



# Land Development Code Amendments - Public Meeting -

## Development Services Advisory Committee Land Development Review Subcommittee

Tuesday, December 18, 2018  
2:00 p.m. – 4:00 p.m.

2800 N. Horseshoe Dr., Naples, FL 34104 – GMD Building  
Conference Room 609/610

### **Meeting Purpose:**

1) To preview upcoming changes to public notice signs and potential LDC amendments related to commonly approved deviations,

2) To obtain a recommendation from the DSAC-LDR Subcommittee regarding several LDC amendments, and

3) To begin review of a comprehensive update to the Administrative Code.

### **Agenda:**

1. Call to order
2. Changes to agenda
3. Approval of Minutes from August 21, 2018
4. Approval of Minutes from October 16, 2018
5. Informational Items:
  - a. Public Hearing Notice Signs
  - b. Codifying Regularly Approved Deviations
  - c. Golden Gate Area Master Plan LDC Amendments
6. Previously Reviewed Amendments:
  - a. Residential Lighting
  - b. Revised Commercial Landscaping Amendment
  - c. Airport Zoning
7. New LDC/Admin Code Amendments:
  - a. Emergency Generators
  - b. Separation Requirements for Storage Facilities on U.S. 41
  - c. Comprehensive Administrative Code Update
  - d. Communication Towers in the RFMUD Sending Lands
  - e. Gas Station Signs
8. Public comments
9. Adjourn

August 21, 2018

MINUTES OF THE COLLIER COUNTY DEVELOPMENT SERVICES  
ADVISORY COMMITTEE LAND DEVELOPMENT REVIEW  
SUBCOMMITTEE

Naples, Florida, August 21, 2018

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee – Land Development Review Subcommittee in and for the County of Collier, having conducted business herein, met on this date at 3:00 PM in a REGULAR SESSION at the Growth Management Department Building, Room 609/610 2800 N. Horseshoe Drive, Naples, FL with the following persons present:

Chairman: Clay Brooker  
Blair Foley  
Robert Mulhere  
Jeff Curl  
Marco Espinar

ALSO PRESENT: Jeremy Frantz, LDC Manager  
Ellen Summers, Senior Planner  
Richard Henderlong, Principal Planner  
Caroline Cilek, Manager of Inspections and Plans Review  
Eric Johnson, Principal Planner  
Cormac Giblin, Manager, Housing and Grant Development

*Any persons in need of the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Division – Planning and Regulation Building..*

**1. Call to order**

**Mr. Brooker** called the meeting to order at 3:00 p.m.

**2. Changes to Agenda**

*Mr. Curl moved to approve the Agenda. Second by Mr. Foley. Carried unanimously 5 – 0.*

**3. Old Business**

None

**4. Review of Amendments to LDC Sections (Affordable Housing)**

Sections to be Amended: 1.08.02 Definitions;  
2.06.00 – Affordable Housing Density Bonus

**Mr. Johnson and Mr. Giblin** presented the proposed amendment noting it is intended to revise the definition of Affordable Housing and increase the maximum number of allowable units per acre from 8 to 12.

They noted the version has been revised from the copy that was provided in the meeting packet. With permission from DSAC-LDR, staff presented the following changes on the visualizer:

1. Narrative – Deletion of the word “Area” and retaining “MI” for Collier County on page 1. On page 2, staff proposed two new sentences to the narrative.
2. Section 1.08.02 Definitions – Affordable Housing – Reviewed the language and made several suggestions to clarify the costs utilized in the calculation.
3. Section 2.06.01 D.2.d. – Showed the highlighted text on page 6.
4. Section 2.06.02 – Showed the highlighted text on page 8.
5. Section 2.06.03 A – Showed the new table with the amended maximum densities, increasing them from eight to 12. Retain the note, which was earmarked for deletion: *Total Allowable Density – Base Density + Affordable Workforce Gap Housing Density Bonus. In no event shall the maximum gross density allowed exceed 16 units per acre.*
6. Section 2.06.03 A – The “**gross density allowed under the growth Management Plan**” language shall be incorporated into other areas of the proposed amendment as necessary.
7. Section 2.06.04 A. – Showed the highlighted text on page 11.
8. Section 2.06.05 B. – Staff showed the highlighted text on page 14 and 15.
9. Section 2.06.05 B. – the language be revised to allow for the most recent year’s filed tax return to be utilized in the verification and review, and reworded to eliminate any duplication of text in the Section.

*Mr. Foley moved for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed Land Development Code amendment subject to the revisions outlined above. Second by Mr. Curl. Carried unanimously 5 – 0.*

**5. Review of Code of Laws and Ordinances (Flood Damage Prevention) and Administrative Code (Flood Damage Prevention)**

**Ms. Cilek** presented the Draft Flood Damage Prevention Ordinance for consideration. The Subcommittee reviewed the proposal with Staff on a page by page basis with minor grammatical

type changes being made in real item. The following more substantial issues were raised by the Subcommittee as outlined below:

Section 62-71 - Variances and appeals; in general - *Staff to review the language and ensure the process is clear for those involved in appeals and variances including clarifying the appropriate governing body for the procedures.*

Section 62-93 – substitute the term “Coastal High Hazard Area” with “**VE zone.**” - *Staff to review the document to determine if this change applies to any other section.*

Section 62-102 – Hardship – revise language from or the “disapproval” of one's neighbors to “**objection** of one’s neighbors...”

Section 62-112 - Enclosures below the lowest floor. The following concerns were raised regarding the Section:

- The prohibition on finishing the area may be over restrictive and the definition of the term should be clarified. As it exists, it may limit simple improvements to the space such as hanging a cabinet, painting surfaces, etc. for those intending to use the space for personal tool storage, hobby activities, etc.
- The prohibition on temperature controlling the interior portion of such enclosed area should be reconsidered. It prevents an individual from using minimal air conditioning in the garage or other area to cool the space or remove humidity if it is simply used as a workshop area for hobbies, etc. or something is stored in the area that requires treatment of the air.
- Requiring flood damage resistant materials (pressure treated, backerboard, etc.) being used in the space is not necessary as an individual may want to use basic sheetrock or other inexpensive materials in the area. The space is prohibited to be used as habitable living area and the cost for replacing materials due to damage would be minimal.
- The requirement for the doors should be reviewed to ensure the requirements meet the intended use of the space.
- The Florida Building Code does not reference the requirements and the Section may be over reaching – *Staff noted the purpose is to address issues in the County with individuals illegally converting the space to habitable uses. The concern is if the County does not adequately regulate the activity, there is a chance of being deemed ineligible for the National Flood Insurance Program, a situation that has occurred in at least one other County in Florida.*

*Mr. Curl left the meeting at 5:00pm.*

Section 62-115 – revise the language from “When not part of substantial improvement or repair of substantial damage, replacement of permanently mounted air-conditioners, generators, and exterior mechanical equipment shall be elevated to or above the BFE or the lowest floor elevation of the building served.” to “When not part of substantial improvement or repair of substantial damage, replacement of permanently mounted air-conditioners, generators, and exterior mechanical equipment shall be elevated to or above the BFE or the lowest floor elevation, **which ever is lower.**”

Section 62-118 (2) d – revise the language “...for the entire discharge...,” to “...for the entire **basin...**”

*Staff reported they would revise the Ordinance based on the Subcommittee’s input.*

The Subcommittee noted there are still outstanding issues with Section 62-112. They expressed no recommendation has been formulated on this Section – *Staff reported they would review the concerns with the Building Division and revise the language as necessary and submit it to the Subcommittee for review and comment prior to the DSAC meeting.*

August 21, 2018

*Mr. Mulhere moved for the Development Services Advisory Committee (DSAC) to recommend the Board of County Commissioners adopt the proposed Flood Damage Prevention Ordinance subject to the changes discussed above other than those to Section 62-112 (Enclosures below lowest floor). Staff to provide the Subcommittee Members any proposed changes to this Section for their consideration and comment prior to, and/or at the regularly scheduled DSAC meeting. Second by Mr. Foley. Carried unanimously 4 – 0.*

- 6. **Meeting Schedule** (this Item was heard at 4:50pm, before Mr. Curl left the meeting and the Subcommittee completing review of Item 5).

**Mr. Frantz** reported Staff will be scheduling meetings on a more regular basis given the amendments being proposed in the future. It is anticipated a meeting will be held every other month, if necessary.

- 7. **Public comments**

None

There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 5:12 P.M.

DRAFT PENDING APPROVAL

COLLIER COUNTY DEVELOPMENT SERVICES  
ADVISORY COMMITTEE - LAND DEVELOPMENT  
REVIEW SUBCOMMITTEE

\_\_\_\_\_

These Minutes were approved by the Committee on \_\_\_\_\_, as presented \_\_\_\_\_, or as amended \_\_\_\_\_.

MINUTES OF THE COLLIER COUNTY DEVELOPMENT SERVICES  
ADVISORY COMMITTEE LAND DEVELOPMENT REVIEW  
SUBCOMMITTEE

Naples, Florida, October 16, 2018

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee – Land Development Review Subcommittee in and for the County of Collier, having conducted business herein, met on this date at 2:00 PM in a REGULAR SESSION at the Growth Management Department Building, Room 609/610 2800 N. Horseshoe Drive, Naples, FL with the following persons present:

Chairman: Clay Brooker (Excused)  
Blair Foley (Excused)  
Robert Mulhere  
Jeff Curl

ALSO PRESENT: Jeremy Frantz, LDC Manager  
Ellen Summers, Senior Planner  
Eric Johnson, Principal Planner  
Richard Henderlong, Principal Planner  
Mike Bosi, Planning Director  
Kerry Keith, Sr. Director of Airport Development & Facilities

*Any persons in need of the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Division – Planning and Regulation building at 239-252-2400.*

**1. Call to order**

The meeting was called to order at 2:00pm. A quorum could not be established.

Staff noted that no actions could be taken by the Subcommittee, however, comments will be welcomed on the proposed amendments.

**2. Changes to Agenda**

None

**3. Approve Minutes from August 21, 2018**

Continued

**4. Old Business**

**a. Affordable Housing Amendment Update**

LDC Sections: 1.08.02 Definitions 2.06.00 Affordable Housing Density Bonus (multiple sections)

**Mr. Johnson** reported:

- The Subcommittee and Development Services Advisory Committee (DSAC) reviewed the proposed amendment previously however changes were incorporated after the recommended approvals.
- The substantive changes are outlined in the latest version in yellow highlighting and included input from the County Attorney's Office.
- The item is scheduled to be heard by the Collier County Planning Commission (CCPC) on November 1, 2018.

Under Subcommittee discussion it was noted the density bonus provision only applies to the urban area and it may be advantageous to investigate the feasibility of providing incentives in the Rural Fringe Mixed Use District for Transfer of Development Right credits to help improve the programs feasibility.

Staff noted the upcoming Growth Management Plan Restudy for the Rural Fringe, Staff anticipates proposing eliminating the requirement for TDRs for qualified affordable housing.

**Mr. Mulhere** suggested that it may be beneficial to consider adding a bonus unit to the program as an additional incentive or to consider increasing the maximum density for affordable housing.

Staff noted that the Golden Gate area Master Plan includes an increase in the maximum density in the Activity Center and through the current housing initiative, the Board directed staff to consider changes to activity centers which may include increases in the maximum density.

**b. Revised Commercial Landscaping Amendment**

LDC Sections: 4.06.02 Buffer Requirements 4.06.05 General Landscaping Requirements

**Mr. Frantz** reported:

- The CCPC reviewed the item following a recommendation by the DSAC and requested Staff conduct further research on the issue.
- One concern is the size of the trees required in the replanting may not be readily available in the marketplace.
- The proposed changes include a phased approach where only 50 percent of the trees may be replaced followed by a 15-year waiting period.

Under Subcommittee discussion it was noted:

- The market availability of larger trees is being influenced by the Hurricane Irma recovery and may pass over time.
- Creating a new standard that only applies to shopping centers with Type D buffers is unnecessary.
- The prohibition on slash pine and bald cypress is problematic, and protections for existing trees would be preferable.
- The requirement of allowing 50 percent removal and a 15-year waiting period does not address the property owners concern of addressing safety/liability issues and visibility of signage due to the increasing size of the landscaping.
- One avenue to address the issue is altering the requirements for signage whereby the signs would be allowed at a lower level under the tree canopy.

Staff noted the proposed amendment will be updated with the Subcommittee's comments and returned to the Subcommittee for further review in December.

## 5. New LDC Amendments

### a. Airport Protection Overlay

LDC Sections: 2.03.07 Overlay Zoning Districts 4.02.06 Standards for Development in Airport Zones Appendix D Airport Zoning

**Ms. Summers** reported:

- The Florida Statute was revised (Chapter 333) and the County is required to adhere to the new standards.
- The changes are a direct result of the Statutory updates and include revised definitions and terminology as well as new requirements for airspace obstructions.
- Other changes included updating the Official Zoning Atlas and revising Tables 4 - 8.
- The proposed amendments were developed with assistance from the Naples Airport Authority.

Under Subcommittee discussion it was noted:

- The goal of the review process will be to engage applicants earlier in the process, (i.e. at the pre-application meeting stage) with input from the impacted airport authority, etc.
- Staff will rely on the Airport Authorities to complete these reviews.
- Staff should review the exemption standards to determine if items such as elevator shafts, cupolas, etc. located on the top of buildings should be included.
- **Mr. Mulhere** suggested adding a cross-reference within LDC sections that provide exemptions from maximum zoning heights.

- **Mr. Curl** asked how landscaping would be addressed through the proposed process. Staff responded that the amendment is intended only to add statutorily required language.

Staff noted the proposed amendment will be returned to the Subcommittee for review at a later date.

**b. Residential Lighting**

LDC Sections: 4.02.08 Outside Lighting Requirements

**Mr. Frantz** reported:

- The proposed amendment was initiated due to public complaints on intrusive lighting onto adjacent properties.
- It was developed with the assistance of the Code Enforcement office that will enforce the standards.
- Owners will need to ensure installed lights are directed downward or shielded to prevent direct lighting from shining on an adjacent property.

Under Subcommittee discussion it was noted:

- The requirements are not envisioned to prohibit indirect light trespass onto adjacent properties, rather ensure the lamp is not directly visible.
- Staff should investigate the height requirements for lighting in a residential zone and determine if changes to the amendment are necessary.

**6. Approve 2018/2019 Meeting Schedule**

- December 18, 2018**
- March 19, 2019**
- June 18, 2019**
- September 17, 2019**
- December 17, 2019**

Staff provided the proposed meeting schedule for the next year. A meeting will be held unless there is no business for the Subcommittee.

**7. Public Comment**

None

**There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 2:45PM.**

**COLLIER COUNTY DEVELOPMENT SERVICES  
ADVISORY COMMITTEE - LAND DEVELOPMENT  
REVIEW SUBCOMMITTEE**

These Minutes were approved by the Committee on \_\_\_\_\_, as presented \_\_\_\_\_, or as amended \_\_\_\_\_.

# Memorandum

To: Development Services Advisory Committee—Land Development Review Subcommittee (DSAC-LDR)  
 From: Jeremy Frantz, AICP, LDC Manager  
 Date: December 11, 2018  
 Re: Proposed Changes to Public Notice Signs

LDC Section 10.03.06 provides public notice requirements for a variety of petition types. Numerous petitions require the posting of a sign and a template for each sign is provided in the Administrative Code.

Over time, these templates have resulted in public notice signs that are difficult to read, particularly to motorists traveling at higher speeds. Staff proposes to modify the public notice sign templates to enhance legibility, as shown below. No changes are proposed to the required sign sizes.

Prior to implementing this change through Administrative Code amendments, Staff will also present these changes to DSAC at a future meeting for input regarding the proposed sign formats.

### Current PUD Rezone Template

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 TAMAMIAMI TRAIL EAST, NAPLES, FLORIDA, 34112.



### Proposed PUD Rezone Template

**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 34112  
**[Planner Name]: 239-252-XXXX**



**PUBLIC HEARING NOTICE**  
**Mattamy Homes RPUD**  
**Planned Unit Development Rezone**  
 Petition No. 2018000183  
**CCPC: May 4, 2017 - 9:00 a.m.**  
**BCC: June 13, 2017 - 9:00 a.m.**  
 Collier Government Center  
 3299 East Tamiami Trail, Naples, FL 34112  
**Eric Johnson: 239-252-2931**



# Memorandum

To: Development Services Advisory Committee—Land Development Review Subcommittee (DSAC-LDR)

From: Eric Johnson, Principal Planner

Date: November 30, 2018

Re: Item 5.b. Codifying Regularly Approved Deviations

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The Board of County Commissioners (Board) may exempt petitions from meeting certain required elements of PUD master plans when the petitions contain conditions demonstrating that the elements may be waived and that there will no detrimental effect on the health, safety and welfare of the community. The waiving of these PUD master plan elements, known as deviations, is provided for pursuant to Section 10.02.13 A.3. of the Land Development Code (LDC).

Between January 1, 2003 and July 10, 2018, the Board and/or the Hearing Examiner reviewed over 100 petitions that contained new deviations or amendments to existing deviations. Staff further examined these petitions and discovered that the petitioners were frequently requesting deviations from at least three (3) sections of the LDC. The sections are identified as follows:

- Section 5.03.02 – Fences and Walls, Excluding Sound Walls
- Section 5.06.02 – Development Standards for Signs within Residential Districts
- Section 6.06.01 – Street System Requirements

When petitioners make frequent deviation requests to certain sections of the LDC, and those requests are being approved, it begs the question as to whether staff ought to assess those sections and update the LDC to reflect current standards. Staff will present these findings to the Collier County Planning Commission (CCPC) and seek their direction to determine if a future update is necessary.

Please contact me if you have any questions or comments.

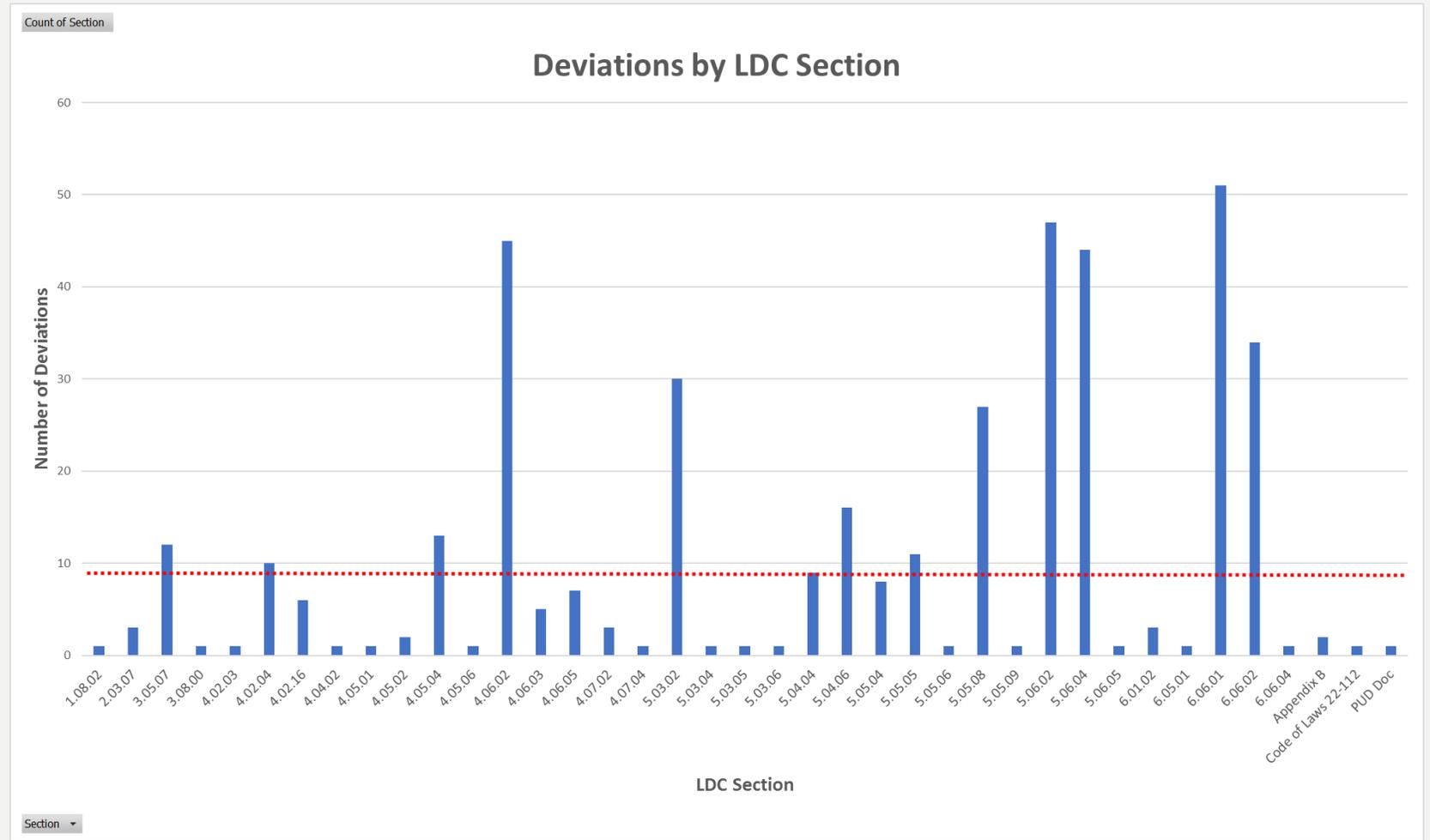
Sincerely,

Eric Johnson, AICP, CFM  
[Eric.Johnson@colliercountyfl.gov](mailto:Eric.Johnson@colliercountyfl.gov)  
(239) 252-2931

# DEVIATIONS BY LDC SECTION

## Above Average (9.6)

- 3.05.07
- 4.02.04
- 4.05.04
- 4.06.02
- 5.03.02
- 5.04.06
- 5.05.05
- 5.05.08
- 5.06.02
- 5.06.04
- 6.06.01
- 6.06.02





## Memorandum

To: Development Services Advisory Committee—Land Development Review Subcommittee (DSAC-LDR)

From: Eric Johnson, Principal Planner

Date: November 29, 2018

Re: Item 5.c. Golden Gate Area Master Plan (GGAMP) Amendment and Land Development Code (LDC) Amendment

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On February 10, 2015, the Board of County Commissioners (Board) directed staff to initiate Growth Management Plan (GMP) restudies in four areas of eastern Collier County, including the GGAMP. In response to the Board's direction, staff developed a White Paper, which was reviewed by the Board on January 23, 2018. The Board directed staff to initiate the GGAMP amendment process. The proposed language for the GGAMP was presented to the Collier County Planning Commission (CCPC) on July 19, 2018, who voted (5-0) to recommend approval (with changes) to the Board. The GGAMP amendment will be reviewed by the Board at their meeting on December 11, 2018. This will be considered a transmittal hearing.

Amending the GGAMP will necessitate updating the LDC. A new policy to the GGAMP—Policy 2.2.3—states the following:

*Within two years of adoption, Collier County shall initiate the involvement of Golden Gate City residents and business owners to consider amendments to the Land Development Code to support and implement residential and commercial redevelopment and renewal initiatives. Amendments shall include incentives for remodeling and renovation by creating criteria and standards for variances and/or deviations.*

Staff began the LDC amendment process this past summer, to coincide with the anticipated adoption of the GGAMP amendments. Both the GGAMP amendment and LDC amendment processes are expected to enhance walkability and incentivize redevelopment efforts along Golden Gate Parkway.

In the fall of 2018, Johnson Engineering, Inc. assisted staff with conducting stakeholder interviews and one public outreach meeting, which was held on November 11, 2018. The next public outreach meeting will be held in the first quarter of 2019. In addition, staff created a separate website in anticipation of the higher level of interest associated with the redevelopment efforts. The website is as follows:



<https://www.colliercountyfl.gov/your-government/divisions-a-e/development-review/land-development-code-and-amendments/golden-gate-city-master-plan-ldc-amendments>

Staff wanted the DSAC-LDR to be aware of this future LDC amendment. Please contact me if you have any questions or comments.

Sincerely,

Eric Johnson, AICP, CFM  
[Eric.Johnson@colliercountyfl.gov](mailto:Eric.Johnson@colliercountyfl.gov)  
(239) 252-2931

G:\LDC Amendments\Advisory Boards and Public Hearings\DSAC-LDR\12-18-2018\Item 5.c (GGAMP LDCA)\Memo.docx



**LAND DEVELOPMENT CODE AMENDMENT**

**PETITION**

PL20180002632

**ORIGIN**

Growth Management Department (GMD)

**HEARING DATES**

BCC           TBD  
 CCPC         TBD  
 DSAC         TBD  
 DSAC-LDR 12/18/2018  
                   10/16/2018

**SUMMARY OF AMENDMENT**

This amendment establishes standards for new outdoor lighting associated with single-family dwelling units, two-family dwelling units, and duplexes. These standards are intended to prevent high-intensity outdoor lighting from negatively impacting neighboring residential properties.

