

RESOLUTION NO. 2018 - 72

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING THE ADMINISTRATIVE CODE FOR LAND DEVELOPMENT, WHICH WAS CREATED BY ORDINANCE NO. 2013-57, BY AMENDING CHAPTER TWO, LEGISLATIVE PROCEDURES, MORE SPECIFICALLY TO AMEND SECTION B, LAND DEVELOPMENT CODE AMENDMENT – PRIVATELY INITIATED TEXT AMENDMENTS, TO MODIFY APPLICATION PROCEDURES FOR PRIVATELY INITIATED LAND DEVELOPMENT CODE AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (“Board”) adopted Ordinance No. 2004-66 on October 12, 2004, which created an Administrative Code for Collier County; and

WHEREAS, the Board subsequently amended Ordinance No. 2004-66 through the adoption of Ordinance No. 2013-57 on September 24, 2013; and

WHEREAS, Ordinance No. 2013-57 provides for the adoption of Exhibit “B,” the Administrative Code for Land Development, which shall be maintained by the County Manager or designee; and

WHEREAS, Ordinance No. 2013-57 also provides that amendments required to maintain the Administrative Code shall be made by resolution adopted by the Board; and

WHEREAS, the Board desires to revise the Administrative Code for Land Development, to amend application requirements for privately initiated Land Development Code amendments in order to clarify existing application procedures, and to add a new requirement for a pre-application, for privately initiated Land Development Code amendment applications, as described in Exhibit “A,” attached hereto.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that the Administrative Code for Land Development, which was created by Ordinance No. 2013-57, is hereby amended as follows:

SECTION ONE: AMENDMENT OF CHAPTER TWO – LEGISLATIVE PROCEDURES

Section B, entitled “Land Development Code Amendment – Privately Initiated Text Amendments”, of Exhibit “B,” Administrative Code for Land Development, is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION TWO: EFFECTIVE DATE

This Resolution shall become effective on the date of adoption by the Board.

THIS RESOLUTION ADOPTED by majority vote this 24th day of April, 2018.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: *Dwight E. Brock*
Deputy Clerk
Attest as to Chairman's
signature only.

By: *Andy Solis*
ANDY SOLIS, CHAIRMAN

Approved as to form and legality:

Scott A. Stone 4/20/18
Scott A. Stone
Assistant County Attorney

Attachments: Exhibit A – Chapter 2, Section B, “Land Development Code Amendment Privately Initiated Text Amendments”

Exhibit A

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

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B. Privately Initiated Land Development Code Amendments – Privately Initiated Text Amendments

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

↔ See LDC section 10.03.06 for County Initiated Text LDC Amendments.

Applicability Privately initiated A amendments that supplement, change, or repeal the text of the LDC.

Pre-Application A pre-application meeting is ~~not~~ 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. ~~Completed LDC Amendment Request form.~~
3. Pre-application meeting notes.
4. LDC amendment request document, including the following.
 - The applicant’s name;
 - The name of the author of the LDC text amendment;
 - All LDC sections to be modified by the amendment;
 - A written statement briefly describing the change requested;
 - A written statement describing the justification for the amendment and any other relevant information about the change requested;
 - A written statement describing any potential fiscal or operational impacts associated with the amendment;
 - A written statement addressing the amendment’s consistency with the Growth Management Plan;
 - Changes to the LDC shall be identified in a strikethrough/underline format. Strikethrough language represents removal and underlined language represents new language; and
 - All cross references to the section in the LDC shall be checked and amended if necessary.

5. Electronic copies of all documents.

Completeness and Processing of Application The Growth Management ~~Division~~ 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

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

Notice Requirements for Amendments which affect 10 acres or less of land and do not change the list of permitted, conditional or prohibited uses within a zoning category

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

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

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

Notice for Amendments which affect 10 acres or more of land and do change the list of permitted, conditional or prohibited uses within a zoning category

Notification requirements are as above, with the addition of:

- 2 in. x 3 in. map of the project location of which amends the Zoning Atlas and/or changes the permitted, conditional, and prohibited uses within a zoning category in the County.

Public Hearings for Amendments which affect 10 acres or less of land and do not change the list of permitted, conditional or prohibited uses within a zoning category

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

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

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

1. The EAC shall hold at least one advertised public hearing, if required.
2. The Planning Commission shall hold at least one advertised public hearing.
 - The Planning Commission may elect by a majority decision to hear the ordinance or resolution at two advertised public hearings. If there is only one advertised public hearing, the hearing shall be held after 5:00 p.m. on a

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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.

3. The BCC shall hold at least two advertised public hearings.
 - At least one advertised public hearing shall be held after 5:00 p.m. on a weekday, unless the BCC by a majority vote plus one vote elects to conduct that hearing at another time of day.

~~Notice for Amendments which affect 10 acres or more of land and do change the list of permitted, conditional or prohibited uses within a zoning category~~

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

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

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

- The DSAC reviews the amendment application in a public meeting and makes a recommendation to the BCC.
- 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.
- 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-XX]