



Memorandum

To: Collier County Planning Commission (CCPC)
From: Jeremy Frantz, LDC Manager
Date: January 30, 2018
Re: 2017/18 LDC Amendment Cycle

Twelve LDC amendments in the 2017/18 Amendment Cycle were reviewed at the January 18, 2018, CCPC meeting. Eleven of the amendments received a recommendation of approval, however, LDC Section 10.03.06 K requires two public hearings for the following two amendments (no changes have been made to these amendments):

- LDC Sections 2.03.03 & 2.03.04 – Establish martial arts, gymnastics, and dance as permitted uses in C-3 and Industrial Zoning Districts.
- LDC Section 4.04.14 & Zoning Atlas maps – Modify the list of exotic species in the Big Cypress Area of Critical State Concern (ACSC) and Modify Zoning Maps 522930, 2033N, 2033S, 2034N & 2034S within Township 52, South, Range 30 East to address changes to the State’s ACSC designation.

Additionally, changes have been made to the following amendments after the January 18, 2018, CCPC meeting (changes are highlighted in yellow within each amendment):

- LDC Sections 2.03.07, 4.02.01, 4.02.03, 4.02.04 & 4.02.06 – Clarify dimensional standards for accessory buildings and structures.
 - Changes to section 4.02.01 have been added consistent with CCPC direction on January 1, 2018.
- LDC Sections 10.02.13, 10.03.06, and associated Administrative Code Sections – Clarify the Planned Unit Development Insubstantial Change (PDI) approval process.
 - The County Attorney’s Office recommended changes to clarify that the Hearing Examiner and CCPC make recommendations to the Board. This change is intended to better reflect the CCPC’s discussion and does not change the process that was previously presented.

Please contact me if you have any questions.

Sincerely,

Jeremy Frantz, AICP
JeremyFrantz@colliergov.net
(239) 252-2305

Land Development Code Amendment Request

ORIGIN: Growth Management Department

AUTHOR: Planning and Zoning Division Staff

LDC SECTION: 2.03.03 Commercial Zoning Districts
2.03.04 Industrial Zoning Districts

SUMMARY: This amendment clarifies “martial arts” and “dance, gymnastics, judo, and karate instructions,” are permitted uses in the C-3 and Industrial Zoning Districts where physical fitness facilities are also permitted uses. It also clarifies that outdoor amusement and recreation services are conditional uses in the C-3 Zoning District and reinstates an omitted Standard Industrial Classification (SIC) Code in the C-4 Zoning District.

DESCRIPTION: Since 2006, staff has relied on an administrative memorandum that was issued to allow certain forms of physical fitness uses, including martial arts, dance, gymnastics, judo, and karate instruction in the C-3 and Industrial zoning districts (Exhibit A). However, they have not been officially codified as permitted uses in the LDC. The administrative memoranda are not well known to the public which results in frequent questions to staff regarding the availability of these uses in these zoning districts. The amendment proposes to codify the staff policy of considering these physical fitness uses as permitted uses in the C-3 zoning district and to clarify the limitation on physical fitness facilities in the Industrial zoning district.

Additionally, this amendment clarifies in LDC section 2.03.03 C.1.c. that the conditional use “Amusement and Recreation Services,” in the C-3 zoning district is for outdoor uses only. Also, the amendment reinstates SIC Code number 7999 in the C-4 zoning district which was inadvertently omitted when Ordinance 08-11 was adopted.

DSAC-LDR SUBCOMMITTEE RECOMMENDATION: The DSAC-LDR Subcommittee recommended approval on November 13, 2017, with no changes.

DSAC RECOMMENDATION: The DSAC recommended approval December 6, 2017, with no changes.

FISCAL & OPERATIONAL IMPACTS: There are no fiscal or operational impacts that are anticipated with this amendment.

GROWTH MANAGEMENT PLAN IMPACTS: There are no Growth Management Plan impacts associated with this amendment.

Amend the LDC as follows:

- 1 **2.03.03 - Commercial Zoning Districts**
- 2 * * * * *
- 3 C. Commercial Intermediate District (C-3). The purpose and intent of the commercial
- 4 intermediate district (C-3) is to provide for a wider variety of goods and services intended

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

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

21 a. *Permitted uses.*

- 22 1. Accounting (8721).
- 23 2. Adjustment and collection services (7322).
- 24 3. Advertising agencies (7311).
- 25 4. Amusement and recreation services, indoor (7999- martial arts,
26 yoga and gymnastics instruction, gymnastic schools, and
27 recreation involving physical fitness exercise only).
- 28 ~~4. 5.~~ Animal specialty services, except veterinary (0752, excluding
29 outside kenneling).
- 30 ~~5. 6.~~ Apparel and accessory stores (5611—5699) with 5,000 square
31 feet or less of gross floor area in the principal structure.

32 **Note: ALL REMAINING SUBSECTIONS TO BE RENUMBERED ACCORDINGLY**

33 * * * * *

34 c. *Conditional uses.* The following uses are permissible as conditional uses
35 in the commercial intermediate district (C-3), subject to the standards and
36 procedures established in sections 4.02.02 and 10.08.00.

- 37 1. Amusements and recreation services, outdoor (7999 - boat rental,
38 miniature golf course, bicycle, and moped rental, rental of beach
39 chairs and accessories only).

40 * * * * *

41 D. General Commercial District (C-4). The general commercial district (C-4) is intended to
42 provide for those types of land uses that attract large segments of the population at the
43 same time by virtue of scale, coupled with the type of activity. The purpose and intent of
44 the C-4 district is to provide the opportunity for the most diverse types of commercial
45 activities delivering goods and services, including entertainment and recreational
46 attractions, at a larger scale than the C-1 through C-3 districts. As such, all of the uses
47 permitted in the C-1 through C-3 districts are also permitted in the C-4 district. The
48 outside storage of merchandise and equipment is prohibited, except to the extent that it
49 is associated with the commercial activity conducted on-site such as, but not limited to,
50 automobile sales, marine vessels, and the renting and leasing of equipment. Activity
51 centers are suitable locations for the uses permitted by the C-4 district because most

1 activity centers are located at the intersection of arterial roads. Therefore the uses in the
2 C-4 district can most be sustained by the transportation network of major roads. The C-4
3 district is permitted in accordance with the locational criteria for uses and the goals,
4 objectives, and policies as identified in the future land use element of the Collier County
5 GMP. The maximum density permissible or permitted in a district shall not exceed the
6 density permissible under the density rating system.

7 1. The following uses, as defined with a number from the Standard Industrial
8 Classification Manual (1987), or as otherwise provided for within this section are
9 permissible by right, or as accessory or conditional uses within the general
10 commercial district (C-4).

11 a. Permitted uses.

- 12 1. Accounting (8721).
- 13 2. Adjustment and collection services (7322).
- 14 3. Advertising agencies (7311).
- 15 4. Advertising — miscellaneous (7319).
- 16 5. Agricultural services (0783).
- 17 6. Amusement and recreation services, indoor (7999).

18 # # # # # # # # # # # # # #

19
20 **2.03.04 – Industrial Zoning Districts**

21 A. Industrial District (I). The purpose and intent of the industrial district (I) is to provide lands
22 for manufacturing, processing, storage and warehousing, wholesaling, and distribution.
23 Service and commercial activities that are related to manufacturing, processing, storage
24 and warehousing, wholesaling, and distribution activities, as well as commercial uses
25 relating to automotive repair and heavy equipment sales and repair are also permissible
26 in the I district. The I district corresponds to and implements the industrial land use
27 designation on the future land use map of the Collier County GMP.

28 1. The following uses, as identified within the Standard Industrial Classification
29 Manual (1987), or as otherwise provided for within this section, are permitted as
30 a right, or as accessory or conditional uses within the industrial district (I).

31 a. Permitted uses.

32 * * * * * * * * * * * * *

- 33 *
- 34 39. Physical fitness facilities; (7911 except Discotheques, 7991, 7999
35 - limited to baseball instruction, basketball instruction, gymnastics
36 instruction, ~~judo instruction, karate instruction, and martial arts~~
37 instruction, yoga instruction, gymnastic schools, and recreation
38 involving physical fitness exercise only).

39 # # # # # # # # # # # # # #

LDC Amendment Request

ORIGIN: Growth Management Department

AUTHOR: David Weeks, AICP, Growth Management Manager, Zoning Division, Comprehensive Planning Section

LDC SECTION: 4.02.14 Design Standards for Development in the ST and ACSC-ST Districts

ZONING MAPS: 522930, 2033N, 2033S, 2034N, 2034S

SUMMARY: This amendment modifies provisions related to the Big Cypress Area of Critical State Concern (ACSC) and five zoning maps within Township 52 South, Range 30 East, in order to ensure consistency with the Growth Management Plan (GMP).

DESCRIPTION:

This amendment makes the following change to LDC section 4.02.14 A.:

- (1) Adds an acknowledgement that an agreement may be entered regarding the ACSC regulations, pursuant to State law.

This amendment makes the following two changes to LDC section 4.02.14 C.:

- (1) Adds a list of exotic plant species prohibited specifically within the ACSC that are not listed in LDC section 3.05.08.
- (2) Adds a list of wetland plant species that cannot be destroyed and removes the reference to all wetland plants as listed by the Florida Department of Environmental Protection.

This amendment makes the following change to zoning atlas maps 522930, 2033N, 2033S, 2034N, 2034S:

- (1) Removes the ACSC overlay acronym (“ACSC/”) for all of Sections 27, 28, 33 and 34, Township 52 South, Range 30 East (See Exhibit A). These four Sections are specifically exempted (in Rule Chapter 28-25.001 Boundary) from the State’s ACSC regulations, and the ACSC Overlay in the Future Land Use Element of the GMP also exempts these Sections.

All of these changes make the LDC text and zoning maps consistent with a recent amendment to the FLUE and Future Land Use Map (Ord. No. 17-22).

DSAC-LDR SUBCOMMITTEE RECOMMENDATION: The DSAC-LDR Subcommittee recommended approval on November 13, 2017, with no changes.

DSAC RECOMMENDATION: The DSAC recommended approval on December 6, 2017, with no changes.

FISCAL & OPERATIONAL IMPACTS: There are no anticipated fiscal or operational impacts as a result of this amendment.

GROWTH MANAGEMENT PLAN IMPACT: This amendment will make the LDC section and zoning maps consistent with the FLUE.

RELATED CODES OR REGULATIONS: Collier County Growth Management Plan, Future Land Use Element, V. Overlays and Special Features, A. Area of Critical State Concern Overlay; and, the countywide Future Land Use Map in the GMP.

Amend the LDC as follows:

4.02.14 Design Standards for Development in the ST and ACSC-ST Districts

A. All development orders issued within the Big Cypress Area of Critical State Concern Special Treatment Overlay (ACSC-ST) shall comply with the Florida Administrative Code, as amended, Boundary and Regulations for the Big Cypress Area of Critical State Concern, except as provided by Agreement pursuant to Chapter 380.032(3), F.S.