**LDC SECTION TO BE AMENDED**

4.02.08   Outside Lighting Requirements

**ADVISORY BOARD RECOMMENDATIONS**

**DSAC-LDR**  
TBD

**DSAC**  
TBD

**CCPC**  
TBD

**BACKGROUND**

Currently, there are no limitations with respect to outdoor lighting on residential properties with single-family dwellings, two-family dwellings, or duplexes. However, the variety and intensity of lighting fixtures available to homeowners at retail outlets presents an opportunity for outdoor lighting to negatively impact surrounding residential properties. As a result, the GMD has been unable to resolve complaints received by the Code Enforcement Division regarding residential outdoor lighting shining toward neighboring homes, which are typically received up to several times a year.

At the March 13, 2018, Board of County Commissioners (Board) meeting, a member of the public requested an ordinance to address significant nuisance lighting on single-family properties (See Item 7). At the June 21, 2018, Budget Workshop, one Commissioner noted an awareness of lighting problems on residential properties, suggesting a need for County Staff to address the issue. As a remedy, this amendment requires single-family dwelling, two-family dwelling, or duplex homeowners who install lights or fixtures having an aggregate of 60 watts or 800 lumens or more to shield or aim those lights away from abutting residential properties. The amendment does not apply to lighting on multi-family residential development (three or more units).

The brightness and energy usage measurements correspond with the types of floodlights or other outdoor lights which have the potential to impact neighbors (See Figures 1 and 2) and can be applied to both traditional incandescent lights and LEDs. Outdoor lighting standards for single-family residences vary throughout the state (See Exhibit A). These proposed standards are designed so that compliance and enforcement are simple and do not require any special knowledge or tools.

A building permit is not required to install most lighting fixtures. Therefore, this standard will primarily be implemented through the code enforcement process when a complaint is issued. If a code violation is

reported, homeowners could remedy a potential violation by repositioning the lights, using shielding, or installing new lighting fixtures that comply with the proposed standard.

**Figure 1. Lumen levels for typical outdoor lights**

LED Outdoor Light	Recommended LED Lumens
Security Floodlights	700-1300
Shed Lights	150-300
Lamp Posts	120-180
Landscape Spotlights	120
Outdoor Path Lighting	100

Source: <https://gamasonic.com/how-many-lumens-do-you-need-for-outdoor-lighting/>

**Figure 2. Department of Energy comparison of lumens and traditional incandescent watts.**



Source: [https://www.energy.gov/sites/prod/files/lumens\\_placard-black.pdf](https://www.energy.gov/sites/prod/files/lumens_placard-black.pdf)

**FISCAL & OPERATIONAL IMPACTS**

This amendment could result in additional unexpected costs for homeowners to replace light bulbs with lower lumens or to replace fixtures. There are no anticipated fiscal impacts to the County associated with this amendment. The amendment will allow code enforcement to resolve some complaints regarding outdoor lighting.

**GMP CONSISTENCY**

In the limited areas where the Growth Management Plan (GMP) does address outdoor lighting, there is no specificity provided. Only the Conservation and Coastal Management Element (CCME) policies pertaining to wildlife protection, e.g. Policies 7.3.1 and 7.3.2 regarding sea turtles, may have applicability to the dwelling unit types addressed in this LDC amendment but, again, there is no specificity provided. Further, such lighting would have to comply with both this new LDC provision and the CCME policies.

**EXHIBITS: A) Lighting Standards in Other Communities**

# DRAFT

Text underlined is new text to be added

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

## Amend the LDC as follows:

- 1 **4.02.08 - Outside Lighting Requirements**
- 2
- 3 A. Lights on golf courses shall be located and designed so that no light is aimed directly
- 4 toward property designated residential, which is located within 200 feet of the source of
- 5 the light.
- 6
- 7 B. Specific height requirements in zoning districts.
- 8 1. GC—Twenty-five (25) feet
- 9 2. C-1—Twenty-five (25) feet
- 10 3. CF—Twenty-five (25) feet
- 11
- 12 C. Lights on lots with single-family dwellings, two-family dwellings, or duplexes. Lights or
- 13 fixtures having an aggregate of 60 watts or 800 lumens or more shall be shielded or aimed
- 14 away from abutting residential properties.
- 15 # # # # # # # # # # # # #

## Exhibit A – Lighting Standards in Other Communities

Community	Standard	Citation
Lee County (Upper Captiva Planning Area)	“All outdoor lighting, including lighting on docks and bulkheads, must be designed, installed, located, and maintained to be hooded, shielded, and/or aimed downward.”	Art. XI Division 4 Sec. 33-1736
City of Sanibel	<p>“All exterior lighting shall be designed and installed to prevent glare and light trespass. Light shall not be allowed to cause glare affecting motorists, bicyclists, or other users of roads, driveways and bicycle paths. Light shall not trespass over property lines.”</p> <p><i>(More detailed standards follow this section)</i></p>	Art. XIV Div. 4 Sec. 12-997 (c)
City of Naples	<p>“(a) Permitted exterior lighting. Exterior lighting or light fixtures may be utilized at grade and at the 1st habitable floor of multifamily structures, provided that:</p> <p>(1) The lighting is confined to a front yard facing a public street, or to that portion of the facade facing a public street; and</p> <p>(2) The light source is directed only at the facade of the building.</p> <p>Lighting may also be utilized at grade to enhance landscape features. Exterior lighting shall be designed, arranged or shielded in such manner that all adjacent properties and the public roadways are protected from direct glare.</p> <p>(b) Prohibited lighting. The use of exterior lighting or light fixtures on any portion of the facade or roof of a multifamily structure above the 1st habitable floor shall not be permitted.</p> <p>(c) Exemptions. Warning lights, as required by state or federal agencies, and exterior lights used exclusively for and associated with outdoor walkways, stairs, hallways, pool areas, and living spaces such as balconies, terraces, screened porches, and similar spaces shall be exempt from the requirement as listed in subsection (b) of this section. Nonpermanent lighting, used exclusively during the holiday period from November 15 to January 15, is also excluded from this prohibition.</p> <p>(d) Nonconforming lighting. Nonconforming multifamily structures shall be brought into conformance with this section by April 30, 1998.”</p>	Chapter 56 Art. III Sec. 56-89
City of Bonita Springs	“All light fixtures shall have bulbs that are fully recessed within the fixture and may not emit light above horizontal plan (sic)”	Chapter 10 Art. III. Div. 3 Sec. 10-102 (d)(1)(a)

## Exhibit A – Lighting Standards in Other Communities

Marco Island	<p>“(a) Regulation of the intensity and glare of outdoor lighting shall be as follows:            (1) No lighting source shall cause more than 1.0 footcandle of illumination to fall on adjoining residential single-family (RSF) zoned property.”</p> <p><i>(Additional shielding standards follow this section)</i></p>	Chapter 6 Art. V Sec. 6-145
Volusia County	<p>No person may install, construct, erect, maintain, or control any outdoor lighting or outdoor lighting fixture on a residential structure, or on its surrounding premises, which directly illuminates beyond the adjacent residential structure's property line, between sunset and sunrise. For the purposes of this section, adjacent property shall include all property within 360 degrees of the subject property, notwithstanding an intervening right-of-way. For the purposes of this section, property line shall be an invisible plane extending vertically at a 90-degree angle from ground level to a point above the height of the highest structure on either the subject property or the adjacent property.</p>	Sec. 50-480

**LAND DEVELOPMENT CODE AMENDMENT**

**PETITION**

PL20180002769

**ORIGIN**

Board of County  
Commissioners

**HEARING DATES**

BCC           TBD  
CCPC         TBD  
DSAC         TBD  
DSAC-LDR 12/18/2018  
                  10/16/2018

**SUMMARY**

This Board directed amendment places new restrictions on the replacement and removal of required landscaping trees at commercial shopping centers. The amendment seeks to maintain mature canopy trees at shopping centers and their value to the surrounding neighborhood.

**LDC SECTIONS TO BE AMENDED**

4.06.02   Buffer Requirements  
4.06.05   General Landscaping Requirements

**ADVISORY BOARD RECOMMENDATIONS**

**DSAC-LDR**  
TBD

**DSAC**  
TBD

**CCPC**  
TBD

**BACKGROUND**

On January 23, 2018, the Board directed staff to draft LDC standards that maintain the ability to change existing landscaping plans while also ensuring those changes would retain mature canopy trees and maintain an aesthetically pleasing community appearance.

This amendment makes four modifications to the landscaping requirements for shopping centers to minimize the impact of mature landscaping being replaced with minimum sized trees:

1. Allows additional spacing in Type D buffers for improved visibility into shopping centers.
2. Prohibits slash pine and bald cypress in new landscaping plans or existing landscaping plans that are removing trees from the Vehicle Use Area (VUA) or Type D buffer.
3. Limits the large-scale removal or replacement of required trees in the VUA and Type D Buffer to 50 percent of the required trees within a period of 15 years.
4. Provides an exemption for trees removed through a cultivated tree removal permit, or to replace diseased or dead trees.

See Exhibit A for additional background, justification, and other considerations.

**DSAC-LDR Subcommittee Recommendation:**

The DSAC-LDR Subcommittee reviewed the amendment on October 16, 2018, and made the following comments:

1. The current requirements for shopping centers already require plantings to be larger than typical development. Creating a new standard that only applies to shopping centers is unnecessary.
2. The provisions related to visibility should be removed as it will not improve visibility for cars passing by at high speeds. Additionally, cell phones are commonly used for navigation so creating a different buffer standard only for Type D buffers won't necessarily improve visibility.

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Consider focusing on signage instead of limits on plantings. Changing sign standards so they don't interfere with landscaping would be more beneficial.

3. The slash pine and bald cypress prohibition should clearly state that they can't be used for proposed landscaping but that it doesn't affect existing trees. Protections for existing slash pine and bald cypress in parking lots would be preferable.
4. One of the shopping centers that gained attention for its landscaping changes was trying to address tree roots damaging the parking lot and lighting that was too close to trees. Not allowing the removal of landscaping forces property owners to be liable for trip and fall hazards when roots are damaging pavement or prevents them from updating developments that were built to out-dated standards.

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#### **FISCAL & OPERATIONAL IMPACTS**

The amendment will increase costs for shopping center owners when proposing to replace or remove more than 50 percent of the required trees and may result in unexpected costs when proposals trigger the limitation. There are no anticipated fiscal or operational impacts to Collier County.

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#### **GMP CONSISTENCY**

Based upon the attached analysis, the proposed LDC amendment may be deemed consistent with the GMP (See Exhibit B).

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**EXHIBITS:** A) Additional Background and Justification B) GMP Consistency Review

Amend the LDC as follows:

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**4.06.02 Buffer Requirements**

\* \* \* \* \*  
C. Types of buffers. Within a required buffer strip, the following types of buffers shall be used based on the matrix in table 2.4. (See Figure 4.06.02.C-1)

\* \* \* \* \*  
4. *Type D Buffer:* A landscape buffer shall be required adjacent to any road right-of-way external to the development project and adjacent to any primary access roads internal to a commercial development. Said landscape buffer shall be consistent with the provisions of the Collier County Streetscape Master Plan, which is incorporated by reference herein. The minimum width of the perimeter landscape buffer shall vary according to the ultimate width of the abutting right-of-way. Where the ultimate width of the right-of-way is zero to 99 feet, the corresponding landscape buffer shall measure at least ten feet in width. Where the ultimate width of the right-of-way is 100 or more feet, the corresponding landscape buffer shall measure at least 15 feet in width. Developments of 15 acres or more and developments within an activity center shall provide a perimeter landscape buffer of at least 20 feet in width regardless of the width of the right-of-way. Activity center right-of-way buffer width requirements shall not be applicable to roadways internal to the development.

a. Trees shall be spaced no more than 30 feet on center in the landscape buffer abutting a right-of-way or primary access road internal to a commercial development. As an alternative for shopping centers, the following tree spacing may be allowed through a landscaping plan change to provide additional visibility into shopping centers:

i. Trees may be spaced no more than 60 feet on center, and

ii. There shall be at least three consecutive trees on both sides of the 60-foot spacing. Said trees shall be spaced no more than 30 feet on center with at least a 30-foot crown spread per tree at the time of the alternative spacing approval.

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**4.06.05 – General Landscaping Requirements**

\* \* \* \* \*  
D. Plant Material Standards  
\* \* \* \* \*

2. Trees and palms. All required new individual trees, shall be species having an average mature spread or crown of greater than 20 feet in the Collier County area and having trunk(s) which can be maintained in a clean condition over five feet of clear wood. Trees adjacent to walkways, bike paths and rights-of-way shall be maintained in a clean condition over eight feet of clear wood. Trees having an average mature spread or crown less than 20 feet may be substituted by grouping

the same so as to create the equivalent of 20-foot crown spread. For code-required trees, the trees at the time of installation shall be a minimum of 25 gallon, ten feet in height, have a 1¾-inch caliper (at 12 inches above the ground) and a four-foot spread.

a. A grouping of three palm trees will be the equivalent of one canopy tree. Exceptions will be made for Roystonea spp. and Phoenix spp. (not including roebelenii) which shall count one palm for one canopy tree. Palms may be substituted for up to 30 percent of required canopy trees with the following exceptions. No more than 30% percent of canopy trees may be substituted by palms (or palm equivalent) within the interior of a vehicular use area and within each individual Type D road right-of-way landscape buffer. Palms must have a minimum of 10 feet of clear trunk at planting.

b. All new trees, including palms, shall be of a species having an average mature height of 15 feet or greater.

c. As of {Effective date of this Ordinance}, new landscaping plans shall not include slash pine (Pinus elliottii) or bald cypress (Taxodium distichum) within the vehicular use areas or Type D buffers.

\* \* \* \* \*

O. Tree replacement or removal in shopping centers.

1. Purpose and intent. This section is intended to apply to the removal or replacement of existing, mature, canopy trees within Type D buffers and vehicular use areas at shopping centers. Extensive changes to mature landscaping have the potential to impact aesthetic appearance, native plant preservation, buffering, and shade. This section is not intended to prohibit other activities related to the development, redevelopment, or maintenance of shopping centers.

2. Standards for tree replacement or removal within Type D buffers and vehicular use areas at shopping centers.

a. A maximum of 50 percent of the required trees per 15-year period may be replaced or removed through a landscaping plan change.

b. Replacement trees within Type D buffers and vehicular use areas at shopping centers shall not include slash pine (Pinus elliottii) or bald cypress (Taxodium distichum).

c. Replaced or removed trees shall not be located entirely within one contiguous area and shall be evenly dispersed throughout the Type D buffers and vehicular use areas.

3. Exemption. These standards shall not apply to removal of trees through a cultivated tree removal permit or to replace diseased or dead trees.

4. Applicants may request a PUD deviation or variance, as applicable, to the limitation on replacement or removal of required trees.

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# Exhibit A – Additional Background and Justification

## Amendment History

Over several years, residents have petitioned the Board regarding perceived aesthetic impacts on surrounding residential neighborhoods when mature canopy trees are removed from shopping centers and replaced with the LDC's minimum tree planting requirements.

On January 23, 2018, Zoning Division staff presented background information to the Board regarding landscaping changes in shopping centers, and potential LDC changes that could mitigate the perceived impacts on the surrounding community from the loss of mature canopy trees. The Board directed staff to draft LDC standards that maintain the ability to change existing landscaping plans while also ensuring any changes would retain mature canopy trees and maintain an aesthetically pleasing community appearance.

A previous version of this amendment which proposed a requirement for larger replacement trees was reviewed by the Development Services Advisory Committee (DSAC) and the Collier County Planning Commission (CCPC). On June 21, 2018, staff presented price and availability data for trees with a five to six-inch caliper to the CCPC. In response to the increased costs and limited availability, the CCPC unanimously recommended not to adopt the proposed amendment, and to direct staff to review a new LDC amendment to be further refined with the following elements:

1. A limitation on the percentage of trees that may be removed or replaced within a given period of time.
  - a. The trees removed should not be clustered in one area but should be spread throughout the project.
  - b. The period of time established should be based on the expected life and canopy growth rates of removed and replaced tree species.
2. A limitation on the use of Slash pine and Bald Cypress trees within the Type D buffer for:
  - a. New landscaping plans, and
  - b. Existing landscaping plans when replacing or removing required trees from the Type D buffer or VUA.
3. An allowance for additional spacing between buffer trees in certain instances to allow for improved visibility into shopping centers.

## Existing Standards

For many types of development, when trees are replaced in the VUAs or Type D buffers, the replacement trees are required to meet the same minimum standards for landscaping material required for new developments. The minimum tree height, caliper, and canopy spread required at the time of installation are:

- Height: 10 feet,
- Caliper: 1 ¾ inches, and
- Canopy spread: four feet.

However, when trees are replaced in the VUAs or Type D buffers at shopping centers, the replacement trees are required to meet the minimum standards in LDC section 4.06.03 B.9:

- Height: 14 to 16 feet,

## Exhibit A – Additional Background and Justification

- Caliper: three to four inches,
- Canopy spread: six to eight feet, and
- Clear trunk height: six feet high.

These larger trees are only required at shopping centers, which are defined in LDC Section 1.08.02:

*“A group of unified commercial establishments built on a site which is planned, developed, owned or managed as an operating unit and related in its location, size, and type of shops to the trade area that the unit serves. It consists of eight or more retail business or service establishments containing a minimum total of 20,000 square feet of floor area. No more than 20 percent of a shopping center's floor area can be composed of restaurants without providing additional parking for the area over 20 percent. A marina, hotel, or motel with accessory retail shops is not considered a shopping center.”*

Additionally, trees within Type D buffers are required to be spaced no more than 30 feet on center. This amendment does not propose any changes to the minimum height, caliper, canopy spread, or clear trunk height of trees planted at shopping centers.

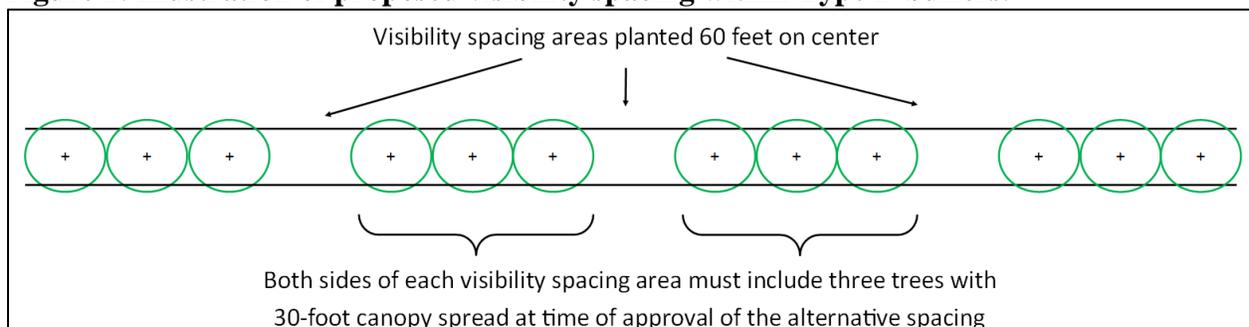
### Proposed Standards

The proposed standards are intended to balance the value of mature canopy trees to the surrounding neighborhoods and property owners with the need to redesign and update the appearance of shopping centers. The standards are intended to allow for regular updates to shopping centers while maintaining existing mature trees.

#### *Proposed Changes to LDC Section 4.06.05 C.4.a.i:*

Changes to this section establish new tree spacing standards within Type D buffers to provide better visibility to shopping center buildings and wall signage. This new standard would allow increased tree spacing from 30 feet on-center to 60 feet on-center when at least three trees on both sides of the 60 feet on-center spacing have a minimum of a 30-foot crown spread per tree. This arrangement is depicted in Figure 1.

**Figure 1: Illustration of proposed visibility spacing within Type D buffers.**



## Exhibit A – Additional Background and Justification

*Proposed Changes to LDC Section 4.06.02 D.2.c:*

Changes to this section prohibit slash pine and bald cypress trees within the VUA and Type D buffer area in new landscape plans because they do not provide adequate canopy or flourish in irrigated areas of a site. The inadequate canopy and visual buffer are shown in Figures 2 and 3.

**Figure 2: Bald cypress trees do not provide adequate canopy when leaves fall.**



**Figure 3: Slash pine trees do not provide an adequate visual buffer.**

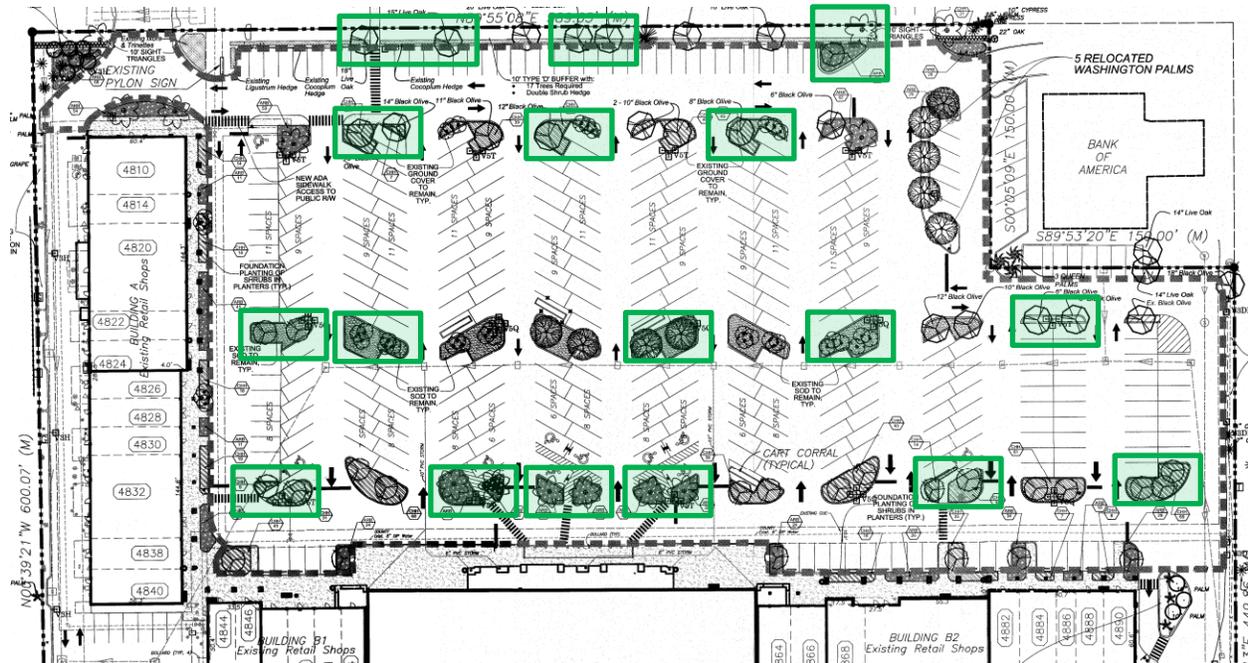


# Exhibit A – Additional Background and Justification

*Proposed New LDC Section 4.06.05 O.:*

This new section limits the large-scale removal or replacement of mature canopy trees through a restriction on removing or replacing more than 50 percent of required trees within the VUA or Type D buffer within each 15-year period. For example, Figure 1 demonstrates one potential distribution of replaced or removed trees throughout the site. The limitation is based on public input during the amendment vetting process and a review of tree growth rates described in the Tree Growth Analysis section below.

**Figure 1. Example Distribution of Replaced or Removed Trees Throughout the Site**



This section also prohibits the use of slash pine or bald cypress trees as replacement trees within VUAs or Type D buffers and requires removal and replacement of trees to be evenly dispersed throughout the VUA and Type D buffers.

Additionally, an exemption is provided for the trees removed through a cultivated tree removal permit, or to replace diseased or dead trees.

Since the applicability of the proposed standards is limited to VUAs and Type D buffers, this section would not apply to building foundation plantings or any other required landscaping.

## Implementation

The proposed changes will be implemented through the existing Landscaping Plan review process.

Landscaping plans for commercial shopping centers are approved through a Site Development Plan (SDP) and changes to an SDP (SDPA or SDPI).

## Exhibit A – Additional Background and Justification

SDPs are administratively approved by the Growth Management Department and do not require public notice or a public hearing.

Proposals to replace or remove trees within the Vehicle Use Area (VUA) or Type D buffer would require the landscaping plan to include a calculation of the percentage of required trees proposed to be removed or replaced.

The determination whether trees may be removed or replaced through a landscaping plan change will function similar to the cultivated tree removal permit review. When a landscape plan change is submitted, landscape plan review staff will review the percentage of trees removed or replaced within the past 15 years. The landscaping plan change would only be approved if all landscaping plan changes within the past 15 years do not exceed 50 percent of required trees.

Shopping centers may request relief from the 50 percent limitation through the PUD Deviation or Variance processes, as applicable. Both processes provide for public notice and public hearings.

### Tree Growth Analysis

On June 21, 2018, the CCPC recommended that the limitations in the proposed amendment should be based on growth rates of canopy trees. To satisfy this request, staff consulted the *Native Trees for South Florida*<sup>1</sup> published by the University of Florida’s Institute of Food and Agricultural Sciences (IFAS), which includes growth rate information for a variety of tree species. Growth rates are reproduced in the following table for those species that currently qualify as canopy trees in Collier County.

