

**LAND DEVELOPMENT CODE AMENDMENT**

**PETITION**

PL20190001257

**ORIGIN**

Growth Management  
Department

**HEARING DATES**

BCC: 03/10/20 &  
06/09/20  
CCPC: 11/21/19  
DSAC: 08/07/19  
DSAC-LDR: 06/18/19

**SUMMARY OF AMENDMENT**

This amendment codifies the Nominal Alteration Plan process, a more streamlined review of limited, minor changes to approved SDPs and SIPs, or to sites without an existing SDP or SIP.

**LDC SECTIONS TO BE AMENDED**

10.02.03 Requirements for Site Development, Site Improvement Plans and Amendments thereof

**ADVISORY BOARD RECOMMENDATIONS**

**DSAC-LDR**  
Approval

**DSAC**  
Approval

**CCPC**  
Approval

**BACKGROUND**

Currently, all development, except as identified in LDC section 10.02.03 A.3, is required to comply with an approved Site Development Plan (SDP) or Site Improvement Plan (SIP) prior to a building permit or certificate of occupancy being issued. This requirement ensures that all development is designed and constructed in compliance with all the relevant provisions of the LDC. Throughout the development process, development plans may change, or errors may be found in approved SDPs or SIPs, requiring an amendment or insubstantial change.

Frequently, proposed changes to these plans would have minimal impacts to the overall development and do not warrant the same level of review as SDPs, SIPs, or amendments thereof. In these instances, staff has used an alternative process that allows for limited staff review, abbreviated review timeframes (five days), lower fees, and the ability to exchange sheets without resubmitting the entire plan set when appropriate.

In conjunction with an Administrative Code amendment (See Attachment A), this LDC amendment codifies the Nominal Alteration Plan (NAP) process, for certain types of scrivener’s errors that do not include changes to the site layout, and the following four changes or modifications:

- Mechanical air equipment and subsequent concrete pads;
- Permanent emergency generators;
- Above- or below-ground fuel tanks; or
- Carports or shade structures that do not increase impervious area calculations.

*DSAC-LDR Subcommittee Recommendation*

The DSAC-LDR Subcommittee recommended approval of the LDC amendment, as presented.

*DSAC Recommendation*

The DSAC recommended approval of the LDC amendment, as presented.

*CCPC Recommendation*

The CCPC recommended approval of the LDC amendment, as presented.

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**FISCAL & OPERATIONAL IMPACTS**

This amendment codifies an existing review process, therefore there are no anticipated fiscal or operational impacts associated with this amendment.

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**GMP CONSISTENCY**

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

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**ATTACHMENTS:** A) Proposed Administrative Code Section

Amend the LDC as follows:

10.02.03 - Requirements for Site Development, Site Improvement Plans and Amendments thereof

A. Generally.

1. Purpose. The intent of this section is to ensure compliance with the appropriate land development regulations prior to the issuance of a building permit. This section is further intended to ensure that the proposed development complies with fundamental planning and design principles such as: consistency with the county's growth management plan; the layout, arrangement of buildings, architectural design and open spaces; the configuration of the traffic circulation system, including driveways, traffic calming devices, parking areas and emergency access; the availability and capacity of drainage and utility facilities; and, overall compatibility with adjacent development within the jurisdiction of Collier County and consideration of natural resources and proposed impacts on those resources.

2. Applicability. All development, except as identified in LDC section 10.02.03 A.3, is subject to the provisions of this section.

a. No building permit or certificate of occupancy shall be issued except in compliance with the following:~~approved site development plan, site improvement plan, amendment thereof, or pursuant to an approved Early Construction Authorization permit.~~

i. Approved site development plan or site improvement plan, and amendment thereof;

ii. Approved nominal alteration plan; or

iii. Approved early construction authorization permit.

b. No final local development order shall be issued or renewed for any regulated development that would allow development or change in use in violation of the LDC.

c. All final local development orders issued in violation of the LDC are deemed invalid, and shall not confirm or vest any development right or property interest on the owner/operator or regulated development.

d. Violation of the terms identified in the approved site development plan, site improvement plan, and amendments thereof shall constitute a violation of the LDC.

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E. Site Improvement Plan Requirements (SIP).

