

December 18, 2018

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE
LAND DEVELOPMENT REVIEW SUBCOMMITTEE
Naples, Florida, December 18, 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
Blair Foley
Robert Mulhere
Jeff Curl

ALSO PRESENT:

Jeremy Frantz, LDC Manager
Ellen Summers, Senior Planner
Richard Henderlong, Principal Planner
Mike Bosi, Director of Planning
Eric Johnson, Principal Planner
Wayne Hendricks, Mechanical Plan Review

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

Mr. Brooker called the meeting to order at 2:00 p.m.

2. Approve agenda

The Subcommittee approved the Agenda. The items were heard in the order of priority and presented as listed in the minutes as certain members had to leave during the meeting due to other commitments.

3. Approval of Minutes from August 21, 2018

Mr. Foley moved to approve the minutes of the August 21, 2018 meeting as presented. Second by Mr. Curl. Carried unanimously 4 – 0.

4. Approval of Minutes from October 16, 2018

Mr. Mulhere moved to approve the minutes of the October 16, 2018 meeting as presented. Second by Mr. Curl. Carried unanimously 4 – 0.

7. New LDC/Admin Code Amendments:

a. Emergency Generators

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*):

The amendment provides additional flexibility for generator placement by establishing minimum setbacks from property lines that vary depending on the required yard sizes. The 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.

Mr. Henderlong presented the proposed amendment noting:

- That the proposed amendment is a Board of County Commissioners (BCC) directive intended to establish flexibility, address noise, setback, safety and other factors for the installation of permanent residential generators.
- After Hurricane Irma, a number of applications were rejected, due to not meeting setback requirements; as they are treated as an accessory structure.
- The amendment only applies to single-family and two-family residences and site plans will be required with an application. The amendment excludes temporary and portable generators
- The installation will be required to conform to the manufacturer's specification as well.
- In some instances, carbon monoxide detectors will be required to be installed.

The following was noted during Committee, Staff and Members of the public discussion:

- Consideration should be given to defining the uses as "*optional standby generators*" in accordance with Building Code and National Electrical Code as the term emergency generators is utilized for uses such as hospitals, ALF facilities, etc. and the guidelines are different for these uses – *Mr. Henderlong reported staff would consult the Building Department Manager and the County Attorney's Office on the request to describe the use as "optional standby generators."*

- Allowing installation in the front yards may pose an aesthetic concern and consideration should be given allowing installation only if a suitable side or rear yard location is deemed unavailable and/or establishing a requirement to screen the equipment.
- There was concern on allowing the installation within 2 feet of the right-of-way, and taking under consideration increasing the distance to at least 5 feet.
- If the manufacturer's specifications change for future installations, expansion of the existing uses would not be allowed and deemed a non-conforming use.
- Clarify the titling in Table 1 to alleviate any possible confusion with the required setbacks for the side yard.
- Consideration should be given requiring a 5-foot setback and screening from a preserve area or water body for safety and aesthetic reasons.
- The amendment could facilitate issuance of those permits previously rejected.

Mr. Foley moved for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed amendment subject to the following:

- 1. The words "permanent emergency generator" found in any applicable sections of the amendment be revised to read "optional standby generator."*
 - 2. Suitable screening be required for the placement of a generator in a front yard.*
 - 3. A setback of five feet be required from a right-of-way line.*
 - 4. A setback of five feet be required from any waterfront or preserve area.*
 - 5. Suitable screening be required for any unit placed on a waterfront.*
 - 6. Correct a typo and accept the LDC text changes highlighted in red.*
- Carried unanimously 4 – 0.*

The Subcommittee requested that Staff provide the recommended screening requirements to the full DSAC when the proposed amendment is presented for consideration.

Mr. Curl left the meeting at 3:02 p.m.

6. Previously Reviewed Amendments

c. Airport Zoning

LDC SECTIONS TO BE AMENDED 2.03.07 Overlay Zoning Districts, 4.02.06 Standards for Development in Airport Zones, Appendix D Airport Zoning

Ms. Summers provided a Memo dated December 18, 2018 "*Re: Airport Zoning LDC Amendment*" for informational purposes. She noted:

- That the item was reviewed by the Subcommittee at a previous meeting and no changes have been incorporated into the proposed amendment since that time.
- Staff is requesting that a recommendation on the item as it was previously delayed to allow updating of the Zoning Atlas Maps, however that activity is a major undertaking and Staff does not want to complete the activity until they have assurance the proposed amendment is acceptable to the Board of County Commissioners.
- The Master Plan being prepared for the Immokalee Airport may have some impact on the various tables in the proposed amendment depending on any proposals under the plan.

Mr. Foley moved for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed amendment. Second by Mr. Mulhere. Carried unanimously 3 – 0.

a. Residential Lighting

LDC SECTION TO BE AMENDED 4.02.08 Outside Lighting Requirements:

The 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).

Mr. Frantz noted that the item was previously reviewed by the Subcommittee however a quorum was not available to take action on the item.