**Table 1. Tree Growth Rates from UF IFAS Extension**

Common Name	Natural Height (ft)	Growth Rate	Growth per year (ft)
Red maple	35-50	Fast	>2
Gumbo limbo, tourist tree	40 - 60	Medium	1 to 2
Fiddlewood	25 - 30	Slow	<1
Sea grape	15 - 30	Medium	1 to 2
Willow-leaved bustic	30 - 50	Medium	1 to 2
Wild tamarind	40 - 50	Fast	>2
Sweetbay	40 - 60	Medium	1 to 2
False mastic	45 - 70	Slow	<1
South Florida slash	80 - 100	Fast	>2
Jamaican dogwood, fish-poison tree	35 - 50	Fast	>2
Sycamore	70 - 110	Fast	>2
West Indian cherry	15 - 40	Medium	1 to 2
Laurel oak	60 - 100	Fast	>2
Live oak	50 - 80	Medium	1 to 2
Royal palm	60 - 125	Medium	1 to 2

<sup>1</sup> Meerow, A.W., Broschat, T.K, and Donselman, H.M. (2017). *Native Trees for South Florida. University of Florida IFAS Extension*. Document EES-57.

## Exhibit A – Additional Background and Justification

Soapberry	35 - 45	Medium	1 to 2
Paradise tree	35 - 50	Slow	<1
Mahogany	35 - 60	Fast	>2
Bald cypress	60 - 100	Medium	1 to 2
Wild lime	20 - 30	Medium	1 to 2

It is important to note that growth rates may be influenced by a variety of factors such as soil, drainage, water, fertility, light, exposure. These conditions may vary from site to site and year to year.

The IFAS growth rates were used to determine the potential time required for newly planted trees to grow from the code minimum canopy spread of 6 to 8 feet, to the code “mature” canopy spread of 20 feet. For the purposes of this amendment, growth rates of tree height were assumed to be the same as growth rates of canopy spread. Using this methodology, the canopy trees listed above require a minimum of 6 and a maximum of 14 years to reach a “mature” canopy spread. Given that trees in parking lots may not represent ideal growing conditions, this amendment establishes a limitation of 15 years before additional trees can be removed or replaced to ensure adequate time for canopy growth.

# Exhibit B –GMP Consistency Analysis



## Growth Management Department Zoning Division

### Memorandum

**To:** Jeremy Frantz, AICP, Manager, Land Development Code Section  
**From:** David Weeks, AICP, Growth Management Manager, Comprehensive Planning Section  
**Date:** September 14, 2018  
**Subject:** Growth Management Plan (GMP) Consistency Review

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**PETITION NUMBER:** LDCA-PL20180002769 REV:1

**PETITION NAME:** LDC Sec. 4.06.02 & 4.06.05, Commercial Landscaping

**REQUEST:** Amend LDC Sections 4.06.02 & 4.06.05, Commercial Landscaping, by making three modifications to the landscaping requirements for shopping centers to minimize the impact of mature landscaping being replaced with minimum sized trees:

1. Allows additional spacing in Type D buffers for improved visibility into shopping centers.
2. Prohibits slash pine and bald cypress in new landscaping plans or existing landscaping plans that are removing trees from the Vehicle Use Area (VUA) or Type D buffer.
3. Limits the large-scale removal or replacement of required trees in the VUA and Type D Buffer to 50 percent of the required trees within a period of 15 years.
4. Provides an exemption for trees removed through a cultivated tree removal permit, or to replace diseased or dead trees.

**COMPREHENSIVE PLANNING COMMENTS:** In the limited areas where the Growth Management Plan's (GMP) land use elements (Future Land Use Element, Golden Gate Area Master Plan, Immokalee Area Master Plan) address landscaping, there is no specificity provided that would conflict with the proposed Land Development Code (LDC) amendment. In the Conservation and Coastal Management Element (CCME), Policy 6.1.7 states, in relevant part: "The County shall require native vegetation to be incorporated into landscape designs in order to promote the preservation of native plant communities and to encourage water conservation. This shall be accomplished by: (1) Providing incentives for retaining existing native vegetation in landscaped areas; (2) Establishing minimum native vegetation requirements for new landscaping." The proposed changes in this LDC amendment are not in conflict with this policy.

#### **CONCLUSION:**

**Based upon the above analysis, the proposed LDC amendment may be deemed consistent with the GMP.**

#### **IN CITYVIEW**



## Memorandum

To: Development Services Advisory Committee-Land Development Review Subcommittee  
From: Ellen Summers, Senior Planner  
Date: December 18, 2018  
Re: Airport Zoning LDC Amendment

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At the October 16, 2018, meeting, the DSAC-LDR Subcommittee reviewed the Airport Zoning LDC Amendment. At that meeting, staff was not seeking a recommendation but was anticipating bringing back the amendment along with the applicable zoning maps at a later time.

Staff will now be seeking a recommendation of the proposed LDC amendment *without* the applicable zoning maps. The zoning maps will be implemented upon ordinance adoption.

Additionally, the Immokalee Airport is undergoing FAA review for updates to the master plan. It is anticipated that the Board of County Commissioners will vote on the airport master plan update sometime in January or February. Upon approval of the master plan, certain runway types listed in proposed LDC section 4.02.06, as well as the Immokalee Airport map located in Appendix D, will be updated to accurately demonstrate the obstruction standards related to the new master plan.

Please contact me if you have any questions.

Sincerely,  
Ellen Summers, Senior Planner  
[Ellen.Summers@colliercountyfl.gov](mailto:Ellen.Summers@colliercountyfl.gov)  
(239) 252-1032

**LAND DEVELOPMENT CODE AMENDMENT**

**PETITION**

PL20180001993

**ORIGIN**

Growth Management  
Department

**HEARING DATES**

BCC TBD  
CCPC TBD  
DSAC TBD  
DSAC-LDR 10/16/2018  
and 12/18/2018

**SUMMARY**

This amendment proposes a new review process for airspace obstructions within Collier County and proposes new compatibility regulations based on the requirements within Chapter 333, Florida Statutes (F.S.).

**LDC SECTIONS TO BE AMENDED**

2.03.07	Overlay Zoning Districts
4.02.06	Standards for Development in Airport Zones
Appendix D	Airport Zoning

**ADVISORY BOARD RECOMMENDATIONS**

**DSAC-LDR**  
TBD

**DSAC**  
TBD

**CCPC**  
TBD

**BACKGROUND**

In 2016, the provisions within Chapter 333, F.S., were modified with the passing of HB 7061. The changes to Chapter 333, F.S., include: modifications and additions to the existing defined terms; updates to the standards for airport land use compatibility zoning regulations; updates to the appeals and judicial review processes; updates to the criteria for Florida Department of Transportation (FDOT) evaluation of airport protection zoning permit applications; and updates to the criteria and processes for political subdivisions' airport protection zoning regulations.

Section 333.03, F.S. states that political subdivisions having airport protection zoning regulations must, at a minimum, require:

- A permit for the construction or alteration of any obstruction;
- Obstruction marking and lighting for obstructions;
- Documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study submitted by each person applying for a permit;
- Consideration of the criteria in section 333.025(6), F.S., when determining whether or issue or deny a permit; and
- That the approval of a permit not be based solely on the determination by the Federal Aviation Administration that the proposed structure is not an airport hazard.

Additionally, section 333.135, F.S., requires any airport zoning regulation that conflicts with Ch. 333, F.S. to be amended for conformity. To comply with the requirements of Ch. 333, F.S., the following changes to LDC section 4.02.06 have been made:

- (1) A new Definitions section that references Ch. 333, F.S. The referenced definitions, as amended, will be applicable to terms utilized within this section.

- (2) A new Requirements for Airspace Obstructions section was added to create a new process for reviewing potential airspace obstructions and hazards. This process was previously under the jurisdiction of the FDOT and deemed a variance process. The specific considerations for approving or denying airspace obstructions have been established by Ch. 333, F.S., which have been incorporated into this LDC section. This added section also includes the requirements of airspace obstruction marking and lighting.
- (3) The Airport Land Use Restrictions section was renamed to Airport Land Use Compatibility Regulations. This section has also been updated to address airport land use compatibility regulations that relate to the prohibition of new landfills and the restriction of existing landfills, within a certain proximity to airports.
- (4) Throughout the text, terminology updates have been made for consistency with state and federal regulations.

The following additional changes, that are not a direct result of the update to Ch. 333, F.S, have been made:

- (1) LDC section 2.03.07 C has been updated to include a reference to the airport maps within Appendix D and to the Official Zoning Atlas, and to the additional regulations set forth within LDC section 4.02.06.
- (2) The information within Tables 4-8 have been updated with assistance from the Naples Airport Authority (NAA) and Collier County Airport Authority (CCAA). The updates reflect the accurate runway numbers and correlated runway type.
- (3) The Exemptions section has been relocated for organizational purposes and contains no change to content.
- (4) In coordination with the NAA and the CCAA, the Naples Airport Map, the Marco Island Executive Airport Map, and the Immokalee Airport Map, located within Appendix D of the LDC, have been replaced with new maps. The existing maps have become outdated and are illegible. The maps play an important role in visually depicting the various airspace surfaces, identified within LDC section 4.02.06, and aid in determining height limitations for obstructions.

The new maps accurately reflect the location and scope of the different airspace surfaces that have changed based on the updates to the airport's master plans. For instance, the existing surface contours on the Naples Airport Map that extend NE to SW are noticeably missing from the new map, this is due to an approach surface that no longer exists.

**FISCAL & OPERATIONAL IMPACTS**

There will be operational and fiscal impacts to the County due to this amendment. The amendment will require an additional component of review for airspace obstructions and will require additional zoning reviews for building permits that would not have previously been required.

**GMP CONSISTENCY**

The proposed amendment is deemed consistent with the GMP.

**EXHIBITS:** A) Implementation of Airspace Obstruction Review    B) FDOT-ASO Correspondence

Amend the LDC as follows:

2.03.07 – Overlay Zoning Districts

~~A. Corridor Management Overlay (CMO).~~

C. Airport Overlay (APO). The purpose and intent of the ~~(APO)~~ district is to provide both airspace protection and land use compatibility in relation to the normal operation of public-use airports located within the County, including the Naples Municipal Airport, Everglades City Airpark, Marco Island Executive Airport, Immokalee Regional Airport, and all existing and future public-use airports and heliports in the County. The purpose and intent of these regulations shall be as follows:

1. To attempt to promote maximum safety of aircraft arriving at and departing from all public-use airports located within the County;
  - a. To attempt to promote maximum safety of residents and property within areas surrounding public-use airports located within the County;
  - b. To attempt to promote full utility of the public-use airports within the County;
  - c. To provide development standards for land uses within prescribed noise zones associated with the normal operation of public-use County airports;
  - d. To provide building height standards for use within the approach, transitional, horizontal, and conical ~~zones~~surfaces so as to encourage and promote proper development beneath such areas;
  - e. To provide administrative and enforcement procedures for the efficient and uniform regulation of all development proposals within such areas; and
  - f. That in addition to the regulations applicable to land zoned, as indicated in the Official Zoning Atlas, the following regulations are additionally applicable to lands in the County in the vicinity of the Naples Municipal, Everglades, Marco Island, and Immokalee airports as indicated on the airport zoning maps of the County. The APO is shown on the Airport Zoning Maps in Appendix D, and the boundaries of the APO are identified on the Official Zoning Atlas with a reference to Appendix D. The lands lying within various ~~zones~~surfaces as indicated on the airport zoning maps are subject to the additional regulations set out in ~~this LDC s~~Section 4.02.06.

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4.02.06 - Standards for Development within the Airport Overlay (APO) Zones

A. Definitions. The definitions of Chapter 333, F.S, Airport Zoning, as amended, shall be applicable to the terms of this section, unless the text and/or context of this section provides otherwise.

AB. There are hereby created and established certain surfaces, which include all of the land lying beneath the approach, transitional, primary, horizontal, and conical surfaces, and other surfaces upon which an obstruction may be established as they apply to public-use a particular airports. The surfaces ~~Such zones~~ are shown on the Naples Municipal, Marco Island Executive, Everglades City, and Immokalee Regional Airport zoning maps, contained within Appendix D of the LDC and declared to be made a part of this LDC. An area located in more than one of the described ~~zones~~ surfaces is subject to the most restrictive surface standard ~~considered to be only in the zone with the most restrictive height limitation.~~

# DRAFT

Text underlined is new text to be added  
~~Text strikethrough is current text to be deleted~~

- 1 BC. Primary surface. An area longitudinally aligned along the runway centerline, extending  
 2 200 feet beyond each end of the runway with the width so specified for each runway for  
 3 the most precise approach existing or planned for either end of the runway.  
 4 CD. Primary surface height. No structure or obstruction will be permitted within the primary  
 5 surface area that is not part of the landing and takeoff area and is of greater height than  
 6 the nearest point on the runway centerline with the exception of FAA approved navigation  
 7 aids.  
 8 DE. The width of each primary surface is as follows:

**Table 4. Primary Surface Width**

Airports	Runway	Type	Width (feet)
Naples Municipal	14-32	Other than utility/non-precision instrument	500
	5-23	Other than utility/ <u>non</u> -precision instrument	<del>1,000</del> 500
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	500
Everglades City Airpark	15-33	Utility/Visual	250
Immokalee Regional Airport	9-27	Other than utility/ <u>non</u> -precision instrument	<del>1,000</del> 500
	18-36	Other than utility/non-precision instrument	500
	<del>4-22</del>	<del>Utility/Visual</del>	<del>250</del>

- 10  
 11 EF. Horizontal ~~zone~~ surface. A horizontal plane 150 feet above the established airport  
 12 elevation, the perimeter of which is constructed by swinging arcs for specified radii from  
 13 the center of each end of the primary surface of each runway of each airport and  
 14 connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is as  
 15 follows:

**Table 5. Horizontal ~~Zone~~ Surface Radius**

Airports	Runway	Type	Radius (feet)
Naples Municipal	14-32	Other than utility/non-precision instrument	10,000
	5-23	Other than utility/ <u>non</u> -precision instrument	10,000
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	10,000
Everglades City Airpark	15-33	Utility/Visual	5,000
Immokalee Regional Airport	9-27	Other than utility/ <u>non</u> -precision instrument	10,000
	18-36	Other than utility/non-precision instrument	10,000
	<del>4-22</del>	<del>Utility/Visual</del>	<del>5,000</del>

- 17  
 18 FG. Horizontal ~~zone~~ surface height. No structure or obstruction will be permitted in the  
 19 horizontal ~~zone~~ surface that has a height greater than 150 feet above the airport height.  
 20 GH. Conical ~~zone~~ surface. The conical ~~zone~~ surface is the area extending outward and upward  
 21 from the periphery of the horizontal ~~zone~~ surface for a distance of 4,000 feet. Height  
 22 limitations for structures in the conical ~~zone~~ surface are 150 feet above airport height at

the inner boundary with permitted height increasing one (1) foot vertically for every twenty (20) feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.

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

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

**Table 6. Approach Zone Surface Width (feet)**

Airports	Runway	Type	Width
Naples Municipal	14-32	Other than utility/non-precision instrument	3,500
	5	Other than utility/ <u>non-precision</u> instrument	<del>16,000</del> 3,500
	23	Other than utility/ <u>non-precision</u> instrument	<del>16,000</del> 3,500
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	3,500
Everglades City Airpark	15-33	Utility/visual	1,250
Immokalee Regional Airport	9	Other than utility/ <u>non-precision</u> instrument	<del>16,000</del> 4,000
	27	Other than utility/non-precision instrument	3,500
	18	Other than utility/non-precision instrument	3,500
	36	Other than utility/ <u>visual non-precision</u> instrument	<del>1,500</del> 3,500
	4-22	Utility/visual	1,250

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

**Table 7. Approach Zone Surface Length (feet).**

Airports	Runway	Type	Length
Naples Municipal	14-32	Other than utility/non-precision instrument	10,000
	5	Other than utility/non-precision instrument	10,000
	23	Other than utility/non-precision instrument	<del>50,000</del> 10,000
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	10,000
Everglades City Airpark	15-33	Utility/visual	5,000
Immokalee Regional Airport	27	Other than utility/non-precision instrument	10,000
	9	Other than utility/ <u>non-precision</u> instrument	<del>5,000</del> 10,000

	18	Other than utility/non-precision instrument	10,000
	36	Other than utility/ <del>visual</del> non-precision instrument	<del>5,000</del> 10,000
	<del>4-22</del>	Utility/ <del>visual</del>	5,000

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

**Table 8. Approach Zone Surface Height.**

Airports	Runway	Type	Height
Naples Municipal	14-32	Other than utility/non-precision instrument	34:1
	5	Other than utility/ <u>non-precision</u> instrument	<del>50:0/40:1</del> 34:1
	23	Other than utility/ <u>non-precision</u> instrument	<del>50:1/40:1</del> 34:1
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	<del>20</del> 34:1
Everglades City Airpark	15-33	Utility/visual	20:1
Immokalee Regional Airport	9	Other than utility/non-precision instrument	<del>50:1/40:1</del> 34:1
	27	Other than utility/non-precision instrument	34:1
	18	Other than utility/non-precision instrument	34:1
	36	Other than utility/ <del>visual</del> non-precision instrument	<del>20</del> 34:1
	<del>4-22</del>	Utility/ <del>visual</del>	20:1

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4. *Precision instrument runway(s).* One (1) foot vertically for every fifty (50) feet horizontally for the first 10,000 feet, increasing to one (1) foot vertically for every forty (40) feet horizontally for additional 40,000 feet.
5. *Non-precision instrument runways.* One (1) foot vertically for every thirty-four (34) feet horizontally.
6. *Visual runways.* One (1) foot vertically for every twenty (20) feet horizontally.
- ~~H.~~ *Transitional ~~zone~~ surfaces.* The area extending outward from the sides of the primary surface and approach ~~zones~~ surfaces connecting them to the horizontal ~~zone~~ surface or for a horizontal distance of 5,000 feet from the side of the part of the precision approach ~~zone~~ surface that extends beyond the conical ~~zone~~ surface. Height limits within the transitional ~~zone~~ surface are the same as the primary surface or approach ~~zone~~ surface at the boundary line where it adjoins and increases at a rate of one (1) foot vertically for every seven (7) feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline until the height matches the height of the horizontal ~~zone~~ surface or for a horizontal distance of 5,000 feet from the side of the part of the precision approach ~~zone~~ surface that extends beyond the conical ~~zone~~ surface.
- ~~J.K.~~ *Heliprot primary ~~zone~~ surface.* The area of the primary ~~zone~~ surface coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the established heliport elevation.

1 1. *Heliport approach ~~zone~~ surface*. The approach ~~zone~~ surface begins at each end  
2 of the heliport primary ~~zone~~ surface with the same width as the primary ~~zone~~  
3 surface, and extends outward and upward for a horizontal distance of 4,000 feet  
4 where its width is 500 feet. The slope of the approach ~~zone~~ surface is eight (8) to  
5 one (1) (one (1) foot vertically for every eight (8) feet horizontally.)

6 2. *Heliport transitional ~~zone~~ surface*. These ~~zones~~ surfaces extend outward and  
7 upward from the lateral boundaries of the heliport primary ~~zone~~ surface and from  
8 the approach ~~zone~~ surface at a slope of two (2) to one (1) (one (1) foot vertically  
9 for every two (2) feet horizontally) for a distance of 250 feet measured horizontally  
10 from the centerline of the heliport primary and approach ~~zone~~ surface.

11 KL. Other areas. In addition to the height limitations imposed in LDC sections 4.02.06(~~EC~~)-  
12 (~~HK~~) above, no structure or obstruction will be permitted within Collier County that would  
13 cause a minimum obstruction clearance altitude (MOCA), a minimum descent altitude  
14 (MDA), decision height (DH), or a minimum vectoring altitude (MVA) to be raised nor which  
15 would impose either the establishment of restrictive minimum climb gradients or  
16 nonstandard takeoff minimums.

17 1. Except as expressly provided in ~~these APO regulations~~ this section of the LDC, no  
18 structure or object of natural growth shall be erected, altered, allowed to grow, or  
19 be maintained to a height which exceeds the height of any ~~zone~~ surface created  
20 in these ~~APQ~~ regulations.

21 2. Except as otherwise provided in ~~these APO regulations~~ this section of the LDC, no  
22 structure, or object of natural growth shall be erected, altered, allowed to grow or  
23 be maintained, which is or would ~~be an~~ result in a potential hazard ~~obstruction~~-to  
24 air navigation within Collier County ~~or of a height greater than~~ by exceeding any of  
25 the following:

- 26 a. A height of 500 feet above ground level at the site of the object.
- 27 b. A height that is 200 feet above ground level or above the established airport  
28 elevation, whichever is higher, within three (3) nautical miles of the  
29 established reference point of an airport, excluding heliports, with its  
30 longest runway more than 3,200 feet in actual length, and that height  
31 increases in the proportion of 100 feet for each additional nautical mile of  
32 distance from the airport up to a maximum of 500 feet.
- 33 c. A height within a terminal obstacle clearance area, including an initial  
34 approach segment, a departure area, and a circling approach area, which  
35 would result in the vertical distance between any point on the object and  
36 an established minimum instrument flight altitude within that area or  
37 segment to be less than the required obstacle clearance. (Refer to FAR  
38 77.23.(a.)(2)).

39 L. ~~Exemptions.~~

40 1. ~~Development of the Marco Shores Golf Course Community that comports with the~~  
41 ~~location and height requirements of Ordinance No. 81-6, as amended by~~  
42 ~~Ordinance No. 85-56 and Ordinance No. 94-41, is exempted from the provisions~~  
43 ~~of section 4.02.06 only to the following extent:~~

- 44 a. ~~The agreement between Johnson Bay Development Corporation Collier~~  
45 ~~County Airport Authority and the BCC, dated August 8, 1995.~~
- 46 b. ~~Prior issuance of a Federal Aviation Administration "Determination Of No~~  
47 ~~Hazard To Air Navigation."~~

48 2. ~~Development of the Mini-Triangle Mixed Use Subdistrict of the Urban Designation-~~  
49 ~~Urban Mixed Use District of the Growth Management Plan that comports with~~  
50 ~~height requirements of Ordinance 2018-25, is exempted from the maximum~~  
51 ~~allowable horizontal zone height of 150 feet from the established elevation of the~~

~~Naples Airport, as established in LDC Sections 4.02.06.E. and 4.02.06.F. Buildings are allowed up to 160 feet in height from the established elevation of the Naples Airport. Development within the Mini-Triangle Mixed Use Subdistrict shall comply with the conditions set forth in the Federal Aviation Administration letters of "Determination Of No Hazard To Air Navigation", dated January 20, 2017, or any subsequent letters or extensions thereof.~~

M. Requirements for airspace obstructions.

1. Applicability. An airspace obstruction approval is required when a proposed airspace obstruction exceeds one or more of the criteria established in LDC Section 4.02.06 C-L. Review of airspace obstructions shall occur at the time of the site development plan review, if applicable. If a site development plan is not required, the airspace obstruction shall be reviewed at time of building permit submittal.

2. Criteria for review. The airspace obstruction may not be approved solely on the basis that the FAA determined that the proposed construction or alteration of an obstruction was not an airport hazard. In determining whether to approve or deny an airspace obstruction, the County Manager or designee, in coordination with the affected airport, must also consider the following, as applicable:

- a. The safety of persons on the ground and in the air.
- b. The safe and efficient use of navigable airspace.
- c. The nature of the surrounding terrain and height of existing structures.
- d. The effect of the construction or alteration on the state licensing standards for a public-use airport contained in Ch. 330, F.S. and administrative code rules adopted thereunder.
- e. The character of existing and planned flight operations and developments at the public-use airport.
- f. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA.
- g. The effect of the construction or alteration of the proposed structure on the minimum descent altitudes or the decision heights at the affected airport.
- h. The cumulative effects on navigable airspace of all existing structures and other known proposed structures in the area.

3. Supplemental standards for the development of airspace obstructions:

- a. The owner of the obstruction will be required to install, operate, and maintain thereon and at their own expense, obstruction marking and lighting in conformance with the specific standards established by the FAA.

~~MN.~~ Airport land use restrictions. Notwithstanding any other provision of this LDC, no use may be made of land or water within any ~~zone~~ surfaces established by this LDC in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

- 1. All lights or illumination used in conjunction with street, parking, signs, or use of land or structures shall be arranged and operated in such a manner that it is not misleading to pilots or dangerous to aircraft operating to and from a public use airport or in the vicinity thereof.
- 2. All flood lights, spot lights, or any type of pulsating, flashing, rotating, or oscillating light shall be modified or prohibited if determined by the executive director who has authority over that public airport to be a possible risk to safety of aircraft operation.
- 3. No operations of any type shall produce smoke, glare, or other visual impairment to pilots within three (3) miles of any usable runway of a public airport.

