, 34112.

3. In the case of small-scale or other site-specific comprehensive plan amendments, a **sign** must be posted **at least** 15 days prior to the date of both transmittal and adoption hearings, as applicable, before the planning commission.

a. The **sign** advising of the comprehensive plan amendment hearing shall be in substantially the following format:

PUBLIC HEARING FOR SMALL-SCALE OR OTHER SITE-
SPECIFIC AMENDMENT TO THE COMPREHENSIVE PLAN

TO PERMIT: (sufficiently clear to describe the
amendment) _____

DATE: _____

TIME: _____

b. THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMIAMI TRAIL, NAPLES, FLORIDA, 34112.

~~3-~~ 4. For all other petitions noted in paragraph B above, a **A sign** shall be posted at least 15 days prior to the date of the public hearing by the planning commission. The **sign** to be posted shall contain substantially the following language and the **sign's** copy shall utilize the total area of the **sign**:

a. PUBLIC HEARING TO REZONE THIS PROPERTY:

FROM _____ TO _____

TO PERMIT: _____

DATE: _____

TIME: _____

(or where applicable the following:)

b. PUBLIC HEARING REQUESTING **CONDITIONAL USE** (VARIANCE) APPROVAL

(both to contain the following information:)

TO PERMIT: (Sufficiently clear to describe the project)

DATE: _____

TIME: _____

~~c. The **sign** advising of the PUD extension hearing shall be in substantially the following format:~~

~~PUBLIC HEARING FOR A PLANNED UNIT DEVELOPMENT (PUD) EXTENSION~~

~~TO PERMIT: _____ (set forth alternatives going to the BCC)~~

~~DATE: _____~~

~~TIME: _____~~

~~ALL OF THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMIAMI TRAIL, NAPLES, FLORIDA, 34112.~~

~~d. The **sign** advising of the small scale or other site specific~~

~~comprehensive plan amendment hearing shall be in substantially the following format:~~

~~PUBLIC HEARING FOR SMALL-SCALE OR OTHER SITE-SPECIFIC AMENDMENT TO THE COMPREHENSIVE PLAN:~~

~~TO PERMIT: _____ (sufficiently clear to describe the amendment) _____~~

~~DATE: _____~~

~~TIME: _____~~

~~e. c. ALL OF THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMiami TRAIL, NAPLES, FLORIDA, 34112.~~

~~4. 5.~~ For all petitions, the ~~The~~ area of the **signs** shall be as follows:

~~i. a.~~ For properties less than one acre in size, the **sign** shall measure at least one and one-half square feet in area.

~~ii. b.~~ For properties one acre or more in size, the **sign** shall measure at least 32 square feet in area.

~~4. 6.~~ For all petitions, in ~~In~~ the case of **signs** located on properties less than one acre in size, a **sign** shall be erected by the County Manager or his designee in full view of the public on each **street** side of the subject property. Where the property for which approval is sought is landlocked or for some other reason the **signs** cannot be posted directly on the subject property, then the **sign** or **signs** shall be erected along the nearest **street right-of-way**, with an attached notation indicating generally the distance and direction to the subject property.

~~5. 7.~~ For all petitions, in ~~In~~ the case of **signs** located on properties one acre or more in size, the **applicant** shall be responsible for erecting the required **sign(s)**. A **sign** shall be erected in full view of the public on each **street** upon which the subject property has **frontage**. Where the subject property is landlocked, or for some other reason the **signs** cannot be posted directly on the property, then the **sign** or **signs** shall be erected along the nearest **street right-of-way**, with an attached notation indicating generally the distance and direction to the subject property. There shall be at least one **sign** on each external boundary which fronts upon a **street**, however, in the case of external boundaries along a **street** with greater **frontages** than 1,320 linear feet, **signs** shall be placed equidistant from one another with a maximum spacing of 1,000 linear feet, except that in no case shall the number of **signs** along an exterior boundary fronting on a **street** exceed four **signs**. The **applicant** shall provide evidence to the county manager or designee that the **sign(s)** were erected by furnishing photographs of the **sign(s)** showing the date of their erection at least ten days prior to the scheduled public hearing by the planning commission, whichever has jurisdiction. The **signs** shall remain in place until the date of either of the following occurrences: 1. Final action is taken by the board of county commissioners or 2. The receipt of written notification by the county manager or designee from the **applicant** requesting to withdraw the petition or requesting its indefinite continuance.

- ~~6- 8.~~ For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, the The planning commission shall hold one advertised public hearing. Notice of the time and place of the public hearing by the planning commission shall be sent at least 15 days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.
- ~~7- 9.~~ For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, notice Notice of the time and place of the public hearing by the planning commission shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the public hearing. Where applicable, the notice shall clearly describe the proposed land uses, applicable **development** standards, intensity or **density** in terms of total floor area of commercial or industrial space and **dwelling units** per acre for residential projects, and a description of the institutional or recreational uses when part of the **development** strategy. The advertisement shall also include a location map that identifies the approximate geographic location of the subject property.
- ~~8- 10.~~ For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, for For subject properties located within the urban designated area of the future land use element of the growth management plan, notice of the time and place of the public hearing by the planning commission shall be sent by the county at least 21 days in advance of the hearing. This notice shall be sent by mail to all owners of property within 500 feet of the property lines of the land for which an approval is sought; provided, however, that where the land for which the approval is sought is part of, or **adjacent** to, land owned by the same person, the 500 foot distance shall be measured from the boundaries of the entire ownership or PUD, except that notices need not be mailed to any property owner located more than one-half mile (2,640 feet) from the subject property. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.
- ~~9- 11.~~ For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, for For subject properties located within areas of the future land use element of the growth management plan that are not designated urban, all of the foregoing notice requirements apply, except that written notification must be sent to all property owners within 1,000 linear feet of the subject property. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have formally requested the county to be notified.
12. For small-scale and other site-specific comprehensive plan amendments, the planning commission (local planning agency) shall hold advertised public hearing(s) on the proposed ordinance or resolution, as applicable, pursuant to requirements of Chapter 163, Florida Statutes.
- ~~10- 13.~~ For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, notice Notice of the time and place of the public hearing by the board of county commissioners shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the public hearing.

41. **14.** The clerk to the board of county commissioners shall notify by mail each real property owner whose land is subject to rezoning, or PUD amendment, and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance or resolution. Such notice shall be given at least 15 days prior to the date set for the public hearing, and a copy of such notices shall be kept available for public inspection during the regular business hours of the clerk to the board of county commissioners.
- 15.** For small-scale and other site-specific comprehensive plan amendments, the board of county commissioners shall hold advertised public hearing(s) on the proposed ordinance or resolution, as applicable, pursuant to requirements of Chapter 163, Florida Statutes.
42. **16.** For all other petitions, the ~~The~~ board of county commissioners shall hold one advertised public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance or resolution.