C. Site alteration within the ACSC-ST.

3. Soils exposed during site alteration shall be stabilized and retention ponds or performance equivalent structures or system maintained in order to retain runoff and siltation on the construction site. Restoration of vegetation to site alteration areas shall be substantially completed within 180 days following completion of a development. Revegetation shall be accomplished with preexisting species except that undesirable exotic species shall not be replanted or propagated. Undesirable Exotic species included are those enumerated in LDC section 3.05.08 of this code and the following:-

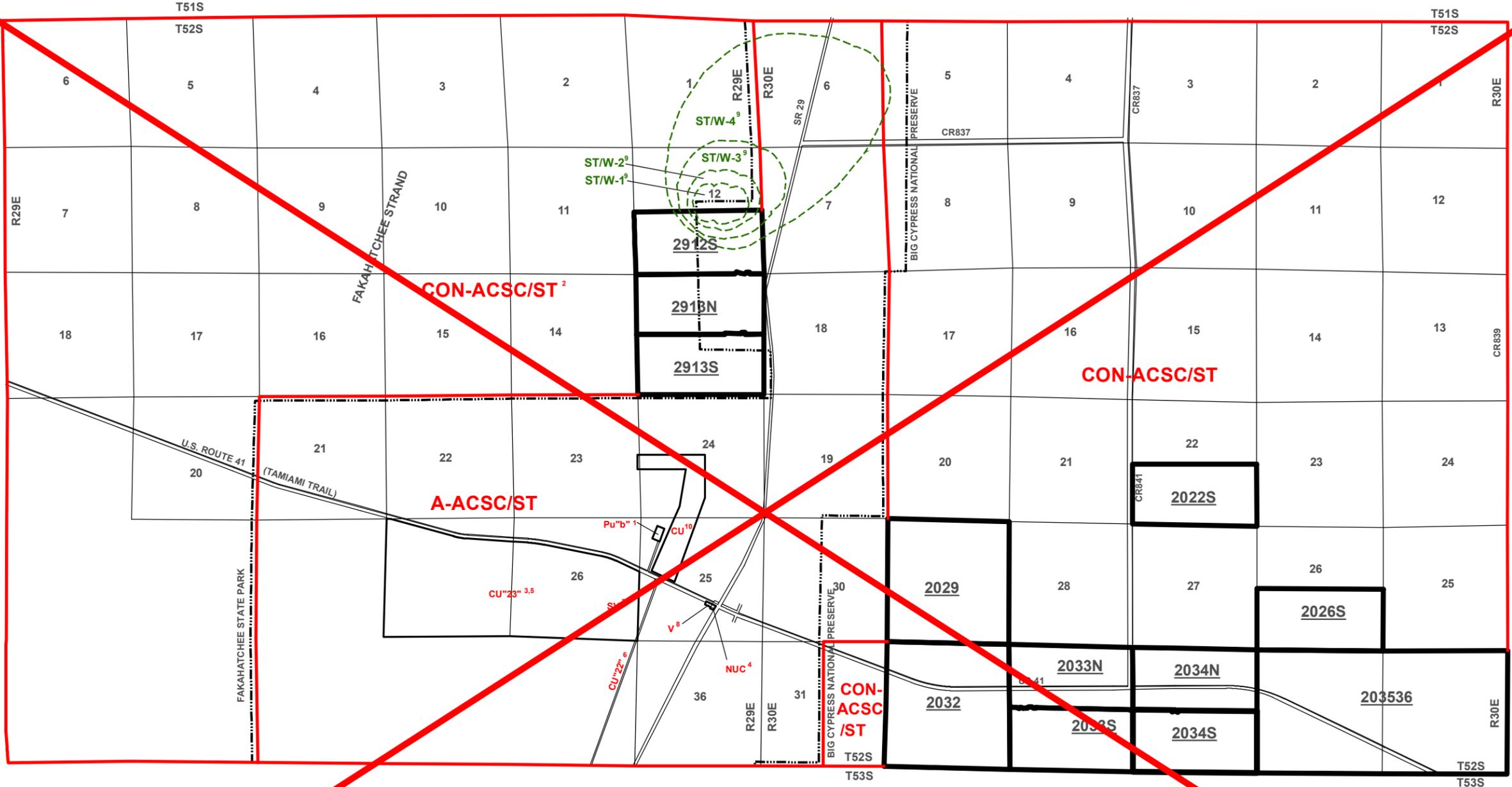
- a) Bishopwood (Bischofia javanica);
 - b) Castor bean (Ricinus communis);
 - c) Common papaya (Carica papaya)
 - d) Common snakeplant (Sansevieria trifasciata);
 - e) Day jessamine (Cestrum diurnum);
 - f) Hunters robe (Raphidophora aurea);
 - g) Queensland umbrella tree (Schefflera actinophylla);
 - h) Trailing wedelia (Wedelia trilobata).
4. No mangrove trees or salt marsh grasses shall be destroyed or otherwise altered. Plants specifically protected by this regulation include: all wetland plants listed by the Florida DEP in the Florida Administrative Code.
- a) Red mangrove (Rhizophora mangle);
 - b) Black mangrove (Avicennia nitida);
 - c) White mangrove (Laguncularia racemosa);
 - d) Needlerush (Juncus roemerianus);
 - e) Salt cordgrasses (Spartina alterniflora, S. patens, S. cynosuroides, S. spartinae);
 - f) Seashore saltgrass (Distichlis spicata).

#

R 29 E

512930

R 30 E



----- INDICATES PARK BOUNDARY
 - - - - - INDICATES SPECIAL TREATMENT OVERLAY

SUBDIVISION INDEX

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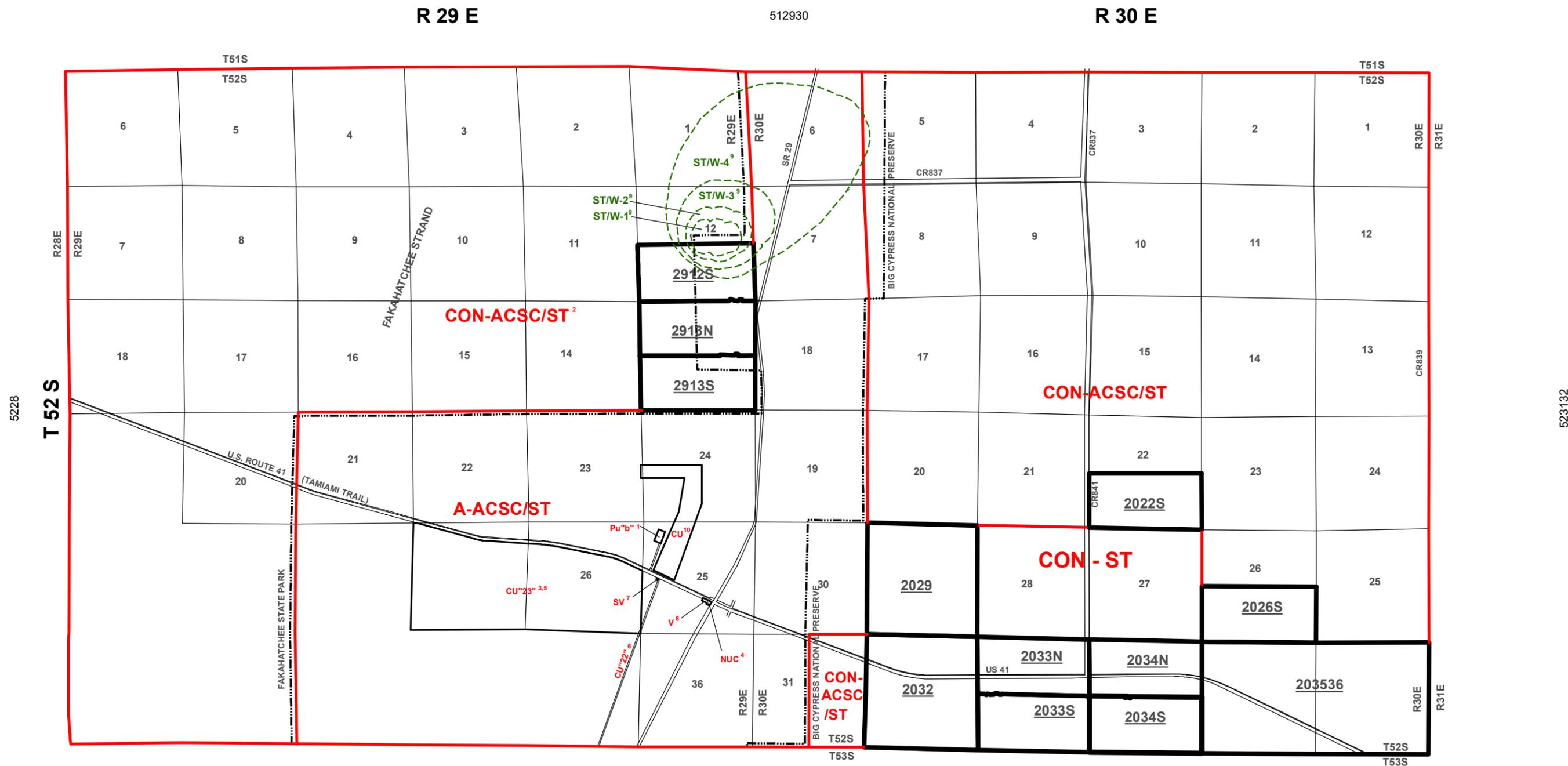
ZONING NOTES

1 10-23-90 PU-90-19 90-516
 2 LDC-91
 3 3-24-98 CU-92-16(1) 98-86
 4 4-13-93 NUC-93-1 93-161
 5 3-23-93 CU-92-16 93-129
 6 3-8-94 CU-93-18 94-159
 7 1-24-95 SV-94-4 95-74
 8 12-12-00 V-00-29 00-460
 9 9-25-12 LDC ORD. 12-38
 10 1-10-06 CU-03-AR-4847 06-10

THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE OFFICIAL ZONING ATLAS REFERRED TO AND ADOPTED BY REFERENCE BY ORDINANCE NO. 04-41 OF THE COUNTY OF COLLIER, FLORIDA, ADOPTED JUNE 22, 2004, AS AMENDED BY THE ZONING NOTES AND SUBDIVISION INDEX REFERENCED HEREON.

BY _____ CHAIRMAN
 ATTEST _____ CLERK

COLLIER COUNTY, FLORIDA
 COMMUNITY DEVELOPMENT DIVISION
 TWP 52S RNG 29E & 30E
 SCALE 0 4,800
 MAP NUMBER: 522930



INDICATES PARK BOUNDARY
 INDICATES SPECIAL TREATMENT OVERLAY

532930

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- ZONING NOTES**
- 1 10-23-90 PU-90-19 90-516
 - 2 LDC-91
 - 3 3-24-88 CU-92-16(1) 98-86
 - 4 4-13-83 NUC-93-1 93-161
 - 5 3-23-93 CU-92-16 93-129
 - 6 3-8-94 CU-93-18 94-159
 - 7 1-24-95 SV-94-4 95-74
 - 8 12-12-00 V-00-29 00-460
 - 9 9-25-12 LDC ORD. 12-38
 - 10 1-10-06 CU-03-AR-4647 06-10

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BY _____ CHAIRMAN
 ATTEST _____ CLERK

COLLIER COUNTY, FLORIDA	
COMMUNITY DEVELOPMENT DIVISION	
TWP 52S RNG 29E & 30E	
SCALE 0 4,800	MAP NUMBER: 522930

LAST REVISION: ZONING _____ OTHER _____

522930

33

33

CON-ACSC/ST ²

2032

2034N

TAMIAMI TRAIL (U.S. 41)

CON-ACSC/ST ²

C4-ACSC/ST ²

RSF-4-ACSC/ST ²

CON-ACSC/ST ²

2033S

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BY _____ CHAIRMAN

ATTEST _____ CLERK

SUBDIVISION INDEX

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1	EVERGLADES SQUARES UNIT 1	6	1	11			
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ZONING NOTES

