

# 2018 -2019 Administrative Code Updates

Chapter 1	
Administrative Code Section	Description
Entire Chapter	Non-substantive changes have been made, such as minor grammar updates, terminology updates, division name updates, and website updates
<b>Ch. 1 B.1</b> - Administrative Code Amendment	Added a reference to the County website that contains amendments to the Administrative Code.
<b>Ch. 1 B.7</b> - Growth Management Department (GMD)	Updated to accurately reflect the reorganized divisions within the GMD.
<b>Ch. 1 D.2</b> - GMD Public Portal (New Section)	Introduces the E-Permitting process and the GMD Public Portal. This new section also provides a reference to the County website that contains all pertinent E-Permitting information.
<b>Ch. 1 D.3</b> Initiation of the Application	Added the process of uploading applications electronically through the GMD Public Portal.
<b>Ch. 1 D.4</b> - Pre-application Meeting – Initiation of the pre-application meeting	Details the pre-application meeting request process through the GMD Public Portal and describes how the meeting will be scheduled.
<b>Ch. 1 D.4</b> - Pre-application Meeting – Required Documentation (Relocated)	Removed and relocated information to Ch. 1 D.3.- Initiation of Pre-Application Meeting.
<b>Ch. 1 D.5</b> - Completeness and Processing	The Completeness and Processing Letter was previously mailed, this has now changed to a processing notification sent via email.
<b>Ch. 1 D.9</b> - Pre-Construction Meeting	Reflects the current process and timing of submittal requirements.
Chapter 2	
Entire Chapter	Non-substantive changes have been made, such as minor grammar updates, terminology updates, division name updates, and in the case of where a bulleted list is present, the bullets have been replaced with letters.  All public notice signs have been replaced with the new template.
<b>Ch. 2 A.</b> - Comprehensive Plan Amendment	Regular GMP amendments are now referred to as ‘large-scale’ amendments. This change is for clarity in amendment type and will also be updated where mentioned in the LDC with an upcoming LDC amendment.
	The <i>Notice – Small-Scale Amendment</i> section has been updated to include the requirements of a NIM, Mailed Notice, and posting of a Sign.

	The <i>Notice – Large-Scale Amendment</i> section currently contains a secondary Mailed Notice requirement which has been removed. This process is not utilized and will be updated with an upcoming LDC amendment.
<b>Chapter 3</b>	
Entire Chapter	<p>Non-substantive changes have been made, such as minor grammar updates, terminology updates, division name updates, and in the case of where a bulleted list is present, the bullets have been replaced with letters.</p> <p>All public notice signs have been replaced with the new template.</p>
<b>Ch. 3 B.</b> - Boat Dock – Including Boathouse Establishment, Dock Facility Extension, and Boat Lift Canopy	This section contained 4 different application types with different quasi-judicial and administrative review procedures. Each application type has been separated into individual sections for ease of use. Additionally, the Administrative Boat Lift Canopy application process has been relocated to Chapter 4 – Administrative Procedures.
<b>Ch. 3 C.2</b> - Conditional Use Extension	Added 'Addressing Checklist' to <i>Application Contents</i> .
<b>Ch. 3 C.3</b> - Conditional Use Re-Review	The <i>Notice</i> section has been updated to include the Mailed Notice requirement.
<b>Ch. 3 D.3</b> - DRI Amendment	Corrected the reference to LDC Public Notice section to LDC section 10.03.06 I.
<b>Ch. 3 F.</b> - Parking Exemption with a Public Hearing	The <i>Notice</i> and <i>Application Contents</i> sections have been updated to include the required Agent Letter information. Additionally, the <i>Notice</i> section has been updated to include the Sign requirements.
<b>Ch. 3 G.5</b> - PUD Insubstantial Change	The <i>Notice</i> section has been updated to include the NIM requirement and specify that upon written request by the applicant, the Hearing Examiner has the discretion to waive the NIM after the first set of staff review comments have been issued.
<b>Ch. 3 G.5</b> - PUD Extension	This section will be removed, as PUD sunseting has been removed from the LDC, per Ordinance 2014-33.
<b>Ch. 3 G.6</b> - Zoning Verification Letter - PUD Comparable Use Determination	Added 'Addressing Checklist' to <i>Application Contents</i> .
<b>Ch. 3 H.</b> - Rezoning-Standard	The <i>Notice</i> section was previously separated into two categories: parcels less than 10 acres and parcels greater than 10 acres. The LDC does not distinguish between parcel size. This has been updated to require a NIM, Mailed Notice, Newspaper Advertisement, and posting of a Sign for all rezones.
<b>Ch. 3 I.</b> - Sign Variance	The <i>Notice</i> and <i>Application Contents</i> have been updated to include the Agent Letter information.
<b>Ch. 3 J.</b> - Variance	The <i>Notice</i> and <i>Application Contents</i> have been updated to include the Agent Letter information.
<b>Ch. 3 K.</b> - Compatibility Design Review	Added a reference to specific LDC public notice section 10.03.06 Y.

## Chapter 1. Introduction

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### A. Purpose and Intent

Collier County's **Land Development Code (LDC)** is the principal regulatory tool for implementing the County's Growth Management Plan (GMP). The **LDC** contains the standards and criteria that development must meet in the County. To ensure that all growth meets these standards, there are specific approval procedures for the various forms of development, ranging from simple, single-lot residences to large, multi-phased planned developments. The Administrative Code consolidates and identifies the procedures for approval to develop under the **LDC**.

The Administrative Code for Land Development, hereafter referred to as the Administrative Code, is divided into 14 chapters. Each chapter comprises a genre of land use petitions or permits. Each chapter is organized alphabetically to provide for ease of use. Cross references are provided for related land use petitions or permits where appropriate. The following list provides a breakdown of the Administrative Code by chapter:

- Chapter 1 contains the intent of the Administrative Code and how to it is to be amended. This chapter also outlines Collier County's Reviewing Agencies and the Common Procedural Steps and Information necessary to submit and process a land use petition or permit.
- Chapter 2 contains the land use petitions which are processed through a legislative procedure.
- Chapter 3 contains the land use petitions and permits which are processed through a quasi-judicial procedure.
- Chapter 4 contains the land use petitions and permits which are processed administratively by the Growth Management Department.
- Chapter 5 contains the applications for the creation and completion of a subdivision.
- Chapter 6 contains applications for waivers, exemptions, and reductions to **LDC** standards.
- Chapter 7 contains supplementary submittal requirements for land use applications.
- Chapter 8 contains information relating to public notice requirements for land use petitions.
- Chapter 9 contains the procedures for the Office of the Hearing Examiner.
- Chapter 10 identifies where to find current information.
- Chapter 11 contains contact information.
- Chapter 12 contains commonly used acronyms in the Administrative Code and the **LDC**.
- Chapter 13 contains the glossary of terms, which are bolded throughout the Administrative Code.
- Chapter 14 contains Appendices.

The Administrative Code is available to download as an Adobe PDF file on the County's website:

~~[www.colliergov.net/admincode](http://www.colliergov.net/admincode)~~[www.colliercountyfl.gov/admincode](http://www.colliercountyfl.gov/admincode). It is also available for purchase in print at the Growth Management Department, located at 2800 N. Horseshoe Drive, Naples, FL 34104.

The Code has visual cues that improve its readability. These include:



This symbol identifies a cross-reference to another Administrative Code chapter or another regulatory code.



This symbol identifies explanatory materials/information that may help to explain or expand upon a provision of the Administrative Code.

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## B. Amendments and Conflicts

### 1. Administrative Code Amendment

The Administrative Code was adopted by the Board of County Commissioners (BCC) as Ordinance 2013-57 and amended by Resolution 2016-168, subsequent amendments can be found on the County's website: [www.colliercountyfl.gov/admincode](http://www.colliercountyfl.gov/admincode). Amending Collier County and State of Florida contact information and website links may be done administratively by the County Manager or designee. Further, the County Manager or designee shall have the authority to update and correct Growth Management Department's organizational structure and department titles.

All other amendments, additions, revisions, or modifications required to maintain the Administrative Code shall be made by resolution by the BCC and adopted by majority vote at any regular or special meeting. The resolutions may be placed as an item on the regular, consent, or summary meeting agenda, as deemed appropriate by the County Manager or designee in consultation with the County Attorney.

### 2. Conflicts

Where the Administrative Code conflicts with the **LDC** or Growth Management Plan, the **LDC** or the Growth Management Plan shall prevail.

## C. Reviewing Agencies

This section describes the various agencies that are involved in processing zoning and land development applications.

### 1. Architectural Arbitration Board

The Architectural Arbitration Board, identified in **LDC** ~~sub~~section 5.05.08 F assists with the Architectural Deviations and Alternative Compliance procedure. The Board consists of five voting members comprised of the following: two representatives from the Collier County Zoning staff, two representatives appointed by the American Institute of Architects (Southwest Florida Chapter) and one member appointed by the American Society of Landscape Architects (Southwest Florida Chapter). The Architectural Arbitration Board may provide the following: 1) Assistance to the County Manager in rendering a decision; and 2) An **applicant** may appeal the decision of the County Manager or designee to the Architectural Arbitration Board.

### 2. Board of County Commissioners (BCC)

The BCC is the County's governing agency. It sets the County's land development policies by adopting and amending the Growth Management Plan and the **LDC**. It is also involved in quasi-judicial procedures, such as a rezoning, the establishment of PUDs, the creation of stewardship receiving/sending areas, and the establishment of Development of Regional Impacts, and other petitions as specified in the **LDC**.

### 3. Board of Zoning Appeals (BZA)

The BCC acts as the Board of Zoning Appeals (BZA) for Collier County. The BZA processes and makes final decisions on zoning variances, appeals, conditional uses, nonconforming use amendments, flood variances, parking agreements, and other functions outlined in the Collier County **Code of Laws and Ordinances** section 2-1171, F.S. § 67-1246 and Laws of Florida, as amended.

### 4. Building Board of Adjustment and Appeals (BOAA)

The ~~Building Board of Adjustment and Appeals (BOAA)~~ is a decision-making body that makes final decisions on appeals related to the decisions of the building official, such as the manner of construction proposed to be followed, or materials to be used, and in the erection or alteration of a building or structure, pursuant to **Code of**

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**Laws and Ordinances** section 2-1181. The BOAA consists of five members, appointed by the BCC, who have the necessary education and qualifications to review and render decisions related to the Florida Building Code and Florida Fire Prevention Code.

#### 5. **Planning Commission** ~~(CCPC)~~

The ~~Collier County~~ Planning Commission is designated as the local planning agency for the County, as identified in the **Code of Laws and Ordinances** section 106-1 and 2-1156. The Planning Commission processes amendments to the Growth Management Plan, text amendments to the **LDC**, and makes a final decision on actions as specified in the Administrative Code and **LDC**. The Planning Commission also provides recommendations to the BCC on land use petitions where the BCC renders a final decision.

#### 6. **Office of the Hearing Examiner**

The Office of the Hearing Examiner is established in the **Code of Laws and Ordinances** section 2-83 through 2-90. The Hearing Examiner hears and makes final decisions and provides recommendations to the BCC as specified in ~~e~~Ordinance 2013-25 and in the Administrative Code. The procedures for the Office of the Hearing Examiner are established in Chapter 9 of the Administrative Code.

#### 7. **Growth Management Department (GMD)**

Most land use petitions and permit applications begin the process with a review by the ~~Growth Management Department~~GMD – Development Services section. ~~The Growth Management Department~~This section of the GMD provides information and services associated with building permits, inspections, development plans, land use petitions, and investigations. The GMD provides guidance for the long-term use of land and public facilities to assure quality growth and to enhance the community's quality of life, pursuant to local ordinances and Florida State growth management laws.

~~The following are the primary departments within the Growth Management Department: the Business Center, the Engineering Services Department, the Natural Resources Department, the Comprehensive Planning Department, the Planning and Zoning Division, Operations and Regulatory Management, which includes the Plan Review and Inspection Department, and the Code Enforcement Department. The Planning and Zoning Division is generally the initial point of contact for land use petitions and permits. The Plan Review and Inspection Department handles building permits.~~

The following are the primary divisions with the GMD- Development Services section:

- Operations and Regulatory Management Division;
- Development Review Division;
- Building Division;
- Zoning Division; and
- Code Enforcement Division.

#### 8. **Environmental Advisory Council (EAC)**

The ~~Environmental Advisory Council~~EAC acts in an advisory capacity to the BCC pursuant to **Code of Laws and Ordinances** section 2-1191. The ~~Collier County~~ Planning Commission ~~sits~~acts as the ~~Environmental Advisory Council~~EAC. Pursuant to Ord. 2013-51, the EAC reviews matters dealing with regulation, control, management, use, or exploitation of natural resources within the County. It also reviews specific zoning and development petitions and their impact on the County's natural resources.

#### 9. **Development Services Advisory Committee (DSAC)**

The DSAC is a ~~fifteen~~ 15- member committee that was created in 1993 pursuant to **Code of Laws and Ordinances** section 2-1031. This committee represents the various aspects of the development industry and may include **architects**, general contractors, residential or building contractors, environmentalists, land use **planners**, land developers, **landscape architects**, professional **engineers**, utility contractors, plumbing contractors, electrical

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contractors, structural **engineers**, and attorneys. The purpose of this committee is to provide reports and recommendations to the BCC to assist in the enhancement of operational efficiency and budgetary accountability within the Growth Management Department and to serve as a primary communication link between the Growth Management Department, the development industry, and the citizens of Collier County. Terms are 4 years.

## 10. Historical Archaeological Preservation Board

The Historical Archaeological Preservation Board (Preservation Board) is an advisory board to the BCC pursuant to **Code of Laws** section 2-2000. The Preservation Board designates, regulates, and administers historical and archaeological resources in the County under the direct jurisdiction and control of the BCC.

## D. Common Procedural Steps and Information

This section describes common information that applies to most of the review procedures identified in the Administrative Code.

### 1. ~~Fees and Submittal~~ Requirements

The County charges fees for applications filed under the **LDC**. The BCC establishes the fees by resolution. The fee schedule is available for download on the County's website: <http://www.colliergov.net/Index.aspx?page=128> <https://www.colliercountyfl.gov/your-government/divisions-s-z/zoning-division/zoning-services-section>. The County will not accept an application until all ~~of~~ the required fees are paid.

### 2. GMD Public Portal

The GMD accepts application packages electronically through the E-Permitting program for most Building and Land Use Permit types. Applicants utilizing the E-Permitting program submit their documents through the GMD Public Portal, where they are guided through the process of uploading their application package. Important information regarding the use of the E-Permitting program and the GMD Public Portal can be found on the County's website: <https://www.colliercountyfl.gov/your-government/divisions-a-e/building-review/e-permitting>.

### 3. Initiation of the Application

~~Most applications are initiated by filing a County application form, along with all of the required information, with the Business Center within the Growth Management Department. Each section of the Administrative Code lists the corresponding application by name under "Initiation."~~

Most applications can be initiated electronically by uploading the application, along with all the required information, to the GMD Public Portal, or applications can be initiated in person with the Client Services section of the Business Center. Each section of the Administrative Code lists the corresponding application by name under "Initiation".

### ~~34.~~ Pre-aApplication mMeeting

#### Applicability

Where specified within the Administrative Code, **applicants** must attend a pre-application meeting with the assigned planner, and review staff ~~Planning & Zoning Division~~ before filing an application.

The purpose of the meeting is to provide an opportunity for the **applicant**, ~~and the~~ assigned planner, and review staff ~~Planning & Zoning Division~~ to informally review a proposed development and determine the most efficient method of review before substantial commitments of time and money are made in the preparation and submission of the application.

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The name of the **planner** assigned to the project shall be identified on the application once it is filed. The project **planner** is the main contact and their name should be referenced in any correspondence with the County regarding the petition. The project **planner** can be reached by calling the Business Center Front Desk, at 239-252-2400.

The pre-application meetings are held at ~~Planning & Zoning Division offices are located within~~ the Growth Management Building at the following location:

Growth Management  
Department  
**Planning & Zoning  
Division**  
2800 N. Horseshoe Drive  
Naples, FL 34104  
  
Phone: (239) 252-2400



#### Initiation of the pre-application meeting

~~Applicants may request a pre-application meeting online by calling the Planning & Zoning Division, or in person at the Business Center, which is located within the Growth Management Department Building. A pre-application fee is required at the time of the meeting. Applicants must complete a Pre-Application Request Form, or fill out the form on-line at <http://apps2.colliergov.net/portal>. The Planning & Zoning Division will contact the applicant within 2 working days to schedule a pre-application meeting. Pre-application meetings are held in the Growth Management Building in order to allow all appropriate County review staff to attend. Applicants may bring an agent(s) or another person they wish to have present at the meeting.~~

Applicants must request a pre-application meeting online through the GMD Public Portal. Applicants can access a step-by-step guide for submitting a pre-application meeting request at: <https://www.colliercountyfl.gov/your-government/divisions-a-e/building-review/e-permitting>. While requesting a pre-application meeting on the GMD Public Portal, it is recommended that applicants upload supporting documents such as: An **Addressing Checklist**, Conceptual Site Plans, Conceptual Master Plans, aerials, ordinances, etc. Once the pre-application meeting request has been received, the Client Services section of the Business Center will contact the applicant within two working days, via email, to coordinate the date and time of the pre-application meeting.

Applicants may bring an agent(s) or another person they wish to have present at the meeting. A pre-application fee is required prior to, or at the time of the meeting. Unless further specified in the Administrative Code, or uploaded on the GMD Public Portal, the applicant should bring a conceptual plan of the project, aerial photographs of the property, and preliminary environmental data, depending on the type of application.

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At the pre-application meeting County Staff will review the proposed request, discuss the contents of the application packet, indicate which submittal items are required, and the number of plans required for submittal. The submittal requirements vary by application type, so **applicants** are encouraged to ~~hold off on completing~~ wait to complete the application packet until after the pre-application meeting. At the pre-application meeting, County Staff members will provide the **applicant** Pre-Application Meeting Notes, which outline the requirements discussed at the meeting.