Mr. Foley moved for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed amendment. Second by Mr. Mulhere. Carried unanimously 3 – 0.

b. Revised Commercial Landscaping Amendment

LDC SECTIONS TO BE AMENDED 4.06.02 Buffer Requirements 4.06.05 General Landscaping Requirements:

Mr. Frantz presented the proposed amendment.

The 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 for additional spacing in Type D buffers for improved visibility into shopping centers.
2. Prohibiting Slash Pine and Bald Cypress in new landscaping plans or existing landscaping plans proposing removal of 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.

During Committee discussion, the following was noted:

- Concern that the requirements limit the owner from addressing on-site safety and property damage issues.
- That the 15-year benchmark for replacement may be too excessive and consideration should be given to reducing the timeline.
- A property owner should be allowed to reasonably address safety and property damage issues when dealing with changes required for onsite landscaping.
- The maximum percent benchmark is also problematic as it restricts the owner from fully addressing the issues.

Mr. Mulhere moved for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed amendment subject to eliminating the option for a large-scale removal or replacement of required trees in the VUA and Type D Buffer on an approved plan within a 10-year period. Second by Mr. Foley.

Mr. Mulhere amended the motion for the Development Services Advisory Committee to not recommend the Board of County Commissioners adopt the proposed amendment however if the BCC chooses to adopt the amendment, it be subject to eliminating the option for a large-scale removal or replacement of required trees in the VUA and Type D Buffer on any approved plan within a 10-year period. Second by Mr. Foley. Carried unanimously 3 – 0.

The Subcommittee noted Mr. Curl's input will be sought when the item is presented to the DSAC.

7. New LDC/Admin Code Amendments

b. Separation Requirements for Storage Facilities on U.S. 41

LDC SECTIONS TO BE AMENDED 1.08.02, 2.03.03, 5.05.16, 10.03.06. Definitions Commercial Zoning Districts, Self-Storage Facilities (New Section), Public Notice and Required Hearings for Land Use Petitions:

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 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. It applies 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. 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.

Mr. Johnson presented the proposed amendment noting it has been developed as part of a BCC directive, and an email was received from Michael Fernandez on December 12, 2018, which has been distributed to the Subcommittee.

The following was noted during Subcommittee discussion:

- Clarifying that the measurement for separating self-storage buildings should be based upon a quarter-mile radius rather than a quarter-mile straight-line, linear approach.
- Upon presentation to the DSAC, Staff should provide the zoning map identifying the C-5 area in question.

Mr. Foley moved for the Development Services Advisory Committee to recommend the Board of County Commissioners adopt the proposed amendment. Second by Mr. Mulhere. Carried unanimously 3 – 0.

Chairman Brooker noted he supported the motion but expressed concern on the concept of imposing this type of limitation on a specific land use allowed in a zone.

Staff noted they will be responding to Mr. Fernandez's email.

c. Comprehensive Administrative Code Update

2018 -2019 Administrative Code Updates:

Ms. Summers presented the proposed update noting that it will be presented in sections over the coming months with today's item limited to Chapter's 1 – 3. She provided a brief overview of the changes noting they mainly address clarifications of items. The changes will be presented in series before bringing the total updates forth to the DSAC and BCC.

Mr. Mulhere moved to endorse Staff's recommended changes subject to changing the language in the Introduction of Chapter 3 to ensure it cites "Quasi-Judicial Procedures" with a Public Hearing. Second by Mr. Foley. Carried unanimously 3 – 0.

Mr. Mulhere left the meeting at 3:56 p.m.

5. Informational Items:

Staff noted these items are to notify the Subcommittee on upcoming proposed LDC amendments. They are to be reviewed so that they can provide any input or pose questions as necessary.

a. Public Hearing Notice Signs

Mr. Frantz provided a Memo dated December 11, 2018, *Re: Proposed Changes to Public Notice Signs* for informational purposes. The Subcommittee recommended that the telephone number associated with the signage be identified with red numbering.

b. Codifying Regularly Approved Deviations

Mr. Johnson provided a Memo dated November 30, 2018, *Re: Item 5.b. Codifying Regularly Approved Deviations* for informational purposes.

c. Golden Gate Area Master Plan LDC Amendments

Mr. Johnson provided a Memo dated November 29, 2018 *Re: Item 5.c. Golden Gate Area Master Plan* for informational purposes. The amendments to the plan are scheduled to be heard by the BCC on January 22, 2019.

7. New LDC/Admin Code Amendments

d. Communication Towers in the RFMUD Sending Lands

LDC SECTION TO BE AMENDED 2.01.03 Essential Services 2.03.08 Rural Fringe Zoning Districts:

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.

Staff reported that the item will be heard at a future DSAC meeting since there were no comments or changes.

e. Gas Station Signs

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:

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).

Staff reported that the item will be heard at a future DSAC meeting since there were no comments or changes.

8. 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 4:02 P.M.

December 18, 2018

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



CHAIRMAN

These Minutes were approved by the Committee on MARCH 19, 2019,
as presented X, or as amended _____.