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COLLIER COUNTY, FLORIDA

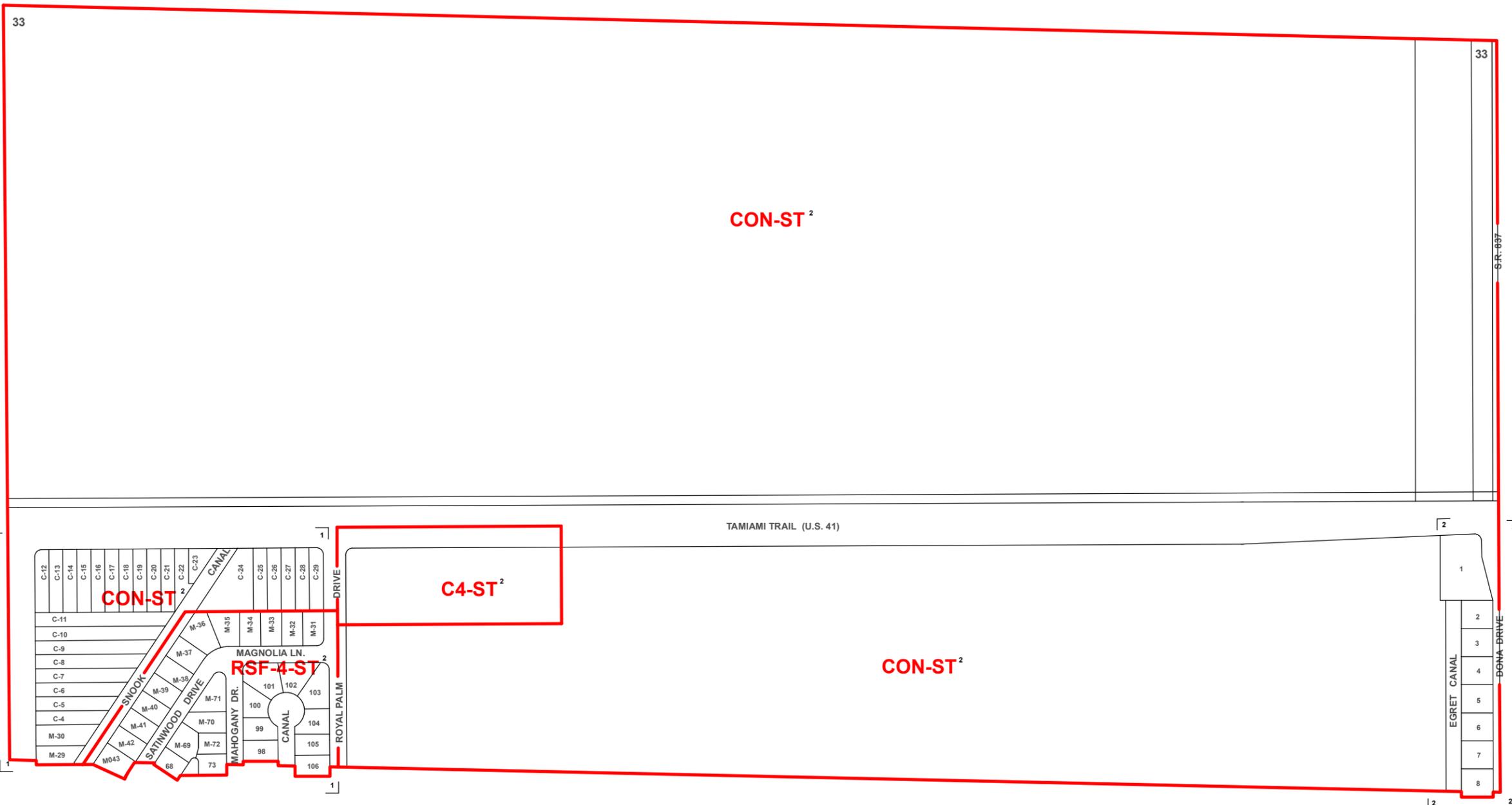
COMMUNITY DEVELOPMENT DIVISION

TWP 52S RNG 30E SEC 33 NO. 1/2

SCALE MAP NUMBER:

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2032

2034N

TAMIAMI TRAIL (U.S. 41)

2033S

LAST REVISION: ZONING OTHER

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ZONING NOTES

- 1 LDC-91
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BY _____ CHAIRMAN

ATTEST _____ CLERK

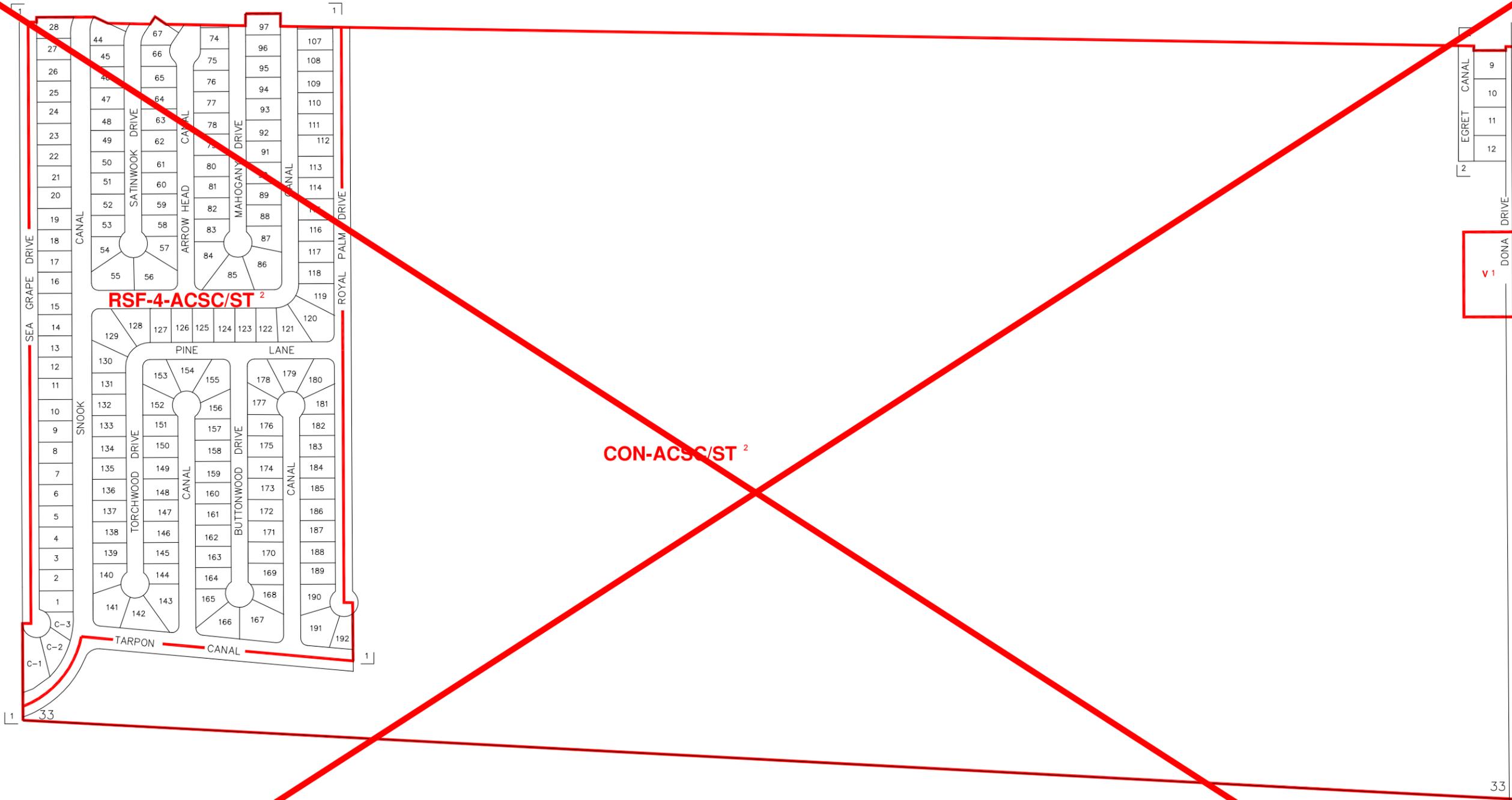
COLLIER COUNTY, FLORIDA	
COMMUNITY DEVELOPMENT DIVISION	
TWP 52S RNG 30E SEC(S) 33 NO 1/2	
SCALE 0 400	MAP NUMBER: 2033N

LAST REVISION: ZONING _____ OTHER _____

2032

2033N

2034S



532930

ZONING NOTES
 1 8-6-85 V-84-28C 85-167 (MIN LOT REQ.)
 2 LDC-91
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BY _____ CHAIRMAN

ATTEST _____ CLERK

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COLLIER COUNTY, FLORIDA
 COMMUNITY DEVELOPMENT DIVISION
 TWP 52S RNG 30E SEC 35 CO. 1/2
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2033N



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2034S

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 2. LDC-91
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BY _____ CHAIRMAN

ATTEST _____ CLERK

COLLIER COUNTY, FLORIDA	
COMMUNITY DEVELOPMENT DIVISION	
TWP 52S RNG 30E SEC(S) 33 SO 1/2	
SCALE 0 400	MAP NUMBER: 2033S

LAST REVISION: ZONING _____ OTHER _____

2033N

203536

522930

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77

S.R. 837

DONA DRIVE

OSPREY CANAL

ALLEY

CON-ACSC/ST 1

TAMIAMI TRAIL (U.S. 41)

HD 2
OCHOPEE
POST OFFICE

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2034S

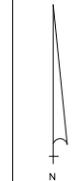
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ZONING NOTES
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THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE OFFICIAL ZONING ATLAS REFERRED TO AND ADOPTED BY REFERENCE BY ORDINANCE NO. 04-41 OF THE COUNTY OF COLLIER, FLORIDA, ADOPTED JUNE 22, 2004.