#### Issues to discuss

The ~~Planning & Zoning Division~~ assigned planner, review staff, and the **applicant** may discuss the following issues at the pre-application meeting:

1. The general nature of the proposed development.
2. Changes to the proposed development which need to conform to the **LDC**, the Growth Management Plan, or other County policies.
3. The review procedures that will apply, including the public hearing process, if applicable, the approximate length of the development review, and the approval process.
4. Federal, State, and local agencies that may review, comment, or require permits for the proposed development.
5. The type of information needed throughout the procedure, including surveys, plans, drawings, reports, the application form, and other supporting documentation.
6. The number of copies of the application and supporting information that the **applicant** must provide.

At the pre-application meeting, the **applicant** and staff may discuss other issues as needed. ~~At Following~~ the pre-application meeting, the ~~Planning & Zoning Division~~ assigned planner will provide the **applicant** a checklist of submittal requirements discussed at the meeting. ~~The **applicant** and the Planning & Zoning Division staff may discuss other issues as needed.~~

#### **Required Documentation**

~~Unless further specified in the Administrative Code, the **applicant** should bring a conceptual plan of the project, aerial photographs of the property, and preliminary environmental data, depending on the type of application.~~

#### **4.5. Completeness and Processing Letter**

Prior to the ~~submittal~~ acceptance of the application, the Client Services section of the Business Center will determine if the application is complete and that the materials identified on the Pre-Application Meeting ~~Checklist~~ Checklist and notes are included with the application. If the application is incomplete, the **applicant** must obtain all of the requirements prior to the submittal of the application. The Client Services section of the Business Center will not accept or process an incomplete package.

Once the application has been accepted by the County and the required fees have been paid, the application has begun processing and the **applicant** will receive a ~~P~~ processing Letter notification, by email. This ~~letter~~ notification identifies the petition number, (i.e. PL201200000) and the assigned **planner**/project manager. The petition number should be noted on all future correspondence regarding the application. ~~The letter is generally received within 10 days of submittal.~~

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#### **5.6. Staff Review**

Once the application has been processed, County Staff will review the application to determine whether the application is sufficient or insufficient in one or more areas. This is considered the “first set of review comments” by County Staff. The purpose of this review is to ensure that the application complies with the standards for approval and/or the findings of fact pursuant to the **LDC**. This review is also designed to prevent the application from unnecessary delays in the process. If the application is insufficient, or does not meet code requirements, the ~~Planning & Zoning Division~~ applicable division will notify the **applicant** of the deficiencies through the review comment process.

For administrative applications, County Staff, acting on the behalf of the County Manager may approve or deny the application based on the criteria provided in the **LDC**. While the ~~Planning & Zoning Division~~ Growth Management Department is the agency that is primarily involved in administering and enforcing the Growth Management Plan and the **LDC**, other State or regional agencies may be responsible for certain types of applications.

#### **6.7. Advisory Board or Agency Review**

If the petition requires review by the EAC, Planning Commission, BCC, BZA, the Hearing Examiner, or other County advisory ~~County~~ board or agency, County Staff prepares a specialized report for each Board. For example, a Staff Report for the Planning Commission contains information identified in the application, whether the project is consistent with the Growth Management Plan, an analysis of the request, legal considerations, recommendations by the County, and any recommendations of another reviewing body.

If the application is to be reviewed by the BCC, Staff prepares an Executive Summary which is a condensed version of the Staff Report and includes recommendations of the EAC, if applicable, and the Planning Commission.

#### **7.8. Open and Closed Applications**

An application is considered "open" when the ~~P~~rocessing Letter notification has been provided to the **applicant** and/or agent. ~~The Planning & Zoning Division assigns an open application and petition processing number.~~

An application is considered "closed" when the petitioner withdraws the application through written notice or ceases to supply necessary information to continue processing, or otherwise actively pursue the application for a period of 6 months, unless the particular process assigns a different time period. A closed application will not receive further processing and is considered withdrawn. The ~~Planning & Zoning Division~~ applicable division will notify the **applicant** of closure in writing. However, the failure of the ~~Planning & Zoning Division~~ applicable division to notify the **applicant** does not eliminate the "closed" status of an application.

The **applicant** can reopen a closed application by submitting a new application and repaying the application fees. Further review of the request is subject to the then current **LDC**.

Please note: the GMD Public Portal displays various application statuses indicating the stage in which the application is available for uploads, closed for uploads, submitted, etc.... Additional information can be found on the County's website: <https://www.colliercountyfl.gov/your-government/divisions-a-e/building-review/e-permitting>.

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#### **89. Pre-Construction ~~Conference~~ Meeting**

The ~~P~~re-construction ~~conference~~meeting applies to all development projects that include infrastructure improvements, including but not limited to: site development plans (SDP), site development plan amendments (SDPA), site improvement plans (SIP), plans and plats (PPL), plans and plat amendments (PPLA), and construction plans (CNSTR).

~~Following approval of the plans, the applicant shall pay the inspection fees and the Engineer of Record shall submit to the Business Center an affidavit that the plans and documents approved by Collier County are consistent with those approved by all State and Federal agencies. The Engineering Services Department shall contact the applicant to schedule a pre-construction conference. The applicant shall bring all approved County plans and permits and copies of all State and Federal permits for the project to the meeting. At the meeting, the applicant and the Engineering Services Department will coordinate construction activities and will discuss the timeline for the inspection of the improvements. The applicant, the applicant's contractors, and representatives from all affected utilities are encouraged to attend the meeting.~~

Following approval of the plans, the Engineer of Record (EOR) shall submit the Affidavit of Compliance to Client Services in the Business Center or through the GMD Public Portal. The Engineer's Affidavit of Compliance shall attest that the plans and documents approved by Collier County are consistent with those approved by all State and Federal agencies, and all required permits have been issued. The EOR shall request to schedule a pre-construction meeting with Development Review Division. Before the Pre-Construction submittal can be reviewed and scheduled, the applicant shall upload copies of all required permits for the project to the GMD Public Portal, and all inspection fees shall be paid prior to the meeting. The purpose of the meeting is for the applicant and the Development Review Division staff to discuss the inspection of the improvements, project schedule, notification requirements, and project completion and acceptance procedures. It is encouraged that the following parties attend the meeting: the applicant; EOR and EOR's field representative; owner and/or developer; general, site, and utilities contractors; and representatives from affected utilities.

## **Chapter 2. Legislative Procedures**

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The petitions identified in this Chapter require a public hearing by the Board of County Commissioners.

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### Chapter 2 | Legislative Procedures

#### A. Comprehensive Plan Amendment

Reference	F.S. § 163.3177 – 163.3187, 125.66 and LDC Public Notice <del>sub</del> section <u>10.03.06 E</u> and the Collier County Growth Management Plan (GMP).  📌 <i>Note:</i> The Florida Department of Economic Opportunity (DEO) website contains procedures, forms, and technical assistance regarding State of Florida review and requirements. For State related Comprehensive Plan Amendment information refer to: <a href="http://www.floridajobs.org/community-planning-and-development/programs/comprehensive-planning">http://www.floridajobs.org/community-planning-and-development/programs/comprehensive-planning</a> .
Applicability	This procedure applies to a request to amend the GMP whether initiated by the County or a private landowner.  A comprehensive plan amendment does not authorize development.  There are several categories of plan amendments, including but not limited to: <ul style="list-style-type: none"><li>• <u>a.</u> <u>Small-Scale</u> Amendment: A plan amendment that involves 10 acres or less and other criteria set out in F.S. § 163.3187(1).<ul style="list-style-type: none"><li>⊖ <u>i.</u> Generally, <u>small-scale</u> amendments are for maps and may include text changes.</li><li>⊖ <u>ii.</u> <u>Small-scale</u> amendments that involve 10 acres or less may be site-specific amendments.</li></ul></li><li>• <u>b.</u> <del>Regular</del> <u>Large-Scale</u> Amendment: A plan amendment that changes the goals, objectives and policies; a map change; or any other material in the plan, and falls within one of the categories described in F.S. § 163.3184(2) and 163.3184(3).<ul style="list-style-type: none"><li>⊖ <u>i.</u> <del>Regular</del> <u>Large-scale</u> amendments may be site-specific amendments.</li></ul></li><li>• <u>c.</u> DRI Companion Amendment: A plan amendment that is directly related to a DRI. This is processed concurrent with the DRI application. ↔ See Chapter 3 D.3 of the Administrative Code for more information.</li></ul>
Pre-Application	A pre-application meeting is required.
Initiation	The <b>applicant</b> files an “ <i>Application for a Request to Amend the Collier County Growth Management Plan</i> ” with the Comprehensive Planning Section of the <del>Planning and</del> Zoning Division.
Application Contents	The application shall include the draft amendment text and/or map amendment and all data and supporting materials that justify the amendment.  📌 <i>Note:</i> Refer to F.S. § 163.3163 <i>et. seq.</i> for State requirements.
Completeness and Processing of Application	The Comprehensive Planning <del>Department</del> <u>Section</u> will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the <b>applicant</b> will receive a mailed or electronic response notifying the <b>applicant</b> that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXX201200000) assigned to the

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petition. This petition tracking number should be noted on all future correspondence regarding the petition.

#### Notice – Small-Scale Amendment for Map and/or Text Changes

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 the advertised Planning Commission 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 Planning Commission hearing.
3. **Newspaper Advertisement:** The legal advertisements shall be published at least 15 days before the Planning Commission and BCC public hearings dates. The advertisements shall include at a minimum:
  - a. Clear explanation of the proposed ordinance ~~or resolution~~ as it affects the subject property;
  - b. Date, time, and location of one or more public hearings;
  - c. 2 in. x 3 in. map of the project location; and
  - d. The required advertisements must be at least 2 columns wide by 10 inches long, in a standard size or a tabloid size newspaper, and the headline in the advertisements must be in a type no smaller than 18 point. The advertisement shall not be placed in a portion of the newspaper where legal notices and classified advertisements appear. The advertisements shall be placed in a newspaper of general paid circulation.
4. **Sign:** (see format below) Posted at least 15 days prior to the advertised Planning Commission hearing.

### **PUBLIC HEARING NOTICE**

**[Project Name]**

**Growth Management Plan Amendment**

Petition No. 2018000XXXX

**CCPC: [Date] - 9:00 a.m.**

**BCC: [Date] - 9:00 a.m.**

Collier Government Center

3299 East Tamiami Trail, Naples, FL 34104

**[Planner Name]: 239-252-XXXX**

#### Notice – Large-Scale Amendment for Site-Specific Amendment

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 the first advertised Planning Commission hearing. The **NIM** shall be advertised and a mailed written

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notice shall be given to **property owners in the notification area** at least 15 days prior to the **NIM** meeting. The **NIM** is only for site-specific amendments.

2. **Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised Planning Commission hearing.
3. **Newspaper Advertisements:** The legal advertisements shall be published at least 15 days before the Planning Commission and BCC transmittal and adoption public hearings. The advertisement shall include at a minimum:
  - a. Clear explanation of the proposed ordinance or resolution as it affects the subject property;
  - b. Date, time, and location of one or more public hearings;
  - c. 2 in. x 3 in. map of the project location, if site-specific; and
  - d. The required advertisements must be at least 2 columns wide by 10 inches long, in a standard size or a tabloid size newspaper, and the headline in the advertisement must be in a type no smaller than 18 point. The advertisement shall not be placed in a portion of the newspaper where legal notices and classified advertisements appear. The advertisements shall be placed in a newspaper of general paid circulation.
4. ~~**Mailed Notice:** The County shall send written notice by mail to each real property owner within the area covered by the proposed plan amendment at least 15 days before the advertised BCC public hearing date.~~
5. ~~**Sign:** (see format below) Posted at least 15 days prior to the advertised public hearings. Two distinct signs shall be posted for the transmittal hearings and the adoption hearings. The first sign shall be posted before the first Planning Commission hearing on the GMP transmittal to DEO. A second sign shall be posted before the Planning Commission hearing on the GMP adoption.~~

PUBLIC HEARING FOR AN AMENDMENT TO THE  
COMPREHENSIVE PLAN

PETITION NUMBER: \_\_\_\_\_  
TO ALLOW: \_\_\_\_\_  
(Request-Sufficiently clear to describe the project)  
LOCATION: \_\_\_\_\_  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
CONTACT: \_\_\_\_\_

THE ABOVE TO BE HELD IN THE BOARD OF COUNTY  
COMMISSIONERS CHAMBERS, THIRD FLOOR, COLLIER  
COUNTY GOVERNMENT CENTER, 3299 TAMiami TRAIL  
EAST, NAPLES, FLORIDA, 34112.

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## **PUBLIC HEARING NOTICE**

**[Project Name]**

### **Growth Management Plan Amendment**

Petition No. 2018000XXXX

**CCPC: [Date] - 9:00 a.m.**

**BCC: [Date] - 9:00 a.m.**

Collier Government Center

3299 East Tamiami Trail, Naples, FL 34104

**[Planner Name]: 239-252-XXXX**

Notice – ~~Regular~~ Large-Scale Amendment Notification requirements are as follows. ⇄ See Chapter 8 of the Administrative Code for additional notice information.

**1. Newspaper Advertisements:** The legal advertisements shall be published at least 15 days before the Planning Commission and BCC transmittal and adoption public hearings. The advertisement shall include at a minimum:

- a. Clear explanation of the proposed ordinance or resolution as it affects the subject property;
- b. Date, time, and location of one or more public hearings;
- c. 2 in. x 3 in. map of the project location, if site specific; and
- d. The required advertisements must be at least 2 columns wide by 10 inches long, in a standard size or a tabloid size newspaper, and the headline in the advertisement must be in a type no smaller than 18 point. The advertisement shall not be placed in a portion of the newspaper where legal notices and classified advertisements appear. The advertisements shall be placed in a newspaper of general paid circulation.

Public Hearings for ~~Small-Scale~~ Amendment

1. The EAC shall hold at least 1 advertised public hearing, if required.
2. The Planning Commission shall hold at least 1 advertised public hearing.
3. The BCC shall hold at least 1 advertised public hearing.

Public Hearing for ~~Regular~~ Large-Scale Amendment

~~Regular~~ Large-Scale Amendments require two sets of public hearings, transmittal hearings and adoption hearings.

**1. Transmittal Public Hearings:**

- a. The EAC shall hold at least 1 advertised public hearing, if required.
- b. The Planning Commission shall hold at least 1 advertised public hearing.
- c. The BCC shall hold at least 1 advertised transmittal public hearing.

**2. Adoption Public Hearings:**

- a. The EAC shall hold at least 1 advertised public hearing, if required.
- b. The Planning Commission shall hold at least 1 advertised public hearing.

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- c. The BCC shall hold at least 1 advertised adoption public hearing.

**Decision maker** The BCC, following recommendations from both the EAC, if required, and the Planning Commission.

**Review Process** 1. Transmittal of Amendment to DEO:

- a. The Comprehensive Planning Section will review the application, identify whether additional materials are needed, prepare a Staff Report, and schedule a hearing date before the EAC, if required, and the Planning Commission to present the petition for review.
- b. Following the recommendation by the Planning Commission, the Comprehensive Planning Section will prepare an Executive Summary and schedule a hearing date before the BCC to present the petition for review.
- c. Small-Scale Amendments are not subject to a review by DEO and may be adopted by the BCC at the first advertised public hearing. A ~~Regular~~ Large-scale Amendment is reviewed by the BCC at a transmittal hearing and if approved, the amendment is sent to DEO and other review agencies for review in accordance with F.S. § 163.3184(3) and (4).

2. Adoption of Amendment:

- a. Following review by DEO and other review agencies, the Comprehensive Planning Section will prepare a Staff Report, and schedule a hearing date before the EAC, if required, and the Planning Commission to present the amendment and comments from DEO and other review agencies for review. Following the recommendation by the EAC, if required, and the Planning Commission, the Comprehensive Planning Section will prepare an Executive Summary and schedule an adoption hearing before the BCC. If the amendment is adopted, the amendment is sent to DEO and the review agencies in accordance with F.S. § 163.3184(3) and (4).

**Criteria** The plan amendment must be consistent with the applicable portions of the Collier County Growth Management Plan, F.S. § 163.3164, *et seq.*, the State Comprehensive Plan, and the *Southwest Florida Strategic Regional Policy Plan* published by the Southwest Florida Regional Planning Council.

**Effective Date** ⇔ See F.S. § 163.3184(3) and (4).

⇔ See F.S. § 163.3191 if the plan amendment is an update that results from an evaluation and appraisal report.

**Appeals** Affected persons may file an administrative challenge as described in F.S. § 163.3184(5). Small scale amendments may be administratively challenged pursuant to F.S. § 163.3187(5) (a).

**Updated**

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### B. Privately Initiated Land Development Code Amendments

Reference	LDC section <u>10.02.09</u> , LDC Public Notice <del>sub</del> section <u>10.03.06 A and K</u> , F.S. § 163.3202, and F.S. § 125.66.  ⇔ See <b>LDC</b> section <u>10.03.06</u> for County Initiated LDC Amendments.
Applicability	Privately initiated amendments that supplement, change, or repeal the LDC.
Pre-Application	A pre-application meeting is required.
Initiation	The <b>applicant</b> files an “Application for Amendment to the <b>Land Development Code</b> ” with the <del>Planning &amp;</del> Zoning Division.
Application Contents	The application must include the following information: <ol style="list-style-type: none"><li><b>Applicant Contact Information.</b></li><li>Pre-application meeting notes.</li><li>LDC amendment request document, including the following.<ul style="list-style-type: none"><li><u>a.</u> The <b>applicant’s</b> name;</li><li><u>b.</u> The name of the author of the LDC text amendment;</li><li><u>c.</u> All LDC sections to be modified by the amendment;</li><li><u>d.</u> A written statement briefly describing the change requested;</li><li><u>e.</u> A written statement describing the justification for the amendment and any other relevant information about the change requested;</li><li><u>f.</u> A written statement describing any potential fiscal or operational impacts associated with the amendment;</li><li><u>g.</u> A written statement addressing the amendment’s consistency with the Growth Management Plan;</li><li><u>h.</u> Changes to the LDC shall be identified in a strikethrough/underline format. Strikethrough language represents removal and underlined language represents new language; and</li><li><u>i.</u> All cross references to the section in the LDC shall be checked and amended if necessary.</li></ul></li><li>Electronic copies of all documents.</li></ol>
Completeness and Processing of Application	The Growth Management Department will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the <b>applicant</b> will receive a mailed or electronic response notifying the <b>applicant</b> that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

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**Notice Requirements** Notification requirements are as follows. ⇔ *See Chapter 8 of the Administrative Code for additional notice information.*

**1. Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before each advertised public hearing in a newspaper of general circulation.