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- 1 4. No operations of any type shall produce electronic interference with navigation
- 2 signals or radio communication between the airport and aircraft, or other air traffic
- 3 control facility.
- 4 5. Land within runway clear zones (runway protection zones) shall be prohibited from
- 5 use for high density residential use, schools, hospitals, storage of explosives, or
- 6 flammable material, assemblage of large groups of people or any other use that
- 7 could produce a major catastrophe as a result of an aircraft crash.
- 8 6. ~~Based on the possibility that solid waste management facilities may attract birds,~~
- 9 ~~any solid waste management facility located so that it places the runways and/or~~
- 10 ~~approach and departure pattern of an airport between bird feeding, water, or~~
- 11 ~~roosting areas shall be considered as an incompatible use and is therefore~~
- 12 ~~prohibited in and around the airports in Collier County.~~ New landfills shall be
- 13 prohibited and existing landfills shall be restricted within the following areas:
- 14 a. Within 10,000 feet from the nearest point of any runway used or planned
- 15 to be used by turbine aircraft.
- 16 b. Within 5,000 feet from the nearest point of any runway used by only
- 17 nonturbine aircraft.
- 18 c. Outside the perimeters defined in 4.02.06 O.6.a-b. but still within the lateral
- 19 limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.19.
- 20 7. Where any landfill is located and constructed in a manner that attracts or sustains
- 21 hazardous bird movements from feeding, water, or roosting areas into, or across,
- 22 the runways or approach and departure patterns or aircraft. The landfill operator
- 23 must incorporate bird management techniques or other practices to minimize bird
- 24 hazards to airborne aircraft.
- 25 ~~78.~~ Any type of tethered dirigible, balloon, or other type of hovering or floating object
- 26 the height of which exceeds the ~~airspace notification limits criteria~~ outlined in LDC
- 27 ~~section 4.02.06 EF. shall be is prohibited limited as provided in section 4.02.06 E.~~
- 28 ~~89.~~ No structure of any height, type or material shall be constructed or altered ~~which~~
- 29 ~~could possibly so as to~~ cause interference to with any radio or airport surveillance
- 30 radar system electronic navigational aids or systems as determined by the Federal
- 31 Aviation Administration, or by the executive director who has jurisdiction over the
- 32 airport deemed to be ~~effected~~ affected.
- 33 NO. Naples Municipal Airport noise zones, land use restrictions, sound level requirements
- 34 (SLR) for buildings or structures, and SLR design requirements.
- 35 1. The purpose of this section ~~4.02.06~~ is to establish standards for land use and for
- 36 sound level reduction requirements with respect to exterior noise resulting from the
- 37 legal and normal operations at the airports within Collier County. This section
- 38 establishes noise zones of differing intensities and land use in the vicinity of the
- 39 Naples Municipal airport, as identified in the most recent Naples airport FAA Part
- 40 150 Study; establishes permitted land uses in the noise zones; establishes
- 41 soundproofing requirements for residential development within the noise zones;
- 42 and establishes notification procedures to prospective purchasers of real estate
- 43 within the noise zones.
- 44 2. In addition to the prior three (3) noise zones, there is hereby created and
- 45 established a fourth noise zone D; there are now noise zones A, B, C, and D. Such
- 46 zones are shown on the Naples Airport noise zone map(s) which are incorporated
- 47 and made a part herein and are described in LDC section 4.02.06 ~~NO.3.~~ below.
- 48 The noise zones contained herein are based on a projection of future aircraft
- 49 operations at the Naples Municipal Airport. The purpose of these noise zones is to
- 50 define and set forth specific regulations for all properties within the described
- 51 areas.

- 1           3.    Noise zone boundaries.
- 2           a.    *Zone A.* That area commencing at the outermost boundary of the airport
- 3                 and extending outward therefrom to a boundary indicated on the noise
- 4                 zone map as "B." The outer contour of noise zone A approximates a noise
- 5                 level of seventy-five (75) Ldn.
- 6           b.    *Zone B.* That area commencing at the boundary indicated on the noise
- 7                 zone map as the outer boundary of noise zone A and extending outward
- 8                 therefrom to the boundary indicated on the noise zone map as "C." The
- 9                 outer contour of noise zone B approximates a noise level of seventy (70)
- 10                Ldn.
- 11           c.    *Zone C.* That area commencing at the boundary indicated on the noise
- 12                 zone map as the outer boundary of noise zone B and extending outward
- 13                 therefrom to the boundary indicated on the noise zone map as "D". The
- 14                 outer contour of noise zone C approximates a noise level of sixty-five (65)
- 15                 Ldn.
- 16           d.    *Zone D.* This new noise zone commences at the boundary indicated on the
- 17                 noise zone map as the outer boundary of noise zone C and extending
- 18                 outward therefrom to the furthestmost boundary indicated on the noise zone
- 19                 map. The outer contour of noise zone D approximates a noise level of sixty
- 20                 (60) Ldn and is the Naples Airport noise zone (This area is referenced in
- 21                 the 1996 Naples Airport FAA Part 150 Study).
- 22           4.    Where boundaries of a described noise zone are shown to extend over a portion,
- 23                 but not all, of a platted lot or unsubdivided property, the owner or owners of the
- 24                 entire property will be notified of potential noise impact in accordance with notice
- 25                 procedures set forth in Chapter 10.
- 26           a.    Where boundaries of a described noise zone are shown to extend over a
- 27                 portion, but not all of a platted lot or un-subdivided property, the owner or
- 28                 owners of the entire property will be notified of potential noise impact in
- 29                 accordance with notice procedures set forth in Chapter 10.
- 30           b.    Where boundaries of more than one (1) described noise zone are shown
- 31                 on a platted lot or unsubdivided property, provisions of the most restricted
- 32                 zone shall apply.
- 33           5.    Land use restrictions.
- 34           a.    *Permitted and restricted activities.* All land uses shall be permitted in the
- 35                 noise zone pursuant to the applicable zoning district and as provided in the
- 36                 activities and/or land use guidance chart made a part hereof. Those
- 37                 activities and land uses not specifically listed in the land use guidance chart
- 38                 are permitted or restricted in the noise zones based on their similarity to
- 39                 noise tolerance as exhibited by the activities and land uses which are listed
- 40                 in the guidance chart.
- 41           b.    *Nonconforming uses.* The regulations prescribed by this section shall not
- 42                 be construed to require the sound conditioning or other changes or
- 43                 alteration of any preexisting structure not conforming to this part as of the
- 44                 effective date of this section or to otherwise interfere with the continuance
- 45                 of any such preexisting nonconforming use. Nothing herein contained shall
- 46                 require any such change in the construction of or alteration of a structure
- 47                 which has commenced construction prior to the effective date of this
- 48                 section and which is diligently pursued.
- 49           6.    Sound level requirements (SLR) for buildings or structures.
- 50           a.    The provisions of these APO ~~special~~ regulations shall apply to the
- 51                 construction, alteration, moving, demolition, repair, and use of any building

- 1 or structure within unincorporated Collier County except work located
- 2 primarily in a public right-of-way, on public utility towers, poles, and
- 3 mechanical equipment not specifically regulated by these APOs
- 4 regulations. Additions, alterations, repairs, and changes of use in all
- 5 buildings and structures shall comply with the provisions of these APOs
- 6 regulations.
- 7 b. Buildings or structures constructed prior to the initial adoption of this
- 8 amended section, to which additions, alteration, or repairs are made to the
- 9 exterior walls and ceilings of rooms having one (1) or more exterior walls
- 10 or ceilings shall be required to meet the SLR requirements of these APOs
- 11 regulations.
- 12 c. Alterations or repairs which are nonstructural and do not affect the exterior
- 13 walls or ceilings of an existing building or structure may be made with the
- 14 same materials of which the building or structure is constructed and shall
- 15 not be required to meet the SLR requirements.
- 16 d. Buildings in existence at the time of the initial adoption of these APOs
- 17 regulations may have their existing use or occupancy continued if such use
- 18 or occupancy was legal at the time of the initial adoption of these APOs
- 19 regulations provided such continued use is not dangerous to life. A change
- 20 in the use of a structure may require additional sound level reduction.
- 21 e. Buildings or structures moved into or within the vicinity of the established
- 22 noise zone must comply with applicable provisions of these APOs
- 23 regulations.
- 24 f. The County Manger or his designee may approve any type construction
- 25 that complies with the SLR requirements of the activities and/or land use
- 26 guidance chart (appendix III of Appendix D). The SLR requirements
- 27 specified in appendix III of Appendix D shall be achieved by the use of
- 28 assemblies having the South Transmission Class Ratings specified in table
- 29 403.2, Minimum Sound Transmission of Assemblies, of the Southern
- 30 Building Code Congress International, Inc., Standard for Sound Control,
- 31 SSTD 8-87, incorporated herein and adopted by reference as appendix IV
- 32 of appendix D.
- 33 g. The SLR requirements of the land use guidance chart at appendix III of
- 34 Appendix D may be achieved by any suitable combination of building
- 35 design, choice of building materials, and execution of construction details
- 36 in accordance with established architectural and acoustical principles. The
- 37 SLR requirements shall apply to the exterior walls and ceilings only of all
- 38 rooms having one (1) or more exterior walls or ceilings. Regulations to
- 39 achieve the SLR requirements specified in appendix III of Appendix D, shall
- 40 be found in appendix IV of Appendix D and shall be used by the County
- 41 Manger or his designee during the building plan review process.
- 42 h. No building or structure for which an SLR 25, SLR 30, or SLR 35 is required
- 43 by appendix III of Appendix D may be constructed, altered, moved,
- 44 demolished, or repaired unless and until a building permit has been issued.
- 45 No such permit shall be issued unless and until the requirements contained
- 46 in appendix III of Appendix D are met as indicated by plans and
- 47 specifications for the building or structure. Such plans and specifications
- 48 shall result in a sound level reduction for the applicable exterior walls and
- 49 ceilings only of room(s) having one (1) or more exterior walls or ceilings, at
- 50 least as great as the SLR value specified in appendix III of Appendix D for
- 51 the particular usage involved. These plans and specifications shall be

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1 reviewed during the building plan review process in accordance with the  
2 sound transmission ratings specified in table 403.2 of appendix IV of  
3 Appendix D.

4 P. Exemptions.

5 1. Development of the Marco Shores Golf Course Community that comports with the  
6 location and height requirements of Ordinance No. 81-6, as amended by  
7 Ordinance No. 85-56 and Ordinance No. 94-41, is exempted from the provisions  
8 of section 4.02.06 only to the following extent:

9 a. The agreement between Johnson Bay Development Corporation Collier  
10 County Airport Authority and the BCC, dated August 8, 1995.

11 b. Prior issuance of a Federal Aviation Administration "Determination Of No  
12 Hazard To Air Navigation."

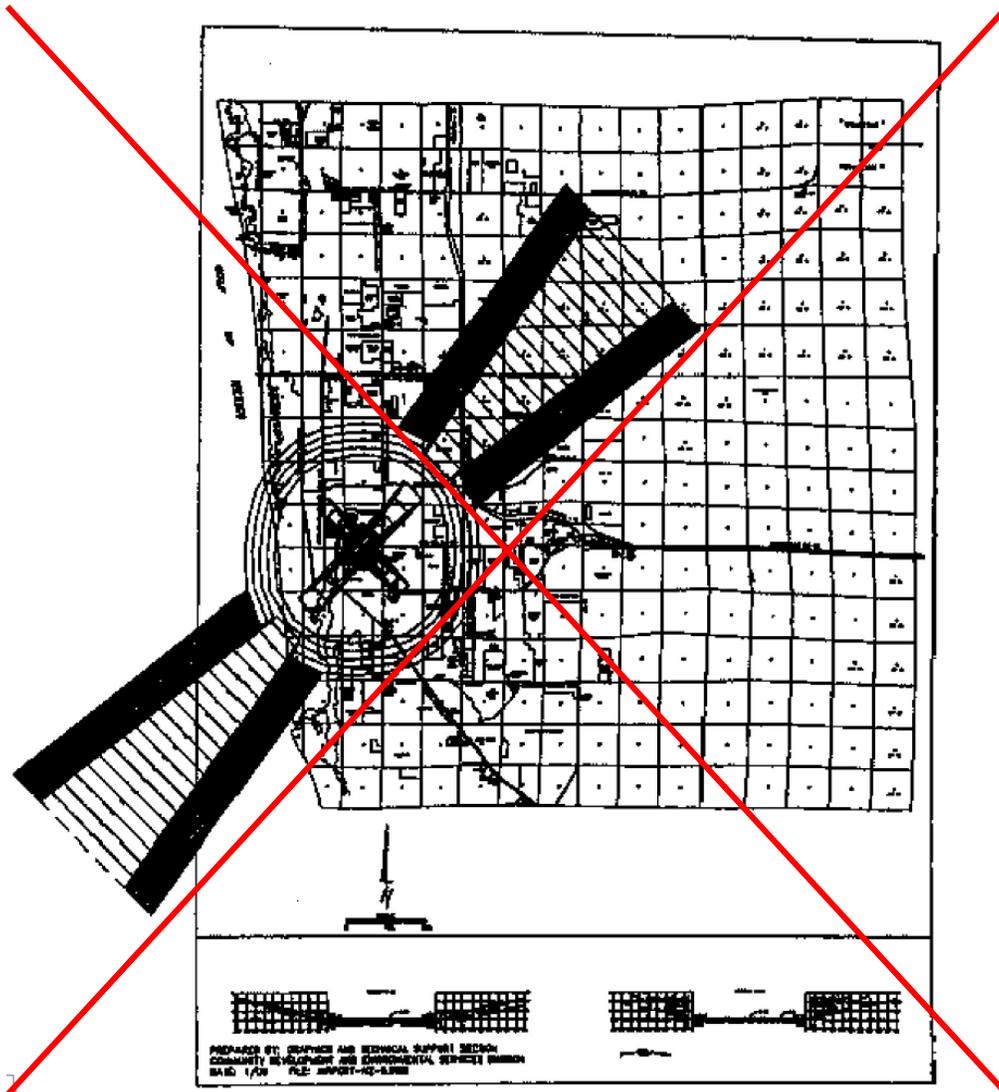
13 2. Development of the Mini-Triangle Mixed Use Subdistrict of the Urban Designation.  
14 Urban Mixed Use District of the Growth Management Plan that comports with  
15 height requirements of Ordinance 2018-25, is exempted from the maximum  
16 allowable horizontal zone height of 150 feet from the established elevation of the  
17 Naples Airport, as established in LDC Sections 4.02.06 E. and 4.02.06 F.  
18 Buildings are allowed up to 160 feet in height from the established elevation of the  
19 Naples Airport. Development within the Mini-Triangle Mixed Use Subdistrict shall  
20 comply with the conditions set forth in the Federal Aviation Administration letters  
21 of "Determination Of No Hazard To Air Navigation", dated January 20, 2017, or  
22 any subsequent letters or extensions thereof.

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- 1 APPENDIX D – Airport Zoning
- 2 APPENDIX I. – [AIRPORT ZONING MAPS]
- 3 APPENDIX I. – [Airport Zoning Maps]
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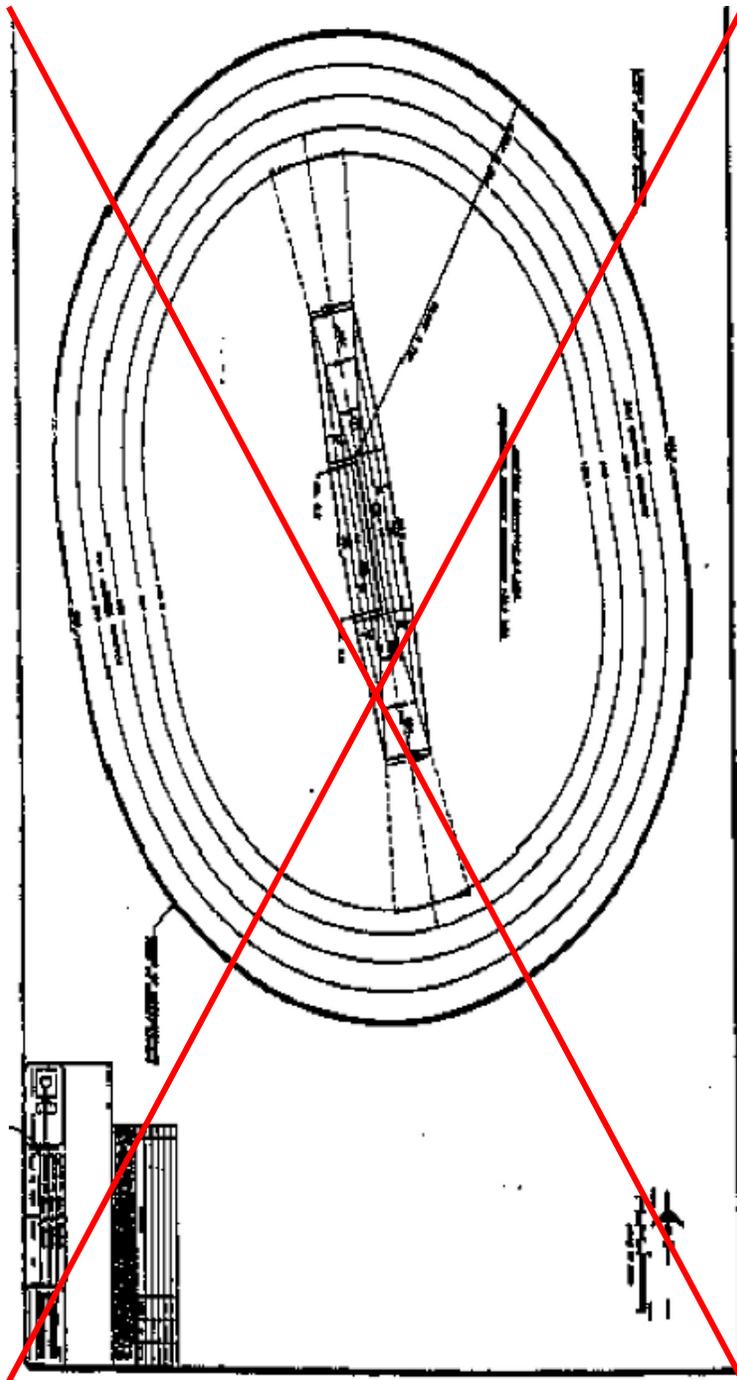
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ZONING MAP A. NAPLES MUNICIPAL AIRPORT NOISE ZONE MAP  
(SEE SECTION 4.02.06 (N))

ZONING MAP B. MARCO ISLAND [EXECUTIVE] AIRPORT  
(SEE SECTION 4.02.06 (N))

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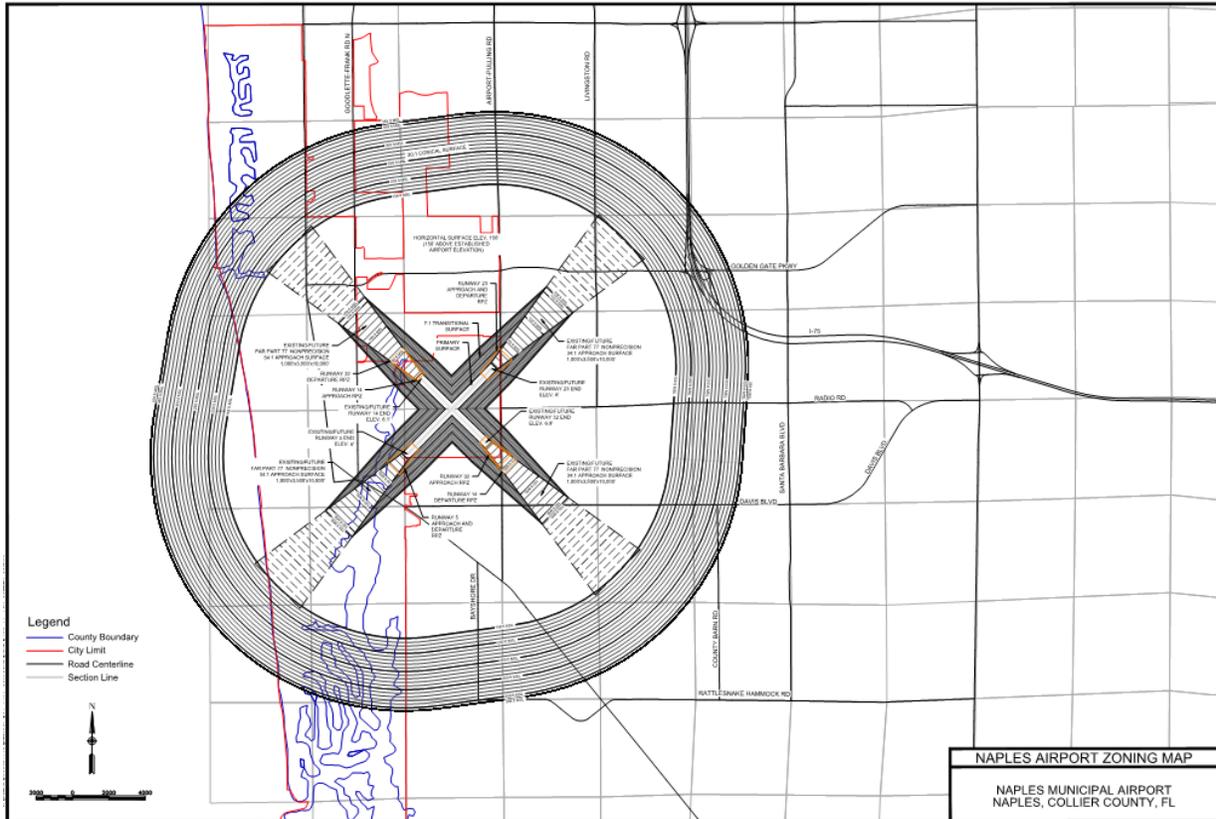
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## ZONING MAP A. NAPLES MUNICIPAL AIRPORT (SEE LDC SECTION 4.02.06)



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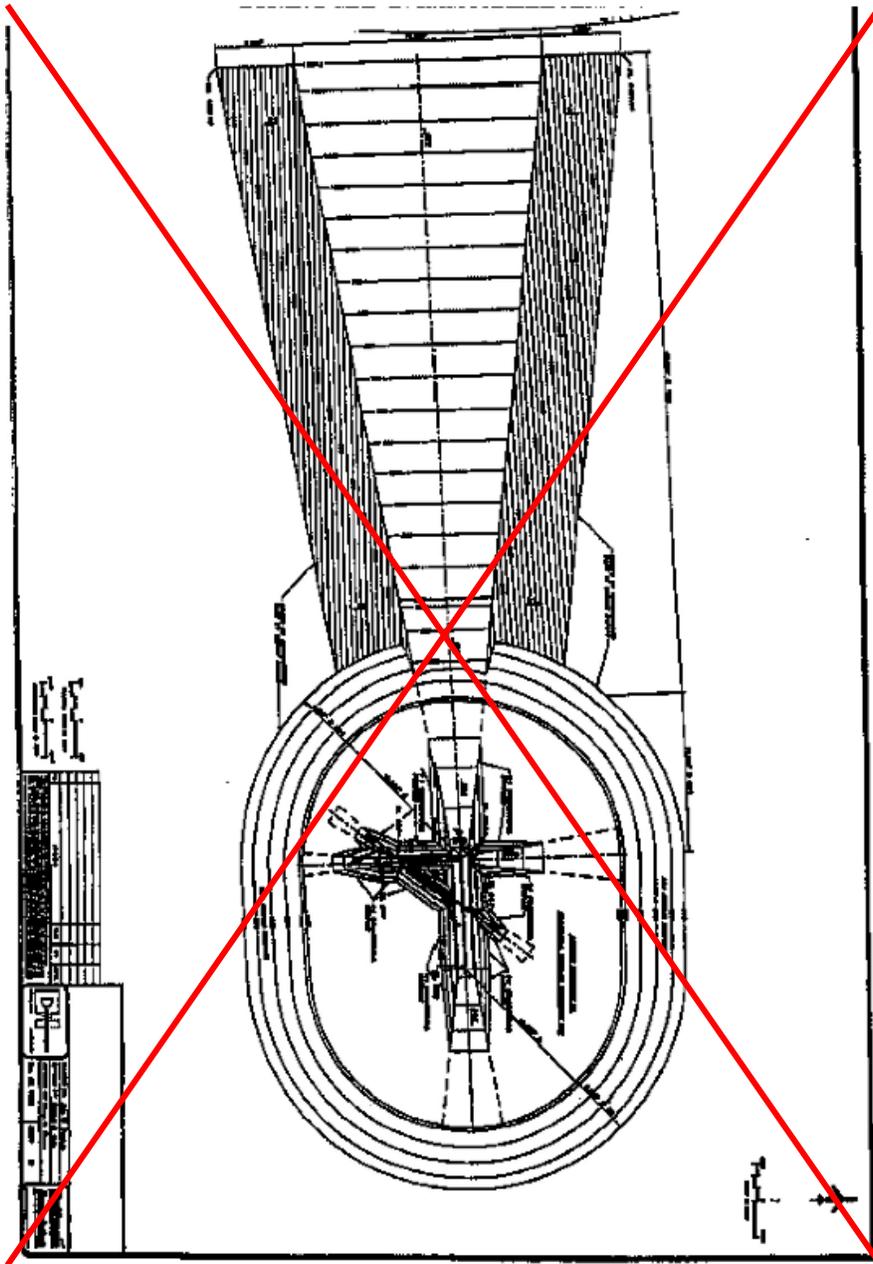


