

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20190002003

ORIGIN

Growth Management
Department

HEARING DATES

BCC 03-10-20 &
 06-09-20
CCPC 11-21-19
DSAC 10-02-19
DSAC-LDR 09-17-19

SUMMARY OF AMENDMENT

This amendment corrects scrivener’s errors, cross references from previously approved LDC amendments and updates the current Clerk of Court’s signatory block for standard performance security documents, plats and required certifications.

LDC SECTIONS TO BE AMENDED

- 2.03.05 Civic and Institutional Zoning Districts
 - 2.03.07 Overlay Zoning Districts
 - 2.03.08 Rural Fringe Zoning Districts
 - 4.06.02 Buffer Requirements
 - 5.03.06 Dock Facilities
 - 9.04.04 Specific Requirements for Minor After-the-Fact Encroachment
- APPENDIX A Standard Performance Security Documents for Required Improvements
APPENDIX C Final Subdivision Plat, Required Certifications and Suggested Text and Formats for other Required Information

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval

DSAC
Approval

CCPC
Approval

BACKGROUND

This amendment corrects scrivener’s errors and cross references in the following sections:

LDC section 2.03.05 B.1.a.5: The permitted use, “continuing care residential community” for the Community Facility District should read “continuing care retirement community” which is the same use allowed for in commercial zoning districts.

LDC section 2.03.07 G.7.e.xiii: The cross references to LDC section 4.05.04 “H” and “G.2” are in error. There is no subsection “H” and should read 4.05.04 “G”. Additionally, the cross reference to LDC section 4.05.04 “G.2” should read LDC section 4.05.04 “F.4” which does authorize the County Manager or Designee to determine minimum parking requirements for a use not referenced in Table 17 or for a required parking ratio to be modified.

LDC sections 2.03.08 A.2.a.4.b.ii.a.iv and 2.03.08 A.2.a.b.ii.b.v: The cross reference to LDC section 4.02.01 should read LDC section 4.02.03. Presently, the referenced section relates to “Specific Standards for Location of Accessory Buildings and Structures” and instead should reference “Dimensional Standards for Principal Uses in Base Zoning District”.

LDC section 2.03.08 A.4.b.2.a: The words “Essential Uses” should read “Essential Services” which is consistent with LDC section 2.03.08 A.4.a.3.a. In LDC section 2.03.08 A.4.b.: The words “Uses Allowed” are changed to “Allowable Uses” which is consistent with LDC subsections 2.03.08 A.2.a.3 and 2.03.08 A.2.b.1.

LDC section 4.06.02 B: The cross reference to LDC section 4.06.05 G should read LDC section 4.06.05 H. The removal of prohibited exotic material plant is not dependent upon sites adding buffers or buffer plantings, however they are required to be removed during site clearing per LDC section 3.05.08 “Requirement for Removal of Prohibited Exotic Vegetaion”. The installation and selection requirements for plant materials in buffers are standards to be met when buffers are required.

LDC sections 5.03.06 E, 12, 13, and 14: When LDC was recodified by Ordinance 04-41, three categories were erroneously listed as applicable standards to all dock facilities rather than as categories that pertain to the “Manatee Awareness and Protection Plan” submittal requirements for multi-slip docking facilities with 10 or more slips. The correction clarifies its applicability and consistency with the LDC recommendations established by the Board’s adoption of the Collier County’s Manatee Protection Plan, Section 3.2.1.1, in 1995 as prepared by the Natural Resource Department. (See Exhibit A)

LDC section 9.04.04: When Ordinance 18-18 was adopted, the LDC amendment had erroneously referenced LDC section 4.02.02, “Dimension Standards for Conditional Uses and Accessory Uses in Base Zoning Districts.” The correct reference is LDC section 4.02.03, “Specific Standards for Location of Accessory Buildings and Structures” which does provide for structure to structure separation requirements.

APPENDIX A and C: The signature block and name for the Clerk of Court is updated and replaced with a generic placeholder name which is consistent with the placeholder name for the Chairman of the Board of County Commissioners. DSAC had reviewed and approved an early draft amendment that only included Appendix C. The County Attorney’s Office has recommended the signature block and name for the Clerk of Court also be updated for Appendix A. Appendix A required forms are updated.

FISCAL & OPERATIONAL IMPACTS

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

GMP CONSISTENCY

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

EXHIBITS: A) Excerpt of 1995 Collier County Manatee Protection Plan

1 Amend the LDC as follows:

2
3 **2.03.05 Civic and Institutional Zoning Districts**
4

5 B. Community Facility District (CF). The purpose and intent of (CF) district is to implement
6 the GMP by permitting nonresidential land uses as generally identified in the urban
7 designation of the future land use element. These uses can be characterized as public
8 facilities, institutional uses, open space uses, recreational uses, water-related or
9 dependent uses, and other such uses generally serving the community at large. The
10 dimensional standards are intended to insure compatibility with existing or future nearby
11 residential development. The CF district is limited to properties within the urban mixed
12 use land use designation as identified on the future land use map.