The advertisement shall include at a minimum:

- a. The title of the proposed ordinance or resolution;
- b. Date, time, and location of the hearing;
- c. Places(s) within the county where the proposed ordinance may be inspected by the public; and
- d. **LDC** amendments that change the zoning map designation of 10 acres or more of land or change the permitted, conditional, or prohibited uses within a zoning category shall include a 2 in. x 3 in. map of the project location.

**Public Hearings** For **LDC** amendments that change the zoning map designation of less than 10 acres of land or do not change the list of permitted, conditional, or prohibited uses within a zoning district:

1. The EAC shall hold at least one advertised public hearing, if required.
2. The Planning Commission shall hold at least one advertised public hearing.
3. The BCC shall hold at least one advertised public hearing.

For **LDC** amendments that change the zoning map designation of 10 acres or more of land, or change the list of permitted, conditional, or prohibited uses within a zoning district:

1. The EAC shall hold at least one advertised public hearing, if required.
2. The Planning Commission shall hold at least one advertised public hearing.
  - The Planning Commission may elect by a majority decision to hear the ordinance or resolution at two advertised public hearings. If there is only one advertised public hearing, the hearing shall be held after 5:00 p.m. on a weekday, and if there are two advertised hearings, then at least one of the advertised public hearings shall be held after 5:00 p.m. on a weekday.
1. The BCC shall hold at least two advertised public hearings.
  - At least one advertised public hearing shall be held after 5:00 p.m. on a weekday, unless the BCC by a majority vote plus one vote elects to conduct that hearing at another time of day.

**Decision maker** The BCC, following the recommendations from both the EAC, if required, and the Planning Commission.

**Review Process** The ~~Planning &~~ Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare a Staff Report and provide a recommendation to the following advisory boards and the BCC:

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- a. The DSAC reviews the amendment application in a public meeting and makes a recommendation to the BCC.
- b. The EAC reviews the amendment application if the proposed change includes an environmental component in accordance with Collier County **Code of Laws** section 2-1193. The EAC makes a recommendation to the BCC.
- c. The Planning Commission reviews the application for consistency with the GMP and makes a recommendation to the BCC.

The BCC shall review the application and the recommendations by the advisory boards. The BCC may approve, approve with revisions, or deny the proposed ordinance or resolution.

**Effective Date** Per F.S. § 125.66, the ordinance must be filed with the Florida Department of State, Tallahassee, FL within 10 days of signing by the Chairman of the Board. The effective date is the date it is filed with the State, unless a date is specified in the ordinance.

**Updated** Resolution 2018-072

DRAFT

## Chapter 3. Quasi-Judicial Procedures with a Public Hearing

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Land use petitions require a public hearing where the **applicant** and affected **property owners** are allowed to speak and provide testimony about the application. The County's decision-making agency is similar to a judge presiding over a trial, and its decision is based on the record. Quasi-judicial hearings are pursuant to law and provide for the following:

1. The record may include the application materials, County Staff's recommendation, and may also include written reports, and the fact-based testimony of any witnesses (expert or otherwise) that speak at the public hearing. The **applicant** or the agent has the burden of providing a written record.
2. The **applicant** has an opportunity to be heard in person and through counsel, to present evidence of its case, and to rebut the case presented by opposing parties.
3. Cross-examination of adverse witnesses is allowed. The chairman or presiding officer of the decision-making agency may reasonably control the amount of time and type of questions asked during cross-examination.
4. Ex parte communications must be disclosed by members of the advisory boards or decision-making agency pursuant to law.

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### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

#### A. Appeal of an Official Interpretation of the Land Development Code

Reference	LDC <del>sub</del> section <u>1.06.01 D</u> , LDC section <u>8.10.00</u> , LDC Public Notice <del>sub</del> section <u>10.03.06 Q</u> , and <b>Code of Laws and Ordinances</b> section 250-58.
Applicability	This process allows an <b>applicant</b> to appeal an Official Interpretation to the Hearing Examiner.
Pre-Application	A pre-application meeting is not required.
Initiation	The <b>applicant</b> files an “ <i>Appeal Application for Official Interpretation</i> ” with the <del>Planning &amp;</del> Zoning Division.
Application Contents	The application must include the following: <ol style="list-style-type: none"><li>1. <b>Applicant contact information.</b></li><li>2. Interpretation number.</li><li>3. A narrative describing the request, the legal basis for the appeal, the relief sought, including any pertinent information, exhibits, and other backup information in support of the appeal.</li><li>4. <b>Electronic copies of all documents.</b></li></ol>
Completeness and Processing of Application	After submission of the completed application packet accompanied with the required fee, the <b>applicant</b> will receive an electronic response notifying the <b>applicant</b> 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 appeal. The tracking number should be noted on all future correspondence regarding the petition.
Notice	Notification requirements are as follows. ⇔ <i>See Chapter 8 of the Administrative Code for additional notice information.</i> <ol style="list-style-type: none"><li>1. <b>Newspaper Advertisements:</b> The legal advertisement shall be published at least 15 days before the advertised <del>Hearing Examiner</del><u>public</u> hearing in a newspaper of general circulation. The advertisement shall include at a minimum:<ul style="list-style-type: none"><li>• <u>a.</u> Date, time, and location of the hearing; and</li><li>• <u>b.</u> 2 in. x 3 in. map of the project location, if site specific.</li></ul></li></ol>
Public Hearing	<del>1.</del> —The Hearing Examiner shall hold at least 1 advertised public hearing. ⇔ <i>See Chapter 9 for the Office of the Hearing Examiner procedures.</i>
Decision maker	The Hearing Examiner.
Review Process	The <del>Planning &amp;</del> Zoning Division will review the appeal and identify whether additional materials are needed. Staff will prepare a Staff Report to present to the Office of the Hearing Examiner for a decision.

Updated

## Collier County Land Development Code | **Administrative Procedures Manual**

### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

#### **~~B. Boat Dock – Including Boathouse Establishment, Dock Facility Extension, and Boat Lift Canopy~~**

<b>Reference</b>	<b>LDC</b> sections 5.03.06, 8.10.00, and <b>LDC</b> Public Notice subsection 10.03.06 H.
<b>Applicability</b>	There are four types of permits for a boat dock facility and related structures: <ol style="list-style-type: none"><li><del>1. Dock Facility Extension</del></li><li><del>2. Dock Facility with a Boathouse</del></li><li><del>3. Boat Lift Canopy</del></li><li><del>4. Boat Lift Canopy Deviations.</del></li></ol>
<b>Pre-Application</b>	A pre-application meeting is required.
<b>Initiation</b>	The <del>applicant</del> files one of the following applications with the Planning & Zoning Division: <ol style="list-style-type: none"><li><del>1. “Dock Facility Extension or Boathouse Establishment Petition Application and Submittal Instructions,” or</del></li><li><del>2. “Boat Lift Canopy Application” for a Boat Lift Canopy or a Boat Lift Canopy Deviation, or</del></li><li><del>3. Non-residential dock facility requests must submit the “Dock Facility Extension or Boathouse Establishment Petition Application and Submittal Instructions” and comply with LDC section 5.03.06, as part of the Site Development Plan application.</del></li></ol>
<b>Application Contents for Boat Dock Establishment and/or a Dock Facility Extension</b>	The application must include the following: <ol style="list-style-type: none"><li><del>1. Applicant contact information.</del></li><li><del>2. Property information, including:</del><ul style="list-style-type: none"><li><del>• Property identification number;</del></li><li><del>• Section, township, and range;</del></li><li><del>• Subdivision, unit, lot and block; and</del></li><li><del>• Address of subject site.</del></li></ul></li><li><del>3. Zoning information, including:</del><ul style="list-style-type: none"><li><del>• Current zoning and land use of subject property; and</del></li><li><del>• Adjacent zoning and land use.</del></li></ul></li><li><del>4. Site information, including:</del><ul style="list-style-type: none"><li><del>• Waterway width and where the measurement came from;</del></li><li><del>• Total property water frontage;</del></li><li><del>• Measurement of provided and required setbacks;</del></li><li><del>• Total protrusion of proposed facility into water;</del></li><li><del>• Number and length of vessels to use facility; and</del></li></ul></li></ol>

## Collier County Land Development Code | **Administrative Procedures Manual**

### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

- ~~• Additional dock facilities in close proximity of subject property and the total protrusion of each into the waterway.~~

~~5. Narrative description of the project.~~

~~6. Signed and sealed survey depicting mean high water (MHW) and mean low water (MLW), and relevant water depths (no less than 5 foot increments).~~

~~7. Pursuant to **LDC** subsection 5.03.06 I, a submerged resources survey, as applicable.~~

~~8. A chart, drawn to scale, of the waterway at the site, depicting the waterway width, the proximity of the proposed facility to any adjacent navigable channel, the proximity of the proposed facility to docks, if any, on the adjacent lots, and the unobstructed waterway between the proposed facility and the opposite bank or any dock facility on the opposite bank.~~

~~9. Site Plan illustrating the following:~~

- ~~• Lot dimensions;~~
- ~~• Required setbacks for the dock facility;~~
- ~~• Cross section showing relation to MHW/MLW and shoreline (bank, seawall, or rip-rap revetment);~~
- ~~• Configuration, location, and dimensions of existing and proposed facility;~~
- ~~• Water depth where proposed dock facility is to be located;~~
- ~~• Distance of the navigable channel;~~
- ~~• Illustration of the contour of the property; and~~
- ~~• Illustration of dock facility from both an aerial and side view.~~

~~10. Narrative response to listed criteria/questions.~~

~~11. Signed and notarized affidavit by **property owner** or agent.~~

~~12. Addressing checklist.~~

~~13. Electronic copy of all documents.~~

~~14. Copies for the Hearing Examiner as identified on the Submittal Checklist.~~

**Application  
Contents for a Boat  
Lift Canopy or a  
Boat Lift Canopy  
Deviation**

~~The Boat Lift Canopy and the Boat Lift Canopy Deviation application must include the following:~~

~~1. Applicant contact information.~~

~~2. Property information, including:~~

- ~~• **Property identification number;**~~
- ~~• Section, township, and range;~~
- ~~• Subdivision, unit, lot and block; and~~
- ~~• Address of subject site.~~

~~3. Current zoning and land use of subject property.~~

~~4. Survey, signed and sealed showing any existing dock facility.~~

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~~5. Scale drawing of the proposed canopy showing all dimensions.~~

~~6. Sample of the fabric for color review.~~

~~7. Addressing checklist.~~

#### **Completeness and Processing of Application**

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., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

#### **Notice for Boat Dock Establishment with a Boathouse, Boat Dock Extensions, and Boat Lift Canopy Deviations**

Notification requirements are as follows. ~~See Chapter 8 of the Administrative Code for additional notice information.~~

~~1. **Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised Hearing Examiner hearing. The County will mail the letters at the **applicant's** expense. The advertisement shall include at a minimum:~~

- ~~• Date, time, and location of the Hearing Examiner hearing;~~
- ~~• Petition number;~~
- ~~• Extension and total protrusion of the facility; and~~
- ~~• Date by which written comments must be filed with the Planning & Zoning Division.~~

~~2. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the advertised Hearing Examiner hearing in a newspaper of general circulation for the following petitions: Boat Dock Establishment with a Boathouse, Boat Dock Extension, or Boat Lift Canopy Deviation. The advertisement shall include at a minimum:~~

- ~~• Date, time, and location of the hearing;~~
- ~~• Petition number;~~
- ~~• Address of the facility;~~
- ~~• Extension and total protrusion of the facility;~~
- ~~• 2 in. x 3 in. map of the project location; and~~
- ~~• Date by which written comments must be filed with the Planning & Zoning Division.~~

~~3. **Sign:** (see format below) Posted at least 15 days before the advertised Hearing Examiner hearing date.~~

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### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

~~BDE-PL20120000000: [Name] Boat Dock Extension-  
Applicant is requesting a [number]- foot boat dock  
extension over the maximum 20 feet limit in Section  
5.03.06 of the Collier County Land Development Code  
for a total protrusion of [number] feet for Lot  
[number], Block [letter] of the [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.~~

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

- ~~• Dock Facility with a Boathouse;~~
- ~~• Dock Facility Extension; and~~
- ~~• Boat Lift Canopy Deviation.~~

~~2. No hearing is required for a Boat Lift Canopy application.~~

~~3. For non-residential dock facilities, compliance is determined as part of the site development plan application. A public hearing is not required.~~

**Decision Maker** ~~1. The Hearing Examiner may approve:~~

- ~~• Dock Facility with a Boathouse~~
- ~~• Dock Facility Extensions~~
- ~~• Boat Lift Canopy Deviations~~

~~2. The County Manager or designee may approve:~~

- ~~• Boat Lift Canopies~~
- ~~• Non-residential Boat Dock Facilities~~

**Review Process** ~~1. The Planning & Zoning Division will review the application, identify whether additional materials are needed and prepare a Staff Report to present to the Office of the Hearing Examiner for a decision for the following petitions:~~

- ~~• Dock Facility with a Boathouse;~~
- ~~• Dock Facility Extensions; and~~
- ~~• Boat Lift Canopy Deviations.~~

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### ***Chapter 3 | Quasi-Judicial Procedures with a Public Hearing***

~~2. The Planning & Zoning will review the application, identify whether additional materials are needed, and prepare a letter of determinations utilizing the criteria identified in **LDC** section 5.03.06 for the following:~~

- ~~• Boat Lift Canopy; and~~
- ~~• Non-residential Dock Facility, as part of the site development plan application.~~

**Updated**

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## Collier County Land Development Code | **Administrative Procedures Manual**

### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

## B. Boat Dock

### B.1. Boathouse Establishment

<b><u>Reference</u></b>	<u>LDC sections 5.03.06, 5.03.06 F, 8.10.00, and LDC Public Notice section 10.03.06 H.</u>
<b><u>Applicability</u></b>	<u>A boathouse establishment petition is required for proposed boathouses and includes any roofed structure built on a dock.</u>
<b><u>Pre-Application</u></b>	<u>A pre-application meeting is required.</u>
<b><u>Initiation</u></b>	<u>The <b>applicant</b> files a “<i>Dock Facility Extension or Boathouse Establishment Petition</i>” with the Zoning Division.</u>
<b><u>Application Contents</u></b>	<u>The application must include the following:</u> <ol style="list-style-type: none"><li><u><b>1. Applicant contact information.</b></u></li><li><u><b>2. Property information, including:</b></u><ol style="list-style-type: none"><li><u><b>a. Property identification number;</b></u></li><li><u><b>b. Section, township, and range;</b></u></li><li><u><b>c. Subdivision, unit, lot and block; and</b></u></li><li><u><b>d. Address of subject site.</b></u></li></ol></li><li><u><b>3. Zoning information, including:</b></u><ol style="list-style-type: none"><li><u><b>a. Current zoning and land use of subject property; and</b></u></li><li><u><b>b. Adjacent zoning and land use.</b></u></li></ol></li><li><u><b>4. Site information, including:</b></u><ol style="list-style-type: none"><li><u><b>a. Waterway width and where the measurement came from;</b></u></li><li><u><b>b. Total property water frontage;</b></u></li><li><u><b>c. Measurement of provided and required setbacks;</b></u></li><li><u><b>d. Total protrusion of proposed facility into water;</b></u></li><li><u><b>e. Number and length of vessels to use facility; and</b></u></li><li><u><b>d. Additional dock facilities in close proximity of subject property and the total protrusion of each into the waterway.</b></u></li></ol></li><li><u><b>5. Narrative description of the project.</b></u></li><li><u><b>6. Signed and sealed survey depicting mean high water (MHW) and mean low water (MLW), and relevant water depths (no less than 5 foot increments).</b></u></li><li><u><b>7. Pursuant to LDC section 5.03.06 I, a submerged resources survey, as applicable.</b></u></li><li><u><b>8. A chart, drawn to scale, of the waterway at the site, depicting the waterway width, the proximity of the proposed facility to any adjacent navigable channel, the proximity of the proposed facility to docks, if any, on the adjacent lots, and the unobstructed waterway between the proposed facility and the opposite bank or any dock facility on the opposite bank.</b></u></li></ol>

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9. Site Plan illustrating the following:

- a. Lot dimensions;
- b. Required setbacks for the dock facility;
- c. Cross section showing relation to MHW/MLW and shoreline (bank, seawall, or rip-rap revetment);
- d. Configuration, location, and dimensions of existing and proposed facility;
- e. Water depth where proposed dock facility is to be located;
- f. Distance of the navigable channel;
- g. Illustration of the contour of the property; and
- h. Illustration of dock facility from both an aerial and side view.

10. Narrative response to listed criteria/questions noted in LDC section 5.03.06 F.

11. Signed and notarized affidavit by **property owner** or agent.

12. Addressing checklist.

13. Electronic copy of all documents.

14. Copies for the Hearing Examiner as identified on the application's Submittal Checklist.

**Completeness and  
Processing of  
Application**

The 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., XXX201200000) 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. Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised Hearing Examiner hearing. The County will mail the letters at the **applicant's** expense. The advertisement shall include at a minimum:

- a. Date, time, and location of the Hearing Examiner hearing;
- b. Petition number;
- c. Extension and total protrusion of the facility; and
- d. Date by which written comments must be filed with the Zoning Division.

**2. Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the advertised Hearing Examiner hearing in a newspaper of general circulation. The advertisement shall include at a minimum:

- a. Date, time, and location of the hearing;

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- b. Petition number;
  - c. Address of the facility;
  - d. Extension and total protrusion of the facility;
  - e. 2 in. x 3 in. map of the project location; and
  - f. Date by which written comments must be filed with the Zoning Division.
- 3. Sign:** (see format below) Posted at least 15 days before the advertised Hearing Examiner hearing date.