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## ZONING MAP D. IMMOKALEE AIRPORT (SEE SECTION 4.02.06 (N))



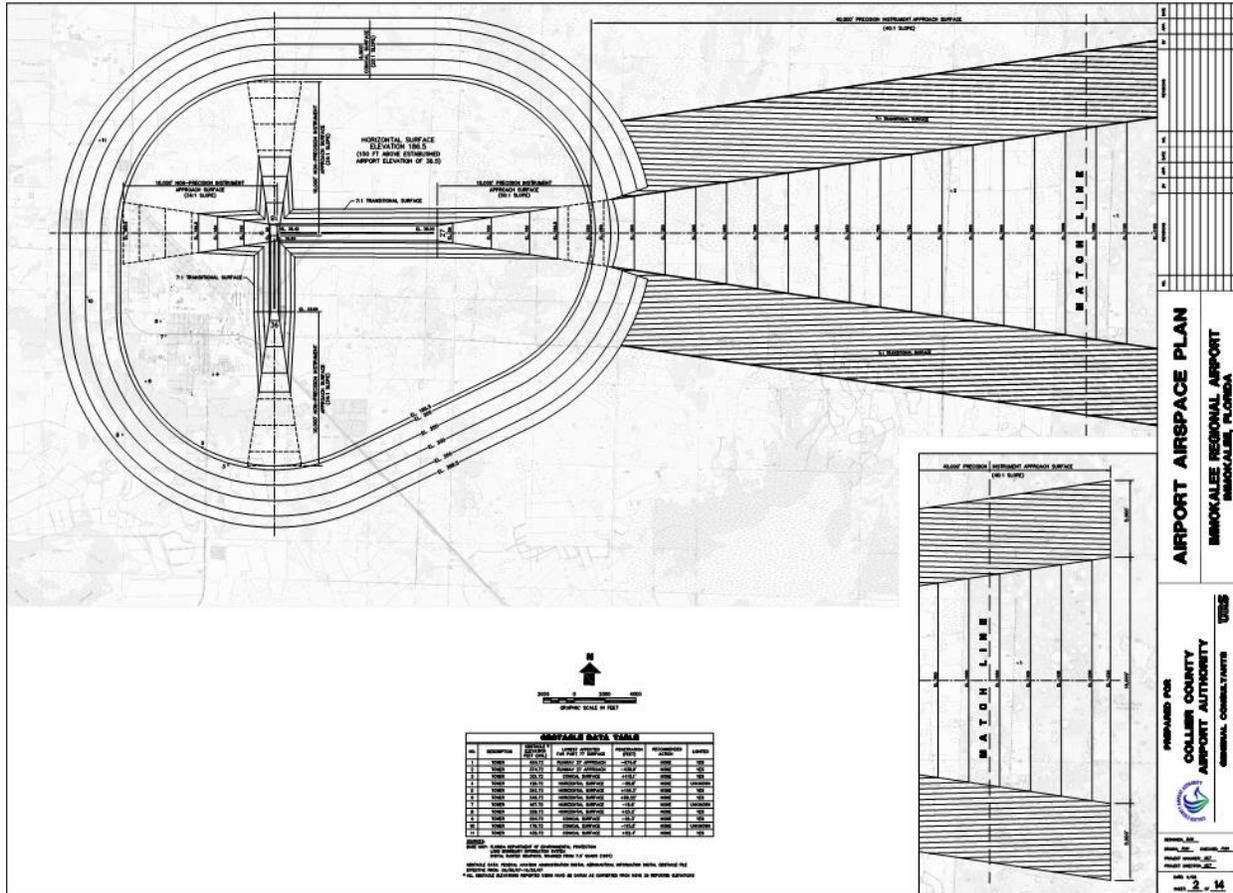
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ZONING MAP D. IMMOKALEE AIRPORT  
(SEE LDC SECTION 4.02.06)



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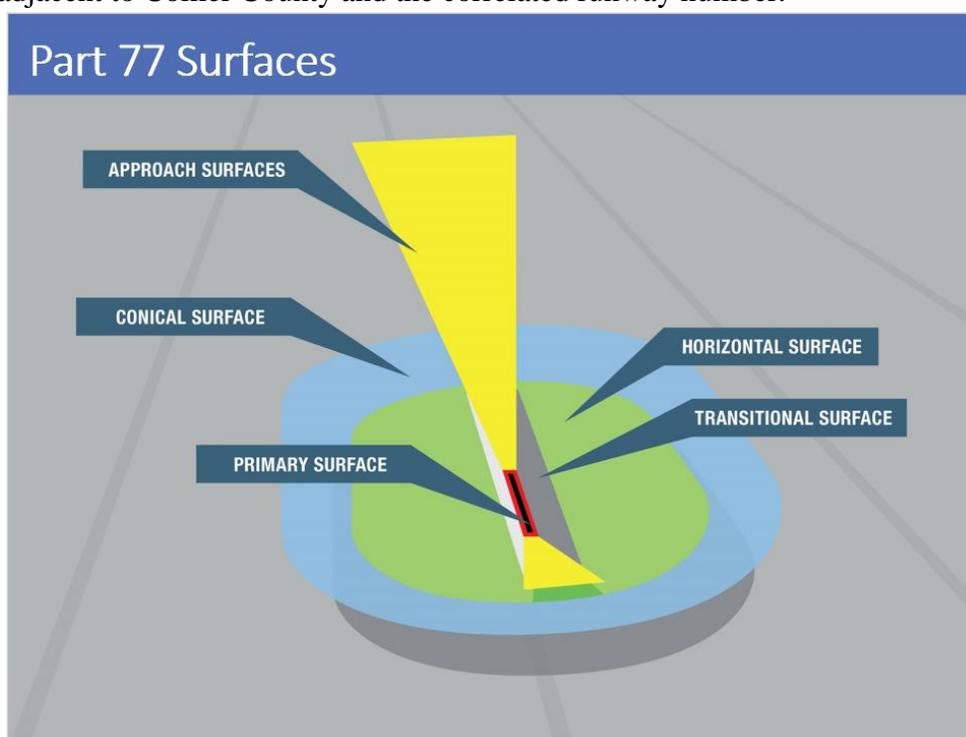
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## Exhibit A – Implementation of Airspace Obstruction Review

As the changes to Chapter 333, F.S., shifted the responsibility of airspace obstruction review from the Florida Department of Transportation - Aviation and Spaceports Office (FDOT-ASO) to the local level, it is important to include the details of how this LDC amendment will be implemented.

### Updates to Runway Surfaces and Map Data

In coordination with the Naples Airport Authority (NAA) and the Collier County Airport Authority (CCAA), this amendment updates to the existing Airport Zoning Maps located within Appendix D of the LDC, as well as Tables 4-8 within LDC Section 4.02.06. Tables 4-8 within LDC Section 4.02.06 provides the primary surface width, horizontal surface radius, approach surface width, approach surface length, and approach surface height for each of the airports, or airspaces, located within or adjacent to Collier County and the correlated runway number.



(Image Source: Published FDOT-ASO PowerPoint *Chapter 333 FS – Airport Zoning PowerPoint Presentation*)

Each of the surface standards described within LDC Section 4.02.06 C.-J., and Tables 4-8, reflect the federal obstruction standards contained in 14 C.F.R. part 77, subpart C, and are visually depicted on the maps found within Appendix D. The content within Tables 4-8 were updated due to the changes in runway numbers and runway types at the different airports, which also had an impact to location of the various surfaces on the Airport Zoning Maps.



## **Exhibit A – Implementation of Airspace Obstruction Review**

As this is a new process, certain safeguards will be implemented to ensure that a building permit for an airspace obstruction will not be issued without the necessary review. When a building permit or site development plan application is submitted, the property address and/or folio number will be linked in CityView to that specific application. Depending on the specific permit type, if a property is located within the area covered by the Airport Zoning overlay, a property alert and permit condition will automatically load.

To determine if an airspace obstruction review is required, the assigned staff member will utilize the site plan, aerial photography, or any other documentation as part of the SDP or building permit, in conjunction with the Airport Zoning Maps obstruction contours. Additionally, the Federal Aviation Administration's (FAA) website has a Notice Criteria Tool to assist in applying the Part 77 Notice Criteria.

### **Required Correspondence with FDOT-ASO**

Pursuant to Ch. 333, F.S., upon receipt of a complete permit application, the local government shall provide a copy of the application to the Florida Departments of Transportation - Aviation and Spaceports Office (FDOT-ASO) by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. In lieu of sending FDOT-ASO this information by certified mail, it has been confirmed that staff may send this information to a dedicated email address, with a return receipt. This will serve as meeting the intent of Ch. 333, F.S. Correspondence confirming this method is attached (Exhibit B).

### **Coordination with Naples Airport Authority and Collier County Airport Authority**

During the review of airspace obstructions, staff will coordinate with the applicable airport authority to determine whether to approve or deny an airspace obstruction based on the considerations within LDC section 4.02.06 M. If the proposed airspace obstruction is required to be reviewed as part of a SDP, the applicable airport authority will be contacted after the Pre-Application Meeting to start the coordination efforts with the applicant, prior to the finalization and submittal of the proposed plans. If the airspace obstruction is proposed at time of building permit, the applicable airport authority will be notified at time of review.



**LAND DEVELOPMENT CODE AMENDMENT**

**PETITION**

PL20180003486

**ORIGIN**

Board of County Commissioners

**HEARING DATES**

BCC - TBD  
 CCPC - TBD  
 DSAC - TBD  
 DSAC-LDR- 12/18/18

**SUMMARY OF AMENDMENT**

This amendment introduces a new section to address the placement and location of residential permanent emergency generators for single-family and two-family dwelling units. The amendment establishes locational criteria to property lines, another generator, ancillary fuel tanks, window openings to a dwelling, and when necessary the installation of carbon monoxide detectors.

**LDC SECTIONS TO BE AMENDED**

4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts  
 5.03.07 Permanent Emergency Generators (*New Section*)

**ADVISORY BOARD RECOMMENDATIONS**

**DSAC-LDR**  
TBD

**DSAC**  
TBD

**CCPC**  
TBD

**BACKGROUND**

After Hurricane Irma, all of the County’s 270,000 customers served by Florida Power and Light had power outages. There has been a significant increase of County residents installing various residential permanent emergency generators as a means of resiliency against power outage events. Many building permit applications have been rejected due to setback requirements, missing a letter from an entity to allow placement within a maintenance easement, lacking a detailed location plan, or insufficient information. The majority of permits issued have been for 20 and 22 kilowatt generators which represent 77.2% of the total permits and 89.5% are 30 kilowatts or less. (See Exhibit A).

On June 26, 2018, the Board directed staff to proceed with an amendment to increase flexibility for the placement of emergency generators on residential parcels or lots. Staff reviewed common manufacturers’ recommended minimum surrounding clearances from walls, fences and landscaping (See Exhibit B), standards in other communities (See Exhibit C), and other guidelines. Staff also worked with industry professionals to better understand common constraints and potential safety issues.

The amendment provides additional flexibility for generator placement by establishing minimum setbacks from property lines that vary depending on the required yard sizes. These setbacks are based on the majority of generators being placed within three to four feet from the exterior house’s wall, provided the wall is one-hour fire rated resistant. Four out of five common manufacturer’s installation guidelines would be able to meet placement within four feet of the house wall (see Exhibit B- yellow highlight).

The amendment also addresses potential health, safety and welfare associated with adding permanent generators in close proximity to homes by requiring minimum distances between generators and mechanical air intake equipment, compliance with manufacturer’s specifications, concurrent review of

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applicable building permits and providing design standards consistent with the Florida's building, mechanical, electrical, plumbing, fuel and gas codes.

A scaled illustration of the proposed 10 feet separation standard between generators is shown in Exhibit D along with photos of installed generators taken from West Coast Generators's website. Additionally, the Exhibit identifies two generator permits that have been rejected, one in a side yard setback of 6.0' and the other 7.5'. To meet manufacturer's locational specifications and current LDC code requirement, these generators exceeded the current standard by 11 inches and 8 inches.

**FISCAL & OPERATIONAL IMPACTS**  
TBD

**GMP CONSISTENCY**  
To be provided by comprehensive planning staff.

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**EXHIBITS:** A) Permanent Generator Permits Issued or Rejected ; B) Manufacturer's Surrounding Clearances; C) Other Florida Communities Research

Amend the LDC as follows:

1 **4.02.01 - Dimensional Standards for Principal Uses in Base Zoning Districts**

2 \* \* \* \* \*

3  
4  
5 D. Exemptions and exclusions from design standards.

6 \* \* \* \* \*

7  
8  
9 13. Permanent emergency generators may be placed within the rear yard with a 10-  
10 foot rear yard setback. Permanent emergency generators may encroach into side  
11 yards up to 36 inches. Generators are not permitted to encroach into required front  
12 yards. For single-family and two-family dwelling units, see LDC section 5.03.07 for  
13 exceptions and requirements. Above-ground fuel tanks for the generators are  
14 subject to the same setbacks; however, underground tanks are not subject to  
15 setback requirements. In order to reduce noise during required routine exercising  
16 of the generators, this exercising is restricted to operating the generator for no  
17 more than 30 minutes weekly during the hours of 9:00 a.m. to 5:00 p.m. and shall  
18 not exceed sound level limits for Manufacturing and Industrial uses as set forth in  
19 Ordinance 90-17, the Noise Ordinance, as amended. All permanent emergency  
20 generators must be equipped with sound attenuating housing to reduce noise.

21 # # # # # # # # # # # # #

22 **5.03.07 – Permanent Emergency Generators**

23  
24  
25  
26 A. Purpose and Intent. It is the purpose of this section to protect the public health and safety  
27 of homeowners from the risks associated with combustible engines and the entry of  
28 carbon monoxide gas to a dwelling unit. It is the intent to improve the resiliency of  
29 homeowners who seek shelter at home during periods of electrical power outages.

30  
31 B. Applicability. Permanent emergency generators for single family and two-family dwellings  
32 shall be permitted as an accessory use and located in accordance with LDC section  
33 5.03.07 Table 1.

34  
35 C. Standards and Requirements.

36  
37 1. Permanent emergency generators shall adhere to all generator manufacturer’s  
38 locational specifications and applicable federal, state, and local code  
39 requirements. The manufacturer’s locational specifications shall be concurrently  
40 reviewed with the applicable electrical, structural, mechanical, gas piping, and  
41 storage tank permits.

42  
43 2. Submittals. At a minimum, the applicant’s site plan shall indicate the location and  
44 dimension of the proposed generator, generator exhaust direction and permanent  
45 fuel tank(s) in proximity to the dwelling unit and lot line. The site plan shall be  
46 provided with the building permit application.

47  
48 3. Location and Distances. Permanent emergency generators for single- and two-  
49 family dwelling units may be located in the required front, side and rear yard

setback in accordance with the following Table 1. All distance setback and separation requirements shall be measured from the most restrictive of the generator’s enclosure or exhaust outlet and adhere to the following:

- a. When located underneath the dwelling unit, the exhaust outlet shall be vented outside of the dwelling unit above the roof line.
- b. Diesel or gasoline powered generators shall be setback a minimum of 15 feet from any lot line.
- c. Generators may be allowed in the front yard, at a distance no greater than six feet from the dwelling unit in zoning districts with 35 feet front yard setback or greater.
- d. Generators elevated 30 inches above the general ground level of the graded lot, including the supporting structure, shall be calculated the same as the principal structure for the zoning district.

**TABLE 1 Distance Setback and Separation Standards**

		<u>Side Yard Setbacks (feet) Are Lots</u>			
		<u>With 5' or less</u>	<u>Greater than 5' and up to 7.5'</u>	<u>Greater than 7.5' and less than 20'</u>	<u>With 20' or greater</u>
<u>Distance to Side Yard Lot Line</u>		<u>1</u>	<u>2</u>	<u>4</u>	<u>10</u>
<u>Distance to Rear Yard Lot Line</u>	<u>Waterfront or Preserve</u>	<u>None</u>			
	<u>Non-Waterfront</u>	<u>5</u>		<u>10</u>	
<u>Setback to Road Right-Of-Way</u>		<u>2</u>			
<u>Separation Between Mechanical Air Intake Equipment or Other Generators</u>		<u>10</u>			
<u>Distance from Windows, Soffit Vent, Eaves, Other Mechanical Air Intake To the Dwelling, Shrubs and Trees</u>		<u>5</u>			
<u>Distance from Gas and Electrical Meters</u>		<u>3</u>			

4. Carbon Monoxide Detector. If any exterior wall openings are within 10 feet of the generator’s exhaust outlet, at least one carbon monoxide detector shall be installed inside the structure near the exterior wall openings and on each floor level.

# # # # # # # # # # # # #

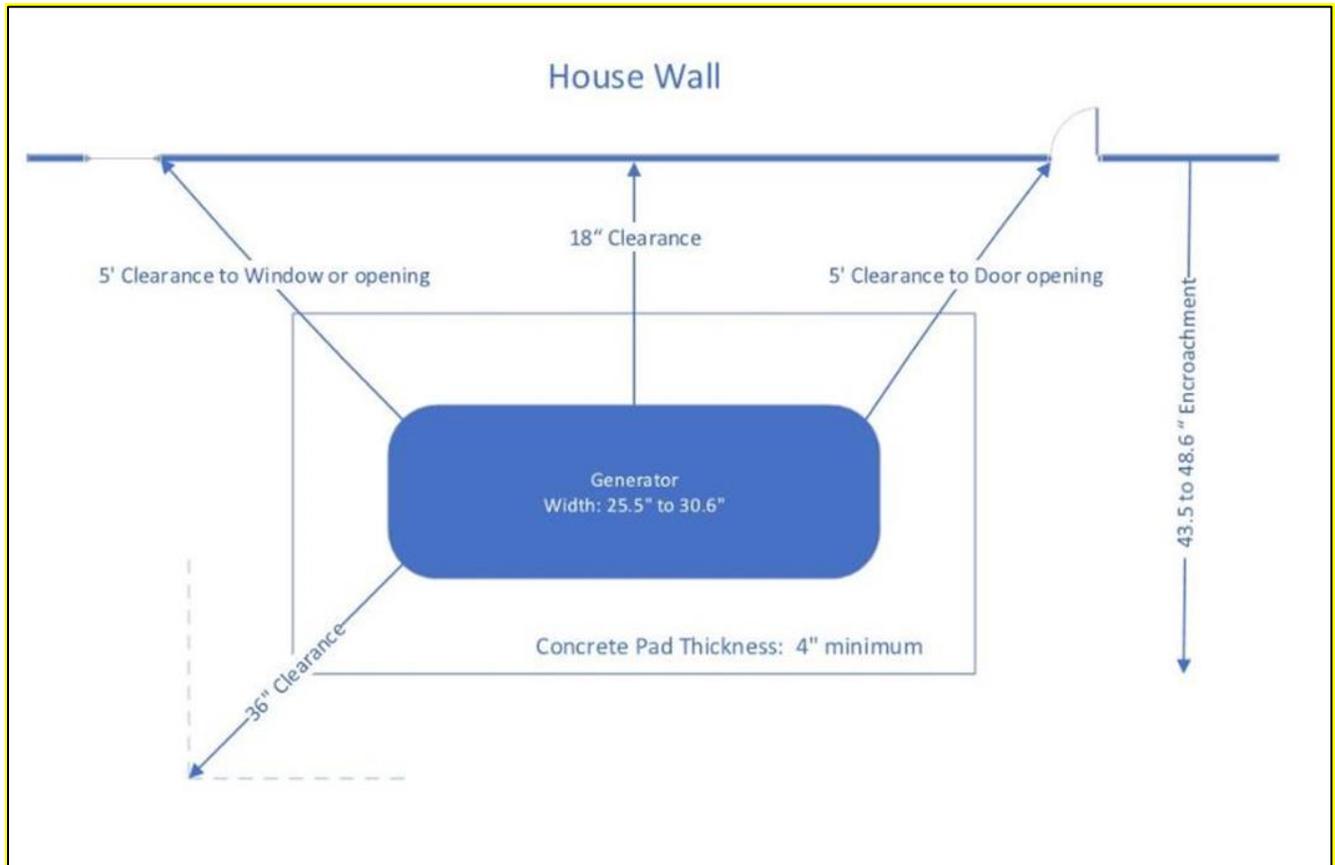
## Exhibit A – Permanent Generator Permits Issued or Rejected

<i>Generator KW Size</i>	<i>2017 Yr. Ending</i>	<i>2018 thru July 5</i>	<i>Total Permits</i>	<i>2017 Total thru KW 30</i>	<i>2018 Total thru KW 30</i>	<i>Total Combined</i>	<i>% of all permits</i>
7.5	1	0	1				
8	1	0	1				
11	1	0	1				
12	1	3	4				
14	0	1	1				
15	1	0	1				
16	3	5	8				
19.5	1	0	1				
20	62	119	181				34.6
22	88	135	223				42.6
23	0	0	0				
24	4	5	9				
25	1	4	5				
27	7	5	12				
30	8	12	20	179	289	468	89.5
32	3	5	8				
36	1	2	3				
38	5	9	14				
40	0	4	4				
45	2	0	2				
48	9	8	17				
60	2	3	5				
80	1	0	1				
100	0	1	1				
<i>Totals</i>	<i>202</i>	<i>321</i>	<i>523</i>				
<i>Missing size information, rejected or lacking other information</i>			<i>78</i>				

## Exhibit B – Manufacturers’ Surrounding Clearances

<b>Generator Manufacturer 14 to 30 KW</b>		Briggs/Stratton 17 /20 -25 Air-Liquid Cooled	Champion 14 Air Cooled	Kohler Res14/20 Air Cooled	Kohler RCL24 Liquid Cooled	Generac 16/20/22 Air Cooled	Generac 22/25/30 Liquid Cooled	Generac 22/27 Spark Ignited	Cummins RS22 Air Cooled
Dimension	Width	34"-30"	30.1"	26.2"	32.9 "	25.5"	30.6"	29"	34"
Clearances	Exhaust Outlet	5'	5'	4'	8'				5'
	Overhead	5'	5'			5'			
	Shrubs	5'		4'					
	SWRI-Rated					18"			
	1 Hour- Fire Rated	18"	17.7"	3'					18"
	Non-Rated		5'						
Total Clearance and Width (Inches)									
Encroachment	SWRI-Rated	52-48		44.2	50.9	43.5	48.6	47	52
	Fire Rated	52-48	47.8	62.2	68.9	61.5	66.6	65	70
	Non-Rated	94-90	90.1	86.2	92.9	85.5	90.6	89	94

### Exhibit Based on Generac’s Site Selection Installation Guidelines



## Exhibit C – Other Florida Communities Research

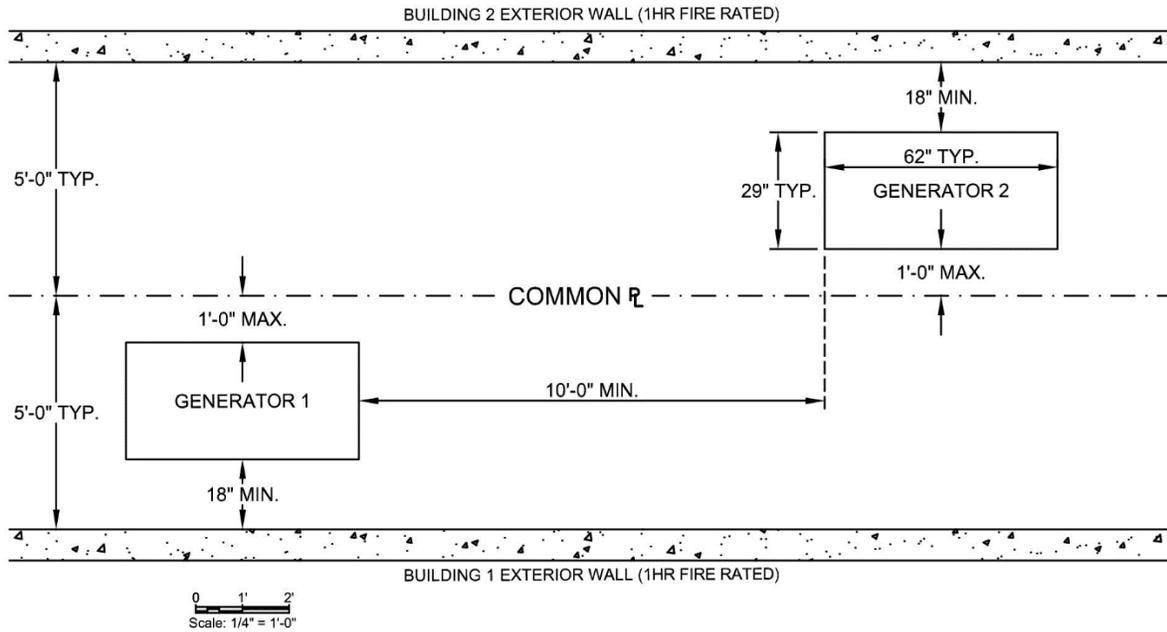
Community	Setbacks			
	Zoning Districts	Side	Rear	Distance to Property Line (PL)
<i>County</i>				
<i>Brevard</i> <sup>1</sup>	All Residential	4' into required side and rear yard.		Not Addressed (N/A)
<i>Miami-Dade</i> <sup>2</sup>	Residential Urban	3'	5'	
	Residential Estates	5'	5'	
<i>Orange</i> <sup>3</sup>	All Residential	10'	5' or rear ½ of lot or parcel	
<i>Palm Beach</i> <sup>4</sup>	Single-Family	3'	5'	
	Zero lot line	5'		
<i>Sarasota</i>	All districts except Siesta Key Overlay District (SKOD)	Exempt from setback requirements when located at above ground level or elevated due to FEMA elevation requirements.		No closer than 3'
	SKOD	Same as side yard setback.		
<i>City</i>				
<i>Boca Raton</i>	All Residential Districts	Anywhere within side or rear yard.		N/A
<i>Boynton Beach</i> <sup>5</sup>		3' plus 1 foot for every 1 foot above height of 6 feet but not greater than the minimum principal structure setback.		
<i>Key Biscayne</i> <sup>6</sup>	Single-Family and Two-Family	5'		
<i>Lighthouse Point</i> <sup>7</sup>	All Residential Districts	5'	Not allowed.	5'
<i>Naples</i>		Same as principal structure (SPS).		N/A
<i>North Miami</i> <sup>8</sup>		5'	5' or 15' from rear street PL.	
<i>Ocean Ridge</i>		SPS		5'
<i>Marco Island</i>		4' into required side or rear yard.		N/A
<i>Miami Springs</i>		Anywhere within side or rear yard.		
<i>Town of Palm Beach</i>		5'	5'	5'
<i>Palmetto Bay</i> <sup>9</sup>		5'	5'	N/A
<i>Plantation</i> <sup>10</sup>		2.5' from side or rear property line and 7.5' from sidewalk, bikeway, or street right-of-way lines.		
<i>Redington Beach</i>		Anywhere within side or rear yard.		N/A
<i>Sanibel</i>	Anywhere within side or rear yard.		10'	
<i>South Miami</i>	12.5'	12.5'	12.5'	

### Footnotes and Additional Criteria:

- 1- Encroachment is not subject to separation distances between structures.
- 2- 10' setback from street property line.
- 3- 15' setback from side street.
- 4- Encroachment is limited to 10% of setback requirement and generators less than 4' in height.
- 5- Not allowed in front yard or corner side yard unless approved by administrative adjustment and no other on-site location is feasible or there is a finding the location and use or design of the abutting property would not have negative impact.
- 6- None in a yard facing any street. Propane gas tanks – 5 feet to side property line, limited to 500 gallons above ground and 1,000 gallons underground.
- 7- If not 5 feet from property line, then generator must be placed lengthwise and 1 foot from building.
- 8- 15' from rear street property line.
- 9- 10' from rear street.
- 10- Generators above 5.5' height must comply with same setback as principal structure.