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1. Criteria for site improvement plan review. A site improvement plan may be reviewed if the development proposal meets all of the following criteria:
  - a. The project involves a site which is currently improved with principal structures, parking facilities, water and sewer services, and defined ingress/egress.
  - b. The proposed use will not require an expansion of the existing impervious areas to a degree which would require an engineering review or otherwise affect on-site surface water management facilities as may be documented by waiver letters from the South Florida Water Management District or Collier County where applicable.
  - c. Written documentation from appropriate agencies acknowledging that water and sewer services are available at the site and are adequate to serve the proposed use.
  - d. Public utility ancillary systems in Collier County will be permitted as insubstantial changes to the Site Development Plan or Site Improvement Plan approved for the water treatment plant, wastewater treatment plant or other facility to which the public utility ancillary systems are subordinate, provided that the requirements of Section 5.05.12 are met. More than one (1) ancillary use may be permitted with one (1) application provided that all uses are connected by the same pipeline. The insubstantial change submittal shall include a signed and sealed boundary survey of the property or lease parcel; a copy of recorded deed or lease agreement; a recent aerial photograph of the project area; a master plan showing all public utility ancillary systems subordinate to the main water treatment plant, wastewater treatment facility, or irrigation quality (IQ) system; and a site plan prepared on a twenty-four inch by thirty-six inch sheet drawn to scale and setting forth the following information:
    - i. The project title, utility owner, address and telephone number.
    - ii. Legal description, scale, and north arrow.
    - iii. Zoning designation of the subject site(s) and adjacent sites and the proposed use of the subject site.
    - iv. Location, configuration and dimensions of all building and lot improvements.
    - v. Location and dimension of access point(s) to the site.
    - vi. Location of existing and proposed landscaping with specifications as to size, quantity and type of vegetation.
    - vii. All required and provided setbacks and separations between structures in matrix form.

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viii. Any additional relevant information as may be required by the County Manager or designee.

e. The change does not otherwise qualify for a Nominal Alteration Plan (NAP), identified in LDC section 10.02.03 G.3.

~~23.~~ Application for site improvement plans. A pre-application meeting shall be conducted by the County Manager or designee, prior to the submission of any site improvement plan for review. This meeting may be waived by the County Manager or designee upon the request of the applicant.

a. The Administrative Code shall establish the process and submittal requirements for site improvement plans.

b. Projects subject to the provisions of LDC section 5.05.08 shall submit architectural drawings that are signed and sealed by a licensed architect registered in the State of Florida.

c. The engineering plans shall be signed and sealed by the applicant's professional engineer, licensed to practice in the State of Florida.

d. The landscaping plans shall be signed and sealed by the applicant's landscape architect, registered in the State of Florida.

~~34.~~ Site improvement plan completion. Upon completion of the required improvements associated with a site improvement plan, and prior to the issuance of a certificate of occupancy, the applicant's engineer shall provide a completion certificate as to the improvements, together with all applicable items referenced in LDC section 10.02.05 B.2. Upon a satisfactory inspection of the improvements, a certificate of occupancy may then be issued.

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G. *Amendments and insubstantial changes.* Any proposed change or amendment to a previously approved site development plan shall be subject to review and approval by the County Manager or designee. Upon submittal of a plan clearly illustrating the proposed change, the County Manager or designee shall determine whether or not it constitutes a substantial change. In the event the County Manager or designee determines the change is substantial, the applicant shall be required to follow the review procedures set forth for a new site development plan.

1. Site development plan amendments (SDPA). A substantial change, requiring a site development plan amendment, shall be defined as any change which substantially affects existing transportation circulation, parking or building arrangements, drainage, landscaping, buffering, identified preservation/conservation areas and other site development plan considerations.