<p><b>PUBLIC HEARING NOTICE</b></p> <p><b>[Project Name]</b> <b>[Boathouse Est. or Boat Dock Canopy Dev.]</b> Petition No. 2018000XXXX</p> <p><b>[CCPC or HEX]: [Date] - 9:00 a.m.</b> [Building Name] [Address]</p> <p><b>[Planner Name]: 239-252-XXXX</b></p>
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**Public Hearing**    The Hearing Examiner shall hold at least 1 advertised public hearing for the following. ⇄  
See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner  
procedures.

**Decision Maker**    The Hearing Examiner.

**Review Process**    The Zoning Division will review the application, identify whether additional materials are  
needed and prepare a Staff Report to present to the Office of the Hearing Examiner for a  
decision.

**Updated**

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## B.2. Dock Facility Extension

<b>Reference</b>	<u>LDC sections 5.03.06, 5.03.06 H, 8.10.00, and LDC Public Notice section 10.03.06 H.</u>
<b>Applicability</b>	<u>A dock facility extension petition is required for additional protrusion of a dock facility into any waterway beyond the limits established in LDC section 5.03.06 E.</u>
<b>Pre-Application</b>	<u>A pre-application meeting is required.</u>
<b>Initiation</b>	<u>The applicant files a “Dock Facility Extension or Boathouse Establishment Petition” with the Zoning Division.</u>  <u>Non-residential dock facility requests must submit the “Dock Facility Extension or Boathouse Establishment Petition Application and Submittal Instructions” and comply with LDC section 5.03.06, as part of the Site Development Plan application.</u>
<b>Application Contents</b>	<u>The application must include the following:</u> <ol style="list-style-type: none"><li><u>1. Applicant contact information.</u></li><li><u>2. Property information, including:</u><ol style="list-style-type: none"><li><u>a. Property identification number;</u></li><li><u>b. Section, township, and range;</u></li><li><u>c. Subdivision, unit, lot and block; and</u></li><li><u>d. Address of subject site.</u></li></ol></li><li><u>3. Zoning information, including:</u><ol style="list-style-type: none"><li><u>a. Current zoning and land use of subject property; and</u></li><li><u>b. Adjacent zoning and land use.</u></li></ol></li><li><u>4. Site information, including:</u><ol style="list-style-type: none"><li><u>a. Waterway width and where the measurement came from;</u></li><li><u>b. Total property water frontage;</u></li><li><u>c. Measurement of provided and required setbacks;</u></li><li><u>d. Total protrusion of proposed facility into water;</u></li><li><u>e. Number and length of vessels to use facility; and</u></li><li><u>d. Additional dock facilities in close proximity of subject property and the total protrusion of each into the waterway.</u></li></ol></li><li><u>5. Narrative description of the project.</u></li><li><u>6. Signed and sealed survey depicting mean high water (MHW) and mean low water (MLW), and relevant water depths (no less than 5 foot increments).</u></li><li><u>7. Pursuant to LDC section 5.03.06 I, a submerged resources survey, as applicable.</u></li><li><u>8. A chart, drawn to scale, of the waterway at the site, depicting the waterway width, the proximity of the proposed facility to any adjacent navigable channel, the proximity of the proposed facility to docks, if any, on the adjacent lots, and the</u></li></ol>

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unobstructed waterway between the proposed facility and the opposite bank or any dock facility on the opposite bank.

9. Site Plan illustrating the following:

- a. Lot dimensions;
- b. Required setbacks for the dock facility;
- c. Cross section showing relation to MHW/MLW and shoreline (bank, seawall, or rip-rap revetment);
- d. Configuration, location, and dimensions of existing and proposed facility;
- e. Water depth where proposed dock facility is to be located;
- f. Distance of the navigable channel;
- g. Illustration of the contour of the property; and
- h. Illustration of dock facility from both an aerial and side view.

10. Narrative response to listed criteria/questions noted in LDC section 5.03.06 H.

11. Signed and notarized affidavit by **property owner** or agent.

12. Addressing checklist.

13. Electronic copy of all documents.

14. Copies for the Hearing Examiner as identified on the application's Submittal Checklist.

**Completeness and  
Processing of  
Application**

The 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., XXX201200000) 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. Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised Hearing Examiner hearing. The County will mail the letters at the **applicant's** expense. The advertisement shall include at a minimum:

- a. Date, time, and location of the Hearing Examiner hearing;
- b. Petition number;
- c. Extension and total protrusion of the facility; and
- d. Date by which written comments must be filed with the Zoning Division.

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**2. Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the advertised Hearing Examiner hearing in a newspaper of general circulation. The advertisement shall include at a minimum:

- a. Date, time, and location of the hearing;
- b. Petition number;
- c. Address of the facility;
- d. Extension and total protrusion of the facility;
- e. 2 in. x 3 in. map of the project location; and
- f. Date by which written comments must be filed with the Zoning Division.

**3. Sign:** (see format below) Posted at least 15 days before the advertised Hearing Examiner hearing date.

### **PUBLIC HEARING NOTICE**

**[Project Name] Boat Dock Extension  
To allow a [###]-foot protrusion  
Petition No. 2018000XXXX**

**[CCPC or HEX]: [Date] - 9:00 a.m.**

**[Building Name]**

**[Address]**

**[Planner Name]: 239-252-XXXX**

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

**Decision Maker** The Hearing Examiner.

**Review Process** The Zoning Division will review the application, identify whether additional materials are needed and prepare a Staff Report to present to the Office of the Hearing Examiner for a decision.

Updated

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### B.3. Boat Lift Canopy with Deviations

<b>Reference</b>	<u>LDC sections 5.03.06, 8.10.00, and LDC Public Notice section 10.03.06 H.</u>
<b>Applicability</b>	<u>A boat lift canopy with deviations petition is required for a proposed boat lift canopy that does not meet the standards of LDC section 5.03.06 G.</u>
<b>Pre-Application</b>	<u>A pre-application meeting is required.</u>
<b>Initiation</b>	<u>The <b>applicant</b> files a “Boat Lift Canopy Application” with the Zoning Division.</u>
<b>Application Contents</b>	<u>The application must include the following:</u> <ol style="list-style-type: none"><li><u>1. Applicant contact information.</u></li><li><u>2. Property information, including:</u><ol style="list-style-type: none"><li><u>a. Property identification number;</u></li><li><u>b. Section, township, and range;</u></li><li><u>c. Subdivision, unit, lot and block; and</u></li><li><u>d. Address of subject site.</u></li></ol></li><li><u>3. Current zoning and land use of subject property.</u></li><li><u>4. Survey, signed and sealed showing any existing dock facility.</u></li><li><u>5. Scale drawing of the proposed canopy showing all dimensions.</u></li><li><u>6. Sample of the fabric for color review.</u></li><li><u>7. Addressing checklist.</u></li></ol>
<b>Completeness and Processing of Application</b>	<u>The Zoning Division will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the <b>applicant</b> will receive a mailed or electronic response notifying the <b>applicant</b> that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.</u>
<b>Notice</b>	<u>Notification requirements are as follows. ⇔ See Chapter 8 of the Administrative Code for additional notice information.</u> <ol style="list-style-type: none"><li><u>1. Mailed Notice: Written notice shall be sent to <b>property owners in the notification area</b> at least 15 days before the advertised Hearing Examiner hearing. The County will mail the letters at the <b>applicant’s</b> expense. The advertisement shall include at a minimum:</u><ol style="list-style-type: none"><li><u>a. Date, time, and location of the Hearing Examiner hearing;</u></li><li><u>b. Petition number;</u></li><li><u>c. Extension and total protrusion of the facility; and</u></li><li><u>d. Date by which written comments must be filed with the Zoning Division.</u></li></ol></li></ol>

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- 2. Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the advertised Hearing Examiner hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
- a. Date, time, and location of the hearing;
  - b. Petition number;
  - c. Address of the facility;
  - d. Extension and total protrusion of the facility;
  - e. 2 in. x 3 in. map of the project location; and
  - f. Date by which written comments must be filed with the Zoning Division.
- 3. Sign:** (see format below) Posted at least 15 days before the advertised Hearing Examiner hearing date.

<p><b>PUBLIC HEARING NOTICE</b></p> <p><b>[Project Name]</b> <b>[Boathouse Est. or Boat Dock Canopy Dev.]</b> Petition No. 2018000XXXX</p> <p><b>[CCPC or HEX]: [Date] - 9:00 a.m.</b> [Building Name] [Address] <b>[Planner Name]: 239-252-XXXX</b></p>
--

**Public Hearing** The Hearing Examiner shall hold at least 1 advertised public hearing for the following. ⇄ See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.

**Decision Maker** The Hearing Examiner.

**Review Process** The Zoning Division will review the application, identify whether additional materials are needed and prepare a Staff Report to present to the Office of the Hearing Examiner for a decision.

**Updated**

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## C. Conditional Uses (CU)

### C.1. Conditional Use Permit

Reference	LDC section <u>10.08.00, 8.10.00</u> , LDC Public Notice <del>sub</del> section <u>10.03.06 B or C</u> , and F.S. § 163.3202
Applicability	A conditional use permit is required if the proposed use or development is eligible as a conditional use or a minor conditional use in the applicable zoning district.
Pre-Application	A pre-application meeting is required.
Initiation	The <b>applicant</b> files an "Application <del>for</del> Public Hearing <del>for</del> : Conditional Use" <u>with the Zoning Division</u> .
Application Contents	<p>The petition should include material necessary to demonstrate that the approval of the conditional use will be in harmony with the general intent and purpose of the <b>LDC</b>, will be consistent with the Growth Management Plan, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare.</p> <p>The application must include the following:</p> <ol style="list-style-type: none"><li>1. <b>Applicant contact information.</b></li><li>2. <b>Addressing Checklist.</b></li><li>3. A cover letter briefly explaining the proposed project.</li><li>4. Disclosure of ownership.</li><li>5. The date the subject property was acquired or leased (including the term of the lease). If the <b>applicant</b> has an option to buy, indicate the date of the option, the date the option terminates, and anticipated closing date.</li><li>6. The name and mailing address of all registered Home Owners Associations and civic associations whose members are impacted by the application.</li><li>7. Pre-application meeting notes.</li><li>8. A copy of the last recorded deed, contract for sale or agreement for sale, or a notarized statement of ownership clearly.</li><li>9. <b>PUD Ordinance and Development Commitment information</b>, if applicable.</li><li>10. A written petition that shows how the proposed use satisfies the findings outlined in LDC section <u>10.08.00</u>.</li><li>11. Property information, including:<ul style="list-style-type: none"><li>• <u>a.</u> Legal description; or if the conditional use involves only part of a PUD, only a legal description for the subject portion is required;</li><li>• <u>b.</u> <b>Property identification number</b>;</li><li>• <u>c.</u> Section, township and range;</li><li>• <u>d.</u> Subdivision, unit, lot and block, or metes and bounds description;</li></ul></li></ol>

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- e. Address of subject site and general location; and
  - f. Size of property in feet and acres.
12. If the **property owner** owns additional property contiguous to the subject property, then the following information, regarding the contiguous property, must be included:
- a. Legal description;
  - b. **Property identification number;**
  - c. Section, township and range; and
  - d. Subdivision, unit, lot and block, or metes and bounds description.
13. Zoning information, including:
- Adjacent zoning and land use.
14. Conditional Use request detail, identifying current zoning district, type of use and present use of property.
15. A description of previous land use applications on the subject property, including whether a public hearing was held on the property or any abutting properties within the year preceding the application, and the nature of that hearing.
16. Conceptual site development plans at an appropriate scale showing the proposed placement of structures on the property, provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas, and required yards, and other open spaces. The conceptual site development plan does not replace the site development plan (SDP) required by Chapter 4 of the Administrative Code.
17. Completed Statement of Utility Provisions.
18. Plans showing proposed locations for utilities.
19. Plans for screening and buffering the use with reference as to type, dimensions, and character.
20. Plans showing the proposed landscaping and provisions for trees protected by County regulations.
21. Plans showing the proposed signs and lighting, including type, dimensions, and character.
22. Environmental Data Requirements. ⇔ See **LDC** ~~subsection~~ 3.08.00 A.
23. Environmental Data Requirements for PUD Zoning and Conditional Uses ⇔ See Chapter 7 of the Administrative Code.
24. Recent aerial photographs must be legible at the scale provided. The aerial shall identify plant and/or wildlife habitats and their boundaries. The identification shall be consistent with the Florida Department of Transportation Land Use Cover and Forms Classification System. Developments shall identify, protect, conserve, and appropriately use native vegetative communities and wildlife habitat.
25. An Architectural Rendering of proposed structures, if applicable, ⇔ See Chapter 4 A. of the Administrative Code.

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26. Traffic Impact Study ⇔ See Chapter 7 of the Administrative Code.
27. If the property is located within an area of historical or archaeological probability, as identified at the pre-app meeting, a historical and archeological survey or waiver application.
28. If the zoning district places additional requirements on the requested use, include documentary evidence that those requirements are met.
29. Permits: All Federal, State, and local permits shall be submitted prior to construction and before the pre-construction meeting. If approved by the County Manager or designee, an **applicant** may submit Federal, State and local agency permits at the pre-construction meeting.
30. Owner/agent affidavit as to the correctness of the application.

#### 31. Electronic Copy of All Documents.

#### Completeness and Processing of Application

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., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

#### Notice for Minor Conditional Use petitions

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 prior to the Hearing Examiner's receipt of the staff report and application materials in accordance with the applicable sections of the Administrative Code. 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 hearing.
3. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the advertised Hearing Examiner hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
  - a. Date, time, and location of the hearing;
  - b. Description of the proposed land uses; and
  - c. 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 hearing date.

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~~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.~~

### **PUBLIC HEARING NOTICE**

**[Project Name]**

**Conditional Use**

Petition No. 2018000XXXX

**HEX: [Date] - 9:00 a.m.**

Growth Management Building

2800 N. Horseshoe Dr., Naples, FL 34104

**[Planner Name]: 239-252-XXXX**

Notice for all  
other  
Conditional Use  
petitions

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 the 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 public hearing.
3. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before each advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
  - a. Date, time, and location of the hearing;
  - b. Description of the proposed land uses; and
  - c. 2 in. x 3 in. map of the project location for the Planning Commission advertisement.
4. **Sign:** (see format below) Posted at least 15 days before the advertised public hearing date.

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PUBLIC HEARING REQUESTING REZONE APPROVAL

PETITION NUMBER: \_\_\_\_\_

TO ALLOW: \_\_\_\_\_  
(Request-Sufficiently clear to describe the project)

LOCATION: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

CONTACT: \_\_\_\_\_

THE ABOVE TO BE HELD IN THE BOARD OF COUNTY COMMISSIONERS CHAMBERS, THIRD FLOOR, COLLIER COUNTY GOVERNMENT CENTER, 3299 TAMIAMI TRAIL EAST, NAPLES, FLORIDA, 34112.

## **PUBLIC HEARING NOTICE**

**[Project Name]**

**Conditional Use**

Petition No. 2018000XXXX

**CCPC: [Date] - 9:00 a.m.**

**BCC: [Date] - 9:00 a.m.**

Collier Government Center

3299 East Tamiami Trail, Naples, FL 34104

**[Planner Name]: 239-252-XXXX**

Public Hearing for Minor Conditional Use petitions	<p><del>1.</del> The Hearing Examiner shall hold at least 1 advertised public hearing. ⇔ See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.</p> <p>Minor Conditional Uses are defined in LDC section 8.10.00.</p>
Public Hearing for all other Conditional Use petitions	<ol style="list-style-type: none"><li>1. The EAC shall hold at least 1 advertised public hearing, if required.</li><li>2. The Planning Commission shall hold at least 1 advertised public hearing.</li><li>3. The BZA shall hold at least 1 advertised public hearing.</li></ol>
Decision maker for Minor Conditional Use petitions	The Hearing Examiner.
Decision maker for all other Conditional Use petitions	The BZA, following a recommendation from both the EAC, if required, and the Planning Commission.
Staff Review Process	The <del>Planning &amp;</del> Zoning Division will review the application, identify whether additional materials are needed, prepare an Executive Summary, and schedule a hearing date before the appropriate body to present the petition for review.

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**Recording of Developer Commitments** Within 30 days of approval of the conditional use, the owner or developer at its expense shall record in the Public Records of Collier County a Memorandum of Understanding of Developer Commitments or Notice of Developer Commitments that contains the legal description of the property that is the subject of the land use petition and contains each and every commitment of the owner or developer specified in the conditional use. The Memorandum or Notice shall be in form acceptable to the County and shall comply with the recording requirements of Chapter 695, F.S. A recorded copy of the Memorandum or Notice shall be provided to the assigned Principal **Planner**, Zoning ~~Services~~ DepartmentDivision, within 15 days of recording of said Memorandum or Notice.