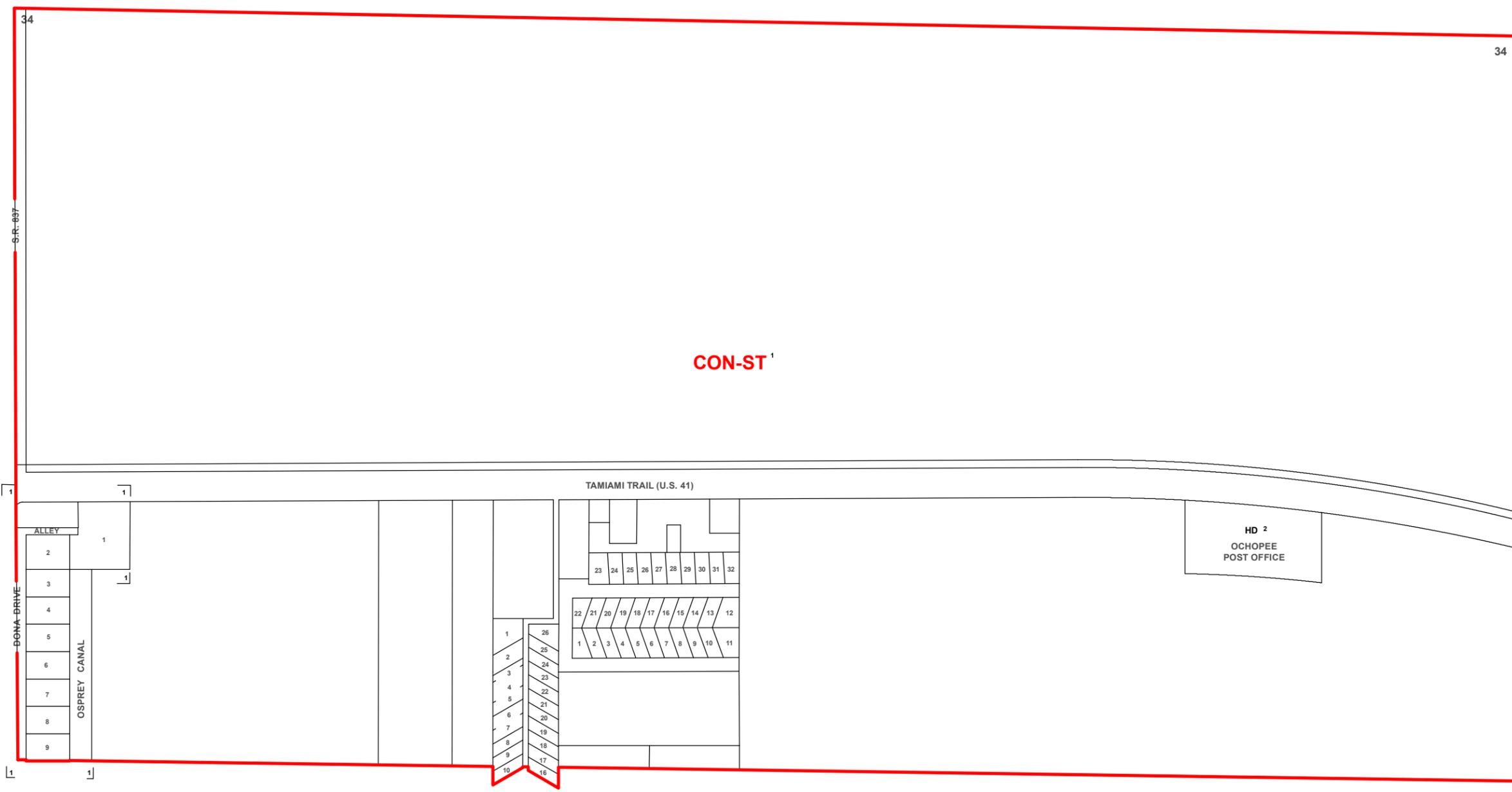
BY _____ CHAIRMAN

ATTEST _____ CLERK



COLLIER COUNTY, FLORIDA
 COMMUNITY DEVELOPMENT DIVISION
 TWP 52S RNG30E SEC 34 NO. 1/2
 SCALE _____ MAP NUMBER: _____

522930



LAST REVISION: ZONING _____ OTHER _____

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ZONING NOTES

- 1 LDC-91
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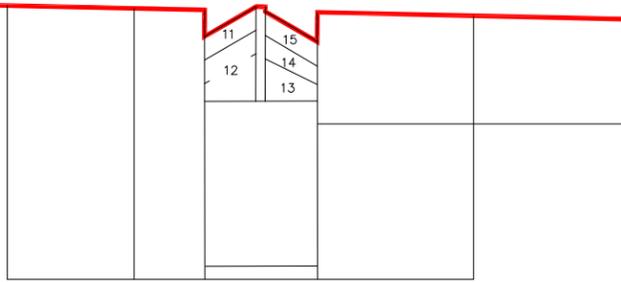
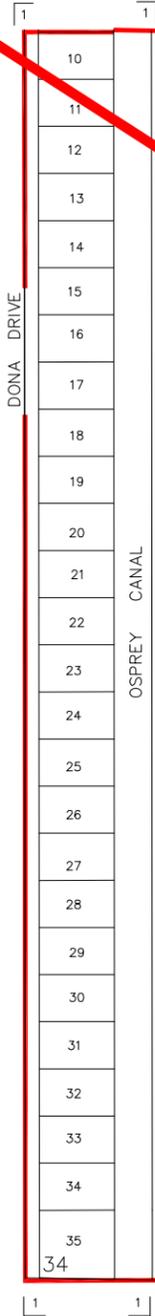
BY _____ CHAIRMAN

ATTEST _____ CLERK

	COLLIER COUNTY, FLORIDA	
	COMMUNITY DEVELOPMENT DIVISION	
	TWP 52S RNG 30E SEC(S) 34 NO 1/2	
	SCALE 	MAP NUMBER: 2034N

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2034N



CONFACSC/ST 1

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BY _____ CHAIRMAN

ATTEST _____ CLERK

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ZONING NOTES

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COLLIER COUNTY, FLORIDA

COMMUNITY DEVELOPMENT DIVISION

TWP 52S RNG 30E SEC 34 SO. 1/2

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2034N

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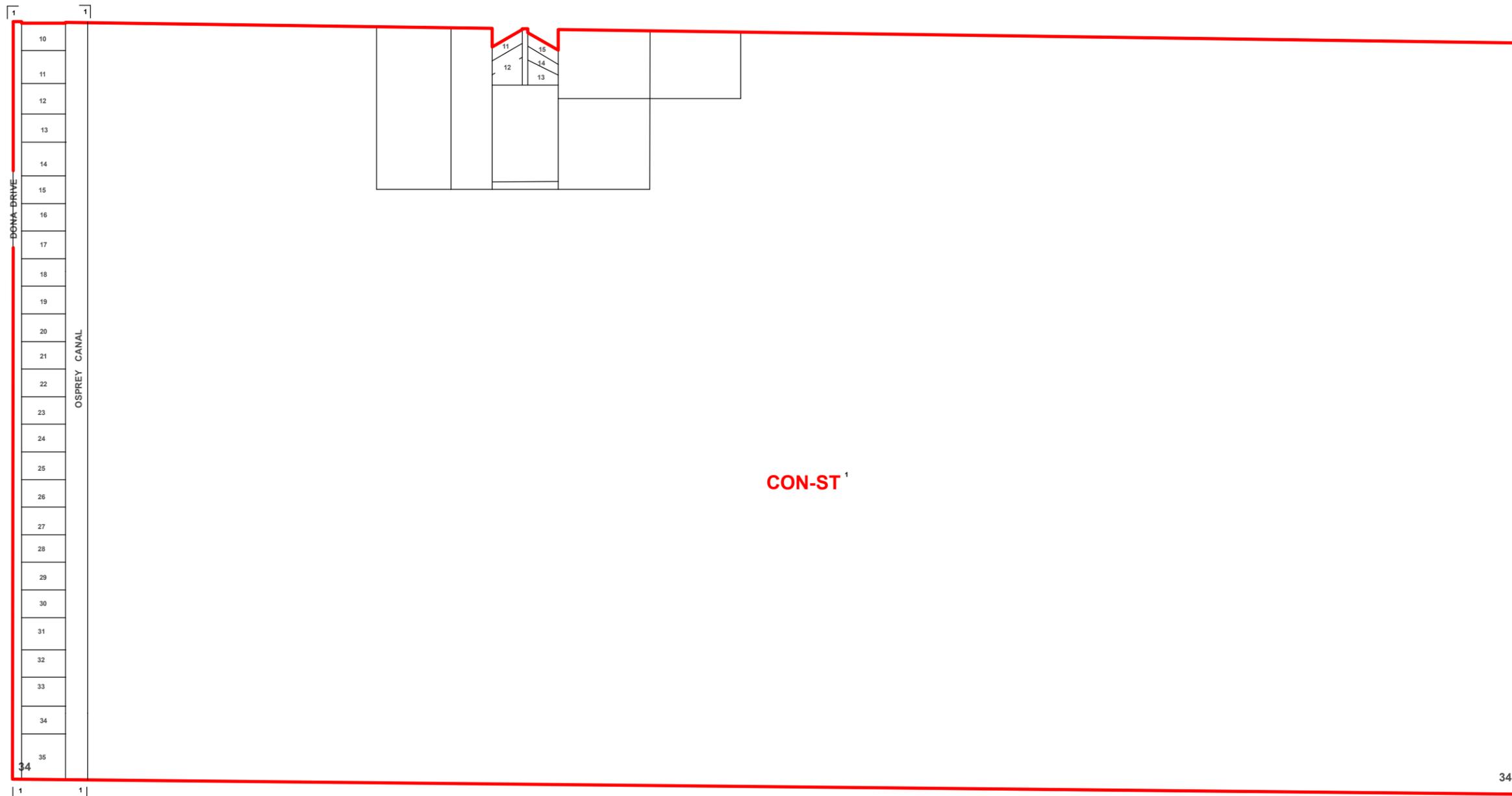
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OTHER

LAST REVISION: ZONING



SUBDIVISION INDEX

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ZONING NOTES

- 1 LDC-91
- 2
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THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE OFFICIAL ZONING ATLAS REFERRED TO AND ADOPTED BY REFERENCE BY ORDINANCE NO. 04-41 OF THE COUNTY OF COLLIER, FLORIDA, ADOPTED JUNE 22, 2004, AS AMENDED BY THE ZONING NOTES AND SUBDIVISION INDEX REFERENCED HEREON.

BY _____ CHAIRMAN

ATTEST _____ CLERK

	COLLIER COUNTY, FLORIDA	
	COMMUNITY DEVELOPMENT DIVISION	
	TWP 52S RNG 30E SEC(S) 34 SO 1/2	
SCALE 	MAP NUMBER: 2034S	

Land Development Code Amendment Request

ORIGIN: Board of Zoning Appeals and Growth Management Department Staff

AUTHOR: Growth Management Department Staff

LDC SECTIONS:

2.03.07	Overlay Zoning Districts
4.02.01	Dimensional Standards for Principal Uses in Base Zoning Districts
4.02.03	Specific Standards for Location of Accessory Buildings and Structures
4.02.04	Standards for Cluster Residential Design
4.02.06	Standards for Development in Airport Zones

SUMMARY: This amendment reorganizes the dimensional standards tables for accessory structures to clarify and correct several provisions and highlight swimming pool and screen enclosure setbacks.

DESCRIPTION:

Changes to LDC section 2.03.07

This amendment removes references to tables that are removed by this amendment's changes to LDC section 4.02.04.

Changes to LDC section 4.02.01

This amendment clarifies that the allowance for setback encroachments for permanent emergency generators for single-family residences also applies to multi-family and non-residential buildings. This change represents staff's current application of setbacks to permanent emergency generators for multi-family and non-residential buildings.

This amendment also clarifies that the side yard encroachment allowed for permanent emergency generators only applies to the side yard.

Changes to LDC section 4.02.04

Currently, setbacks for accessory buildings and structures are located within two tables that are difficult to use and contain inconsistencies and missing information. This amendment merges the tables into one for clarity and usability and includes the following changes:

1. **Carports:** Currently the tables identify the same setbacks for carports and parking garages. However, LDC section 4.02.01 D.12 allows setback encroachments for carports which are open on all sides in commercial, industrial, and multi-family residential developments. This amendment separates carports from parking garages in the table, includes a cross-reference to LDC section 4.02.01 D in the notes, and identifies the same standards apply to two-family dwelling units for clarity. Additionally, the rear setback for commercial, industrial, and multi-family carports is changed from "35 feet" to "SPS" (Same as Principal Structure) for consistency with the rear setback for one-story and multi-story parking structures, as described in the next section.