# Exhibit D – Illustrations

## GENERAC 22 AND 27KW SEPARATION BETWEEN GENERATORS NO ZERO LOT LINE - 5 FEET SIDEYARD SETBACKS



Kohler 38 RCL



Kohler 24 RCL

Photos: Courtesy of Westcoast  
Generators Website



Kohler 20 RESA



GE 45kw









**LAND DEVELOPMENT CODE AMENDMENT**

**PETITION**

PL20180003473

**SUMMARY OF AMENDMENT**

This Land Development Code amendment (LDCA) represents the implementation of the Board’s direction to study the proliferation of self-storage facilities on U.S. 41, between the intersection of Palm Street/Commercial Drive and Price Street/Triangle Boulevard.

**ORIGIN**

Board of County Commissioners (Board)

**HEARING DATES**

Board	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	TBD

**LDC SECTIONS TO BE AMENDED**

1.08.02	Definitions
2.03.03	Commercial Zoning Districts
5.05.16	Self-Storage Facilities (New Section)
10.03.06	Public Notice and Required Hearings for Land Use Petitions

**ADVISORY BOARD RECOMMENDATIONS**

**DSAC-LDR**  
TBD

**DSAC**  
TBD

**CCPC**  
TBD

**BACKGROUND:** A segment of the U.S. 41 corridor, generally located between the intersection of Airport-Pulling Road and Collier Boulevard, has been under much scrutiny in recent years. In April of 2010, the East Naples Foundation completed *Vision for the East Trail* (“Vision”), which was a privately-initiated planning effort that resulted in the completion of a strategic plan for an approximately 14-mile stretch of the U.S. 41 corridor (see Exhibit A).

On December 13, 2016, the Board expressed a concern over certain uses (e.g., self-storage facilities) from proliferating on U.S. 41 in this area of the U.S. 41 corridor (see Exhibit B). The Board considered adopting a one-year moratorium for all new applications, including self-storage facilities, from developing on the commercial properties along U.S. 41, from the Palm Street/Commercial Drive intersection to the Price Street intersection. However, rather than adopting a moratorium, the Board instead directed staff on February 14, 2017 to begin the process of developing a corridor study with the goal of obtaining community input and creating incentives for the desired development types.

In April of 2018, Johnson Engineering, Inc. completed the *U.S. 41 Corridor Study-Summary of Findings and Recommendations to the Board* (“Corridor Study”) on behalf of the County (see Exhibit C). The length of U.S. 41 that was studied was 6.8 miles, which is shorter than the geographic area used in Vision. With respect to this geographic area, the intersection of U.S. 41 and Palm Street was the western extent in the Corridor Study, whereas in Vision, it was longer—the intersection of U.S. 41 and Airport-Pulling Road. The Corridor Study’s eastern extent was the intersection of U.S. 41 and Price Street. Vision extended farther (to County Road 92). The public input portion of the Corridor Study included three stakeholder outreach meetings and four public input meetings. When reviewing image preference surveys, 67 percent of the public outreach meetings attendees did not support self-storage facilities. As such, one of the recommendations of the Corridor Study was aimed at further regulating this use (see pages 23-24 of Exhibit C). The Corridor Study was presented to and accepted by the Board on April 24, 2018 (see Exhibit D). One recommendation suggested having a minimum distance separation between new self-storage facilities. For this LDCA and in keeping with the Corridor Study, the proposed language requires a separation of 1,320 feet between new and existing self-storage facilities. A distance



waiver may be approved if an adequate supply of neighborhood goods and services are available within a quarter-mile radius of a new facility. A quarter-mile radius is equal to a half-mile diameter—the same width of the study area in Vision, which was chosen, in part, to “evaluate walkability in the form of pedestrian sheds.” The waiver may also be approved for a self-storage facility if at least 25 percent of its gross floor area is dedicated to a different principal use that is permitted in the C-1 or C-2 zoning district. Staff utilized the International Council of Shopping Centers (ICSC) as a guide to determine the appropriate types of principal uses and related intensities that most closely aligns with the desired businesses. One ICSC category, *neighborhood center*, includes convenience shopping for day-to-day needs with intensities that are less than 125,000 square feet, which generally translates to any permitted use in the C-1 or C-2 zoning district. Both the Urban Land Institute (ULI) and ICSC are recognized resources that staff uses when evaluating market studies in connection with GMP amendments (to commercial). Petitioners submit a commercial needs analysis, and part of staff’s evaluation is to compare the market studies with the ULI and ICSC. Both these resources utilize 30,000 square feet as the low threshold for what constitutes a neighborhood shopping center. Staff construes neighborhood shopping centers as a logical place for C-1 through C-3 uses. The geographic area subject to this LDCA does not include the properties located within the Bayshore Gateway Triangle Community Redevelopment Area and this LDCA is only applicable where self-storage facilities are currently allowed as a permitted use—the C-5 zoning district.

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**FISCAL & OPERATIONAL IMPACTS**

Staff anticipates additional fiscal and operational impacts to petitioners requesting a waiver from the minimum distance requirement.

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**GMP CONSISTENCY**

To be provided by Comprehensive Planning Staff subsequent to first review.

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**EXHIBITS:** A – Vision for the East Trail Corridor; B – Collier County Self Storage Facility Map (as of June 11, 2018); C – U.S. 41 Corridor Study; and Exhibit D – Executive Summary and BCC Minutes (04-24-2018)

# DRAFT

Text underlined is new text to be added

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## Amend the LDC as follows:

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2 # # # # # # # # # # # # #  
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### 1.08.02 Definitions

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5  
6 \* \* \* \* \* \* \* \* \* \* \* \* \*  
7

8 *Self-storage buildings* (applicable to Section 5.05.08 and 5.05.16 only): Buildings where  
9 customers lease space to store and retrieve their goods; see NAICS 531130.

10  
11 # # # # # # # # # # # # #  
12

### 2.03.03 – Commercial Districts

13  
14  
15 \* \* \* \* \* \* \* \* \* \* \* \* \*  
16

17 E. Heavy Commercial District (C-5). In addition to the uses provided in the C-4 zoning district,  
18 the heavy commercial district (C-5) allows a range of more intensive commercial uses and  
19 services which are generally those uses that tend to utilize outdoor space in the conduct  
20 of the business. The C-5 district permits heavy commercial services such as full-service  
21 automotive repair, and establishments primarily engaged in construction and specialized  
22 trade activities such as contractor offices, plumbing, heating and air conditioning services,  
23 and similar uses that typically have a need to store construction associated equipment  
24 and supplies within an enclosed structure or have showrooms displaying the building  
25 material for which they specialize. Outdoor storage yards are permitted with the  
26 requirement that such yards are completely enclosed or opaquely screened. The C-5  
27 district is permitted in accordance with the locational criteria for uses and the goals,  
28 objectives, and policies as identified in the future land use element of the Collier County  
29 GMP.

30  
31 1. The following uses, as identified with a number from the Standard Industrial  
32 Classification Manual (1987), or as otherwise provided for within this  
33 section are permissible by right, or as accessory or conditional uses within  
34 the heavy commercial district (C-5).

35  
36 a. Permitted uses.

37  
38 \* \* \* \* \* \* \* \* \* \* \* \* \*  
39

40 111. Motor freight transportation and warehousing (4225, mini-  
41 and self-storage warehousing only), subject to section  
42 5.05.16 for minimum separation requirements between  
43 buildings).

44  
45 # # # # # # # # # # # # #  
46

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## 5.05.16 – Separation of Self-Storage Facilities

A. Purpose and Intent. The purpose of this section is to discourage the proliferation of self-storage buildings along the segment of U.S. 41 defined in section B. The intent is to encourage a broad mix of principal uses that will provide goods and services at the neighborhood level to the residents living adjacent to the defined area.

B. Applicability. This section shall apply to all new self-storage buildings proposed on real property zoned C-5 and located adjacent to U.S. 41, between the east side of the intersection of U.S. 41 and Airport-Pulling Road to the west side of the intersection of U.S. 41 and Price Street/Triangle Boulevard. All outparcels within shopping centers that are adjacent to U.S. 41 within this area shall be included. A self-storage building is considered existing when it has been constructed or an SDP has been approved.

C. Minimum Separation. A new self-storage building shall be located no closer than a quarter-mile (1,320 feet) to an existing self-storage building, as measured from property line to property line, unless a waiver to the separation requirement is granted in conformance with subsection D. below.

D. Waiver of Separation Requirements.

1. The Office of the Hearing Examiner (or whomever is appointed by the BCC) may grant a waiver of part or all of the minimum separation requirements set forth herein if it can be demonstrated there is sufficient opportunity for accessing other existing or future principal uses that are permitted in the C-1 or C-2 zoning districts within a quarter-mile (1,320-foot) radius of the proposed self-storage building, or if a minimum of 25 percent of the floor area of the proposed self-storage building is dedicated to a different principal use or uses that is/are permitted in the C-1 or C-2 zoning districts. For purposes of this section, the term “future principal uses” shall mean currently vacant or partially-developed land that can be developed with C-1 or C-2 uses at a time in the future.

2. The Administrative Code shall establish the submittal requirements for a self-storage building distance waiver request.

3. Additional conditions and considerations. The BCC or their appointee shall have the right to impose additional conditions or requirements to its approval of a distance waiver to ensure that the self-storage building will be compatible with the surrounding areas and will not have a deleterious effect on the current supply or future availability of neighborhood commercial goods and services within the subject area.

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## 10.03.06 – Public Notice and Required Hearings for Land Use Petitions

\* \* \* \* \*

R. Separation of Self-Storage Facilities, pursuant to LDC section 5.05.16 and Site Plan with Deviations for Redevelopment, pursuant to LDC section 10.02.03 F.

1. The following advertised public hearings are required:
  - a. One Planning Commission or Hearing Examiner hearing.
  - b. If heard by the Planning Commission, one BZA hearing.
2. The following notice procedures are required:
  - a. Newspaper Advertisement prior to the advertised public hearing in accordance with F.S. § 125.66.
  - b. Mailed Notice prior to the advertised public hearing.

# # # # # # # # # # # # # # #

## **L. Self-Storage Facility Separation Waiver**

**Reference** LDC subsection 5.05.16, LDC section 8.10.00, and LDC Public Notice subsection 10.03.06 R.

**Applicability** This establishes a process to waive part or all of the minimum separation requirements for self-storage facility sites from other self-storage facility sites located within the area as prescribed by LDC subsection 5.05.16 B.

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

**Initiation** The applicant files a "Petition for Waiver from Separation Requirements for Self-Storage Facilities" with the Planning & Zoning Department.

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

**Contents**

1. **Applicant contact information.**
2. **Property information, including:**
  - Legal description;
  - **Property identification number;**
  - Section, township and range;
  - Subdivision, unit, lot and block, or metes and bounds description; and
  - Address of subject site.
3. **Zoning information, including:**
  - Current zoning of subject property; and
  - Zoning and land use of all properties within the quarter-mile radius.
4. **The extent of the waiver being requested (in linear feet) from the required separation.**
5. **A narrative that describes how the application demonstrates that there is sufficient opportunity for accessing other existing or future principal uses that are permitted in the C-1 or C-2 zoning districts within a quarter-mile (1,320-foot) radius of the proposed self-storage building, or if a minimum of 25 percent of the floor area of the proposed self-storage building is dedicated to a different principal use or uses that is/are permitted in the C-1 or C-2 zoning districts.**
6. **A site plan (measuring no larger than 24 in. x 36 in.) along with a conceptual site plan measuring 8½ in. x 11 in., that indicates the following:**
  - The dimensions of the subject property;
  - All vehicular points of ingress and egress and their relationship to the parking area and site circulation;
  - Demonstration of compliance with all requirements of the LDC including the location of the structures on site, landscaping, off-street parking, site circulation, architectural design guidelines, and signage;
  - The location of all proposed buffer areas and their dimensions; and

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

## Chapter 6 | *Waivers, Exemptions, and Reductions*

- [The layout of road\(s\) on which the proposed station fronts or to which access is provided, including the type of road\(s\), the number of lanes, and the location of intersections and turn lanes, median locations and median widths, for a 1,320-foot distance from the subject parcel.](#)
7. [Environmental Data Requirements.](#) ⇔ [See LDC subsection 3.08.00 A.](#)
  8. [An Aerial photographs \(taken within the previous 12 months at a minimum scale of 1 in. = 200 ft.\), showing FLUFCS Codes, legend, and project boundary.](#)
  9. [Addressing checklist.](#)
  10. [Pre-application meeting notes.](#)
  11. [Warranty Deed.](#)
  12. [Owner/agent affidavit as to the correctness of the application.](#)
  13. [Electronic copy of all documents.](#)

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

[The Planning & Zoning Department 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 \(i.e., XXX-PL2012000000\) 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; and](#)
  - [Description of the proposed land uses.](#)

**Public Hearing** 1. [The Hearing Examiner shall hold at least one 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 Department will review the application and identify whether additional materials are needed. Staff will prepare Staff Report, utilizing the criteria established in LDC section 5.05.16, to present to the Office of the Hearing Examiner for a decision.](#)

Item 6.c Petition # - PL20180003473  
Separation Requirements for Storage Facilities on U.S. 41

Exhibit A – Vision for the East Trail Corridor

Exhibit B – Collier County Self Storage Facility Map (as of June 11, 2018)

Exhibit C – U.S. 41 Corridor Study

Exhibit D – Executive Summary and BCC Minutes (04-24-2018)

To access the above documents, please click the below link:

<http://cvportal.colliergov.net/CityViewWeb/Planning/Status?planningId=27652>

# DIRECTIONS TO ACCESS PETITION DOCUMENTS

Separation Requirements for Self-Storage Facilities on U.S. 41 (PL20180003473) as an example

1. Access CityView Portal here: <http://cvportal.colliergov.net/cityviewweb>
2. Under Planning Department, click on "Status and Fees"



[Sign In](#) / [Register](#) [Portal Home](#) [Property Search](#) [Portal Help](#)

The County's new web portal is now online. Through this portal you can submit applications/revisions, submit corrections, pay fees, monitor statuses, and schedule meetings or inspections for Building and/or Planning applications - all from the comfort of your home or office.

REMINDER: YOU MUST BE LOGGED IN USING YOUR COLLIER COUNTY PORTAL REGISTERED USER ACCOUNT TO VIEW BUILDING PERMIT AND PLANNING REVIEW COMMENTS.

The CityView Portal is the first step in the County's plan to improve its service offerings for citizens. Watch for more updates, or contact us with suggestions as we are always trying to improve!



## Code Enforcement

[Submit a New Complaint](#)  
[Status and Fees](#)



## Building Department

[Submit a Building Application](#)  
[Request a Meeting](#)  
[Status and Fees](#)  
[Upload Submittals](#)



## Planning Department

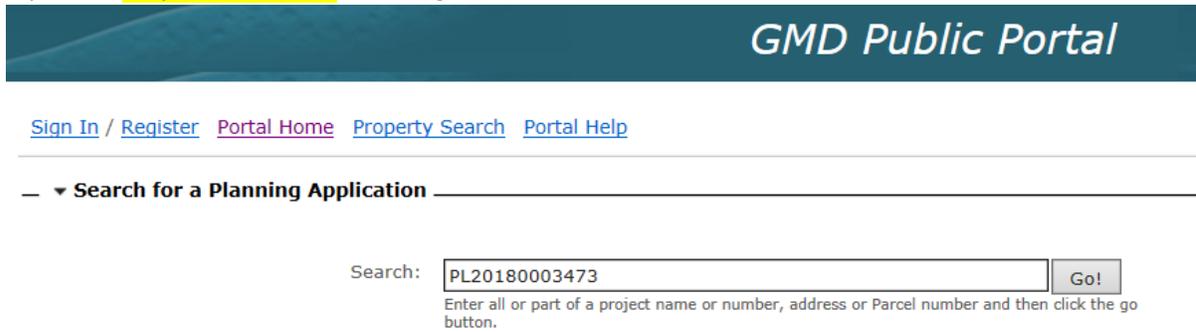
[Submit a Planning Application](#)  
[Request a Meeting](#)  
[Status and Fees](#)  
[Upload Submittals](#)



## Contractor Licensing

[Status and Fees](#)  
[Submit a Complaint](#)  
[Check Status of Complaint](#)

3. Input the **Project # or Name** (from Agenda)



**GMD Public Portal**

[Sign In](#) / [Register](#) [Portal Home](#) [Property Search](#) [Portal Help](#)

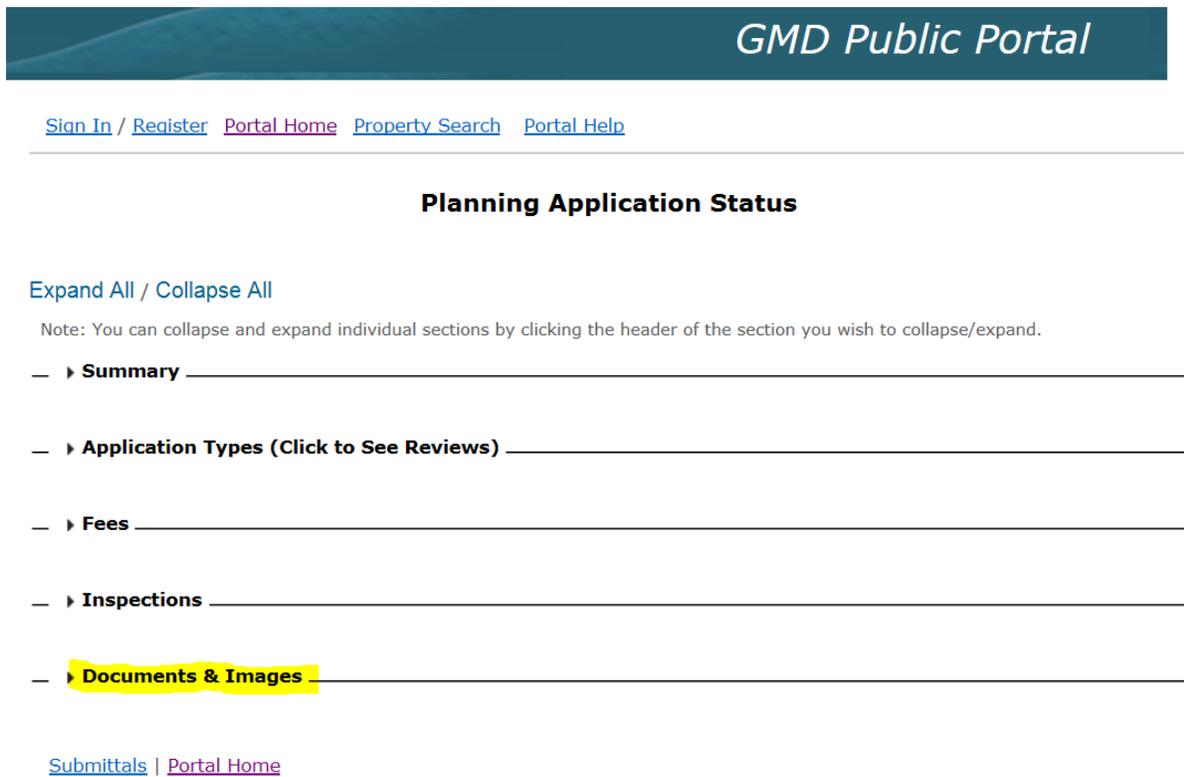
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— **▼ Search for a Planning Application** —

Search:

Enter all or part of a project name or number, address or Parcel number and then click the go button.

Click on Documents and Images



**GMD Public Portal**

[Sign In](#) / [Register](#) [Portal Home](#) [Property Search](#) [Portal Help](#)

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**Planning Application Status**

[Expand All](#) / [Collapse All](#)

Note: You can collapse and expand individual sections by clicking the header of the section you wish to collapse/expand.

- **▶ Summary** —
- **▶ Application Types (Click to See Reviews)** —
- **▶ Fees** —
- **▶ Inspections** —
- **▶ Documents & Images** —

[Submittals](#) | [Portal Home](#)

Click on any document to open for viewing

— ▾ Documents & Images

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Date Uploaded	File Type	Document Name
11/20/2018	Applications	<a href="#">Application Form (LDCA Application - Prepared.pdf)</a>
11/20/2018	Document	<a href="#">Submittal 1-LDC Amendment Request</a>
11/20/2018		<a href="#">Submittal 1-Exhibit A - Vision for the East Trail Corridor</a>
11/20/2018		<a href="#">Submittal 1-Exhibit B - Collier County Self Storage Map</a>
11/20/2018		<a href="#">Submittal 1-Exhibit C - US 41 Corridor Study</a>
11/20/2018	Letter	<a href="#">Submittal 1-RLS</a>
12/04/2018		<a href="#">Exhibit D - Executive Summary and BCC Minutes (04-24-2018).pdf</a>

[Submittals](#) | [Portal Home](#)

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# 2018 -2019 Administrative Code Updates

<b>Chapter 1</b>	
<b>Administrative Code Section</b>	<b>Description</b>
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.
<b>Chapter 2</b>	
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	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. 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.

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

### Chapter 1 | Introduction

## 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](#). 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**

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

### Chapter 1 | Introduction

**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

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

### Chapter 1 | Introduction

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".

### ~~3.4. Pre-a~~ Application m ~~Meeting~~

#### 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.

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

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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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### Chapter 1 | Introduction

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 ~~e~~ 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 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.~~

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

### Chapter 1 | Introduction

#### **56.** 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.

#### **67.** 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.

#### **78.** 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>.

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

### Chapter 1 | Introduction

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

The ~~P~~pre-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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## Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 2 | Legislative Procedures

### A. Comprehensive Plan Amendment

<b>Reference</b>	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> .
<b>Applicability</b>	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>
<b>Pre-Application</b>	A pre-application meeting is required.
<b>Initiation</b>	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.
<b>Application Contents</b>	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.
<b>Completeness and Processing of Application</b>	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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Chapter 2 | Legislative Procedures

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 10.02.09, LDC Public Notice ~~sub~~section 10.03.06 A and K, F.S. § 163.3202, and F.S. § 125.66.

⇔ See LDC section 10.03.06 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 **applicant** files an “Application for Amendment to the *Land Development Code*” with the ~~Planning &~~ Zoning Division.