Updated

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## C.2. Conditional Use Extension

Reference	LDC section <u>10.08.00</u> and <u>8.10.00</u> , and LDC Public Notice <del>sub</del> section <u>10.03.06 D</u> .
Applicability	This establishes a process to extend the life of an approved conditional use permit.
Pre-Application	A pre-application meeting is required.
Initiation	The <b>applicant</b> files an “ <i>Application <del>F</del>for Public Hearing Conditional Use Extension</i> ” with the <del>Planning &amp;</del> Zoning Division.
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none"><li><b>1. Applicant contact information.</b></li><li><b>2. Disclosure of ownership information.</b></li><li><b>3. The date the subject property was acquired or leased (including the term of the lease). If the <b>applicant</b> has an option to buy, indicate the date of the option, the date the option terminates, and anticipated closing date.</b></li><li><b>4. Property information, including:</b><ul style="list-style-type: none"><li><b><u>a.</u></b> Legal description;</li><li><b><u>b.</u></b> <b>Property identification number;</b></li><li><b><u>c.</u></b> Plat book and page number;</li><li><b><u>d.</u></b> Section, township and range;</li><li><b><u>e.</u></b> Subdivision, unit, lot and block, or metes and bounds description;</li><li><b><u>f.</u></b> Address of subject site and general location; and</li><li><b><u>g.</u></b> Size of property in feet and acres.</li></ul></li><li><b>5. Zoning information, including:</b><ul style="list-style-type: none"><li><b><u>a.</u></b> Zoning of adjacent properties when original Conditional Use was approved;</li><li><b><u>b.</u></b> Land use of adjacent properties when original Conditional Use was approved;</li><li><b><u>c.</u></b> Current zoning of adjacent properties; and</li><li><b><u>d.</u></b> Current land use of adjacent properties.</li></ul></li><li><b>6. Two copies of a signed and sealed boundary survey (completed within the last 6 months, maximum 1 in. = 400 ft. scale) if required to do so at the pre-application meeting.</b></li><li><b>7. Conditional Use extension request detail, identifying current zoning district, type of use and present use of property.</b></li><li><b>8. Copies of Warranty Deed(s) for the current <b>property owners</b>.</b></li><li><b>9. A narrative statement describing the request for conditional use extension and how it meets the criteria discussed in LDC section <u>10.08.00</u>.</b></li></ol>

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10. How the request remains consistent with the applicable sections of the **LDC** and **GMP**, including the future land use element; any **GMP** amendments since the approval of the conditional use; identify any development/redevelopment that has occurred on adjacent parcels and what effect, if any, an extension would have on those uses; and any additional relevant information.
11. A description of previous land use applications on the subject property, including whether a public hearing was held on the property or any abutting properties within the year preceding the application, and the nature of that hearing.
12. Cover letter briefly explaining the project.
13. Pre-application meeting notes.
14. A site plan (measuring no larger than 24 in. x 36 in.) and a conceptual site plan measuring 8½ in. x 11 in.
15. Owner/agent affidavit as to the correctness of the application.
16. Traffic Impact Study ⇔ *See Chapter 7 of the Administrative Code.*
17. **Electronic copy of all documents.**
18. Copies of the previously approved conditional use site plans, and one reduced 8½ in. x 11 in. copy of the site plan. The **applicant** shall provide additional copies of the plan upon completion of Staff's evaluation for distribution to the Board, if requested by the staff **planner**.
19. The resolution that approved the conditional use.
20. A copy of the original application for the conditional use.

#### 21. Addressing Checklist.

#### Completeness and Processing of Application

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., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

#### Notice for Minor Conditional Use Extension petitions and all other Conditional Use Extension petitions

Notification requirements are as follows. ⇔ *See Chapter 8 of the Administrative Code for additional notice information.*

1. **Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised public hearing.
2. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before each advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
  - a. Date, time, and location of the hearing; and
  - b. Description of the proposed land uses.

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### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

3. **Sign:** (see format below) Posted at least 15 days before the advertised Hearing Examiner 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.

**PUBLIC HEARING NOTICE**

**[Project Name]**  
**Conditional Use [Extension or Re-review]**  
Petition No. 2018000XXXX

**[BZA or HEX]: [Date] - 9:00 a.m.**  
[Building Name]  
[Address]

**[Planner Name]: 239-252-XXXX**

**Public Hearing** ~~1~~—The Hearing Examiner shall hold at least 1 advertised public hearing. ⇔ See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.

**Decision maker** The Hearing Examiner.

**Review Process** The ~~Planning &~~ Zoning Division will review the application, identify whether additional materials are needed and prepare a Staff Report to present to the Office of the Hearing Examiner for a decision.

Updated

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#### C.3. Conditional Use Re-Review

Reference	LDC section <u>10.08.00</u> and <u>8.10.00</u> and LDC Public Notice <del>sub</del> section <u>10.03.06 D</u> .
Applicability	If a Conditional Use is approved with stipulations, the Conditional Use is reviewed to determine whether the <b>applicant</b> has met the conditions of approval or whether additional stipulations are necessary. The Hearing Examiner will establish the time period or dates when the conditional use is subject to review. This is a mandatory procedure for any <b>applicant</b> holding a valid conditional use permit that has stipulations.
Pre-Application	A pre-application meeting is required.
Initiation	The <b>applicant</b> files a "Conditional Use Re-review" application with the <del>Planning &amp;</del> Zoning Division.
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none"><li>1. <b>Applicant Contact Information.</b></li><li>2. A letter describing the request.</li><li>3. All documents necessary to address the conditions or stipulations.</li><li>4. Pre-application meeting notes.</li><li>5. <b>Addressing checklist.</b></li></ol>
Completeness and Processing of Application	The <del>Planning &amp;</del> Zoning Division will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the <b>applicant</b> will receive a mailed or electronic response notifying the <b>applicant</b> that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.
Notice for Minor Conditional Use Re-Review petitions and for all other Conditional Use Re-Review petitions	<p>Notification requirements are as follows. ⇔ <i>See Chapter 8 of the Administrative Code for additional notice information.</i></p> <ol style="list-style-type: none"><li>1. <u><b>Mailed Notice:</b> Written notice shall be sent to property owners in the notification area at least 15 days before the advertised public hearing.</u></li><li>2. <u><b>Newspaper Advertisements:</b></u> The legal advertisement shall be published at least 15 days before each advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum:<ul style="list-style-type: none"><li>• <u>a.</u> Date, time, and location of the hearing; and</li><li>• <u>b.</u> Description of the proposed land uses.</li></ul></li></ol>
Public Hearing	<del>1.</del> The Hearing Examiner shall hold at least 1 advertised public hearing. ⇔ <i>See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.</i>

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**Decision maker** The Hearing Examiner.

**Review Process** The ~~Planning &~~ Zoning Division will review the application, identify whether additional materials are needed and prepare a Staff Report to present to the Office of the Hearing Examiner for a decision.

**Updated**

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## D. Development of Regional Impact (DRI)

### D.1. DRI Application – Establishment of a new DRI

**Reference** LDC Public Notice ~~sub~~section 10.03.06 I and F.S. § 380.06 and 380.0651

A DRI involves the review and input by the Florida Department of Economic Opportunity (DEO) and the Southwest Florida Regional Planning Council (SWFRPC). ⇔ See [swfrpc.org/dri.html](http://swfrpc.org/dri.html).

**Applicability** This section applies to the establishment of a DRI.

⇔ See F.S. § 380.0651 and FAC 28-24 (DRI thresholds) for statewide guidelines and standards to determine whether DRI review is required.

⇔ See Chapter 14 - Appendix A of the Administrative Code for a flow chart of State, Regional and Local review process.

**Pre-Application** A pre-application meeting is required.

**Initiation** If certain thresholds are met, DRI review is required. ⇔ See F.S. § 380.06(2) and 380.0651 and FAC 28-24.

The **applicant** files the County's "Application ~~F~~or Public Hearing ~~F~~or DRI Application for Development Approval (DRI)," and ~~A~~**applicants** must submit an Application for Development Approval (ADA) for a DRI simultaneous review with a growth management plan amendment per 380.061(6), F.S.

The DRI applications are available from the DEO and are listed in FAC 73C-40.010 and its website at [www.floridajobs.org](http://www.floridajobs.org).

**Application Contents** The County's application must include the following:

1. **Applicant contact information.**
2. **Addressing checklist.**
3. Disclosure of ownership.
4. Completed ADA form with all attachments.
5. Draft DRI Development Order to address the proposed change.
6. Property information, including:
  - a. Legal description of subject property and any contiguous property owned by the **applicant**;
  - b. If the application involves a change to more than one zoning district, include a separate legal description for each district;
  - c. Property identification number;
  - d. Section, township and range;
  - e. Subdivision, unit, lot and block, or metes and bounds description;
  - f. Address of subject site and general location; and

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- g. Size of property in feet and acres.
- 7. An explanation of whether the requested action is consistent with the Growth Management Plan.
- 8. A statement of whether a public hearing was held on the property within the year preceding the application and an explanation of that hearing.
- 9. A detailed narrative statement that explains the requested action and why this action is proposed. Provide applicable supporting material, and a list of all previous actions on the subject site, beginning with the original DRI/PUD approval and including all subsequent amendments. Include the hearing number, hearing dates and a summary of the approved action.
- 10. A description of any sale or development of the DRI.
- 11. Traffic Impact Study ⇔ *See Chapter 7 of the Administrative Code.*
- 12. Environmental Data Requirements. ⇔ *See LDC ~~subsection~~ 3.08.00 A.*
- 13. An 8½ in. x 11 in graphic location map of the site.
- 14. Signed and sealed survey, no older than 6 months.
- 15. DRI Development Order Master Plan.
- 16. Copies of Notices sent to DEO and RPC.
- 17. Pre-application meeting notes.
- 18. Owner/agent affidavit as to the correctness of the application.
- 19. **Electronic copy of all documents.**

#### Completeness and Processing of Application

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., XXX201200000) 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.* ⇔ *See F.S. § 380.06(11) for additional notice requirements if the DRI is proposed within the jurisdiction of more than one local government.*

1. **Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised Planning Commission hearing.
2. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before each advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum: ⇔ *See F.S. §.380.06 for State publication requirements.*
  - a. Date, time, and location of the hearing;
  - b. Description of the proposed land uses; and
  - c. 2 in. x 3 in. map of the project location

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3. **Sign:** (see format below) Posted at least 15 days before the advertised Planning Commission hearing date.

~~PUBLIC HEARING REQUESTING DEVELOPMENT OF  
REGIONAL IMPACT~~

~~PETITION NUMBER: \_\_\_\_\_~~  
~~TO ALLOW: \_\_\_\_\_~~  
~~(Request-Sufficiently clear to describe the project)~~  
~~LOCATION: \_\_\_\_\_~~  
~~DATE: \_\_\_\_\_ TIME: \_\_\_\_\_~~  
~~CONTACT: \_\_\_\_\_~~

~~THE ABOVE TO BE HELD IN THE BOARD OF COUNTY  
COMMISSIONERS CHAMBERS, THIRD FLOOR, COLLIER  
COUNTY GOVERNMENT CENTER, 3299 TAMIAMI TRAIL  
EAST, NAPLES, FLORIDA, 34112.~~

**PUBLIC HEARING NOTICE**  
**[Project Name]**  
**Development of Regional Impact Establishment**  
Petition No. 2018000XXXX  
**CCPC: [Date] - 9:00 a.m.**  
**BCC: [Date] - 9:00 a.m.**  
Collier Government Center  
3299 East Tamiami Trail, Naples, FL 34112  
**[Planner Name]: 239-252-XXXX**

- Public Hearing**
1. SWFRPC staff notifies Collier County that it may schedule a public hearing to consider a Development Order. The County will set the public hearing at its next scheduled meeting. The hearing is held within 90 days after the SWFRPC's notice, unless the **applicant** requests an extension. Both the Planning Commission and the BCC will conduct a public hearing.
  2. The ~~Planning &~~ Zoning Division will record the hearing proceedings by tape or a certified court reporter and make the recordings available for transcription at the expense of any interested party. ⇔ See FS § 380.06(11)

**Decision maker** The BCC, following a recommendation from the Planning Commission.

- Review Process**
1. RPC determines sufficiency. ⇔ See F.S. § 380.06(10).
  2. Report and recommendation by RPC, ⇔ See F.S. § 380.06(12).
  3. The County will review the application at the same time as the Growth Management Plan amendment application, prepare an Executive Summary, and schedule a hearing date before the Planning Commission and the BCC to present the petition for approval.

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**Timing** Pursuant to F.S. § 380.06(15)(b)), the BCC must render a decision on the application within 30 days after the hearing unless an extension is requested by the developer, pursuant to F.S. § 380.06(15)(a).

**Changes to Approval** ⇔ *See F.S. § 380.06(19) for substantial deviations to a DRI.*

**Updated**

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#### D.2. DRI Abandonment

Reference	LDC Public Notice <del>sub</del> section <u>10.03.06 I</u> and F.S. § 380.06(26); FAC 73C-40.0251.
Applicability	<p>This establishes a process for the County, a <b>property owner</b>, or developer to abandon a valid DRI.</p> <p>This does not apply to an application to abandon a preliminary development agreement with the Florida DEO, which is governed by F.S. § 380.06(8)(a).11 and FAC 73C-40.0185.</p>
Pre-Application	A pre-application meeting is required.
Initiation	<p>The <b>applicant</b> files the following applications:</p> <ol style="list-style-type: none"><li>1. "Application for Public Hearing, Abandonment of a Development of Regional Impact" (DRIABN);</li><li>2. "Application for Abandonment <i>of a Development of Regional Impact</i>," with all attachments (FORM DEO-BCP-ABANDONMENT DRI-1). This form is available on the Florida DEO website.</li></ol>
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none"><li>1. <b>Applicant contact information.</b></li><li>2. Disclosure of ownership.</li><li>3. DRI Development Order name and number.</li><li>4. Property information, including:<ul style="list-style-type: none"><li>• <u>a.</u> Legal description of subject property and any contiguous property owned by the <b>applicant</b>;</li><li>• <u>b.</u> If the application involves a change to more than one zoning district, include a separate legal description for each district;</li><li>• <u>c.</u> <b>Property identification number</b>;</li><li>• <u>d.</u> Section, township and range;</li><li>• <u>e.</u> Subdivision, unit, lot and block, or metes and bounds description;</li><li>• <u>f.</u> Address of subject site and general location; and</li><li>• <u>g.</u> Size of property in feet and acres.</li></ul></li><li>5. A narrative and detailed explanation of the reason for seeking abandonment.</li><li>6. Completed State Abandonment form with all attachments.</li><li>7. Completed DEO Application for Abandonment of DRI and copies of the submittal letters submitted to DEO and RPC.</li><li>8. An explanation of whether the abandonment is consistent with the Growth Management Plan.</li></ol>

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9. A statement of whether a public hearing was held on the property within the year preceding the application and an explanation of that hearing.
10. A description of any sale or development of the DRI.
11. An 8½ in. x 11 in. graphic location map of the site.
12. DRI Development Order Master Plan.
13. Pre-application meeting notes.
14. Owner/agent affidavit as to the correctness of the application
15. **Electronic copies of all documents.**

**Completeness and Processing of Application** 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., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

**Notice** Notice is provided by the County to DEO and the RPC 45 days before the BCC hearing, ⇔ See FAC 73C-40.0251(1)(b).

**Public Hearing**

1. The EAC shall hold at least 1 advertised public hearing, if required.
2. The Planning Commission shall hold at least 1 advertised public hearing.
3. The BCC shall hold at least 1 advertised public hearing.

**Decision maker** The BCC, following recommendations from both the EAC, if required, and the Planning Commission.

**Review Process**

1. The County will review the application, identify whether additional materials are needed, prepare an Executive Summary, and schedule a hearing date before the Planning Commission and the BCC to present the petition for approval.
2. At the public hearing, the BCC will render a written decision to grant, grant with conditions, or deny the request for abandonment within 30 days of the public hearing, ⇔ See FAC 73C-40.0251(2)(c)-(e).

**Recording** The County will issue a notice of the abandonment within 15 days after any appeal is resolved or after the appeal period expires. ⇔ See FAC 73C-40.0251(2)(e).

**Appeal** ⇔ See F.S. § 380.07.

**Updated**

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### **D.3. DRI Amendment**

Reference **LDC** ~~sub~~section **10.02.13 E.1.j**, **LDC** Public Notice ~~sub~~section **10.03.06 H** and F.S. § 380.06(19)

Updated

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#### E. **Mixed Use Project (MUP) – Public Hearing for use of Bonus Density Pool and/or other Deviations**

Reference	LDC sections <u>4.02.16 C.8</u> , <u>10.02.15</u> and LDC Public Notice <del>sub</del> section <u>10.03.06 N</u> .
Applicability	This procedure applies to a request for a mixed use project (MUP) within the Bayshore Gateway Triangle Redevelopment Area which seeks to utilize the Bonus Density Pool and/or other deviations.
Eligible Applicants	<b>Property owners</b> in the following zoning districts: <ol style="list-style-type: none"><li>1. Bayshore Mixed Use District, Neighborhood Commercial (BMUD-NC) Subdistrict</li><li>2. Bayshore Mixed Use District, Waterfront (BMUD-W) Subdistrict</li><li>3. Gateway Triangle Mixed Use District Overlay, Mixed Use District (GTMUD-MXD) Subdistrict</li></ol>
Pre-application	A pre-application meeting is required.
Initiation	The <b>applicant</b> files a “ <i>Mixed Use Project Plan (MUP) with Deviations- Public Hearing</i> ,” with the <del>Planning &amp;</del> Zoning Division.
Application Contents	MUPs that require a public hearing shall follow the applicable submittal requirements of a Conditional Use in <i>Chapter 3 C. of the Administrative Code</i> . In addition, pursuant to LDC <del>sub</del> section <u>10.02.15 A.2.</u> , the <b>applicant</b> shall prepare a conceptual plan depicting mixed use development and noting all deviations.
Completeness and Processing of Application	The <del>Planning &amp;</del> Zoning Division will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the <b>applicant</b> will receive a mailed or electronic response notifying the <b>applicant</b> that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.
Notice	Notification requirements are as follows: ⇔ <i>See Chapter 8 of the Administrative Code for additional notice information.</i> <ol style="list-style-type: none"><li>1. <b>NIM:</b> The <b>NIM</b> shall be completed at least 15 days before the advertised Planning Commission hearing. The <b>NIM</b> shall be advertised and a mailed written notice shall be given to <b>property owners in the notification area</b> at least 15 days prior to the <b>NIM</b> meeting.</li><li>2. <b>Mailed Notice:</b> Written notice shall be sent to <b>property owners in the notification area</b> at least 15 days before the advertised Planning Commission hearing.</li><li>3. <b>Newspaper Advertisements:</b> The legal advertisement shall be published at least 15 days before each advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum:<ul style="list-style-type: none"><li>• <u>a.</u> Date, time, and location of the hearing;</li><li>• <u>b.</u> Description of the proposed land uses; and</li><li>• <u>c.</u> 2 in. x 3 in. map of the project location for the BZA advertisement.</li></ul></li></ol>

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4. **Sign:** (see format below) Posted at least 15 days before the advertised Planning Commission hearing date.