13 1. The following uses are permitted as of right, or as accessory or conditional uses,
14 in the community facility district (CF).

15 a. *Permitted uses.*

16 * * * * *

17 5. Nursing homes, assisted living facilities (ALF) pursuant to §
18 400.402 F.S. and ch. 58A-5 F.A.C., family care facilities, group
19 care facilities (category I) and continuing care ~~residential~~
20 retirement communities pursuant to § 651 F.S. and ch. 4-193
21 F.A.C. all subject to LDC section 5.05.04.

22 * * * * *

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24
25 **2.03.07 Overlay Zoning Districts**

26 * * * * *

27 G. Immokalee Urban Overlay District. To create the Immokalee Urban Overlay District with
28 distinct subdistricts for the purpose of establishing development criteria suitable for the
29 unique land use needs of the Immokalee Community. The boundaries of the Immokalee
30 Urban Overlay District are delineated on the maps below.

31 * * * * *

32 7. *Interim Deviations:* Property owners within the Immokalee Urban Overlay District
33 may request deviations from specific dimensional requirements as described in
34 this section. A deviation request may be reviewed administratively or by the
35 Planning Commission depending upon its scope. This section addresses the
36 permissible deviations, limitations thereon, and the review process.

37 * * * * *

38 e. *Applicability - List of Development Standards Eligible for Deviation*
39 *Requests.* Property owners shall be eligible to seek a deviation from the
40 dimensional requirements of the following ~~Code provisions~~ LDC sections,
41 unless otherwise noted.

42 * * * * *

43 xiii. 4.05.04 ~~H G~~ (Spaces Required) Table 17 and 4.05.06 B Loading
44 Space Requirements, utilizing the existing administrative deviation
45 process set forth in LDC section 4.05.04 ~~G-2~~ F.4, recognizing that
46 the reduced need for off-street parking in Immokalee may be
47 offered as a viable basis for such administrative deviation.

48 * * * * *

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1 **2.03.08 Rural Fringe Zoning Districts**

2
3 A. Rural Fringe Mixed-Use District (RFMU District)

4 * * * * *
5 2. RFMU receiving lands. RFMU receiving lands are those lands within the RFMU
6 district that have been identified as being most appropriate for development and
7 to which residential development units may be transferred from RFMU sending
8 lands. Based on the evaluation of available data, RFMU receiving lands have a
9 lesser degree of environmental or listed species habitat value than RFMU
10 sending lands and generally have been disturbed through development or
11 previous or existing agricultural operations. Various incentives are employed to
12 direct development into RFMU receiving lands and away from RFMU sending
13 lands, thereby maximizing native vegetation and habitat preservation and
14 restoration. Such incentives include, but are not limited to: the TDR process;
15 clustered development; density bonus incentives; and, provisions for central
16 sewer and water. Within RFMU receiving lands, the following standards shall
17 apply, except as noted in subsection 2.03.08 A.1. above, or as more specifically
18 provided in an applicable PUD.

19 * * * * *
20 a. Outside rural villages.

21 * * * * *
22 (4) Design Standards.

23 * * * * *
24 (b) Clustered development:

25 * * * * *
26 ii. Minimum yard requirements:

27 a) **s** Single- **f** Family. Each single-family
28 lot or parcel minimum yard
29 requirement shall be established
30 within an approved PUD, or shall
31 comply with the following standards:

32 i) Front: 20 feet (Note front
33 yard **S** set back may be
34 reduced to 10 feet where
35 parking for the unit is
36 accessed via a rear alle**y**).

37 ii) Side: 6 feet.

38 iii) Rear: 15 feet.

39 iv) Accessory: Per **LDC** section
40 **4.02.04 4.02.03**.

41 * * * * *
42 b) **m** Multi- **f** Family. For each multi-

43 family lot or parcel minimum yard
44 shall be established within an
45 approved PUD, or shall comply with
46 the following standards:

47 * * * * *
48 v) Accessory: Per **LDC** section
49 **4.02.04 4.02.03**.

50 * * * * *

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

9 * * * * *

10 b. ~~Uses-allowed~~ Allowable uses where TDR credits have been severed.

11 * * * * *

12 (2) Conditional uses:

13 (a) Those Essential ~~Uses~~ services identified in LDC section
 14 2.01.03 G.2 and 4.