2. **One-story and multi-story parking structures:** The following two changes to the required setbacks for one-story and multi-story parking structures are included:
 - a) One-story and multi-story parking structures are currently listed separately, but have the same required setbacks, except for the structure to structure setbacks which are as follows:
 - One-story parking structures: 10 feet
 - Multi-story parking structures: 1 foot of accessory height = 1 foot of building separation (1/1)Since one-story parking structures are typically 10 feet in height or less, these two standards are effectively the same. Additionally, any one-story parking structure that is more than 10 feet in height should have the same structure-to-structure setback as any other parking structure that is more than 10 feet in height. Therefore, this amendment combines these two items in the table and modifies the structure to structure setback to “1/1 with a minimum of 10 feet.”
 - b) Currently, the rear setback for one- or multi-story parking structures on non-waterfront and non-golf course lots is 35 feet. However, the rear setback on waterfront or golf course lots are the same as the principal structure (SPS). Additionally, a 35-foot rear setback is greater than the rear setback for the principal structure in several zoning districts. Therefore, the rear setbacks for one- and multi-family parking structures on non-waterfront and non-golf course lots are changed from “35 feet” to “SPS.”
3. **Parking garage (one- and two-family):** Currently, only setbacks for detached parking garages for single-family dwelling units are identified, while two-family dwelling units that include detached parking garages are not listed. This amendment codifies the same setback for detached parking garages whether the principal structure is a one-family or two-family use, consistent with staff’s current application of this section.
4. **Permanent emergency generators:** Currently, the side setback for permanent emergency generators includes a cross-reference to LDC section 4.02.01 D.13, which allows encroachments of up to 36 inches into the side setback. However, the setback itself is not identified. This amendment clarifies that the side setback for permanent emergency generators is the same as the principal structure (SPS) and includes a cross-reference to LDC section 4.02.01 D in the notes.
5. **Tennis courts (private) (one- and two-family):** The “(private)” designation is removed from tennis courts for one- and two-family. Public tennis courts are not an accessory use to one- and two-family structures so the distinction is unnecessary.
6. **Trellises, arbors, and similar structures:** Trellises, arbors, and similar structures are not currently listed in the tables. Instead, staff uses a 2007 administrative memorandum when applying setbacks to these structures (Exhibit A). Consistent with the 2007 memo, this amendment adds two setback requirements for trellises, arbors, and similar structures

which vary depending on whether the structure exceeds the maximum fence height for the respective zoning district.

7. **Attached screen porches, swimming pools and screen enclosures:** Currently, setbacks for attached screen porches and swimming pools and screen enclosures on waterfront lots and golf course lots include a lengthy and confusing note. Additionally, setbacks for swimming pools and screen enclosures were the subject of a variance request heard by the Board of Zoning Appeals (BZA) on February 28, 2017 (See Agenda Item 8.A). At the meeting, it was noted that the pool and screen enclosure standards are currently contained in multiple tables and notes in the LDC, making them easy to overlook. In response, the BZA directed staff to proceed with an LDC amendment to clarify these tables. This amendment relocates the notes for attached screen porches and pools and screen enclosures into the new table for clarity.

The setbacks are also modified to remove a reference to Marco Island. Setbacks for swimming pools and screen enclosures were modified by Ordinance No. 97-2. Marco Island had not yet incorporated at the time the ordinance was adopted, so the provision in Table 4 - Note 3 included standards applicable to Marco Island. When Marco Island incorporated later in 1997, the standards no longer applied to the City of Marco Island, therefore, the reference to Marco Island is removed.

Additionally, the word “screen” is removed from attached screen porch because attached porches should have the same setback whether they have a screen or not.

8. **Chickee, barbecue areas:** Currently the structure-to-structure setback for “chickee, barbecue areas” is “10 feet” on non-waterfront and non-golf course lots and “None” for waterfront and golf course lots. The structure-to-structure setback for waterfront and golf course lots is changed to “10 feet” to be consistent with the same structures on non-waterfront and non-golf course lots and for fire safety.
9. **Davits, hoists, and lifts:** On waterfront lots and golf course lots, the structure-to-structure setback is changed from “SPS” to “None.” Davits, hoists, and lifts are often situated in close proximity to, or work in conjunction with, other boathouses, docks, or other shorefront facilities, therefore, it is not appropriate to apply a structure-to-structure setback to these accessory structures.
10. **Dock facilities and boathouses:** Currently, side setback requirements for dock facilities and boathouses are listed as “7.5 feet or 15” feet. However, setback requirements for dock facilities and boathouses are established in LDC sections 5.03.06 E and F. This amendment replaces setbacks of “7.5 feet or 15” feet with a cross-reference to LDC sections 5.03.06 E and F to clarify where the setbacks are established.

11. **Notes:**

- a. **Removed abbreviations:** The abbreviations “N” and “NP” have been written out within the table to reduce the number of notes.

- b. **Accessory structures in Rural Agricultural (A) and Estates (E) zoning districts:** Currently, both tables include a note regarding accessory structures in A and E zoning districts. This note has been relocated to the new LDC section 4.02.03 C and a new cross-reference has been added to LDC section 4.02.07 for standards for accessory structures related to keeping animals and livestock. This makes the standard easier to recognize and eliminates duplicative notes.
- c. **“SPS” designation:** Currently, the abbreviation “SPS” is defined as “Same as principal structure.” This note has been modified to clarify that the setback relates to the standards for the zoning district.
- d. **“NP” designation:** Currently, the front setback for permanent emergency generators and satellite dish antennas in both tables are listed as “NP.” The notes for each table indicate that “NP” means “Structure allowed in rear of building only.” However, these structures are also allowed on the sides of buildings. This amendment clarifies the structure or use is “not permitted in front of building” within the table, rather than as a note.
- e. **All asterisks are changed to numbers:** Currently, several footnotes are indicated using asterisks. This amendment replaces all asterisks with numbers for clarity.

Changes to LDC sections 4.02.04 and 4.02.06

Since this amendment removes Tables 2 and 3 from LDC Chapter 4, the remaining tables in LDC sections 4.02.04 and 4.02.06 must be renumbered. No other changes are made to these sections.

DSAC-LDR SUBCOMMITTEE RECOMMENDATION: The DSAC-LDR Subcommittee made recommendations for additional clarification to the notes and cross-references, which were incorporated into the amendment. The Subcommittee recommended approval on November 13, 2017.

DSAC RECOMMENDATION: The DSAC recommended approval on December 6, 2017, with no changes.

CCPC RECOMMENDATION: The CCPC reviewed the amendment on January 18, 2018 and recommended a clarification of the language in LDC section 4.02.01 D.13. to clarify the exemptions and exclusions for permanent emergency generators. This change was incorporated into the amendment and the CCPC recommended approval on February 7, 2017.

FISCAL & OPERATIONAL IMPACTS: There are no anticipated fiscal and operational impacts associated with this amendment.

GROWTH MANAGEMENT PLAN IMPACT: There are no anticipated Growth Management Plan impacts associated with this amendment.

Amend the LDC as follows:

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2

1 **2.03.07 Overlay Zoning Districts**

2 * * * * *

3 G. Immokalee Urban Overlay District. To create the Immokalee Urban Overlay District with
4 distinct subdistricts for the purpose of establishing development criteria suitable for the
5 unique land use needs of the Immokalee Community. The boundaries of the Immokalee
6 Urban Overlay District are delineated on the maps below.

7 * * * * *

8 7. *Interim Deviations:* Property owners within the Immokalee Urban Overlay District
9 may request deviations from specific dimensional requirements as described in
10 this section. A deviation request may be reviewed administratively or by the
11 Planning Commission depending upon its scope. This section addresses the
12 permissible deviations, limitations thereon, and the review process.

13 * * * * *

14 e. *Applicability - List of Development Standards Eligible for Deviation*
15 *Requests.* Property owners shall be eligible to seek a deviation from the
16 dimensional requirements of the following Code provisions, unless
17 otherwise noted.

18 * * * * *

19 vii. 4.02.03 A-Specific Standards for Location of Accessory Buildings
20 and Structures, Dimensional Standards (~~Tables 3 and 4~~), except
21 that in the case of new development on commercial parcels, no
22 deviation shall be granted from the required 50-foot building
23 setback when abutting residentially zoned properties, or from the
24 minimum 10-foot wide landscaped strip between the abutting road
25 right-of-way and the off-street parking area. Deviations from these
26 requirements may be considered in the case of redevelopment
27 where existing structures and/or encroachments are proposed to
28 remain.

29 # # # # # # # # # # # # #

30
31 **4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts**

32 * * * * *

33 D. Exemptions and exclusions from design standards.

34 * * * * *

35 13. Permanent emergency generators may be placed within the rear yard of any
36 property supporting a permitted single-family residence, subject to with a 10-foot
37 rear yard setback, Permanent emergency generators may encroach into side
38 yards up to 36 inches, and within side yards subject to a maximum
39 encroachment into the setback of 36 inches. Generators are not permitted to
40 encroach into required front yards. Above-ground fuel tanks for the generators
41 are subject to the same setbacks; however, underground tanks are not subject to
42 setback requirements. In order to reduce noise during required routine exercising
43 of the generators, this exercising is restricted to operating the generator for no
44 more than 30 minutes weekly during the hours of 9:00 a.m. to 5:00 p.m. and shall
45 not exceed sound level limits for Manufacturing and Industrial uses as set forth in
46 Ordinance 90-17, the Noise Ordinance, as amended. All permanent emergency
47 generators must be equipped with sound attenuating housing to reduce noise.

48 # # # # # # # # # # # # #

4.02.03 Specific Standards for Location of Accessory Buildings and Structures

A. For the purposes of this section, in order to determine yard requirements, the term "accessory structure" shall include detached and attached accessory use structures or buildings notwithstanding the attachment of such structure or building containing the accessory use to the principal use structure or building. Accessory buildings and structures must be constructed simultaneously with or following the construction of the principal structure and shall conform with the following setbacks and building separations.

~~Table 3. Dimensional Standards for Accessory Buildings and Structures on Non-Waterfront Lots And Non-Golf Course Lots in Zoning Districts other than Rural Agricultural (A) and Estates (E).~~**

		Front	Rear	Side	Structure to Structure (If Detached)
1.	Parking garage or carport, single-family	SPS	10 feet	SPS	10 feet
2.	One-story parking structures and/or carports	SPS	35 feet	SPS	10 feet
3.	Multistory parking structures	SPS	35 feet	SPS	1/1 [±]
4.	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet	SPS	N
5.	Swimming pool (multi-family and commercial)	SPS	20 feet	15 feet	N
6.	Tennis courts (private) (one- and two-family)	SPS	15 feet	SPS	10 feet
7.	Tennis courts (multi-family, and commercial)	SPS	20 feet	15 feet	20 feet
8.	Utility buildings	SPS	10 feet	SPS	10 feet
9.	Chickee, barbecue areas	SPS	10 feet	SPS	10 feet
10.	Attached screen porch	SPS	10 feet	SPS	N/A
11.	Unlisted accessory	SPS	SPS	SPS	10 feet
12.	Satellite dish antenna	NP	15 feet	SPS	10 feet
13.	Permanent emergency generators	NP	10 feet	See Sec. 4.02.01 D.13	N/A

N = None.

N/A = Not applicable.

NP = Structure allowed in rear of building only.

SPS = Calculated same as principal structure.

* = 1 foot of accessory height = 1 foot building separation.