PUBLIC HEARING REQUESTING MIXED USE PROJECT APPROVAL

PETITION NUMBER: \_\_\_\_\_

TO ALLOW: \_\_\_\_\_  
(Request-Sufficiently clear to describe the project)

LOCATION: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

CONTACT: \_\_\_\_\_

THE ABOVE TO BE HELD IN THE BOARD OF COUNTY COMMISSIONERS CHAMBERS, THIRD FLOOR, COLLIER COUNTY GOVERNMENT CENTER, 3299 TAMiami TRAIL EAST, NAPLES, FLORIDA, 34112.

**PUBLIC HEARING NOTICE**

**[Project Name]**  
**Mixed Use Project Deviations**  
Petition No. 2018000XXXX  
**CCPC: [Date] - 9:00 a.m.**  
**BCC: [Date] - 9:00 a.m.**  
Collier Government Center  
3299 East Tamiami Trail, Naples, FL 34104  
**[Planner Name]: 239-252-XXXX**

- Public Hearing**
1. The EAC shall hold at least 1 advertised public hearing, if required.
  2. The Planning Commission shall hold at least 1 advertised public hearing.
  3. The BZA shall hold at least 1 advertised public hearing.

**Decision maker** The BZA, following recommendations from both the EAC, if required, and the Planning Commission.

**Review Process** The ~~Planning &~~ Zoning Division will review the application, identify whether additional materials are needed, prepare a Staff Report, and schedule a hearing date before the EAC, if required, and Planning Commission to present the petition for review.

Following the recommendation by the Planning Commission, the ~~Planning &~~ Zoning Division will prepare an Executive Summary and schedule a hearing date before the BZA to present the petition for review.

Updated

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#### F. Parking Exemption – With a Public Hearing

Reference	LDC <del>sub</del> section <u>4.05.02 K.3</u> , LDC section <u>8.10.00</u> , and LDC Public Notice <del>sub</del> section <u>10.03.06 G</u> .
Applicability	This procedure applies to relief from the various minimum parking requirements established within the LDC and shall follow the circumstances identified in LDC <del>sub</del> section <u>4.05.02 K.3.a</u> .
Pre-Application	A pre-application meeting is not required but may be requested.
Initiation	The <b>applicant</b> files an “Application <del>for Public Hearing</del> <u>for Parking Exemption</u> ” with the <del>Planning &amp;</del> Zoning Division.
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none"><li><b>Applicant contact information.</b></li><li>Property information of principal site and off-site parking, if applicable, including:<ul style="list-style-type: none"><li><u>a.</u> Legal description;</li><li><u>b.</u> <b>Property identification number;</b></li><li><u>c.</u> Section, township, range, Plat book and page number;</li><li><u>d.</u> Subdivision, unit, lot and block, or metes and bounds description;</li><li><u>e.</u> Address and general location; and</li><li><u>f.</u> Size of property in feet and acres.</li></ul></li><li>Zoning information, including:<ul style="list-style-type: none"><li><u>a.</u> Zoning classification of any proposed off-site parking; and</li><li><u>b.</u> Zoning and type of land use of the property that the Parking Exemption is proposed to serve.</li></ul></li><li>The name and mailing address of all registered Home Owners Association’s that could be affected by the application.</li><li>Disclosure of ownership.</li><li>Project information, with the following included:<ul style="list-style-type: none"><li><u>a.</u> Total number of parking spaces required for the project;</li><li><u>b.</u> Number of parking spaces proposed to be located off-site;</li><li><u>c.</u> Whether the proposed parking lot is separated from the permitted use by a collector or arterial roadway, and the roadway name; and</li><li><u>d.</u> Whether the permitted use is proposed to share required parking with another permitted use.</li></ul></li></ol>

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7. A narrative statement describing the request with specific reference to the criteria noted in **LDC** ~~subsection~~ 4.05.02 K.3.b., and any backup materials or documentation.
8. Pre-application meeting notes, if applicable.
9. **Addressing checklist.**
10. If required, a Boundary Survey (completed within the last 6 months, maximum 1 in. to 400 ft. scale) that is abstracted, signed, sealed and prepared by a Florida registered land surveyor. The boundary survey must include the following:
  - a. The location and dimensions of all property lines, existing streets or roads, easements, rights-of-way, and areas dedicated to the public; and
  - b. An Attorney's Opinion of Title or by a sworn statement from the **property owners** stating that they have provided sufficient information to the surveyor to allow the accurate depiction of the information on the survey.
11. A conceptual site plan drawn to a maximum 1 in. to 400 ft. scale. The plan must measure 24 in. x 36 in. along with a reduced 8½ in. x 11 in. copy. The site plan shall show the following information:
  - a. All existing and proposed structures and their dimensions;
  - b. Provisions for existing and/or proposed ingress and egress (including pedestrian ingress and egress to the site and the structure(s) on site);
  - c. All existing and/or proposed parking and loading areas (including a matrix that indicates required and provided parking and loading, including required parking for the disabled);
  - d. Required yards, open space and preserve areas; and
  - e. Proposed and/or existing landscaping and buffering as may be required by the County.
12. Owner/agent affidavit as to the correctness of the application.
13. A copy of the last recorded deed, contract for sale or agreement for sale, or a notarized statement of ownership clearly
14. Map of property location.
15. 10-Year Lease Agreement, if required by the approval criteria.
16. **Electronic copies of all documents.**
17. Agent Letter review. Following the initial staff review comments and prior to second submittal the following Agent Letter materials shall be submitted to the assigned Planner for review and approval:
  - a. A list of the names and addresses of property owners to receive the Agent Letter; and

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#### b. Draft of the Agent Letter.

**Completeness and Processing of Application** 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. Agent Letter: An Agent Letter shall be sent to property owners within 150 feet of the subject property following the initial staff review comments and prior to the second submittal. See Application Contents for review and approval of letter materials. ~~NIM: The NIM shall be completed at least 15 days before the advertised Hearing Examiner 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 public hearing.** ~~within 150 feet of the subject site describing the extent and nature of the parking exemption within 30 days of receipt of the letter indicating that the application is determined to be complete.~~
3. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before each advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
  - a. Date, time, and location of the hearing; and
  - b. Clear explanation of the parking relief sought.
4. Sign: (see format below) Posted at least 15 days before the advertised public hearing date.

### **PUBLIC HEARING NOTICE**

**[Project Name]**  
**Parking Exemption**  
Petition No. 2018000XXXX

**HEX: [Date] - 9:00 a.m.**  
Growth Management Building  
2800 N. Horseshoe Dr., Naples, FL 34104  
**[Planner Name]: 239-252-XXXX**

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

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### ***Chapter 3 | Quasi-Judicial Procedures with a Public Hearing***

**Decision maker** The Hearing Examiner.

**Review Process** The ~~Planning &~~ Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare a Staff Report, utilizing the criteria identified in **LDC** ~~subsection~~ **4.05.02 K.3**, to present to the Office of the Hearing Examiner for a decision.

**Updated**

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## G. Planned Unit Developments (PUD)

### G.1. Rezoning to a PUD

Reference	LDC <del>subsection</del> <u>10.02.13 A – F</u> , LDC Public Notice <del>subsection</del> <u>10.03.06 B</u> and F.S. § 163.3202.
Applicability	This procedure applies to a request to rezone to a PUD.
Pre-Application	A pre-application meeting is required. The pre-application meeting with the <del>Planning &amp;</del> Zoning Division may address, but is not be limited to, the criteria set forth in LDC <del>subsection</del> <u>10.02.13 B.1</u> . The <b>applicant</b> is encouraged to bring an aerial, proposed product type, and land uses to discuss.
Initiation	The <b>applicant</b> files an “ <i>Application for Public Hearing for a PUD Rezone</i> ” with the <del>Planning &amp;</del> Zoning Division.
Application Contents	<p>The application must include the following information:</p> <ol style="list-style-type: none"><li>1. <b>Applicant contact information.</b></li><li>2. <b>Addressing checklist.</b></li><li>3. A PUD Master Plan. ⇔ <i>See Master Plan Contents below.</i></li><li>4. Name of project.</li><li>5. The name and mailing address of all registered Home Owners Association’s that could be affected by the application.</li><li>6. Disclosure of ownership.</li><li>7. The date the subject property was acquired or leased (including the term of the lease). If the <b>applicant</b> has an option to buy, indicate the date of the option, the date the option terminates, and anticipated closing date.</li><li>8. Property information, including:<ul style="list-style-type: none"><li>• <u>a.</u> Legal description;</li><li>• <u>b.</u> <b>Property identification number;</b></li><li>• <u>c.</u> Section, township and range;</li><li>• <u>d.</u> Subdivision, unit, lot and block, or metes and bounds description;</li><li>• <u>e.</u> Address of subject site and general location;</li><li>• <u>f.</u> Size of property in feet and acres; and</li><li>• <u>g.</u> PUD district.</li></ul></li><li>9. If the <b>property owner</b> owns additional property contiguous to the subject property, then the following information, regarding the contiguous property, must be included:<ul style="list-style-type: none"><li>• <u>a.</u> Legal description;</li><li>• <u>b.</u> <b>Property identification number;</b></li><li>• <u>c.</u> Plat book and page number;</li></ul></li></ol>

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- d. Section, township and range; and
  - e. Subdivision, unit, lot and block, or metes and bounds description.
10. Detail of rezone request.
  11. A narrative statement describing the rezone request with specific reference to the criteria pursuant to **LDC** section 10.02.13.
  12. List of exhibits which are proposed to be included in the ordinance of adoption.
  13. Completed Statement of Utility Provisions.
  14. Statement of compliance with all elements of the Growth Management Plan.
  15. General location map drawn to scale, illustrating north point and relationship of the site to external facilities such as highways, shopping areas, cultural complexes and the like.
  16. Property ownership and general description of site (including statement of unified ownership).
  17. Description or narrative of project development, including a description of the relationship of the proposed land uses to each other within the PUD and to land uses abutting/surrounding the project.
  18. Boundary survey (no more than 6 months old) and legal description.
  19. Proposed and permitted land uses within each tract or increment which shall be incorporated into the ordinance of adoption.
  20. A dimensional standards table for each type of land use proposed within the PUD. Dimensional standards shall be based upon an established zoning district that most closely resembles the development strategy, particularly the type, density, and intensity of each proposed land use. All proposed variations or deviations from dimensional standards of the most similar zoning district shall be clearly identified. No deviations from the fire code will be permitted, except as otherwise allowed by that code. This table shall be incorporated into the ordinance of adoption.
  21. The proposed timing for location of, and sequence of phasing, or incremental development within the PUD.
  22. The proposed location of all roads and pedestrian systems, with typical cross sections, which will be constructed to serve the PUD and shall be attached as exhibits to the ordinance of adoption.
  23. Habitats and their boundaries identified on an aerial photograph of the site. Habitat identification will be consistent with the Florida Department of Transportation Florida Land Use Cover and Forms Classification System (FLUCFCS) and shall be depicted on an aerial photograph having a scale of 1 inch equal to at least 200 feet when available from the county, otherwise, a scale of at least 1 inch equal to 400 feet is acceptable. Information obtained by ground-truthing surveys shall have precedence over information presented through photographic evidence. Habitat, plant, and animal species protection plans as required by the **LDC** section 3.04.00 shall apply.
  24. Environmental Data Requirements. ⇔ See **LDC** ~~sub~~section 3.08.00 A.

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25. Environmental Data Requirements for PUD zoning ⇔ *See Chapter 7 of the Administrative Code.*
26. Information about existing vegetative cover and soil conditions in sufficient detail to indicate suitability for proposed structures and uses.
27. The location and nature of all existing public facilities, such as schools, parks and fire stations that will service the PUD.
28. A plan for the provision of all needed utilities to serve the PUD; including (as appropriate) water supply, sanitary sewer collection and treatment system, stormwater collection and management system, pursuant to related county regulations and ordinances.
29. **Electronic copy of all documents.**
30. Owner/agent affidavit as to the correctness of the application.
31. Historical/Archeological Survey or Waiver.
32. Traffic Impact Study. ⇔ *See Chapter 7 of the Administrative Code.*
33. Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the PUD and any of its common areas or facilities.
34. Development commitments for all infrastructure and related matters.
35. When determined necessary to adequately assess the compatibility of proposed uses to existing or other proposed uses, relationship to open space, recreation facilities, or traffic impacts, or to assess requests for reductions in dimensional standards, the ~~Planning &~~ Zoning Division Director may request schematic architectural drawings (floor plans, elevations, perspectives) for all proposed structures and improvements, as appropriate.
36. Deviations to sections of the **LDC** other than to dimensional standards related to building placement such as yard requirements, lot area requirements, and building height, shall be identified in the PUD application by citing the specific section number of the regulation and indicating the proposed modification to such regulation. The list of deviations shall be incorporated into the ordinance of adoption.
37. School Impact Analysis (SIA) application for the School District's review for a determination of school capacity, if the PUD has a residential component.

#### PUD Master Plan Contents

Pursuant to **LDC** ~~sub~~section **10.02.13 A**, the PUD Master Plan will graphically illustrate the development strategy, using *The Community Character Plan For Collier County, Florida* (April 2001) as a guide for development and redevelopment. The PUD Master Plan shall be prepared by a **planner** who possesses the education and experience to qualify for full membership in the American Institute of Certified Planners; and/or a **landscape architect** who possesses the education and experience to qualify for full membership in the American Society of Landscape Architects, together with either a practicing civil **engineer** licensed by the State of Florida, or a practicing **architect** licensed by the State of Florida.

The Master Plan shall include the following:

1. The title of the project and name of the developer.
2. Scale, date, north arrows.

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3. Boundaries of the subject property. Indicate all existing streets and pedestrian systems within the site, watercourses, easements, and land uses and zoning districts of abutting property. Include book and page numbers of platted parcels, section lines, and other important physical features within and adjoining the proposed development.
4. Boundaries and dimensions of all proposed tracts or increments with an indication of the proposed land use category, including but not limited to:
  - a. Residential (for multiple single-family lots, only the overall area reserved for this land use category shall be indicated);
  - b. Office;
  - c. Retail;
  - d. Commercial;
  - e. Industrial;
  - f. Institutional;
  - g. Conservation/preservation;
  - h. Lakes and/or other water management facilities;
  - i. Common open space;
  - j. Buffers, by type – include a cross-section for any buffer that deviates from LDC requirements;
  - k. Community and/or public use – designate the location and function (e.g., common open space), and whether they are dedicated or reserved; and
  - l. Recreational uses including golf courses and related facilities – include provisions for ownership, operation, and maintenance.
5. Identify all proposed and permitted land uses, pursuant to LDC section 2.03.06, within each tract or increment describing:
  - a. For residential ~~D~~development:
    - ⊖ i. Acreage;
    - ⊖ ii. Number of dwelling units;
    - ⊖ iii. Density; and
    - ⊖ iv. Percentage of total development represented by each type of use.
  - b. For commercial, industrial, institutional or office:
    - ⊖ i. Percentage of the total development represented by each type of use;
    - ⊖ ii. Acreage (each tract or increment);
    - ⊖ iii. Maximum gross leasable floor area (each tract or increment);
    - ⊖ iv. Outline of the proposed building footprint (each tract or increment); and

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⊖ v. Building height for each structure (each tract or increment).

6. The relationship of the proposed land uses to each other within the PUD and to the land uses abutting and surrounding the project.
7. The location and size (as appropriate) of all existing drainage, water, sewer, and other utilities.
8. The location of all proposed major internal thoroughfares and pedestrian accessways, including interconnecting roadways within the PUD as well as with abutting uses.
9. Typical cross sections of all major, collector, and local streets, public or private, within the proposed development.
10. The location of proposed and existing roads, rights-of-way, and pedestrian systems within 1,500 feet of the proposed development.
11. Information on previous and recent uses of land within the proposed development.
12. Proposed vehicular ingress and egress points.
13. Any other relevant information determined to be necessary by the ~~Planning &~~ Zoning Division Director.

#### Completeness and Processing of Application

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.

After the application is filed, pre-hearing conferences may be held between the **applicant**, the **applicant's** agents, county officials, and county staff prior to the public hearing.

**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 the advertised Planning Commission 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 Planning Commission hearing.
3. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before each advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
  - a. Date, time, and location of the hearing;
  - b. Description of the proposed land uses;
  - c. 2 in. x 3 in. map of the project location; and
  - d. Name and application number.

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4. **Sign:** (see format below) Posted at least 15 days before the advertised Planning Commission hearing date.

~~PUBLIC HEARING REQUESTING PLANNED UNIT DEVELOPMENT (PUD) APPROVAL~~

~~PETITION NUMBER: \_\_\_\_\_~~

~~TO ALLOW: \_\_\_\_\_~~  
~~(Request-Sufficiently clear to describe the project)~~

~~LOCATION: \_\_\_\_\_~~

~~DATE: \_\_\_\_\_ TIME: \_\_\_\_\_~~

~~CONTACT: \_\_\_\_\_~~

~~THE ABOVE TO BE HELD IN THE BOARD OF COUNTY COMMISSIONERS CHAMBERS, THIRD FLOOR, COLLIER COUNTY GOVERNMENT CENTER, 3299 TAMIAMITRAIL EAST, NAPLES, FLORIDA, 34112.~~

**PUBLIC HEARING NOTICE**

**[Project Name]**

**Planned Unit Development Rezone**

Petition No. 2018000XXXX

**CCPC: [Date] - 9:00 a.m.**

**BCC: [Date] - 9:00 a.m.**

Collier Government Center  
3299 East Tamiami Trail, Naples, FL 34104

**[Planner Name]: 239-252-XXXX**

- Public Hearing**
1. The EAC shall hold at least 1 advertised public hearing, if required.
  2. The Planning Commission shall hold at least 1 advertised public hearing.
  3. The BCC shall hold at least 1 advertised public hearing.