2. Site development plan insubstantial changes (SDPI). The County Manager or designee shall evaluate the proposed change in relation to the following criteria; for purposes of this section, the insubstantial change procedure shall be

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acceptable where the following conditions exist with respect to the proposed change:

- a. There is no South Florida Water Management District permit, or letter of modification, needed for the work and there is no major impact on water management as determined by the Engineering Services Director.
- b. There is no new access proposed from any public street, however minimal right-of-way work may be permitted as determined by the Transportation Planning Director.
- c. There is no addition to existing buildings (air-conditioned space) proposed, however a maximum area of 300 square feet of non-air-conditioned space used for storage, or to house equipment, will be permitted.
- d. There is no proposed change in building footprint or relocation of any building on site beyond that needed to accommodate storage areas as described in LDC section 10.02.03 G.2.c, above.
- e. The change does not result in an impact on, or reconfiguration of, preserve areas as determined by the Natural Resource Director.
- f. The change does not result in a need for additional environmental data regarding protected species as determined by the Natural Resources Director.
- g. The change does not include the addition of any accessory structure that generates additional traffic as determined by the Transportation Planning Director, impacts water management as determined by the Engineering Services Director, or contains air-conditioned space.
- h. There are no revisions to the existing landscape plan that would alter or impact the site development plan (as opposed to only the landscape plan) as determined by the landscape architect.

i. The change does not otherwise qualify for a Nominal Alteration Plan (NAP), identified in LDC section 10.02.03 G.3., below.

3. Nominal Alteration Plan (NAP). The NAP can be utilized for changes to projects that have an existing and approved SDP or SIP, and to projects that do not have an existing SDP or SIP. The NAP is limited to one or more of the following changes:

a. The proposed change corrects a scrivener’s error to an existing and approved site development plan, or site improvement plan, and does not propose an addition to, or modification, of the site layout. This includes the following:

i. Correction to the building square footage or building construction type;

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ii. Correction to the parking summary; or

iii. Addressing changes.

b. The proposed addition or modification is limited to the following:

i. Mechanical air equipment and subsequent concrete pads;

ii. Permanent emergency generators;

iii. Above- or below-ground fuel tanks; or

iv. Carports or shade structures that do not increase impervious area calculations.

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# Attachment A – Proposed Administrative Code Section

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

#### Chapter 4 | Administrative Procedures

## I.6 Nominal Alteration Plan (NAP)

**Reference** LDC section 10.02.03 G.3. and other provisions of the LDC.

**Applicability** This process provides for a nominal change to a site development plan (SDP), site improvement plan (SIP), or to an existing site in which there is no site development plan. A nominal alteration plan shall meet the criteria identified in LDC section 10.02.03 G.3.

**Pre-Application** A pre-application meeting is not required, but the **applicant** must obtain pre-submittal authorization from the Development Review Division.

**Initiation** The **applicant** files an “Nominal Alteration Plan” application with the Development Review Division.

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

**1. Applicant contact information.**

**2. Property information, including:**

- Project name;
- Most recent approved Site Plan number;
- Section, township, and range; and
- Property identification number.

**3. Addressing checklist.**

**4. Determination from the County Manager or designee that confirms the requested revisions qualify for the Nominal Alteration Plan.**

**5. Cover letter describing in detail the proposed changes, including any discussions with the assigned planner that may be pertinent to the review of the application.**

**7. Affidavit of Authorization.**

**8. Proposed Nominal Alteration Plan.**

**Plan Requirements** Sheet size: The Nominal Alteration Plan and the cover sheet (if required), shall be prepared on a maximum size sheet measuring 24 inches by 36 inches, showing the areas affected by the change. The sheet must clearly show the change “clouded” and clearly delineate the area and scope of the work to be done.

**1. For projects that have an existing SDP or SIP, the NAP is only required to show the plan sheets that have changed.**

**2. For projects that do not have an existing SDP or SIP, a cover sheet with the following information is required:**

- The project title;



# Attachment A – Proposed Administrative Code Section

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

#### Chapter 4 | Administrative Procedures

- Applicant contact information;
- Name, address, and telephone number of **property owner**;
- Zoning designation;
- Vicinity map clearly identifying the location of the development and its relationship to the surrounding community; and
- Legal description; and
- **Property identification number(s)** for the subject property.

**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., XX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

**Notice** No notice is required.

**Public Hearing** No hearing is required.

**Decision Maker** The County Manager or designee may approve.

**Review Process** The Development Review Division will review the application, identify whether additional materials are needed and approve, approve with conditions or deny the application utilizing the criteria identified in the applicable **LDC** sections.

**Updated**