** = All accessory structures in Rural Agricultural and Estates zoning districts must meet principal structure setbacks.

~~Table 4. Dimensional Standards for Accessory Buildings and Structures on Waterfront Lots and Golf Course Lots in Zoning Districts other than Rural Agricultural (A) and Estates (E). ²~~**

		Setbacks			Structure to structure (If Detached)
		Front	Rear	Side	
1.	Parking garage or carport, single-family	SPS	SPS	SPS	10 feet
2.	One-story parking structures	SPS	SPS	SPS	10 feet
3.	Multistory parking structures	SPS	SPS	SPS	1/1- ¹

4.	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet ³	SPS	N
5.	Swimming pool (multi-family and commercial)	SPS	20 feet	15 feet	N
6.	Tennis courts (private) (one- and two-family)	SPS	15 feet	SPS	10 feet
7.	Tennis courts (multi-family and commercial)	SPS	35 feet	SPS	20 feet
8.	Boathouses and boat shelters (private)	SPS	N/A	7.5 feet or 15 feet	10 feet
				See subsection 5.03.06F.	
9.	Utility buildings	SPS	SPS	10 feet	10 feet
10.	Chickee, barbecue areas	SPS	10 feet	SPS	N
11.	Davits, hoists and lifts	N/A	N/A	7.5 feet or 15 feet	SPS
12.	Attached screen porch	SPS	10 feet ⁴	SPS	SPS
13.	Unlisted accessory	SPS	SPS	SPS	10 feet
14.	Docks, decks and mooring pilings	N/A	N/A	7.5 feet or 15 feet	N/A
15.	Boat slips and ramps (private)	N/A	N/A	7.5 feet	N/A
16.	Satellite dish antennas	NP	15 feet	SPS	10 feet
17.	Permanent emergency generators	NP	10 feet	See Sec. 4.02.01 D.13	N/A
18.	Golf clubhouse and maintenance buildings ⁵	50 feet	50 feet	50 feet	N/A

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- N = None.
- N/A = Not applicable.
- NP = Structure allowed in rear of building only.
- SPS = Calculated same as principal structure.
- ** = All accessory structures in Rural Agricultural and Estates zoning districts must meet principal structure setbacks.
- ¹ 1 foot of accessory height = 1 foot of building separation.
- ² In those cases where the coastal construction control line is involved, the coastal construction control line will apply.
- ³ 20 feet where swimming pool decks exceed 4 feet in height above top of seawall or top of bank, except Marco Island and Isles of Capri which may construct to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear setback of ten feet.
- ⁴ 20 feet where floor or deck of porch exceeds 4 feet in height above top of seawall or top of bank, except Marco Island and Isles of Capri which may construct to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear setback of ten feet.
- ⁵ The setback shall apply to external boundaries of the golf course district, and shall be inclusive of separately platted buffer tracts.

B. Accessory buildings shall not occupy an area greater than five (5) percent of the total lot area in all residential zoning districts, or occupy an area greater than forty (40) percent of any building envelope (i.e., area of lot remaining for building purposes after accounting for required setbacks), whichever is the lesser, provided the total maximum coverage provision of this ordinance for all principal and accessory buildings is not

- 1 exceeded. Nothing herein contained shall serve to prevent the construction of an
 2 accessory building containing an area of less than 500 square feet provided all yard
 3 and building spacing requirements can be met.
 4 C. All accessory structures in Rural Agricultural (A) and Estates (E) zoning districts must
 5 meet principal structure setbacks. For accessory structures related to the keeping of
 6 animals and livestock in these districts, see LDC section 4.02.07.
 7 D. Table of dimensional standards for accessory buildings and structures in zoning districts
 8 other than Rural Agricultural (A) and Estates (E):
 9

<u>Location</u>	<u>Accessory Building/Structure</u>	<u>Setbacks</u>			
		<u>Front</u>	<u>Rear</u>	<u>Side</u>	<u>Structure to Structure (If Detached)</u>
<u>Non-Waterfront Lots and Non-Golf Course Lots</u>	<u>Attached porch</u>	<u>SPS</u>	<u>10 feet</u>	<u>SPS</u>	<u>N/A</u>
	<u>Carports (commercial, industrial, and multi-family)¹</u>	<u>SPS</u>	<u>SPS</u>	<u>SPS</u>	<u>10 feet</u>
	<u>Carports (one- and two-family)</u>	<u>SPS</u>	<u>10 feet</u>	<u>SPS</u>	<u>10 feet</u>
	<u>Chickee, barbecue areas</u>	<u>SPS</u>	<u>10 feet</u>	<u>SPS</u>	<u>10 feet</u>
	<u>One-story and multi-story parking structures</u>	<u>SPS</u>	<u>SPS</u>	<u>SPS</u>	<u>1/1² with a minimum of 10 feet</u>
	<u>Parking garage (one- and two-family)</u>	<u>SPS</u>	<u>10 feet</u>	<u>SPS</u>	<u>10 feet</u>
	<u>Permanent emergency generators¹</u>	<u>Not permitted in front of building</u>	<u>10 feet</u>	<u>SPS</u>	<u>N/A</u>
	<u>Satellite dish antennas</u>	<u>Not permitted in front of building</u>	<u>15 feet</u>	<u>SPS</u>	<u>10 feet</u>
	<u>Swimming pool and/or screen enclosure (one- and two-family)</u>	<u>SPS</u>	<u>10 feet</u>	<u>SPS</u>	<u>None</u>
	<u>Swimming pool (multi-family and commercial)</u>	<u>SPS</u>	<u>20 feet</u>	<u>15 feet</u>	<u>None</u>
	<u>Tennis courts (one- and two-family)</u>	<u>SPS</u>	<u>15 feet</u>	<u>SPS</u>	<u>10 feet</u>
	<u>Tennis courts (multi-family, and commercial)</u>	<u>SPS</u>	<u>20 feet</u>	<u>15 feet</u>	<u>20 feet</u>
	<u>Trellises, arbors, and similar structures that do not exceed the maximum fence height in LDC section 5.03.02</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>

	<u>Trellises, arbors, and similar structures that exceed the maximum fence height in LDC section 5.03.02</u>	<u>SPS</u>	<u>10 feet</u>	<u>SPS</u>	<u>None</u>
	<u>Unlisted accessory</u>	<u>SPS</u>	<u>SPS</u>	<u>SPS</u>	<u>10 feet</u>
	<u>Utility buildings</u>	<u>SPS</u>	<u>10 feet</u>	<u>SPS</u>	<u>10 feet</u>
<u>Waterfront Lots and Golf Course Lots³</u>	<u>Attached porch where floor or deck of porch are:</u> <ul style="list-style-type: none"> <u>In Isles of Capri: Seven feet in height or less above the top of seawall with a maximum of four feet of stem wall exposure</u> <u>In all other areas: Four feet in height or less above top of seawall or top of bank</u> 	<u>SPS</u>	<u>10 feet</u>	<u>SPS</u>	<u>SPS</u>
	<u>Attached porch where floor or deck of porch are:</u> <ul style="list-style-type: none"> <u>In Isles of Capri: More than seven feet in height above the top of seawall or with more than four feet of stem wall exposure</u> <u>In all other areas: More than four feet in height above top of seawall or top of bank</u> 	<u>SPS</u>	<u>20 feet</u>	<u>SPS</u>	<u>SPS</u>
	<u>Boat slips and ramps (private)</u>	<u>N/A</u>	<u>N/A</u>	<u>7.5 feet</u>	<u>N/A</u>
	<u>Boathouses and boat shelters (private)</u>	<u>SPS</u>	<u>N/A</u>	<u>See LDC sections 5.03.06 E and F</u>	<u>10 feet</u>
	<u>Carpports (commercial, industrial, and multi-family)¹</u>	<u>SPS</u>	<u>SPS</u>	<u>SPS</u>	<u>10 feet</u>
	<u>Carpports (one- and two-family)</u>	<u>SPS</u>	<u>SPS</u>	<u>SPS</u>	<u>10 feet</u>
	<u>Chickee, barbecue areas</u>	<u>SPS</u>	<u>10 feet</u>	<u>SPS</u>	<u>10 feet</u>
	<u>Davits, hoists, and lifts</u>	<u>N/A</u>	<u>N/A</u>	<u>See LDC sections 5.03.06 E and F</u>	<u>None</u>
	<u>Docks, decks, and mooring pilings</u>	<u>N/A</u>	<u>N/A</u>	<u>See LDC sections 5.03.06 E and F</u>	<u>N/A</u>

<u>Golf clubhouse and maintenance buildings⁴</u>	<u>50 feet</u>	<u>50 feet</u>	<u>50 feet</u>	<u>N/A</u>
<u>One-story and multi-story parking structures</u>	<u>SPS</u>	<u>SPS</u>	<u>SPS</u>	<u>1/1² with a minimum of 10 feet</u>
<u>Parking garage (one- and two-family)</u>	<u>SPS</u>	<u>SPS</u>	<u>SPS</u>	<u>10 feet</u>
<u>Permanent emergency generators¹</u>	<u>Not permitted in front of building</u>	<u>10 feet</u>	<u>SPS</u>	<u>N/A</u>
<u>Satellite dish antennas</u>	<u>Not permitted in front of building</u>	<u>15 feet</u>	<u>SPS</u>	<u>10 feet</u>
<u>Swimming pool and/or screen enclosure (one- and two-family) where swimming pool decks are:</u> <ul style="list-style-type: none"> • <u>In Isles of Capri: Seven feet in height or less above the top of seawall with a maximum of four feet of stem wall exposure</u> • <u>In all other areas: Four feet in height or less above top of seawall or top of bank</u> 	<u>SPS</u>	<u>10 feet</u>	<u>SPS</u>	<u>None</u>
<u>Swimming pool and/or screen enclosure (one- and two-family) where swimming pool decks are:</u> <ul style="list-style-type: none"> • <u>In Isles of Capri: More than seven feet in height above the top of seawall or with more than four feet of stem wall exposure</u> • <u>In all other areas: More than four feet in height above top of seawall or top of bank</u> 	<u>SPS</u>	<u>20 feet</u>	<u>SPS</u>	<u>None</u>
<u>Swimming pool (multi-family and commercial)</u>	<u>SPS</u>	<u>20 feet</u>	<u>15 feet</u>	<u>None</u>
<u>Tennis courts (private) (one- and two-family)</u>	<u>SPS</u>	<u>15 feet</u>	<u>SPS</u>	<u>10 feet</u>
<u>Tennis courts (multi-family and commercial)</u>	<u>SPS</u>	<u>35 feet</u>	<u>SPS</u>	<u>20 feet</u>

<u>Trellises, arbors, and similar structures that do not exceed the maximum fence height in LDC section 5.03.02</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Trellises, arbors, and similar structures that exceed the maximum fence height in LDC section 5.03.02</u>	<u>SPS</u>	<u>10 feet</u>	<u>SPS</u>	<u>None</u>
<u>Unlisted accessory</u>	<u>SPS</u>	<u>SPS</u>	<u>SPS</u>	<u>10 feet</u>
<u>Utility buildings</u>	<u>SPS</u>	<u>SPS</u>	<u>10 feet</u>	<u>10 feet</u>

Notes:

SPS = Calculated same as principal structure for the zoning district.

¹ See LDC section 4.02.01 D for exemptions and exclusions from required yards.

² 1 foot of accessory height = 1 foot of building separation.

³ In those cases where the coastal construction control line is involved, the coastal construction control line will apply.

⁴ The setback shall apply to external boundaries of the golf course district, and shall be inclusive of separately platted buffer tracts.

#

4.02.04 Standards for Cluster Residential Design

* * * * *

C. Conditional uses approved for cluster development may reduce the lot area, lot width, and yard requirements within a zoning district, subject to the criteria enumerated in this section. The lot area, lot width, coverage, and yard regulations of the residential zoning district in which the cluster development is located shall be used as the basis for all computations of allowed reductions. The following reductions in lot area, lot width, coverage and yard regulations of the underlying zoning district shall be permissible pursuant to the grant of a conditional use for cluster development.

* * * * *

2. The following site design and dimensional standards shall apply to cluster development:

Table 53. Table of Design Standards for Cluster Development.