**Decision maker** The BCC, following recommendations from both the EAC, if required, and the Planning Commission.

**Review Process** The ~~Planning &~~ Zoning Division will review the application and identify whether additional materials are needed. Pursuant to ~~LDC sub~~section 10.02.13 B.3, Staff will prepare a Report utilizing the PUD criteria identified in LDC section 10.02.13 and the rezone criteria identified in LDC section 10.02.08.

Staff will schedule a hearing date before the Planning Commission to present the petition. Following the Planning Commission's review, Staff will prepare an Executive Summary and will schedule a hearing date before the BCC to present the petition.

Updated

## Collier County Land Development Code | **Administrative Procedures Manual**

### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

#### G.2. PUD Amendment

Reference	LDC <del>sub</del> section 10.02.13 E and LDC Public Notice <del>sub</del> section 10.03.06 B.
Applicability	This process applies to any request to amend an approved PUD that cannot be considered an Insubstantial change or Minor change and therefore is a Substantial change as defined in LDC <del>sub</del> section 10.02.13 E.
Pre-Application	A pre-application meeting is required.
Initiation	The <b>applicant</b> files an "Application <del>F</del> or Public Hearing For: Amendment <del>T</del> o PUD (PUDA)" with the <del>Planning &amp;</del> Zoning Division.
Application Contents	<p>The application shall include a detailed written narrative describing all of the change(s) and the reasons for the request and shall follow the Application Contents required for a PUD Rezone. ⇔ See Chapter 3 G.1 of the Administrative Code.</p> <p>In addition, all PUD documents are required to be submitted with the PUDA application. ⇔ See Chapter 3 of the Administrative Code for PUD Requirements.</p>
Completeness and Processing of Application	<p>The <del>Planning &amp;</del> Zoning Division will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the <b>applicant</b> will receive a mailed or electronic response notifying the <b>applicant</b> that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.</p>
Notice	<p>Notification requirements are as follows: ⇔ See Chapter 8 of the Administrative Code for additional notice information.</p> <ol style="list-style-type: none"><li>1. <b>NIM:</b> The <b>NIM</b> shall be completed at least 15 days before the advertised Planning Commission hearing. The <b>NIM</b> shall be advertised and a mailed written notice shall be given to <b>property owners in the notification area</b> at least 15 days prior to the <b>NIM</b> meeting.</li><li>2. <b>Mailed Notice:</b> Written notice shall be sent to <b>property owners in the notification area</b> at least 15 days before the advertised Planning Commission hearing.</li><li>3. <b>Newspaper Advertisements:</b> The legal advertisement shall be published at least 15 days before each advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum:<ul style="list-style-type: none"><li>• <u>a.</u> Date, time, and location of the hearing;</li><li>• <u>b.</u> Description of the proposed land uses; and</li><li>• <u>c.</u> 2 in. x 3 in. map of the project location for the Planning Commission advertisement.</li></ul></li><li>4. <b>Sign:</b> (see format below) Posted at least 15 days before the advertised Planning Commission hearing date.</li></ol>

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### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

PUBLIC HEARING REQUESTING PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT APPROVAL

PETITION NUMBER: \_\_\_\_\_

TO ALLOW: \_\_\_\_\_  
(Request-Sufficiently clear to describe the project)

LOCATION: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

CONTACT: \_\_\_\_\_

THE ABOVE TO BE HELD IN THE BOARD OF COUNTY COMMISSIONERS CHAMBERS, THIRD FLOOR, COLLIER COUNTY GOVERNMENT CENTER, 3299 TAMiami TRAIL EAST, NAPLES, FLORIDA, 34112.

## **PUBLIC HEARING NOTICE**

**[Project Name]**

### **Planned Unit Development Amendment**

Petition No. 2018000XXXX

**CCPC: [Date] - 9:00 a.m.**

**BCC: [Date] - 9:00 a.m.**

Collier Government Center

3299 East Tamiami Trail, Naples, FL 34104

**[Planner Name]: 239-252-XXXX**

- Public Hearing**
1. The EAC shall hold at least 1 advertised public hearing, if required.
  2. The Planning Commission shall hold at least 1 advertised public hearing.
  3. The BCC shall hold at least 1 advertised public hearing.
- Decision maker** The BCC, following recommendations from both the EAC, if required, and the Planning Commission.
- Review Process** The ~~Planning &~~ Zoning Division will review the application and identify whether additional materials are needed. Pursuant to ~~LDC sub~~section 10.02.13 B.3, Staff will prepare a Report utilizing the PUD criteria identified in ~~LDC~~ section 10.02.13 and the rezone criteria identified in ~~LDC~~ section 10.02.08.
- Staff will schedule a hearing date before the Planning Commission to present the petition. Following the Planning Commission's review, Staff will prepare an Executive Summary and will schedule a hearing date before the BCC to present the petition.

Updated

## Collier County Land Development Code | *Administrative Procedures Manual*

### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

### G.3. PUD Insubstantial Change

Reference	LDC <del>subsection</del> <u>10.02.13 E</u> , LDC section <u>8.10.00</u> , and LDC Public Notice <del>subsection</del> <u>10.03.06 H</u> .
Applicability	This process applies to insubstantial changes to a PUD Master Plan which meets the thresholds in LDC <del>subsection</del> <u>10.02.13 E</u> .
Pre-Application	A pre-application meeting is required.
Initiation	The <b>applicant</b> files an application for an “ <i>Insubstantial Change</i> <del>to</del> <u>PUD Master Plan (PDI)</u> ” with the <del>Planning &amp;</del> Zoning Division.
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none"><li><b>1. Applicant contact information.</b></li><li>2. Disclosure of ownership.</li><li><b>3. PUD Ordinance and Development Commitment information.</b></li><li>4. 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.</li><li>5. A narrative and detailed description of the amendment and why it is necessary.</li><li>6. An analysis of whether the amendment complies with the Growth Management Plan.</li><li>7. Whether a public hearing was held for the property within the year preceding the application. If this has occurred, include the <b>applicant’s</b> name.</li><li>8. Whether any part of the PUD has been sold or developed, and whether the proposed changes involve those areas.</li><li>9. 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"><li><del>a.</del> <u>a.</u> Land use;</li><li><del>b.</del> <u>b.</u> Densities;</li><li><del>c.</del> <u>c.</u> Infrastructure;</li><li><del>d.</del> <u>d.</u> Open space, preservation or conservation areas;</li><li><del>e.</del> <u>e.</u> Area of building square footage proposed for nonresidential development;</li><li><del>f.</del> <u>f.</u> Change in potential intensity of land use and related automobile trip movements; and</li><li><del>g.</del> <u>g.</u> Relationships to abutting land uses.</li></ul></li><li><b>10. Addressing checklist.</b></li><li>11. An 8½ in. x 11 in. graphic location map of the site.</li></ol>

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12. Pre-application meeting notes.

13. Owner/agent affidavit as to the correctness of the application.

14. **Electronic copies of all documents.**

#### Completeness and Processing of Application

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:** A **NIM** is required, however upon written request by the applicant the Hearing Examiner has the discretion to waive the NIM after the first set of review comments have been issued. If the **NIM** has not been waived, it shall be completed at least 15 days before the advertised Hearing Examiner 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.

~~12.~~ **Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised Hearing Examiner hearing.

~~23.~~ **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the advertised Hearing Examiner hearing in a newspaper of general circulation. The advertisement shall include at a minimum:

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

~~34.~~ **Sign:** (see format below) Posted at least 15 days before the advertised Hearing Examiner hearing date.

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~~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.~~

**PUBLIC HEARING NOTICE**

**[Project Name]**  
**PUD Insubstantial Change**  
Petition No. 2018000XXXX

**[CCPC or HEX]: [Date] - 9:00 a.m.**  
[Building Name]  
[Address]  
**[Planner Name]: 239-252-XXXX**

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

**Decision maker** The Hearing Examiner.

**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 for a decision.

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

Updated

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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:
  - a. 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;
  - b. Relocation of building envelopes when there is no encroachment upon required conservation or preservation areas;
  - c. Relocation of swimming pools, clubhouses, or other recreation facilities that do not affect adjacent properties or land uses; and
  - d. 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 Division.

**Application Contents** The application must include the following:

1. **Applicant contact information.**
2. Disclosure of ownership.
3. **PUD Ordinance and Development Commitment information.**
4. 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.

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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.*

- Include any previously revised Master Plans.

6. A narrative and detailed description of the map change and reason for request.

7. An analysis of whether the amendment complies with the Growth Management Plan.

8. 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.

9. Whether any part of the PUD has been sold or developed, and whether the proposed changes involve those areas.

10. For removal of affordable housing commitments, a completed Letter to **Property owners** as identified in the application.

11. **Addressing checklist.**

12. An 8½ in. x 11 in. graphic location map of the site.

13. Owner/agent affidavit as to the correctness of the application.

14. **Electronic copies of all documents.**

#### Completeness and Processing of Application

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 for Removal of Affordable Housing Contributions:  
⇔ *See Chapter 8 of the Administrative Code for additional notice information.*

1. **Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised Hearing Examiner hearing.

#### 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.
2. A hearing before the Hearing Examiner may be required to remove affordable housing contributions, pursuant to **LDC** ~~sub~~section **10.02.13.E.**

#### Decision maker

The County Manager or designee or the Hearing Examiner.

#### Review Process

Minor changes are reviewed by the ~~Planning &~~ Zoning Division staff and may be 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.

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*Chapter 3 | Quasi-Judicial Procedures with a Public Hearing*

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

**Updated**

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## Collier County Land Development Code | **Administrative Procedures Manual**

### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

#### **~~G.5. PUD Extension~~**

<b>Reference</b>	<del>LDC</del> subsection 10.02.13 D, <del>LDC</del> section 8.10.00, and <del>LDC</del> Public Notice subsection 10.03.06 D.
<b>Applicability</b>	This process applies to request to extend the life of a PUD before or after it “sunset.” A PUD “sunset” when it does not meet the time frames and development criteria outlined in <del>LDC</del> section 10.02.13. Once a PUD has “sunset,” applications for additional development orders are not processed until there is an extension, PUD amendment, or new PUD rezoning.
<b>Pre-Application</b>	A pre-application meeting is required.
<b>Initiation</b>	The <del>applicant</del> files an “ <i>Application For Public Hearing For PUD Extension</i> ” with the Planning & Zoning Division.
<b>Application Contents</b>	<p>The application must include the following:</p> <ol style="list-style-type: none"><li><del>1. Applicant contact information.</del></li><li><del>2. Disclosure of ownership.</del></li><li><del>3. The name and mailing address of all registered Home Owners Association’s that could be affected by the application.</del></li><li><del>4. The date the subject property was acquired or leased (including the term of the lease). If the <del>applicant</del> has an option to buy, indicate the date of the option, the date the option terminates, and anticipated closing date.</del></li><li><del>5. PUD Ordinance and Development Commitment information.</del></li><li><del>6. Property information, including:</del><ul style="list-style-type: none"><li><del>• Legal description;</del></li><li><del>• <b>Property identification number;</b></del></li><li><del>• Plat book and page number;</del></li><li><del>• Section, township and range;</del></li><li><del>• Subdivision, unit, lot and block, or metes and bounds description;</del></li><li><del>• Address of subject site and general location; and</del></li><li><del>• Size of property in feet and acres.</del></li></ul></li><li><del>7. If the <del>property owner</del> owns additional property contiguous to the subject property, then the following information, regarding the contiguous property, must be included:</del><ul style="list-style-type: none"><li><del>• Legal description;</del></li><li><del>• <b>Property identification number;</b></del></li><li><del>• Plat book and page number;</del></li><li><del>• Section, township and range; and</del></li><li><del>• Subdivision, unit, lot and block, or metes and bounds description.</del></li></ul></li></ol>

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- ~~8. Zoning information, including:
  - Zoning and Land Use of adjacent properties.~~
- ~~9. Extension request information regarding sunseting, previous extensions, and history of previous zoning approvals.~~
- ~~10. How the PUD remains consistent with the Growth Management Plan, including density, intensity and concurrency requirements.~~
- ~~11. How the PUD is compatible with existing and proposed uses in the surrounding area.~~
- ~~12. A description of whether the PUD development places an unreasonable burden on essential public facilities.~~
- ~~13. Aerial photograph(s) (taken within the previous 12 months at a minimum scale of 1 in. = 400 ft.). The aerial shall identify plant and/or wildlife habitats and their boundaries. The identification shall be consistent with the Florida Department of Transportation Land Use Cover and Forms Classification System. Developments shall identify, protect, conserve, and appropriately use native vegetative communities and wildlife habitat.~~
- ~~14. Deed Restrictions.~~
- ~~15. A written statement addressing LDC subsection 10.02.13 D.~~
- ~~16. Pre-application meeting notes.~~
- ~~17. Addressing checklist.~~
- ~~18. An 8½ in. x 11 in. graphic location map of the site.~~
- ~~19. Environmental Data Requirements. ⇔ See LDC subsection 3.08.00 A.~~
- ~~20. Traffic Impact Study ⇔ See Chapter 7 of the Administrative Code.~~
- ~~21. Owner/agent affidavit as to the correctness of the application.~~
- ~~22. Electronic copies of all documents.~~

#### **Completeness and Processing of Application**

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. Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the advertised 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;
  - Application number, project name;

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• ~~PUD name and ordinance number; and~~

• ~~Description of extension.~~

**2. Sign:** (see format below) Posted at least 15 days before the advertised Hearing Examiner 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.

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

**Decision maker** The Hearing Examiner.

**Review Process** The Planning & Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare a Staff Report to present to the Office of the Hearing Examiner for a decision.

**Monitoring** If the PUD is extended, the **applicant** must submit Monitoring Reports as required for PUD development. See Chapter 3 G.6 of the Administrative Code.

**Updated**

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#### G.56. Zoning Verification Letter – PUD Comparable Use Determination

Reference	LDC <del>sub</del> sections <u>2.03.00 A</u> , <u>10.02.06 J</u> , LDC Public Notice <del>sub</del> section <u>10.03.06 O</u> , LDC section <u>8.10.00</u> and F.S. §125.66.
Applicability	<p>A Zoning Verification Letter may be used to make a determination that a new use is comparable, compatible, and consistent with the list of identified permitted and conditional uses in a PUD ordinance. Depending on PUD ordinance language, one of the following methods of consent by the Hearing Examiner will occur:</p> <ol style="list-style-type: none"><li>1. If the PUD ordinance language identifies the BZA as the authority to determine a use is comparable, compatible, and consistent, the Zoning Verification Letter will be brought to Hearing Examiner for approval of the determination.</li><li>2. If the PUD ordinance language identifies the Planning Director (or other similar County staff) as the authority to determine a use is comparable, compatible, and consistent, the Zoning Verification Letter will be brought to Hearing Examiner for affirmation of the determination.</li></ol>
Pre-Application	A pre-application meeting is not required.
Initiation	The <b>applicant</b> files a “ <i>Zoning Verification Letter Application</i> ” with the <del>Planning &amp;</del> Zoning Division.
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none"><li>1. <b>Applicant contact information.</b></li><li>2. Property information, including:<ul style="list-style-type: none"><li>• <u>a.</u> Site folio number;</li><li>• <u>b.</u> Site Address;</li><li>• <u>c.</u> <b>Property owner’s</b> name; and</li><li>• <u>d.</u> Verification being requested.</li></ul></li><li>3. The determination request and the justification for the use by a certified land use <b>planner</b> or a land use attorney.</li><li>4. Additional materials may be requested by staff depending on the use and justification provided.</li><li>5. <b>PUD Ordinance and Development Commitment information.</b></li><li>6. <b>Electronic copies of all documents.</b></li><li><u>7. Addressing checklist.</u></li></ol>
Completeness and Processing of Application	The <del>Planning &amp;</del> Zoning Division will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the <b>applicant</b> will receive a mailed or electronic response notifying the <b>applicant</b> that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXPL201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

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**Notice** Notification requirements are as follows. ⇔ *See Chapter 8 of the Administrative Code for additional notice information.*

**1. Newspaper Advertisement:** At least 15 days before the hearing in a newspaper of general circulation. The legal advertisement shall include:

- a. Date, time, and location of the hearing;
- b. Application number and project name;
- c. PUD name and ordinance number;
- d. Proposed permitted use;
- e. Whether the use will be approved or affirmed by the Hearing Examiner; and
- f. Description of location.

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

**Decision maker** The Hearing Examiner.

**Review Process** The ~~Planning &~~ Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare a Staff Report to present to the Office of the Hearing Examiner for a decision.