15 * * * * *

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17
 18 **4.06.02 Buffer Requirements**

19 * * * * *

20 B. Methods of determining buffers. Where a property adjacent to the proposed use is: (1)
 21 undeveloped, (2) undeveloped but permitted without the required buffering and
 22 screening required pursuant to this Code, or (3) developed without the buffering and
 23 screening required pursuant to this Code, the proposed use shall be required to install
 24 the more opaque buffer as provided for in table 2.4. Where property adjacent to the
 25 proposed use has provided the more opaque buffer as provided for in table 2.4, the
 26 proposed use shall install a type A buffer.

27
 28 Where the incorporation of existing native vegetation in landscape buffers is determined
 29 as being equivalent to or in excess of the intent of this Code, the planning services
 30 director may waive the planting requirements of this section.

31
 32 Buffering and landscaping between similar residential land uses may be incorporated
 33 into the yards of individual lots or tracts without the mandatory creation of separate
 34 tracts. If buffering and landscaping is to be located on a lot, it shall be shown as an
 35 easement for buffering and landscaping.

36
 37 The buffering and screening provisions of this Code shall be applicable at the time of
 38 planned unit development (PUD), preliminary subdivision plat (PSP), or site
 39 development plan (SDP) review, with the installation of the buffering and screening
 40 required pursuant to LDC section 4.06.05 ~~G~~. H. If the applicant chooses to forego the
 41 optional PSP process, then signed and sealed landscape plans will be required on the
 42 final subdivision plat. Where a more intensive land use is developed contiguous to a
 43 property within a similar zoning district, the planning services director may require
 44 buffering and screening the same as for the higher intensity uses between those uses.

45 * * * * *

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1 **5.03.06 Dock Facilities**

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3 E. Standards for dock facilities. The following criteria apply to dock facilities and boathouses,
4 with the exception of dock facilities and boathouses on manmade lakes and other
5 manmade bodies of water under private control.

6 * * * * *

7 11. Multi-slip docking facilities with 10 or more slips will be reviewed for consistency
8 with the Manatee Protection Plan ("MPP") adopted by the BCC and approved by
9 the DEP. If the location of the proposed development is consistent with the MPP,
10 then the developer shall submit a "Manatee Awareness and Protection Plan,"
11 which shall address, but not be limited to, the following categories:

- 12 a. Education and public awareness.
- 13 b. Posting and maintaining manatee awareness signs.
- 14 ~~12.~~ c. Information on the type and destination of boat traffic that will be
15 generated from the facility.
- 16 ~~13.~~ d. Monitoring and maintenance of water quality to comply with state
17 standards.
- 18 ~~14.~~ e. Marking of navigational channels, as may be required.

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21 **9.04.04 Specific Requirements for Minor After-the-Fact Encroachment**

22
23 Minor after-the-fact yard encroachments for structures, including principal and accessory
24 structures, may be approved administratively by the County Manager or designee. Exceptions to
25 required yards as provided for within LDC section 4.02.01 D. shall not be used in the calculations
26 of existing yard encroachments.

27 * * * * *

28 B. For both residential and non-residential structures, the County Manager or
29 designee may administratively approve minor after-the-fact yard encroachments
30 of up to ten percent of the required yard with a maximum of two feet when a
31 building permit and certificate of occupancy has been granted. The encroachment
32 applies to the yard requirement in effect as of the date the building permit was
33 issued.

34 1. Exception. Residential structures shall be deemed compliant with the
35 applicable development standards and no variance shall be required when
36 the following additional conditions apply:

- 37 a. The building permit and certificate of occupancy were approved in
38 compliance with the required setbacks in effect at that time;
- 39 b. The encroachment does not exceed three inches into the required
40 yard;
- 41 c. The only portion of the structure encroaching into the required yard
42 is the exterior wall treatment; and
- 43 d. The required structure to structure separation, as identified in LDC
44 section ~~4.02.02~~ 4.02.03, is satisfied.

45 * * * * *

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APPENDIX A- STANDARD PERFORMANCE SECURITY DOCUMENTS FOR REQUIRED IMPROVEMENTS

The following specimen forms are to be used as a guide for preparation of bonding instruments which will be submitted to the Collier County Board of County Commissioners for guaranteeing the completion of required improvements with respect to this Code. Adherence to the forms will assure an expeditious review by the Development Services Division and the Collier County Attorney's Office. Deviation in substance or form from the suggested specimen forms may result in a substantial delay or disapproval of the bonding provisions for Required Improvements by the Development Services Division or the County Attorney's Office. These specimen forms may be revised from time to time by resolution of the Board of County Commissioners.

Appendix A consists of the following specimen forms:

* * * * *

A.1. Subdivision Improvements

* * * * *

c. The Construction, Maintenance and Escrow Agreement for Subdivision Improvements shall be substantially as follows:

* * * * *

IN WITNESS WHEREOF, the Board and the Developer and Lender have caused this Agreement to be executed by their duly authorized representatives this _____ day of _____, 20_____.