#

4.02.06 Standards for Development in Airport Zones

* * * * *

D. The width of each primary surface is as follows:

Table 64. Primary Surface Width

* * * * *

E. Horizontal zone. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs for specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is as follows:

Table 75. Horizontal Zone Radius

* * * * *

1 H. Approach zone. The approach zone is an area longitudinally centered on the extended
2 runway centerline and extending outward and upward from each end of the primary
3 surface. An approach zone is designated for the end of each runway based upon the
4 type of approach available or planned for that runway end.

5 1. *Approach zone width.* The inner edge of the approach zone is the same width
6 as the primary surface. The outer width of the approach zone is prescribed for
7 the most precise approach existing or planned for that runway end expanding
8 uniformly to the following widths:

9 **Table 86. Approach Zone Width (feet)**

10 * * * * * * * * * * * * * *

11 2. *Approach zone lengths.* The approach zone extends for the applicable
12 horizontal distance as follows:

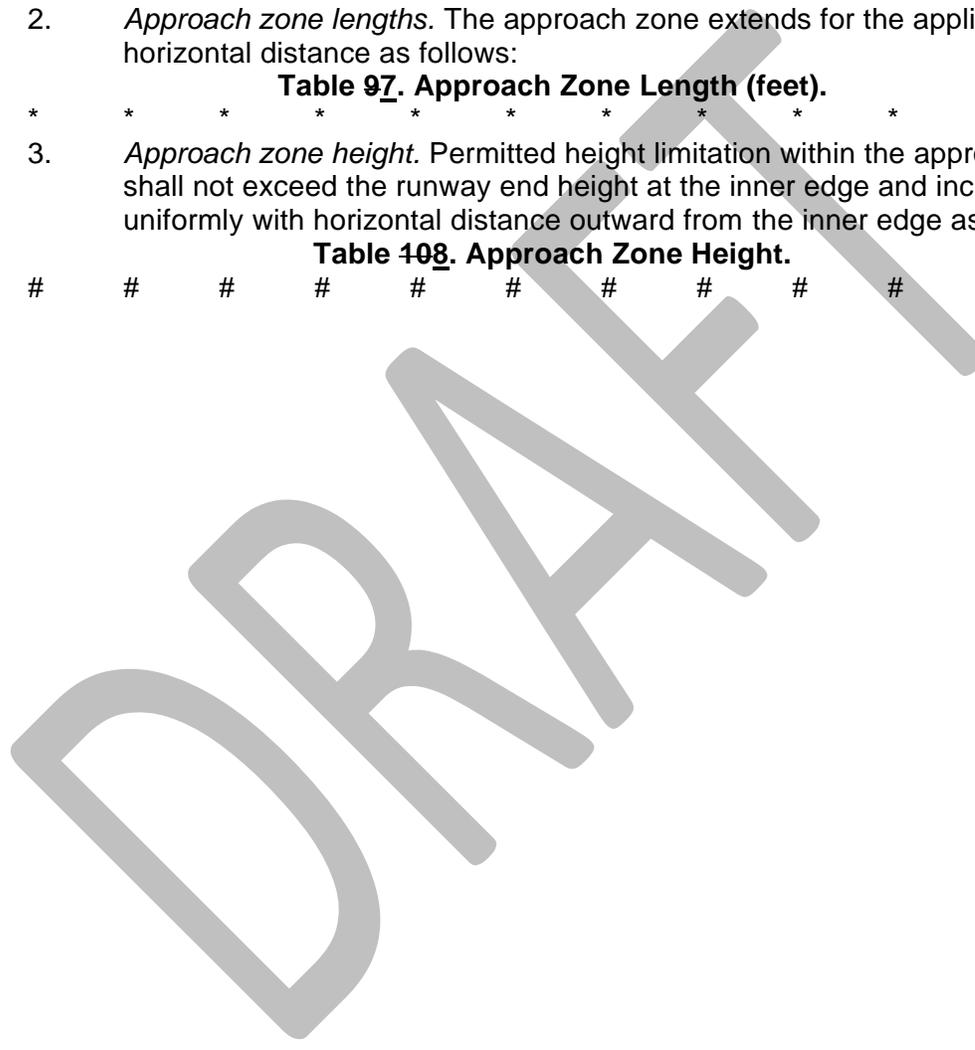
13 **Table 97. Approach Zone Length (feet).**

14 * * * * * * * * * * * * *

15 3. *Approach zone height.* Permitted height limitation within the approach zone
16 shall not exceed the runway end height at the inner edge and increases
17 uniformly with horizontal distance outward from the inner edge as follows:

18 **Table 108. Approach Zone Height.**

19 # # # # # # # # # # # # # #



Land Development Code Amendment Request

ORIGIN: Board of County Commissioners

AUTHOR: Growth Management Department Staff

LDC SECTION(S): 10.02.13 Planned Unit Development (PUD) Procedures
10.03.06 Public Notice and Required Hearings for Land Use Petitions

SUMMARY: This amendment adds a requirement for PUD insubstantial changes (PDIs) and PUD minor changes (PMCs) to be approved by the Board of County Commissioners (Board).

DESCRIPTION: Currently, PMCs may be approved by the County Manager or designee or the Hearing Examiner (HEX), and PDIs require a hearing by the Collier County Planning Commission (CCPC). However, the Office of the Collier County Clerk of Courts recently questioned this process, suggesting the approval of an insubstantial change constitutes an amendment to an ordinance. It was noted that only the Board can modify an ordinance.

As a result, at the June 13, 2017, Board meeting (Agenda Item 16.A.14), staff was directed to develop amendments to the LDC and Administrative Code for Land Development to require PDIs be brought to the Board for approval and ordinance amendment. Staff was also directed to begin implementing this policy prior to the adoption of the LDC amendment.

This amendment modifies the procedures for PDIs and PMCs in LDC section 10.02.13 E to require PDIs and PMCs to be heard by the Board for approval and ordinance amendment. This requires one hearing on the Board's summary agenda and required advertising. However, if there is an objector, these items will be placed on the Board's regular agenda as an advertised public hearing. LDC section 10.03.06 H requires the following advertising for a PDI: one Neighborhood Information Meeting, mailed notice, newspaper advertisement, and posting of a sign. Procedures for a Boat Dock Facility Extension, Boathouse Establishment, or Boat Dock Canopy Deviation, which are currently combined with procedures for PDIs, are relocated to a new LDC section 10.03.06 Z for clarity. For a PMC, LDC section 10.03.06 T requires a newspaper advertisement (or a mailed notice for PMCs to remove affordable housing commitments).

Additionally, after the adoption of the Administrative Code in 2013, public hearings for PDIs were assigned to the HEX. However, this assignment has not been codified in LDC section 10.02.13 E.2. This amendment clarifies that PDIs may be heard by the HEX, as an alternative to the CCPC, to reflect the current policy.

Finally, since the Board will review all PMCs, it is unnecessary to add an additional hearing before the HEX if an objection to the removal of an affordable housing commitment is received. However, the mailed notice requirement for PMCs removing affordable housing commitments is not changed.

DSAC-LDR SUBCOMMITTEE RECOMMENDATION: The DSAC-LDR Subcommittee recommended approval on November 13, 2017, with no changes.

DSAC RECOMMENDATION: The DSAC recommended approval on December 6, 2017, with no changes.

CCPC RECOMMENDATION: The CCPC recommended approval (5-1) on January 18, 2018, with no changes. The dissenting Commissioner indicated that the proposed changes would extend the process, advertising time, and cost of PDIs, for both applicants and the County, and result in the CCPC hearing many petitions for insignificant changes.

FISCAL & OPERATIONAL IMPACTS: Fiscal impacts to applicants include increased time and costs associated with an additional Board hearing and required advertisements for PDIs and PMCs. Operational impacts to the County include increased staff time required to bring PDIs and PMCs to an additional hearing before the Board. As an illustration of the frequency of these requests, between 2015 and 2016, the County received 30 PDI and 7 PMC applications.

GROWTH MANAGEMENT PLAN IMPACT: There are no anticipated Growth Management Plan impacts associated with this amendment.

Amend the LDC as follows:

10.02.13 Planned Unit Development (PUD) Procedures

- * * * * *
- E. Changes and amendments. There are three types of changes to a PUD Ordinance: Substantial, Insubstantial, and Minor.
 - * * * * *
 - 2. Insubstantial change determination. An insubstantial change includes any change that is not considered a substantial or minor change. An insubstantial change to an approved PUD Ordinance shall be based upon an evaluation of LDC subsection 10.02.13 E.1 and shall require the review and approval recommendation of the Hearing Examiner or Planning Commission, and approval by the Board of County Commissioners. ~~The recommendation by the Hearing Examiner or Planning Commission, and approval by the Board of County Commissioners, as applicable,~~ shall be based on the findings and criteria used for the original application and be an action taken at a regularly scheduled meeting.
 - a. ~~The applicant shall provide the Planning and Zoning Department Director~~ documentation which adequately describes the proposed changes as described in the Administrative Code.
 - 3. Minor changes. The following are considered minor changes, and may be approved by the County Manager or designee under the procedures established in the Administrative Code, subject to review and approval of the Board of County Commissioners and ordinance amendment.
 - a. Educational and ancillary plants exception. When a PUD is amended for the sole purpose of adding an Educational and/or ancillary plant, that PUD will not be subject to the review process outlined in LDC section 10.02.13 E.1. The review conducted will be limited to the impacts that the Educational or ancillary plant will have on the surrounding uses.
 - b. The County Manager or designee shall also be authorized to allow minor changes to the PUD master plan during its subdivision improvements

plan or site development plan process to accommodate topography, vegetation and other site conditions not identified or accounted for during its original submittal and review and when said changes have been determined to be compatible with adjacent land uses, have no impacts external to the site, existing or proposed, and is otherwise consistent with the provisions of this code and the growth management plan. Such changes shall include:

- i. Internal realignment of rights-of-way, including a relocation of access points to the PUD itself, where no water management facility, conservation/preservation areas, or required easements are affected or otherwise provided for.
- ii. Relocation of building envelopes when there is no encroachment upon required conservation or preservation areas.
- iii. Relocation of swimming pools, clubhouses, or other recreation facilities when such relocation will not affect adjacent properties or land uses.
- iv. Relocation or reconfiguration of lakes, ponds, or other water facilities subject to the submittal of revised water management plans, or approval of the EAC where applicable.

c. Minor changes of the type described above shall nevertheless be reviewed by appropriate staff to ensure that said changes are otherwise in compliance with all county ordinances and regulations prior to the ~~Planning and Zoning Department Director's~~ County Manager or designee's consideration for approval.

ed. Affordable housing commitments. Beginning October 3, 2012, the County Manager or designee shall be authorized to make minor text changes to remove affordable housing commitments to pay an affordable housing contribution in PUDs, Development Agreements, and Settlement Agreements, ~~if the following conditions are met:~~

- ~~i. The applicant notices property owners in writing in accordance with LDC section 10.03.06 T.~~
- ~~ii. If no written objection is received, the request to remove commitments is deemed approved.~~
- ~~iii. If a property owner who receives notice submits a written objection within 30 days of mailing of the notice, the matter shall be scheduled for public hearing before the Board of County Commissioners. Public notice shall comply with LDC sections 10.03.05 and 10.03.06.~~

#

10.03.06 Public Notice and Required Hearings for Land Use Petitions

* * * * *

H. ~~PUD Insubstantial Change (PDI) or Boat Dock Facility Extension, Boathouse Establishment, or Boat Dock Canopy Deviation:~~

- 1. The following advertised public hearings are required:
 - a. One Planning Commission or Hearing Examiner hearing.
 - b. One BCC hearing.
- 2. The following notice procedures are required:
 - a. ~~For a PDI, a~~ NIM. See LDC section 10.03.05 A. However, upon written request by the applicant, the Hearing Examiner has the discretion to

- 1 waive the NIM after the first set of staff review comments have been
- 2 issued.
- 3 b. Mailed Notice prior to the advertised ~~public~~ Planning Commission or
- 4 Hearing Examiner hearing.
- 5 c. Newspaper Advertisement prior to the advertised public hearing.
- 6 d. Posting of a sign prior to the advertised ~~public~~ Planning Commission or
- 7 Hearing Examiner hearing.