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

**1. Applicant Contact Information.**

**2.** Pre-application meeting notes.

**3. LDC amendment request document, including the following.**

- a. The **applicant’s** name;
- b. The name of the author of the LDC text amendment;
- c. All LDC sections to be modified by the amendment;
- d. A written statement briefly describing the change requested;
- e. A written statement describing the justification for the amendment and any other relevant information about the change requested;
- f. A written statement describing any potential fiscal or operational impacts associated with the amendment;
- g. A written statement addressing the amendment’s consistency with the Growth Management Plan;
- h. Changes to the LDC shall be identified in a strikethrough/underline format. Strikethrough language represents removal and underlined language represents new language; and
- i. All cross references to the section in the LDC shall be checked and amended if necessary.

**4.** Electronic copies of all documents.

**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 **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.

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<b>Notice Requirements</b>	<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><b>1. 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> The title of the proposed ordinance or resolution;</li><li>• <u>b.</u> Date, time, and location of the hearing;</li><li>• <u>c.</u> Places(s) within the county where the proposed ordinance may be inspected by the public; and</li><li>• <u>d.</u> <b>LDC</b> 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.</li></ul></li></ol>
<b>Public Hearings</b>	<p>For <b>LDC</b> 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:</p> <ol style="list-style-type: none"><li>1. The EAC shall hold at least one advertised public hearing, if required.</li><li>2. The Planning Commission shall hold at least one advertised public hearing.</li><li>3. The BCC shall hold at least one advertised public hearing.</li></ol> <p>For <b>LDC</b> 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:</p> <ol style="list-style-type: none"><li>1. The EAC shall hold at least one advertised public hearing, if required.</li><li>2. The Planning Commission shall hold at least one advertised public hearing.<ul style="list-style-type: none"><li>• 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.</li></ul></li><li>1. The BCC shall hold at least two advertised public hearings.<ul style="list-style-type: none"><li>• 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.</li></ul></li></ol>
<b>Decision maker</b>	The BCC, following the recommendations from both the EAC, if required, and the Planning Commission.
<b>Review Process</b>	The <del>Planning &amp;</del> 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

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

### 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 <u>Code of Laws and Ordinances</u> 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><b>1. Applicant contact information.</b></li><li>Interpretation number.</li><li>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><b>4. 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><b>1. 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><b>a.</b> Date, time, and location of the hearing; and</li><li><b>b.</b> 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>	<del>LDC sections 5.03.06, 8.10.00, and LDC Public Notice subsection 10.03.06 H.</del>
<b>Applicability</b>	<del>There are four types of permits for a boat dock facility and related structures: 1. Dock Facility Extension 2. Dock Facility with a Boathouse 3. Boat Lift Canopy 4. Boat Lift Canopy Deviations.</del>
<b>Pre-Application</b>	<del>A pre-application meeting is required.</del>
<b>Initiation</b>	<del>The applicant files one of the following applications with the Planning &amp; Zoning Division: 1. “Dock Facility Extension or Boathouse Establishment Petition Application and Submittal Instructions,” or 2. “Boat Lift Canopy Application” for a Boat Lift Canopy or a Boat Lift Canopy Deviation, or 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>
<b>Application Contents for Boat Dock Establishment and/or a Dock Facility Extension</b>	<del>The 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. Zoning information, including: • Current zoning and land use of subject property; and • Adjacent zoning and land use. 4. Site information, including: • Waterway width and where the measurement came from; • Total property water frontage; • Measurement of provided and required setbacks; • Total protrusion of proposed facility into water; • Number and length of vessels to use facility; and</del>

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*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 5.03.06-1, 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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### Chapter 3 | *Quasi-Judicial Procedures with a Public Hearing*

~~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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~~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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~~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**

DRAFT

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## B. Boat Dock

### B.1. Boathouse Establishment

**Reference** LDC sections 5.03.06, 5.03.06 F, 8.10.00, and LDC Public Notice section 10.03.06 H.

**Applicability** A boathouse establishment petition is required for proposed boathouses and includes any roofed structure built on a dock.

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

**Initiation** The applicant files a "Dock Facility Extension or Boathouse Establishment Petition" with the Zoning Division.

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

**1. Applicant contact information.**

**2. Property information, including:**

- a. Property identification number;**
- b. Section, township, and range;**
- c. Subdivision, unit, lot and block; and**
- d. Address of subject site.**

**3. Zoning information, including:**

- a. Current zoning and land use of subject property; and**
- b. Adjacent zoning and land use.**

**4. Site information, including:**

- a. Waterway width and where the measurement came from;**
- b. Total property water frontage;**
- c. Measurement of provided and required setbacks;**
- d. Total protrusion of proposed facility into water;**
- e. Number and length of vessels to use facility; and**
- d. 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 section 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.**

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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 style="text-align: center;"><b>PUBLIC HEARING NOTICE</b> [Project Name] [Boathouse Est. or Boat Dock Canopy Dev.] Petition No. 2018000XXXX</p> <p style="text-align: center;"><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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## B.2. Dock Facility Extension

**Reference** LDC sections 5.03.06, 5.03.06 H, 8.10.00, and LDC Public Notice section 10.03.06 H.

**Applicability** 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.

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

**Initiation** The applicant files a "Dock Facility Extension or Boathouse Establishment Petition" with the Zoning Division.

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.

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

1. Applicant contact information.
2. Property information, including:
  - a. Property identification number;
  - b. Section, township, and range;
  - c. Subdivision, unit, lot and block; and
  - d. Address of subject site.
3. Zoning information, including:
  - a. Current zoning and land use of subject property; and
  - b. Adjacent zoning and land use.
4. Site information, including:
  - a. Waterway width and where the measurement came from;
  - b. Total property water frontage;
  - c. Measurement of provided and required setbacks;
  - d. Total protrusion of proposed facility into water;
  - e. Number and length of vessels to use facility; and
  - d. 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 section 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

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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.

<p style="text-align: center;"><b>PUBLIC HEARING NOTICE</b> [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</p>
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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 “<i>Boat Lift Canopy Application</i>” 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. <b>Applicant contact information.</b></u></li><li><u>2. Property information, including:</u><ol style="list-style-type: none"><li><u>a. <b>Property identification number;</b></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. <b>Addressing checklist.</b></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. <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 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 style="text-align: center;"><b>PUBLIC HEARING NOTICE</b> [Project Name] [Boathouse Est. or Boat Dock Canopy Dev.] Petition No. 2018000XXXX</p> <p style="text-align: center;"><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 <b>10.08.00, 8.10.00</b> , LDC Public Notice <del>sub</del> section <b>10.03.06 B or C</b> , 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>F</del> for Public Hearing <del>F</del> for: Conditional Use” <a href="#">with the Zoning Division</a> .
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><b>1. Applicant contact information.</b></li><li><b>2. Addressing Checklist.</b></li><li>A cover letter briefly explaining the proposed project.</li><li>Disclosure of ownership.</li><li>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>The name and mailing address of all registered Home Owners Associations and civic associations whose members are impacted by the application.</li><li>Pre-application meeting notes.</li><li>A copy of the last recorded deed, contract for sale or agreement for sale, or a notarized statement of ownership clearly.</li><li><b>9. PUD Ordinance and Development Commitment information</b>, if applicable.</li><li>A written petition that shows how the proposed use satisfies the findings outlined in <b>LDC section 10.08.00</b>.</li><li>Property information, including:<ul style="list-style-type: none"><li><b>a.</b> <a href="#">Legal description</a>; or if the conditional use involves only part of a PUD, only a legal description for the subject portion is required;</li><li><b>b.</b> <b>Property identification number</b>;</li><li><b>c.</b> Section, township and range;</li><li><b>d.</b> 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 ~~sub~~section 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 TAMAMIAMI 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     | <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.<br>↓ Minor Conditional Uses are defined in LDC section 8.10.00.      |
| Public Hearing for all other Conditional Use petitions | 1. The EAC shall hold at least 1 advertised public hearing, if required.<br>2. The Planning Commission shall hold at least 1 advertised public hearing.<br>3. The BZA shall hold at least 1 advertised public hearing.                                 |
| 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.

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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	The application must include the following: <ol style="list-style-type: none"><li><b>1. Applicant contact information.</b></li><li>2. Disclosure of ownership information.</li><li>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.</li><li>4. 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> Plat book and page number;</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. Zoning information, including:<ul style="list-style-type: none"><li>• <u>a.</u> Zoning of adjacent properties when original Conditional Use was approved;</li><li>• <u>b.</u> Land use of adjacent properties when original Conditional Use was approved;</li><li>• <u>c.</u> Current zoning of adjacent properties; and</li><li>• <u>d.</u> Current land use of adjacent properties.</li></ul></li><li>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.</li><li>7. Conditional Use extension request detail, identifying current zoning district, type of use and present use of property.</li><li>8. Copies of Warranty Deed(s) for the current <b>property owners</b>.</li><li>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>.</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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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 <b>10.08.00</b> and <b>8.10.00</b> and LDC Public Notice <del>sub</del> section <b>10.03.06 D</b> .
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 “ <i>Conditional Use Re-review</i> ” application with the <del>Planning &amp;</del> Zoning Division.
Application Contents	The application must include the following: <ol style="list-style-type: none"><li><b>1. Applicant Contact Information.</b></li><li>A letter describing the request.</li><li>All documents necessary to address the conditions or stipulations.</li><li>Pre-application meeting notes.</li><li><b>5. 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	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><b>1. Mailed Notice:</b> <u>Written notice shall be sent to property owners in the notification area at least 15 days before the advertised public hearing.</u></li><li><b>2. 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><b>a.</b> Date, time, and location of the hearing; and</li><li><b>b.</b> 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 ~~subsection~~ 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 **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

<b>Reference</b>	LDC Public Notice <del>sub</del> section <u>10.03.06 I</u> and F.S. § 380.06(26); FAC 73C-40.0251.
<b>Applicability</b>	<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>
<b>Pre-Application</b>	A pre-application meeting is required.
<b>Initiation</b>	<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>
<b>Application Contents</b>	<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)

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

<b>Reference</b>	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> .
<b>Applicability</b>	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.
<b>Eligible Applicants</b>	<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>
<b>Pre-application</b>	A pre-application meeting is required.
<b>Initiation</b>	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.
<b>Application Contents</b>	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.
<b>Completeness and Processing of Application</b>	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.
<b>Notice</b>	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>F</del> <u>for Public Hearing</u> <del>F</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 ~~sub~~section 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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**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** ~~sub~~section **4.05.02 K.3**, to present to the Office of the Hearing Examiner for a decision.

**Updated**

DRAFT

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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><b>Applicant contact information.</b></li><li><b>Addressing checklist.</b></li><li>A PUD Master Plan. ⇔ <i>See Master Plan Contents below.</i></li><li>Name of project.</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>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>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>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

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#### G.2. PUD Amendment

<b>Reference</b>	LDC <del>sub</del> section 10.02.13 E and LDC Public Notice <del>sub</del> section 10.03.06 B.
<b>Applicability</b>	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.
<b>Pre-Application</b>	A pre-application meeting is required.
<b>Initiation</b>	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.
<b>Application Contents</b>	<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>
<b>Completeness and Processing of Application</b>	<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>
<b>Notice</b>	<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><b>1. 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><b>2. 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><b>3. 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>• <b>a.</b> Date, time, and location of the hearing;</li><li>• <b>b.</b> Description of the proposed land uses; and</li><li>• <b>c.</b> 2 in. x 3 in. map of the project location for the Planning Commission advertisement.</li></ul></li><li><b>4. Sign:</b> (see format below) Posted at least 15 days before the advertised Planning Commission hearing date.</li></ol>

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~~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

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### G.3. PUD Insubstantial Change

- Reference** LDC ~~subsection~~ 10.02.13 E, LDC section 8.10.00, and LDC Public Notice ~~subsection~~ 10.03.06 H.
- Applicability** This process applies to insubstantial changes to a PUD Master Plan which meets the thresholds in LDC ~~subsection~~ 10.02.13 E.
- Pre-Application** A pre-application meeting is required.
- Initiation** The **applicant** files an application for an “*Insubstantial Change ~~To~~ PUD Master Plan (PDI)*” 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.
  5. A narrative and detailed description of the amendment and why it is necessary.
  6. An analysis of whether the amendment complies with the Growth Management Plan.
  7. Whether a public hearing was held for the property within the year preceding the application. If this has occurred, include the **applicant’s** name.
  8. Whether any part of the PUD has been sold or developed, and whether the proposed changes involve those areas.
  9. Current and revised Master Plans, along with a reduced copy of each, describing the proposed changes of the following:
    - a. Land use;
    - b. Densities;
    - c. Infrastructure;
    - d. Open space, preservation or conservation areas;
    - e. Area of building square footage proposed for nonresidential development;
    - f. Change in potential intensity of land use and related automobile trip movements; and
    - g. Relationships to abutting land uses.
  - 10. Addressing checklist.**
  11. An 8½ in. x 11 in. graphic location map of the site.

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

#### G.4. PUD Minor Change

**Reference** LDC ~~sub~~section 10.02.13 E, LDC section 8.10.00, and LDC Public Notice ~~sub~~section 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 ~~sub~~section 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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### Chapter 3 | *Quasi-Judicial Procedures with a Public Hearing*

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**

DRAFT

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

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

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

- Reference** ~~LDC subsection 10.02.13 D, LDC section 8.10.00, and LDC Public Notice subsection 10.03.06 D.~~
- Applicability** This process applies to request to extend the life of a PUD before or after it “sunsets.” A PUD “sunsets” when it does not meet the time frames and development criteria outlined in ~~LDC 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.
- Pre-Application** A pre-application meeting is required.
- Initiation** The ~~applicant~~ files an “*Application For Public Hearing For PUD Extension*” with the Planning & Zoning Division.
- Application Contents** The application must include the following:
- ~~1. Applicant contact information.~~
  - ~~2. Disclosure of ownership.~~
  - ~~3. The name and mailing address of all registered Home Owners Association’s that could be affected by the application.~~
  - ~~4. 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 date of the option, the date the option terminates, and anticipated closing date.~~
  - ~~5. PUD Ordinance and Development Commitment information.~~
  - ~~6. Property information, including:~~
    - ~~• Legal description;~~
    - ~~• **Property identification number;**~~
    - ~~• Plat book and page number;~~
    - ~~• Section, township and range;~~
    - ~~• Subdivision, unit, lot and block, or metes and bounds description;~~
    - ~~• Address of subject site and general location; and~~
    - ~~• Size of property in feet and acres.~~
  - ~~7. If the ~~property owner~~ owns additional property contiguous to the subject property, then the following information, regarding the contiguous property, must be included:~~
    - ~~• Legal description;~~
    - ~~• **Property identification number;**~~
    - ~~• Plat book and page number;~~
    - ~~• Section, township and range; and~~
    - ~~• Subdivision, unit, lot and block, or metes and bounds description.~~

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

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

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

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

<b>Reference</b>	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.
<b>Applicability</b>	<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>
<b>Pre-Application</b>	A pre-application meeting is not required.
<b>Initiation</b>	The <b>applicant</b> files a “ <i>Zoning Verification Letter Application</i> ” with the <del>Planning &amp;</del> Zoning Division.
<b>Application Contents</b>	<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>7. <u>Addressing checklist.</u></li></ol>
<b>Completeness and Processing of Application</b>	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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### Chapter 3 | *Quasi-Judicial Procedures with a Public Hearing*

**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:

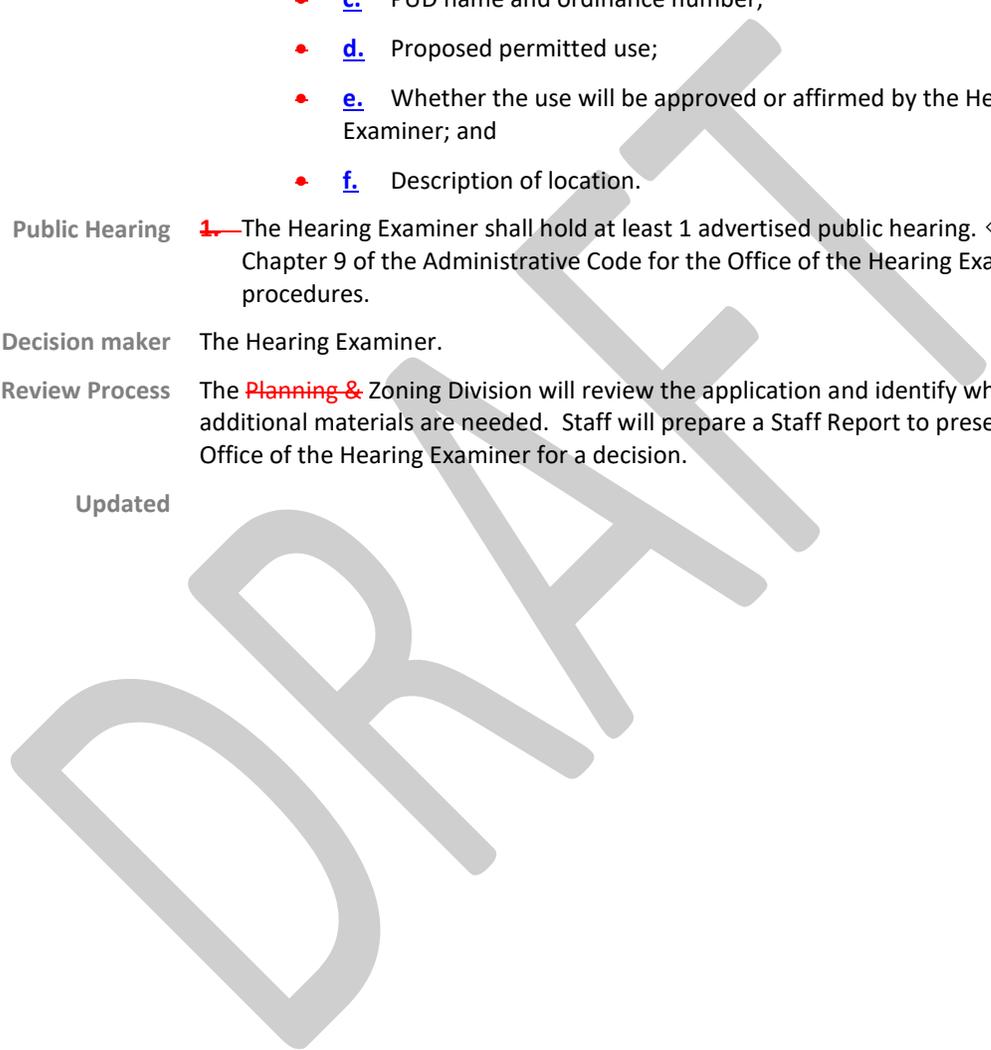
- **a.** Date, time, and location of the hearing;
- **b.** Application number and project name;
- **c.** PUD name and ordinance number;
- **d.** Proposed permitted use;
- **e.** Whether the use will be approved or affirmed by the Hearing Examiner; and
- **f.** Description of location.

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

## H. Rezoning – Standard

- Reference** LDC section 10.02.08, LDC Public Notice ~~sub~~section 10.03.06 B, 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 **applicant** files a “*Standard Rezone Application*” with the ~~Planning &~~Zoning Division.
- Application Contents** The application must include the following:
1. **Applicant contact information.**
  2. Disclosure of ownership.
  3. The date the subject property was acquired or leased, including the term of any lease. If the **applicant** has an option to buy, indicate date the option terminates, or anticipated closing date.
  4. Property information, including:
    - a. Legal description;
    - b. **Property identification number;**
    - c. Plat book and page 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
    - g. Size of property in feet and acres.
  5. 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. Plat book and page number;
    - d. Section, township and range; and
    - e. Subdivision, unit, lot and block, or metes and bounds description.
  6. Zoning information, including:
    - a. Zoning and Land Use of adjacent properties;
    - b. The existing and requested zoning classifications; and
    - c. The present and proposed uses of the property.
  7. A narrative statement describing the rezone request with specific reference to the criteria in LDC section 10.02.08.

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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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Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

<p style="text-align: center;"><b>PUBLIC HEARING NOTICE</b> <b>[Project Name] Rezone</b> Petition No. 2018000XXXX</p> <p style="text-align: center;"><b>CCPC: [Date] - 9:00 a.m.</b> <b>BCC: [Date] - 9:00 a.m.</b> Collier Government Center 3299 East Tamiami Trail, Naples, FL 34104 <b>[Planner Name]: 239-252-XXXX</b></p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- 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

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

## 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	This process applies to a request to vary from the required dimensional standards for a sign.  ↔ See Chapter 3 of the Administrative Code for a standard Variance.
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	The application must include the following: <ol style="list-style-type: none"><li><b>1. Applicant contact information.</b></li><li><b>2. Addressing checklist.</b></li><li><b>3. Electronic copies of all documents.</b></li><li>Property information, including:<ul style="list-style-type: none"><li><b>a.</b> Legal description;</li><li><b>b.</b> Length and height of wall upon which the sign will be secured, if a wall sign; and</li><li><b>c.</b> Width of the subject property measured by the road frontage.</li></ul></li><li>Survey or Site Plan of property depicting the following:<ul style="list-style-type: none"><li><b>a.</b> All property boundaries and dimensions;</li><li><b>b.</b> North arrow, date and scale of drawing;</li><li><b>c.</b> All existing and proposed signs (labeled as such);</li><li><b>d.</b> Existing and proposed sign setbacks; and</li><li><b>e.</b> Location map depicting major streets in area for reference.</li></ul></li><li>A detailed explanation of the variance request, including:<ul style="list-style-type: none"><li><b>a.</b> Existing signs and what is proposed;</li><li><b>b.</b> The amount of variance proposed using numbers (i.e. reduce setback from 15 ft. to 10 ft.);</li><li><b>c.</b> If existing, explanation of how existing encroachment came to be; and</li><li><b>d.</b> Additional factors that address the criteria for a sign variance.</li></ul></li><li>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>Notarized owner/agent affidavit as to the correctness of the application.</li><li>An 8 ½ in. x 11 in. graphic location map of the site.</li><li>A copy of the Pre-application meeting notes.</li></ol>

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

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.

~~2. 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.

~~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:

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

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

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

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

## J. Variance

<b>Reference</b>	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> .
<b>Applicability</b>	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.
<b>Initiation</b>	The <b>applicant</b> files a “Variance Petition Application” with the <del>Planning &amp;</del> Zoning Division.
<b>Pre-Application</b>	A pre-application meeting is required.
<b>Application Contents</b>	The application must include the following: <ol style="list-style-type: none"><li><b>1. Applicant contact information.</b></li><li><b>2. Addressing checklist.</b></li><li><b>3. Electronic copy of all documents.</b></li><li>Property information, including:<ul style="list-style-type: none"><li><b>a.</b> Legal description;</li><li><b>b. Property identification number;</b></li><li><b>c.</b> Section, township and range;</li><li><b>d.</b> Subdivision, unit, lot and block, or metes and bounds description;</li><li><b>e.</b> Acreage; and</li><li><b>f.</b> Address of subject site and general location.</li></ul></li><li>Zoning Information, including:<ul style="list-style-type: none"><li><b>a.</b> Zoning and land use of adjacent properties; and</li><li><b>b.</b> 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><b>a.</b> Existing and proposed structures;</li><li><b>b.</b> The amount of encroachment proposed;</li><li><b>c.</b> Survey of property showing the encroachment (measured in feet);</li><li><b>d.</b> Date of purchase by <b>property owner</b>;</li><li><b>e.</b> The date the existing principal structure was built (include building permit numbers if possible);</li><li><b>f.</b> Explanation of why encroachment is necessary;</li><li><b>g.</b> How existing encroachment came to be, if applicable;</li></ul></li></ol>

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

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

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.

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

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

- 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.