* * * * *

ATTEST:

DWIGHT E. BROCK (Name of Clerk), CLERK	BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA
By: _____, Deputy Clerk	By: _____, Chairman
Approved as to form and legality.	

Assistant County Attorney	

* * * * *

d. The Construction and Maintenance Agreement for Subdivision Improvements shall be substantially as follows:

* * * * *

IN WITNESS WHEREOF, the Board and the Developer have caused this Agreement to be executed by their duly authorized representatives this _____ day of _____, 20_____.

* * * * *

ATTEST:

DWIGHT E. BROCK (Name of Clerk), CLERK	BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA
---	---

By: _____, Deputy Clerk	By: _____, Chairman
Approved as to form and legality.	

Assistant County Attorney	

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2
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* * * * *
A.2. Excavation Improvements
 * * * * *
 c. The Performance Agreement for Excavation shall be substantially as follows:
 * * * * *

IN WITNESS WHEREOF, the Board and the Developer have caused this Agreement to be executed by their duly authorized representatives this _____ day of _____, 20_____.

* * * * *
 ATTEST:

DWIGHT E. BROCK (Name of Clerk) , CLERK	BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA
By: _____, Deputy Clerk	By: _____, Chairman
Approved as to form and legality.	

Assistant County Attorney	

10
11
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* * * * *
A.3. Early Work Improvements
 * * * * *
 c. The Performance Agreement for Early Work shall be substantially as follows:
 * * * * *

IN WITNESS WHEREOF, the Board and the Developer have caused this Agreement to be executed by their duly authorized representatives this _____ day of _____, 20_____.

* * * * *
 ATTEST:

DWIGHT E. BROCK (Name of Clerk) , CLERK	BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA
By: _____, Deputy Clerk	By: _____, Chairman
Approved as to form and legality.	

Assistant County Attorney	

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* * * * *

1 **A.4. Site Development Plan Improvements**
 2 * * * * *

3 c. The Performance Agreement for Site Development shall be substantially as
 4 follows:
 5 * * * * *

6 IN WITNESS WHEREOF, the Board and the Developer have caused this Agreement to be
 7 executed by their duly authorized representatives this _____ day of _____, 20_____.
 8 * * * * *

9 ATTEST:

DWIGHT E. BROCK (Name of Clerk), CLERK	BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA
By: _____, Deputy Clerk	By: _____, Chairman
Approved as to form and legality.	

Assistant County Attorney	

10 * * * * *
 11 # # # # # # # # # # # # # #

1 **APPENDIX C - FINAL SUBDIVISION PLAT, REQUIRED CERTIFICATIONS AND**
2 **SUGGESTED TEXT AND FORMATS FOR OTHER REQUIRED INFORMATION**

3 * * * * *

4 COUNTY COMMISSION APPROVAL

5
6 STATE OF FLORIDA
7 COUNTY OF COLLIER

8
9 THIS PLAT APPROVED FOR RECORDING IN A REGULAR OPEN MEETING
10 BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY,
11 FLORIDA, THIS _____ DAY OF _____, 20____, PROVIDED THAT THE
12 PLAT IS FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF
13 COLLIER COUNTY, FLORIDA.

14
DWIGHT E. BROCK (Name of Clerk) (Name of Chairman), CHAIRMAN
CLERK OF CIRCUIT COURT IN AND BOARD OF COUNTY COMMISSIONERS
FOR COLLIER COUNTY COLLIER COUNTY, FLORIDA

15
16 FILING RECORD

17
18 I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY ME AND
19 THAT IT COMPLIES IN FORM WITH THE REQUIREMENTS, OF CHAPTER
20 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT SAID PLAT WAS
21 FILED FOR RECORD AT _____ (a.m. or p.m.) THIS _____ DAY OF
22 _____, 20 ____, AND DULY RECORDED IN PLAT BOOK _____ PAGE(S)
23 _____, INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY,
24 FLORIDA.

25
26 DWIGHT E. BROCK (Name of Clerk)
27 CLERK OF CIRCUIT COURT
28 IN AND FOR COLLIER COUNTY

29 * * * * *

30 # # # # # # # # # # # # # #

3.2.1.1 Recommended Additions to the Land Development Code

The following stipulations are recommended to be appended to the LDC:

1. Proposed developments will be reviewed for consistency with the Manatee Protection Plan adopted by the Collier County Board of County Commissioners and approved by the Florida Department of Environmental Protection.
2. If the location of the proposed development appears to be consistent with the MPP, then the developer will submit a "Manatee Awareness and Protection Plan", which shall address, but not be limited to, the following categories:
 - Education and public awareness
 - Posting and maintaining Manatee Awareness signs
 - Information on type and destination of boat traffic that will be generated from the facility.
 - Monitoring and maintenance of water quality to comply with state standards.