8 * * * * *

9 T. Minor Change to a PUD, to remove affordable housing contributions, pursuant to LDC
10 section 10.02.13 E.3.c.

- 11 1. The following notice procedures are required:
- 12 a. For minor changes to remove affordable housing contributions:
- 13 i. Mailed Notice, sent by the applicant.
- 14 ii. Newspaper advertisement prior to the advertised public hearing.
- 15 b. For other minor changes:
- 16 i. Newspaper advertisement prior to the advertised public hearing.
- 17 2. The following advertised public hearings ~~may be~~ is required:
- 18 a. ~~If a written objection is received, one~~ One BCC or Hearing Examiner
- 19 hearing for ordinance amendment.

20 * * * * *

21 Z. Boat Dock Facility Extension, Boathouse Establishment, or Boat Dock Canopy
22 Deviation:

- 23 1. The following advertised public hearing is required:
- 24 a. One Hearing Examiner or Planning Commission hearing.
- 25 2. The following notice procedures are required:
- 26 a. Mailed Notice prior to the advertised public hearing.
- 27 b. Newspaper Advertisement prior to the advertised public hearing.
- 28 c. Posting of a sign prior to the advertised public hearing.

29 # # # # # # # # # # # #

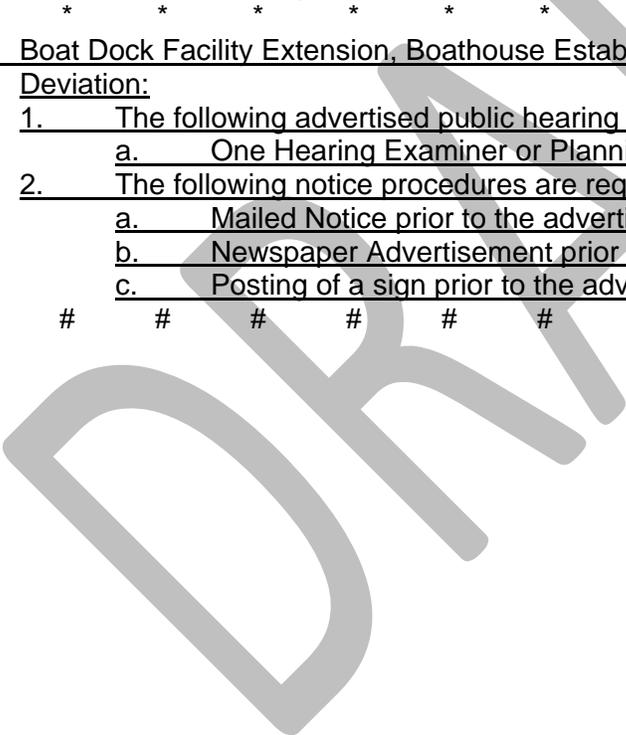


Exhibit A

Text underlined is new text to be added
Strikethrough text is current text to be deleted
Bold text indicates a defined term

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G.3. PUD Insubstantial Change

Reference	LDC subsection <u>10.02.13 E</u> , LDC section <u>8.10.00</u> , and LDC Public Notice subsection <u>10.03.06 H</u> .
Applicability	This process applies to insubstantial changes to a PUD Master Plan which meets the thresholds in LDC section <u>10.02.13 E</u> .
Pre-application	A pre-application meeting is required.
Initiation	The applicant files an application for an <i>“Insubstantial Change To a PUD Master Plan (PDI)”</i> with the Planning & Zoning Division.
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none">1. Applicant contact information.Disclosure of ownership.3. PUD Ordinance and Development Commitment information.A legal or graphic description of the area of amendment. This may be graphically illustrated on the Amended PUD Master Plan. If the amendment involves only part of the PUD, provide a legal description for the subject portion.A narrative and detailed description of the amendment and why it is necessary, <u>and with responses to the criteria listed under LDC section <u>10.02.13 E.1</u>.</u>An analysis of whether the amendment complies with the Growth Management Plan.Whether a public hearing was held for the property within the year preceding the application. If this has occurred, include the applicant’s name.Whether any part of the has been sold or developed, and whether the proposed changes involve those areas.Current and revised Master Plans, along with a reduced copy of each, describing the proposed changes of the following:<ul style="list-style-type: none">• Land use;• Densities;• Infrastructure;• Open space, preservation or conservation areas;• Area of building square footage proposed for nonresidential development;• Change in potential intensity of land use and related automobile trip movements; and• Relationships to abutting land uses.10. Addressing checklist.11. An 8½ in. x 11 in. graphic location map of the site.

Exhibit A

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- 12. Pre-application meeting notes.
- 13. ~~Owner/agent affidavit as to the correctness of the application.~~ Affidavit of Authorization.
- 14. **Electronic copies of all documents.**

Completeness and Processing

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., XX201200000) 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 each advertised public hearing. The **NIM** shall be advertised and a mailed written notice shall be 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 Hearing Examiner or CCPC hearing.
- 3. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the advertised public hearing ~~Hearing Examiner 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.
- 4. **Sign:** (see format below) Posted at least 15 days before the advertised Hearing Examiner or CCPC hearing date.

PUBLIC HEARING REQUESTING _____

PETITION NUMBER: _____

TO PERMIT: _____
(Request-Sufficiently clear to describe the project)

LOCATION: _____

DATE: _____ TIME: _____

CONTACT: _____

THE ABOVE TO BE HELD AT THE GROWTH
MANAGEMENT DIVISION BUILDING, 2800 N.
HORSESHOE DR., NAPLES, FL 34104 OR AS OTHERWISE
DESIGNATED.

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Public Hearing 1. The Hearing Examiner or CCPC shall hold at least ~~1~~ one advertised public hearing. ↔
See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.

2. The BCC shall hold at least one advertised public hearing.

Decision maker ~~The Hearing Examiner.~~ The BCC.

Review Process The Planning & Zoning Division will review the application and identify whether additional materials are needed. Pursuant to **LDC** subsection **10.02.13 B.3**, Staff will prepare a Staff Report utilizing the criteria identified in **LDC** subsection **10.02.13 E**, to present to the Office of the Hearing Examiner or CCPC for a decision recommendation.

The Hearing Examiner or CCPC will approve recommend approval, approve approval with conditions, or deny denial of the application utilizing the criteria in **LDC** subsection **10.02.13 E**.

The BCC will approve, approve with conditions, or deny the application utilizing the criteria in **LDC** subsection **10.02.13 E**.

Updated [Resolution No. 2018-XX]

Exhibit A

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G.4. PUD Minor Change

Reference LDC subsection 10.02.13 E, LDC section 8.10.00, and LDC Public Notice subsection 10.03.06 T.

Applicability The following are considered minor changes:

1. Educational and ancillary plants. These include PUD master plans that are amended for the sole purpose of adding an educational and/or ancillary plant.
2. Removal of Affordable Housing Contributions. The County Manager or designee may allow minor text changes to remove affordable housing commitments to pay an affordable housing contribution in PUDs, Development Agreements, and Settlement Agreements. Conditions are identified in LDC subsection 10.02.13 E.
3. Minor Changes during Construction. The County Manager or designee may allow minor changes to the PUD Master Plan during its subdivision improvements plan or site development plan process to accommodate topography, vegetation and other site conditions not identified or accounted for during its original submittal and review and when said changes have been determined to be compatible with **adjacent** land uses, have no impacts external to the site, existing or proposed, and is otherwise consistent with the provisions of this code and the growth management plan. These changes include the following:
 - Internal realignment of rights-of-way, including a relocation of access points to the PUD itself, where no water management facility, conservation/preservation areas, or required easements are affected or otherwise provided for;
 - Relocation of building envelopes when there is no encroachment upon required conservation or preservation areas;
 - Relocation of swimming pools, clubhouses, or other recreation facilities that do not affect adjacent properties or land uses; and
 - Relocation or reconfiguration of lakes, ponds, or other water facilities subject to the submittal of revised water management plans or approval of the EAC where applicable.

Pre-application A pre-application meeting is not required.

Initiation The **applicant** files a "*Minor Change to a PUD Master Plan or Text (PMC)*" application with the Planning & Zoning ~~Department~~ Division.

Application Contents The application must include the following:

1. **Applicant contact information.**
2. Disclosure of ownership.
3. **PUD Ordinance and Development Commitment information.**

Exhibit A

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4. A legal or graphic description of the area of amendment. This may be graphically illustrated on the ~~A~~amended PUD Master Plan. If the amendment involves only part of the PUD, provide a legal description for the subject portion.
5. The current PUD Master Plan, ⇔ *See Chapter 3 G.1 of the Administrative Code for requirements and the changes in potential intensity of land use, changes in trips and relationships to abutting land uses.*
6. Include any previously revised Master Plans.
7. A narrative and detailed description of the map change and reason for request.
8. An analysis of whether the amendment complies with the Growth Management Plan.
9. Whether a public hearing was held for the property within the year preceding the application. If this has occurred, include the **applicant's** name and number.
10. Whether any part of the PUD has been sold or developed, and whether the proposed changes involve those areas.
11. For removal of affordable housing commitments, a completed Letter to **Property owners** as identified in the application.
12. **Addressing checklist.**
13. An 8½ in. x 11 in. graphic location map of the site.
14. ~~Owner/agent affidavit as to the correctness of the application.~~ Affidavit of Authorization.
15. **Electronic copies of all documents.**

Completeness and Processing of Application

The Planning & Zoning ~~Department~~ 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., XX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

Notice

~~Notification requirements are as follows for Removal of Affordable Housing Contributions:~~
⇔ *See Chapter 8 of the Administrative Code for additional notice information.*

For removal of affordable housing contributions:

1. **Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised ~~Hearing Examiner~~ public hearing.
2. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the 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.

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For other minor changes:

- 1. Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the 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.

Public Hearing ~~1. No public hearing is required for adding educational and ancillary plants to a PUD or minor changes to a PUD Master Plan during construction. A hearing before the BCC for ordinance amendment, pursuant to LDC subsection 10.02.13 E.~~

- ~~2. A hearing before the Hearing Examiner may be required to remove affordable housing contributions, pursuant to LDC subsection 10.02.13 E.~~

Decision maker ~~The County Manager or designee or the Hearing Examiner. The BCC.~~

Review Process Minor changes are reviewed by the Planning & Zoning ~~Department~~ Division staff and may be **preliminarily** approved by the County Manager or designee.

~~If a public hearing is required to remove Affordable Housing Contributions, Staff will prepare a Staff Report and Staff will schedule a hearing date before the Hearing Examiner to present the petition for review.~~

The BCC will approve, approve with conditions, or deny the application utilizing the criteria in LDC subsection 10.02.13 E.

Appeals Administrative appeals shall be in accordance with the **Code of Laws** section 250-58.

Updated [Resolution No. 2018-XX]