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**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

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

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

## K. Compatibility Design Review

<b>Reference</b>	<b>LDC</b> sections <u>5.05.15</u> , and <b>LDC</b> Public Notice section <u>10.03.06 Y</u> .  ↔ <i>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.</i>
<b>Purpose</b>	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.
<b>Applicability</b>	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.  This application is not required for golf courses zoned Golf Course and Recreational Uses (GC) seeking another use as provided for in <b>LDC</b> section <u>2.03.09 A</u> .  Conditional uses shall also require conditional use approval subject to <b>LDC</b> section <u>10.08.00</u> . The conditional use approval should be a companion item to the compatibility design review approval.
<b>Pre-Application Meeting</b>	A pre-application meeting is required.
<b>Initiation</b>	The <b>applicant</b> files an “ <i>Application for Compatibility Design Review</i> ” with the Zoning Division after the “ <i>Intent to Convert</i> ” application is deemed complete by County staff and the Stakeholder Outreach Meetings ( <b>SOMs</b> ) are completed. ↔ <i>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.</i>
<b>Application Contents</b>	The application must include the following: <ol style="list-style-type: none"><li><b>1. Applicant contact information.</b></li><li><b>2. Addressing checklist.</b></li><li><b>3. Name of project.</b></li><li><b>4. The proposed conceptual development plan.</b></li><li><b>5. The name and mailing address of all registered property owners’ associations that could be affected by the application.</b></li><li><b>6. Disclosure of ownership and interest information.</b></li><li><b>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.</b></li><li><b>8. Property information, including:</b><ul style="list-style-type: none"><li>♦ <b>a.</b> Legal description;</li><li>♦ <b>b.</b> Property identification number;</li></ul></li></ol>

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

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

- 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;

**Collier County Land Development Code | Administrative Procedures Manual**  
*Chapter 3 | Quasi-Judicial Procedures with a Public Hearing*

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

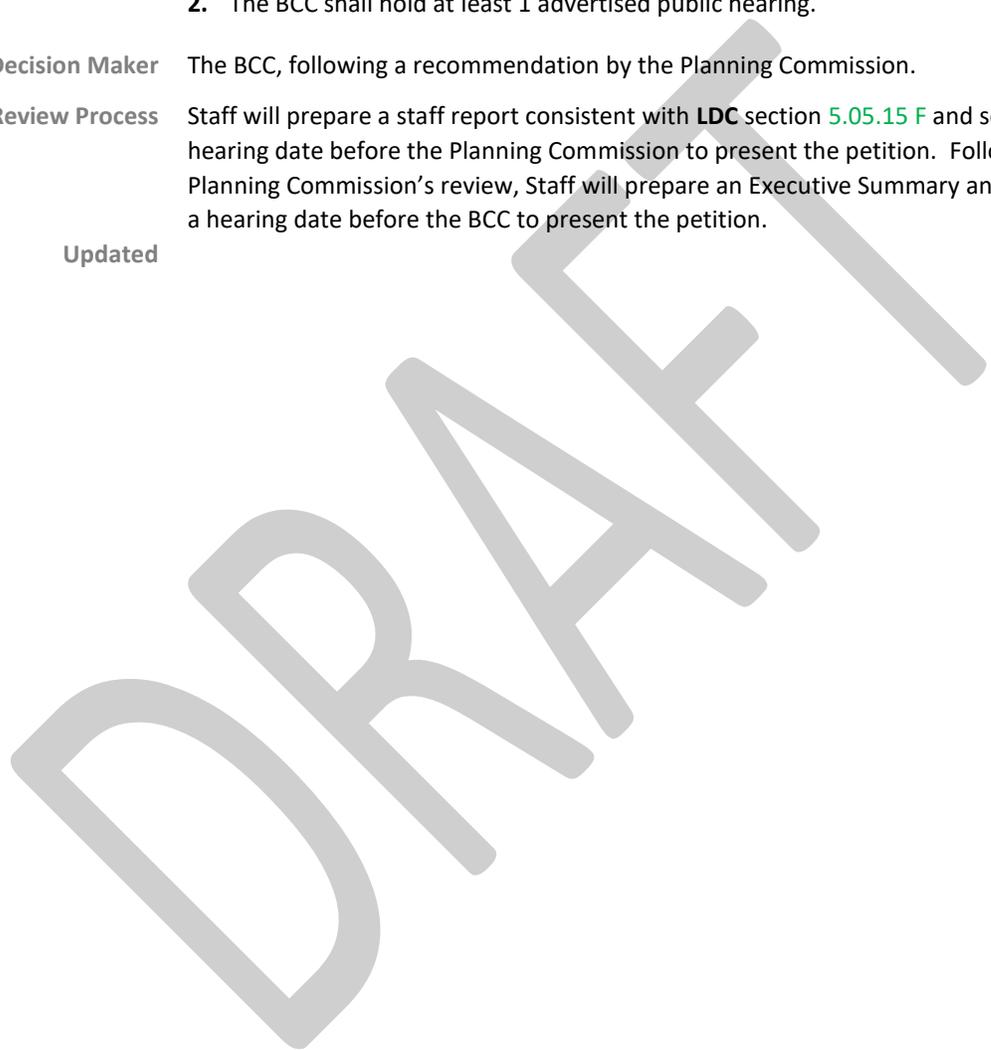
**2. Mailed Notice:** For the purposes of this **mailed notice** requirement, written notice shall be sent to property owners located within 1,000 feet from the property line of the golf course at least 15 days prior to the advertised public hearings.

- 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



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**LAND DEVELOPMENT CODE AMENDMENT**

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**PETITION**

PL20180003474

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**ORIGIN**

Growth Management  
Department (GMD)

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**HEARING DATES**

BCC           TBD  
CCPC         TBD  
DSAC         TBD  
DSAC-LDR 12/18/2018

**SUMMARY OF AMENDMENT**

This amendment adds communication towers as a conditional use in the Rural Fringe Mixed Use District (RFMUD) Sending Lands as an essential service.

**LDC SECTION TO BE AMENDED**

2.01.03   Essential Services  
2.03.08   Rural Fringe Zoning Districts

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**ADVISORY BOARD RECOMMENDATIONS**

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**DSAC-LDR**  
TBD

**DSAC**  
TBD

**CCPC**  
TBD

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**BACKGROUND**

On November 13, 2018, the Board of County Commissioners (Board) directed staff to draft an ordinance to address Communication Towers in the RFMUD Sending Lands (See Exhibit A).

Currently, communication towers are not allowed as permitted or conditional uses within the Rural Fringe Mixed Use District (RFMUD)-Sending Lands. Therefore, communication towers are prohibited in the RFMUD-Sending Lands.

However, the US Telecommunications Act of 1996 (47 USC 332) states that local governments “shall not prohibit or have the effect of prohibiting the provision of personal wireless services” (Section 332(c)(3)(7)(B)(i)(II))

This LDC amendment would ensure compliance with the US Telecommunications Act of 1996 by defining communications towers as an essential service and allowing communications towers as a conditional use in the RFMUD-Sending Lands.

Corresponding cross-references to this new conditional use are also added to LDC section 2.03.08.

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**FISCAL & OPERATIONAL IMPACTS**

There are no anticipated fiscal or operational impacts associated with this amendment.

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**GMP CONSISTENCY**

To be provided by Comprehensive Planning Staff.

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**EXHIBITS:** A) Executive Summary Approved by BCC

Amend the LDC as follows:

**2.01.03 - Essential Services**

Essential services are hereby defined as services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction, and government facilities. Essential services are allowed in any zoning district subject to the following conditions:

\* \* \* \* \*

G. Conditional uses. The following uses require approval pursuant to section 10.08.00 conditional uses:

1. Conditional essential services in every zoning district excluding the RFMU district sending lands, CON districts, NRPAs, and RLSA designated HSAs and FSAs. In every zoning district, unless otherwise identified as permitted uses, and excluding RFMU district Sending Lands, CON districts, and NRPAs, the following uses shall be allowed as conditional uses:

- a. Electric or gas generating plants;
- b. Effluent tanks;
- c. Major re-pump stations sewage treatment plants, including percolation ponds, and water aeration or treatment plants,
- d. Hospitals and hospices;
- e. Government facilities, including where not identified as a permitted use in this section, safety service facilities such as including law enforcement, fire, emergency medical services; and
- f. Conservation Collier lands which provide for permitted, nondestructive, passive natural resource based recreational and educational activities, when such sites require major improvements to accommodate public access and use. These major improvements shall include, but are not limited to: parking areas of 21 parking spaces or more; nature centers; equestrian paths; biking trails; canoe and kayak launch sites; public restroom facilities, greater than 500 square feet; signage beyond that allowed in sections 2.01.03 A.9. and 2.01.03 B.1.e. of this Code and other nondestructive passive recreational activities as identified by the County Manager or designee. The provisions for Conservation Collier lands in this Code do not affect the underlying zoning districts or land use designations in any district where Conservation Collier lands are established, such that no expansion or diminution of the various zoning district conditional uses is intended or implied by these provisions, except as stated above for major improvements. Oil and gas field development and production as defined

1 and regulated in this Code remains a conditional use on or beneath  
2 Conservation Collier lands established in zoning districts providing for oil  
3 and gas field development and production as a conditional use, subject to  
4 subsection 2.03.09 B.1.c.i.  
5

6 2. Conditional essential services in RFMU sending lands, NRPAs, CON districts, and  
7 RLSA designated HSAs and FSAs. Within RFMU District Sending Lands, NRPAs,  
8 CON districts, and the RFLA designated HSAs and FSAs subject to the limitations  
9 set forth in section 4.08.08 C.2., in addition to the essential services identified as  
10 allowed conditional uses in subsection 2.01.03 G.1. above, the following additional  
11 essential services are allowed as conditional uses:  
12

13 a. Sewer lines and lift stations necessary to serve a publicly owned or  
14 privately owned central sewer system providing service to urban areas; or  
15 the Rural Transition Water and Sewer District, as delineated on the Urban-  
16 Rural Fringe Transition Zone Overlay Map in the Future Land Use Element  
17 of the GMP, when not located within already cleared portions of existing  
18 rights-of-way or easements;  
19

20 b. Safety Services limited to law enforcement, fire, and emergency medical  
21 services; and  
22

23 c. Oil and gas field development and production, as defined and regulated in  
24 this Code, remains a conditional use on or beneath Conservation Collier  
25 lands established in the CON zoning district subject to subsection 2.03.09  
26 B.1.c.i.  
27

28 3. Additional conditional uses in residential, and estate zoned districts, and in RFMU  
29 receiving and neutral lands. In residential, agricultural, and estate zoned districts  
30 and in RFMU Receiving and neutral lands, in addition to those essential services  
31 identified as conditional uses in section 2.01.03 G.1. above, the following essential  
32 services shall also be allowed as conditional uses:  
33

34 a. Regional parks and community parks;  
35

36 b. Public parks and public library facilities;  
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38 c. Safety service facilities;  
39

40 d. Other similar facilities, except as otherwise specified herein.  
41

42 4. Additional conditional uses in the RFMU sending lands. The following essential  
43 services shall be allowed as conditional uses:  
44

45 a. Communications towers, subject to all applicable provisions of LDC  
46 section 5.05.09.  
47

48 ~~4. 5.~~ Conditional uses that include the installation of structures:  
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- a. Where structures are involved other than structures supporting lines or cables, such structures shall comply with the regulations for the district in which they are located, or as may be required on an approved site development plan under section 10.02.03. In addition, the structures shall conform insofar as possible to the character of the district in which they are located as to development standards, as well as architecture and landscaping, with utilization of screening and buffering to ensure compatible with the surrounding and nearby existing and future uses.
- b. Within the RFMU district sending lands, NRPAs, Conservation Districts, and the RLSA HSAs and FSAs, structures supporting the conditional use shall be located so as to minimize any impacts on native vegetation and on wildlife and wildlife habitat.
- c. Essential services shall not be deemed to include the erection of structures for commercial activities such as sales or the collection of bills in districts from which such activities would otherwise be barred. Unstaffed billing services, which are accessory uses to the normal operations of the essential service, may be permitted.

# # # # # # # # # # # # # #

**2.03.08 – Rural Fringe Zoning Districts**

\* \* \* \* \* \* \* \* \* \* \* \* \* \*

A. Rural Fringe Mixed-Use District (RFMU District).

\* \* \* \* \* \* \* \* \* \* \* \* \* \*

- 4. RFMU sending lands. RFMU sending lands are those lands that have the highest degree of environmental value and sensitivity and generally include significant wetlands, uplands, and habitat for listed species. RFMU sending lands are the principal target for preservation and conservation. Density may be transferred from RFMU sending lands as provided in LDC section 2.03.07 D.4.c. All NRPAs within the RFMU district are also RFMU sending lands. With the exception of specific provisions applicable only to NBMO neutral lands, the following standards shall apply within all RFMU sending lands:

\* \* \* \* \* \* \* \* \* \* \* \* \* \*

- a. Allowable uses where TDR credits have not been severed.

\* \* \* \* \* \* \* \* \* \* \* \* \* \*

(3) Conditional Uses.

- (a) Those essential services identified in LDC section 2.01.03 G.2 and 4.

# DRAFT

Text underlined is new text to be added

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

1 \* \* \* \* \*  
2  
3 b. Uses allowed where TDR credits have been severed.  
4  
5 \* \* \* \* \*  
6  
7 (2) Conditional uses:  
8  
9 (a) Those Essential Uses identified in LDC section 2.01.03 G.2 and 4.  
10  
11 # # # # # # # # # # # # #

# Exhibit A – Executive Summary Approved by BCC

11/13/2018

## EXECUTIVE SUMMARY

**Recommendation to direct staff to bring back for a public hearing an ordinance amending the Land Development Code to modify the definition of essential services in LDC Section 2.01.03 to include communications towers, and to allow communication towers as a conditional use within the Rural Fringe Mixed Use District-Sending Lands, and to allow applications for such communication towers to be processed under the proposed new zoning standards while the LDC amendment process is pending.**

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**OBJECTIVE:** To seek approval from the Board of County Commissioners (Board) to advertise and bring back for public hearing an ordinance to amend the Land Development Code (LDC) to modify the definition of essential services to include communications towers, and to allow communication towers as a conditional use within the Rural Fringe Mixed Use District-Sending Lands, and to allow applications for such communication towers to be processed and approved under the proposed new zoning standards while the zoning change is in progress.

**CONSIDERATIONS:** Currently, communication towers are not allowed as permitted or conditional uses within the Rural Fringe Mixed Use District (RFMUD)-Sending Lands. Therefore, communication towers are prohibited in the RFMUD-Sending Lands. To ensure compliance with the US Telecommunications Act of 1996 (47 USC 332), county staff is proposing this LDC amendment that would define communications towers as an essential service and allow communications towers as a conditional use in the RFMUD-Sending Lands. Section 332(c)(3)(7) of the Act states:

(7) Preservation of local zoning authority

(A) General authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) Limitations

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof-

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities

# Exhibit A – Executive Summary Approved by BCC

11/13/2018

shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

Staff is requesting approval to advertise, and bring back for public hearing, after vetting through the advisory bodies, an ordinance approving the attached LDC amendment, and authorization to allow applications for such communications towers to be processed and approved under the proposed LDC amendment while the zoning change is in progress.

**FISCAL IMPACT:** Cost of advertising for the LDC amendment is estimated at \$3,250.

**GROWTH MANAGEMENT IMPACT:** There is no growth management impact associated with this action.

**LEGAL CONSIDERATIONS:** This item is approved as to form and legality. A simple majority vote is needed for this item, but the LDC amendment when it comes back will require an affirmative vote of four. (HFAC)

**RECOMMENDATION:** That the Board of County Commissioners:

1. Direct staff to bring back for public hearing, after vetting through the advisory bodies, an ordinance amending LDC Section 2.01.03 to define communications towers as an essential service and allow communication towers as a conditional use within the RFMUD Sending Lands
2. Authorize the expenditure of funds for advertising said LDC amendment; and
3. Authorize staff to process applications for such communication towers while the zoning change is in progress.

Prepared By: Jeremy Frantz, AICP, LDC Manager, Growth Management Department

**ATTACHMENT(S)**

1. Draft LDC Amendment (PDF)



**LAND DEVELOPMENT CODE AMENDMENT**

**PETITION**

PL2018000XXXX

**SUMMARY OF AMENDMENT**

This amendment modifies standards for ground signs for facilities with fuel pumps.

**ORIGIN**

Growth Management  
Department (GMD)

**LDC SECTION TO BE AMENDED**

- 5.05.05 Facilities with Fuel Pumps
- 5.06.00 Sign Regulations and Standards by Land Use Classification
- 5.06.06 Prohibited Signs

**HEARING DATES**

BCC TBD  
 CCPC TBD  
 DSAC TBD  
 DSAC-LDR 12/18/2018

**ADVISORY BOARD RECOMMENDATIONS**

**DSAC-LDR**  
TBD

**DSAC**  
TBD

**CCPC**  
TBD

**BACKGROUND**

On December 11, 2018, the Board of County Commissioners (Board) directed staff to draft an ordinance to address signage visibility for facilities with fuel pumps (See Exhibit A).

This amendment is needed due to a recent change to Section 553.79(20)(a)2 of the Florida Statutes, which prohibits any requirement on gasoline pricing signs that, “prevents the sign from being clearly visible and legible to drivers of approaching motor vehicles from...any lane of traffic...” (See Exhibit B).

In coordination with local developers of facilities with fuel pumps, Staff has developed alternative standards for signs at facilities with fuel pumps which are consistent with Section 553.79(20)(a)2 of the Florida Statutes. The attached LDC amendment proposes the following changes to current standards for fuel pricing signs only:

- One ground or pole sign on each major road frontage with a maximum of two signs, instead of only one ground sign per site.
- A maximum sign height of 15 feet instead of 8 feet.
- Each such sign may include an “Electronic Message Board” (EMB) only for advertising fuel prices. These EMB’s are subject to limitations on the movement of images, brightness, resolution, and other design standards and which are allowed on arterial and collector roadways.

**FISCAL & OPERATIONAL IMPACTS**

There are no anticipated fiscal or operational impacts associated with this amendment.

**GMP CONSISTENCY**

To be provided by Comprehensive Planning Staff.

**EXHIBITS:** A) Executive Summary Providing Board Direction B) F.S. 553.79(20)

Amend the LDC as follows:

5.05.05 - Facilities with Fuel Pumps

\* \* \* \* \*

C. Building architecture, site design, lighting, and signage requirements.

\* \* \* \* \*

4. Signage for facilities with fuel pumps. The following are the only signs allowed in facilities with fuel pumps and convenience stores with fuel pumps.

a. Window, Wall, and other signs: As allowed in LDC section 5.06.00.

b. An illuminated corporate logo with a maximum area of 12 square feet shall be allowed on a canopy face which is adjacent to a dedicated street or highway. Otherwise accent lighting and back lighting are prohibited on canopy structures. Color accent banding on canopies may be approved as established in LDC section 5.05.05 C.1.b.iv.(b), above.

~~c. One ground sign shall be permitted for each site and shall be placed within a 200 square foot landscaped area. Height is limited so that the top edge of the sign face is less than eight feet above grade. Maximum permitted area is 60 square feet. Said sign shall be consistent with the color scheme and architectural design of the principal structure.~~

c. Each facility with fuel pumps will be limited to a maximum of two ground signs, two pole signs or one ground and one pole sign that advertise the retail price of fuel in accordance with Section 553.79(20)(a)2., F.S.

i. One fuel pricing ground or pole sign will be permitted on a frontage of a parcel that abuts an arterial or collector road right-of-way. The maximum height is limited to fifteen feet, measured from grade to the uppermost portion of the sign structure. Maximum sign copy area is 65 square feet. The sign must maintain a minimum setback of 10 feet from any property line or road right-of-way. A minimum of a 200 square foot landscaped area shall be provided around the base of the sign. The sign structure shall be consistent with the color scheme and architectural design of the principal structure. An electronic message board (EMB) may be part of the sign area, subject to the standards in 5.05.05 C.4.c.iii.

ii. One fuel pricing ground sign will be permitted on a frontage of a parcel that abuts a road right-of-way other than an arterial or collector road right-of-way. The maximum height is limited to eight feet, measured from grade to the uppermost portion of the sign structure. Maximum sign copy area is 60 square feet. The sign must maintain a minimum setback of 10 feet from any property line or road right-of-way. A minimum of a 200 square foot landscaped area

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shall be provided around the base of the sign. The sign structure shall be consistent with the color scheme and architectural design of the principal structure. An electronic message board will not be part of the sign.

iii. If an electronic message board (EMB) is used as allowed in 5.05.05 C.4.c.i., each of the following apply:

a) The EMB is limited to fuel prices only.

b) Changes to the EMB shall occur instantaneously. The EMB shall remain static without scroll, fade, flash, zoom, sparkle, color change, or any illusion of movement.

c) Such signs shall be constructed with a photocell to compensate for all conditions, day or nighttime hours, and shall adjust the display's brightness to a level that is not in excess of 0.3 foot-candles above ambient light levels, as measured from the most restrictive of the nearest abutting property line or a distance equal to the square root of [the EMB sign copy area multiplied by 100].

d) Exposed lamps, bulbs, or LEDs that are not covered by a lens, filter, or sunscreen are prohibited.

d. Signage is prohibited above fuel pumps.

\* \* \* \* \*

**5.06.00 - SIGN REGULATIONS AND STANDARDS BY LAND USE CLASSIFICATION**

A. Definitions. The definitions of the following terms shall apply to the requirements of the Land Development Code, in particular this section 5.06.00, to be known as the "Collier County Sign Code."

*Activated sign:* Any sign which contains or uses for illumination any light, lighting device, or lights which change color, flash, or alternate; or change appearance of said sign or any part thereof automatically; any sign which contains moving parts as part of its normal operation, such as rotating signs, shall be considered an activated sign.

~~Animated~~*Activated sign:* A sign depicting or involving action, motion, through electrical or mechanical means.

\* \* \* \* \*

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## 5.06.06 - Prohibited Signs

A. *Prohibited.* Any sign not specifically permitted by this sign code shall be prohibited.

\* \* \* \* \*

6. Animated signs ~~/activated~~ or Activated signs. Except see Section 5.05.05 C.4 for fuel pricing signs when located along an arterial or collector road right-of-way.

7. Clear or uncovered neon and exposed LED signs. Except see Section 5.05.05 C.4 for fuel pricing signs when located along an arterial or collector road right-of-way.

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# Exhibit A – Executive Summary Providing Board Direction

12/11/2018

## EXECUTIVE SUMMARY

**Recommendation to direct staff to bring back for a public hearing an ordinance amending the Land Development Code to modify design standards for signs advertising the price of fuel, in accordance with Section 553.79(20), Florida Statutes, and allow applications for such signs to be processed under the proposed new zoning standards while the LDC amendment process is pending.**

**OBJECTIVE:** To seek approval from the Board of County Commissioners (Board) to advertise and bring back for public hearing an ordinance to amend the Land Development Code (LDC) in regard to the number, height, size, and other design standards for signs advertising the price of fuel, in accordance with recent amendments to the Florida Statutes, and to allow applications for such signs to be processed and approved under the proposed new zoning standards while the zoning change is in progress.

**CONSIDERATIONS:** Currently, LDC Subsection 5.05.05 C.4.c places the following standards on signs for facilities with fuel pumps:

*One ground sign shall be permitted for each site and shall be placed within a 200 square-foot landscaped area. Height is limited so that the top edge of the sign face is less than eight feet above grade. Maximum permitted area is 60 square feet. Said sign shall be consistent with the color scheme and architectural design of the principal structure.*

However, in 2017, the Legislature added the following provision to Section 553.79(20)(a)2. of the Florida Statutes, prohibiting any requirement on gasoline pricing signs that, “prevents the sign from being clearly visible and legible to drivers of approaching motor vehicles from...any lane of traffic...” The applicable section reads:

- (20)(a) *A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:*
- \*\*\*\*\*
2. *Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.*
- (b) *This subsection does not affect any requirement for design and construction in the Florida Building Code.*
- (c) *All such ordinances and requirements are hereby preempted and superseded by general law. This subsection shall apply retroactively.*
- (d) *This subsection does not apply to property located in a designated historic district.*

Staff has had preliminary meetings with developers of facilities with fuel pumps who have requested more signage, larger signs and LED or message board signage.

In response, Staff has developed revised standards for signs at facilities with fuel pumps which are consistent with Section 553.79 (20)(a)2. The attached LDC amendment proposes the following changes to

# Exhibit A – Executive Summary Providing Board Direction

12/11/2018

current standards for fuel pricing signs only:

- One ground or pole sign on each major road frontage with a maximum of two signs, instead of only one ground sign per site;
- A maximum sign height of 15 feet instead of 8 feet;
- Each such sign may include an “electronic message board” only for advertising fuel prices, which will be subject to limitations on movement of images, brightness, resolution, and other design standards and which are allowed on arterial and collector roadways.

Staff is requesting approval to advertise, and bring back for public hearing, an ordinance approving the attached LDC amendment, and authorization to allow applications for such signs to be processed and approved under the proposed new zoning standards while the zoning change is in progress.

**FISCAL IMPACT:** Cost of advertising for the LDC amendment is estimated at \$1,200.

**GROWTH MANAGEMENT IMPACT:** There is no growth management impact associated with this action.

**LEGAL CONSIDERATIONS:** Upon approval of this item, staff will be authorized to process applications for fuel pricing signs in compliance with the proposed new zoning standards until the LDC amendment is heard by the Board. Applicants that request and obtain approval of applications prior to the Board’s approval of the LDC Ordinance amendment will proceed at their own risk.

This item is approved as to form and legality, and it requires a majority vote for approval. However, an affirmative vote of four will be needed for approval of the proposed LDC amendment. HFAC

**RECOMMENDATION:** That the Board of County Commissioners:

1. Directs staff to bring back for public hearing an ordinance amending the LDC to modify design standards for fuel pricing signs;
2. Authorizes the expenditure of funds for advertising said LDC amendment; and
3. Authorizes staff to process applications for such signs under the proposed new zoning standards while the zoning change is in progress.

Prepared By: Jeremy Frantz, LDC Manager, Zoning Division

**ATTACHMENT(S)**

1. Draft LDC Amendment (PDF)
2. Email of Support 11-29-18 (PDF)

## Exhibit B – F.S. 553.79(20)

### 553.79 Permits; applications; issuance; inspections.

\* \* \* \* \*

(20)(a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:

1. Contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526 or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et. seq.; or

2. Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.

(b) This subsection does not affect any requirement for design and construction in the Florida Building Code.

(c) All such ordinances and requirements are hereby preempted and superseded by general law. This subsection shall apply retroactively.

(d) This subsection does not apply to property located in a designated historic district.

Link:

[http://www.leg.state.fl.us/STATUTES/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0500-0599/0553/Sections/0553.79.html](http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0553/Sections/0553.79.html)