**Updated**

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## H. Rezoning – Standard

Reference	LDC section <u>10.02.08</u> , LDC Public Notice <del>sub</del> section <u>10.03.06 B</u> , and F.S. § 125.66.
Applicability	This procedure applies to any ordinances or resolutions that change the zoning map designation of a parcel or parcels of land.
Pre-Application	A pre-application meeting is required.
Initiation	The <b>applicant</b> files a “ <i>Standard Rezone Application</i> ” with the <del>Planning &amp;</del> Zoning Division.
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none"><li><b>1. Applicant contact information.</b></li><li><b>2. Disclosure of ownership.</b></li><li><b>3. The date the subject property was acquired or leased, including the term of any lease. If the <b>applicant</b> has an option to buy, indicate date the option terminates, or anticipated closing date.</b></li><li><b>4. Property information, including:</b><ul style="list-style-type: none"><li><b><u>a.</u></b> Legal description;</li><li><b><u>b.</u></b> <b>Property identification number;</b></li><li><b><u>c.</u></b> Plat book and page number;</li><li><b><u>d.</u></b> Section, township and range;</li><li><b><u>e.</u></b> Subdivision, unit, lot and block, or metes and bounds description;</li><li><b><u>f.</u></b> Address of subject site and general location; and</li><li><b><u>g.</u></b> Size of property in feet and acres.</li></ul></li><li><b>5. If the <b>property owner</b> owns additional property contiguous to the subject property, then the following information, regarding the contiguous property, must be included:</b><ul style="list-style-type: none"><li><b><u>a.</u></b> Legal description;</li><li><b><u>b.</u></b> <b>Property identification number;</b></li><li><b><u>c.</u></b> Plat book and page number;</li><li><b><u>d.</u></b> Section, township and range; and</li><li><b><u>e.</u></b> Subdivision, unit, lot and block, or metes and bounds description.</li></ul></li><li><b>6. Zoning information, including:</b><ul style="list-style-type: none"><li><b><u>a.</u></b> Zoning and Land Use of adjacent properties;</li><li><b><u>b.</u></b> The existing and requested zoning classifications; and</li><li><b><u>c.</u></b> The present and proposed uses of the property.</li></ul></li><li><b>7. A narrative statement describing the rezone request with specific reference to the criteria in LDC section <u>10.02.08</u>.</b></li></ol>

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### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

8. Whether any applications or official interpretations under the Administrative Code were filed for the subject property within the year preceding the application, including the nature of any public hearing relating to that application.
9. If the rezone is requested for a specific use, a 24 in. x 36 in. conceptual site plan (with a reduced 8½ in. x 11 in. copy) drawn to a maximum scale of 1 inch equals 400 feet, depicting:
  - a. Existing and proposed structures and their dimensions;
  - b. Provisions for existing and/or proposed ingress and egress (including pedestrian ingress and egress to the site and the structure(s) on site);
  - c. Existing and/or proposed parking and loading areas (including a matrix indicating required and provided parking and loading, and required parking for the disabled);
  - d. Required yards, open space and preserve areas;
  - e. Proposed and/or existing location of utility services to the site; and
  - f. Proposed and/or existing landscaping and buffering that may be required by the County.
10. An architectural rendering of any proposed structures.
11. Environmental Data Requirements. ⇔ See **LDC** ~~subsection~~ 3.08.00 A.
12. Statement of utility provisions.
13. Traffic Impact Study ⇔ See Chapter 7 of the Administrative Code.
14. Historical/Archeological Survey or Waiver.
15. The name and mailing address of all registered Home Owners Association's that could be affected by the application.
16. Signed and sealed survey by a licensed professional surveyor and mapper.
17. **Addressing checklist.**
18. ~~A copy of the p~~Pre-application meeting notes.
19. Owner/agent affidavit as to the correctness of the application.
20. **Electronic copies of all documents.**

#### Completeness and Processing of Application

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- ~~For parcels less than 10 contiguous acres~~

Notification requirements are as follows. ⇔ See Chapter 8 of the Administrative Code for additional notice information.

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### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

1. **NIM:** The **NIM** shall be completed at least 15 days before the advertised Planning Commission 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 Planning Commission hearing.

**Notice –** ~~Notification requirements are as noted above, in addition to the following: ➔ See Chapter 8 of the Administrative Code for additional notice information.~~  
**For Parcels greater than 10 contiguous acres**

- 13. Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before each advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum:

- a. Date, time, and location of the hearing;
- b. Description of the proposed land uses;
- c. 2 in. x 3 in. map of the project location;
- d. PUD name and ordinance number;
- e. Description of rezone; and
- f. Description of location.

- 24. Sign:** (see format below) Posted at least 15 days before the advertised Planning Commission hearing date.

PUBLIC HEARING REQUESTING REZONE APPROVAL

PETITION NUMBER: \_\_\_\_\_

TO ALLOW: \_\_\_\_\_

(Request-Sufficiently clear to describe the project)

LOCATION: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

CONTACT: \_\_\_\_\_

THE ABOVE TO BE HELD IN THE BOARD OF COUNTY COMMISSIONERS CHAMBERS, THIRD FLOOR, COLLIER COUNTY GOVERNMENT CENTER, 3299 TAMIAMI TRAIL EAST, NAPLES, FLORIDA, 34112.

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## **PUBLIC HEARING NOTICE**

**[Project Name] Rezone**  
Petition No. 2018000XXXX

**CCPC: [Date] - 9:00 a.m.**

**BCC: [Date] - 9:00 a.m.**

Collier Government Center  
3299 East Tamiami Trail, Naples, FL 34104

**[Planner Name]: 239-252-XXXX**

- Public Hearing**
1. The EAC shall hold at least 1 advertised public hearing, if required.
  2. The Planning Commission shall hold at least 1 advertised public hearing.
  3. The BCC shall hold at least 1 advertised public hearing for parcels that are less than 10 contiguous acres. The BCC shall hold 2 advertised public hearings for parcels that are greater than 10 contiguous acres.
  4. For a Collier County initiated rezoning:
    - a. At least one hearing is held after 5 p.m. on a weekday, unless the BCC, by a majority plus one vote, elects to conduct that hearing at another time of day.
    - b. The first public hearing is held at least 7 days after the day that the first advertisement is published.
    - c. The second hearing shall be held at least 10 days after the first hearing and is advertised at least 5 days before the public hearing.

**Decision maker** The BCC, following recommendations from both the EAC, if required, and the Planning Commission.

**Review Process** The ~~Planning &~~ Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare a Report and schedule a hearing date before the Planning Commission to present the petition. The Planning Commission may approve, approve with conditions/stipulations, or deny the petition.

Following the recommendation by the Planning Commission, the ~~Planning &~~ Zoning Division will prepare an Executive Summary and schedule a hearing date before the BCC to present the petition for review. The BCC may approve, approve with conditions/stipulations, or deny the petition.

Updated

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### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

## I. Sign Variance

Reference	LDC sections <u>5.06.08</u> , <u>9.04.02</u> , <u>8.10.00</u> , and LDC Public Notice <del>sub</del> section <u>10.03.06 F</u> .
Applicability	<p>This process applies to a request to vary from the required dimensional standards for a sign.</p> <p>⇔ See Chapter 3 of the Administrative Code for a standard Variance.</p>
Initiation	The <b>applicant</b> files a “Sign Variance Petition” with the <del>Planning &amp;</del> Zoning Division.
Pre-Application	A pre-application meeting is required.
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none"><li>1. <b>Applicant contact information.</b></li><li>2. <b>Addressing checklist.</b></li><li>3. <b>Electronic copies of all documents.</b></li><li>4. Property information, including:<ul style="list-style-type: none"><li>• <u>a.</u> Legal description;</li><li>• <u>b.</u> Length and height of wall upon which the sign will be secured, if a wall sign; and</li><li>• <u>c.</u> Width of the subject property measured by the road frontage.</li></ul></li><li>5. Survey or Site Plan of property depicting the following:<ul style="list-style-type: none"><li>• <u>a.</u> All property boundaries and dimensions;</li><li>• <u>b.</u> North arrow, date and scale of drawing;</li><li>• <u>c.</u> All existing and proposed signs (labeled as such);</li><li>• <u>d.</u> Existing and proposed sign setbacks; and</li><li>• <u>e.</u> Location map depicting major streets in area for reference.</li></ul></li><li>6. A detailed explanation of the variance request, including:<ul style="list-style-type: none"><li>• <u>a.</u> Existing signs and what is proposed;</li><li>• <u>b.</u> The amount of variance proposed using numbers (i.e. reduce setback from 15 ft. to 10 ft.);</li><li>• <u>c.</u> If existing, explanation of how existing encroachment came to be; and</li><li>• <u>d.</u> Additional factors that address the criteria for a sign variance.</li></ul></li><li>7. A narrative and justification that the proposed sign variance meets the criteria identified in LDC <del>sub</del>section <u>5.06.08 B</u>.</li><li>8. Notarized owner/agent affidavit as to the correctness of the application.</li><li>9. An 8 ½ in. x 11 in. graphic location map of the site.</li><li>10. A copy of the Pre-application meeting notes.</li></ol>

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11. Agent Letter review. Following the initial staff review comments and prior to the second submittal, the following Agent Letter materials shall be submitted to the assigned Planner for review and approval:~~Once the first set of review comments are posted, the following mailed notice documents shall be submitted to the assigned Planner:~~

- a. A list of the names and addresses of **property owners** to receive the Agent Letter~~mailed notice~~; and
- b. Draft of the Agent Letter~~mailed notice~~ letter.

#### Completeness and Processing of Application

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. Agent Letter: An Agent Letter shall be sent to property owners within 150 feet of the subject property following the initial staff review comments and prior to the second submittal. See Application Contents for review and approval of letter materials.

- ~~12.~~ **Mailed Notice:** Written notice shall be sent to **property owners** ~~within 150 feet of the subject area at least 15 days before the advertised Hearing Examiner hearing in the notification area at least 15 days before the advertised Hearing Examiner hearing.~~ The **mailed notice** shall be sent by the **applicant** following approval by the ~~Planning and~~ Zoning Division.

- ~~23.~~ **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the advertised 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.

- ~~34.~~ **Sign:** (see format below) Posted at least 15 days before the advertised Hearing Examiner hearing date.

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~~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.~~

**PUBLIC HEARING NOTICE**

**[Project Name]**  
**Sign Variance**  
Petition No. 2018000XXXX

**HEX: [Date] - 9:00 a.m.**  
Growth Management Building  
2800 N. Horseshoe Dr., Naples, FL 34104  
**[Planner Name]: 239-252-XXXX**

- Public Hearing** ~~1.~~ The Hearing Examiner shall hold at least 1 advertised public hearing. ⇔ See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.
- Decision maker** The Hearing Examiner.
- Review Process** The ~~Planning &~~ Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare a Staff Report, utilizing the criteria established in **LDC** ~~sub~~section 5.06.08 B.1., to present to the Office of the Hearing Examiner for a decision.

Updated

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### Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

## J. Variance

Reference	LDC sections <u>9.04.00</u> , <u>8.10.00</u> , and LDC Public Notice <del>sub</del> section <u>10.03.06 F</u> .
Applicability	An <b>applicant</b> may seek a variance from dimension standards if the LDC creates an unreasonable hardship, as defined in LDC section <u>9.04.00</u> .  ↔ See Chapter 3 I. of the Administrative Code for a Sign Variance.
Initiation	The <b>applicant</b> files a "Variance Petition Application" with the <del>Planning &amp;</del> Zoning Division.
Pre-Application	A pre-application meeting is required.
Application Contents	The application must include the following: <ol style="list-style-type: none"><li><b>Applicant contact information.</b></li><li><b>Addressing checklist.</b></li><li><b>Electronic copy of all documents.</b></li><li>Property information, including:<ul style="list-style-type: none"><li><u>a.</u> Legal description;</li><li><u>b.</u> <b>Property identification number;</b></li><li><u>c.</u> Section, township and range;</li><li><u>d.</u> Subdivision, unit, lot and block, or metes and bounds description;</li><li><u>e.</u> Acreage; and</li><li><u>f.</u> Address of subject site and general location.</li></ul></li><li>Zoning Information, including:<ul style="list-style-type: none"><li><u>a.</u> Zoning and land use of adjacent properties; and</li><li><u>b.</u> Minimum yard requirements for subject property.</li></ul></li><li>The name and mailing address of all registered Home Owners Associations and civic associations whose members are impacted by the application.</li><li>A detailed explanation of the request including:<ul style="list-style-type: none"><li><u>a.</u> Existing and proposed structures;</li><li><u>b.</u> The amount of encroachment proposed;</li><li><u>c.</u> Survey of property showing the encroachment (measured in feet);</li><li><u>d.</u> Date of purchase by <b>property owner</b>;</li><li><u>e.</u> The date the existing principal structure was built (include building permit numbers if possible);</li><li><u>f.</u> Explanation of why encroachment is necessary;</li><li><u>g.</u> How existing encroachment came to be, if applicable;</li></ul></li></ol>

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8. Project narrative providing a detailed description/explanation of the variance, why it is requested, and the relevant criteria in **LDC** section **9.04.03**.
9. An Official Interpretation or Zoning Verification Letter, if applicable.
10. ~~A copy of the~~ Pre-application meeting notes.
11. A Conceptual Site Plan (24 in. x 36 in.) and one 8 ½ in. x 11 in. copy.
12. A copy of the last recorded deed, contract for sale or agreement for sale, or a notarized statement of ownership.
13. An 8 ½ in. x 11 in. graphic location map of the site.
14. Aerial photographs (taken within the previous 12 months at a minimum scale of 1 in. = 200 ft.), showing FLUCCS Codes, legend, and project boundary.
15. Historical Survey or waiver, if applicable.
16. Environmental Data Requirements. ⇔ See **LDC** ~~subsection~~ **3.08.00 A**.
17. Owner/agent affidavit as to the correctness of the application.
18. Agent Letter review. Following the initial staff review comments and prior to the second submittal, the following Agent Letter materials shall be submitted to the assigned Planner for review and approval:~~Once the first set of review comments are posted, the following mailed notice documents shall be submitted to the assigned Planner:~~
  - a. A list of the names and addresses of **property owners** to receive the Agent Letter~~mailed notice~~; and
  - b. Draft of the Agent Letter~~mailed notice letter~~.

#### Completeness and Processing of Application

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. Agent Letter: An Agent Letter shall be sent to property owners within 150 feet of the subject property following the initial staff review comments and prior to the second submittal. See Application Contents for review and approval of letter materials.
- ~~12.~~ **Mailed Notice:** Written notice shall be sent to **property owners** ~~within 150 feet of the subject area at least 15 days before the advertised Hearing Examiner hearing~~in the notification area at least 15 days before the advertised Hearing Examiner hearing. The **mailed notice** shall be sent by the **applicant** following approval by the Planning and Zoning Division.

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**23. Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the advertised 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 requested variance; and
- 2 in. x 3 in. map of the project location.

**24. Sign:** (see format below) Posted at least 15 days before the advertised Hearing Examiner 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.

**PUBLIC HEARING NOTICE**

**[Project Name]**  
**Variance**  
Petition No. 2018000XXXX

**HEX: [Date] - 9:00 a.m.**  
Growth Management Building  
2800 N. Horseshoe Dr., Naples, FL 34104  
**[Planner Name]: 239-252-XXXX**

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

**Decision maker** The Hearing Examiner.

**Review Process** The ~~Planning &~~ Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare a Staff Report, utilizing criteria established in LDC section 9.04.03, to present to the Office of the Hearing Examiner for a decision.

Updated

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## K. Compatibility Design Review

Reference	<p>LDC sections <u>5.05.15</u>, and LDC Public Notice section <u>10.03.06 Y</u>.</p> <p>↔ See Chapter 4.N of the Administrative Code for Intent to Convert Applications and Chapter 8.F for Stakeholder Outreach Meetings for Golf Course Conversions.</p>
Purpose	<p>The Compatibility Design Review process is intended to address the impacts of golf course conversions on real property by reviewing the conceptual development plan for compatibility with existing surrounding uses.</p>
Applicability	<p>This process applies to a golf course constructed in any zoning district or designated as a Stewardship Receiving Area that utilize a non-golf course use which is a permitted, accessory, or conditional use within the existing zoning district or designation.</p> <p>This application is not required for golf courses zoned Golf Course and Recreational Uses (GC) seeking another use as provided for in LDC section <u>2.03.09 A</u>.</p> <p>Conditional uses shall also require conditional use approval subject to LDC section <u>10.08.00</u>. The conditional use approval should be a companion item to the compatibility design review approval.</p>
Pre-Application Meeting	<p>A pre-application meeting is required.</p>
Initiation	<p>The <b>applicant</b> files an “Application for Compatibility Design Review” with the Zoning Division after the “Intent to Convert” application is deemed complete by County staff and the Stakeholder Outreach Meetings (<b>SOMs</b>) are completed. ↔ See Chapter 4 of the Administrative Code for information regarding the “Intent to Convert” application and Chapter 8 of the Administrative Code for requirements for SOMs and additional notice information.</p>
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none"><li>1. <b>Applicant contact information.</b></li><li>2. <b>Addressing checklist.</b></li><li>3. Name of project.</li><li>4. The proposed conceptual development plan.</li><li>5. The name and mailing address of all registered property owners’ associations that could be affected by the application.</li><li>6. Disclosure of ownership and interest information.</li><li>7. The date the subject property was acquired or leased (including the term of the lease). If the applicant has an option to buy, indicate the dates of the option: date the option starts and terminates, and anticipated closing date.</li><li>8. Property information, including:<ul style="list-style-type: none"><li>♦ <u>a.</u> Legal description;</li><li>♦ <u>b.</u> Property identification number;</li></ul></li></ol>

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- c. Section, township, and range;
  - d. Address of the subject site and general location;
  - e. Size of property in feet and acres;
  - f. Zoning district;
  - g. Plat book and page number; and
  - h. Subdivision, unit, lot and block, and metes and bounds description.
9. If the property owner owns additional property contiguous to the subject property, then the following information, regarding the contiguous property, must be included:
- a. Legal description;
  - b. Property identification number;
  - c. Section, township and range; and
  - d. Subdivision, unit, lot and block, or metes and bounds description.
10. Zoning information, including adjacent zoning and land use.
11. Soil and/or groundwater sampling results, as described in **LDC** section 5.05.15 G.6;
12. The approved Intent to Convert application, as described in **LDC** section 5.05.15 C.1; and
13. The **SOM** Report, as described in **LDC** section 5.05.15 C.3.
14. A narrative describing how the applicant has complied with the criteria in **LDC** section 5.05.15 F.3, including:
- a. A list of examples depicting how each criterion is met;
  - b. A brief narrative describing how the examples meet the criterion; and
  - c. Illustration of the examples on the conceptual development plan that are described above.

**Completeness and Processing of Application** The 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., XXX201200000) 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. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days prior to the hearing in a newspaper of general circulation. The advertisement shall include at a minimum

- a. Date, time, and location of the hearing;

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- b. Description of the proposed land uses; and
- c. 2 in. x 3 in. map of the project location.

**2. Mailed Notice:** For the purposes of this **mailed notice** requirement, written notice shall be sent to property owners located within 1,000 feet from the property line of the golf course at least 15 days prior to the advertised public hearings.

- Public Hearing**
1. The Planning Commission shall hold at least 1 advertised public hearing.
  2. The BCC shall hold at least 1 advertised public hearing.

**Decision Maker** The BCC, following a recommendation by the Planning Commission.

**Review Process** Staff will prepare a staff report consistent with **LDC** section **5.05.15 F** and schedule a hearing date before the Planning Commission to present the petition. Following the Planning Commission's review, Staff will prepare an Executive Summary and will schedule a hearing date before the BCC to present the petition.

Updated

DRAFT