

ORDINANCE NO. 20 – 16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, TO AMEND THE TIMING OF REQUIRED INSPECTIONS FOR COMMUNICATIONS TOWERS, TO ADD A NOMINAL ALTERATION PLAN TO SIMPLIFY THE REVIEW OF CERTAIN CHANGES TO SITE DEVELOPMENT PLANS, TO LIMIT ARCHITECTURAL LIGHTING ON BUILDINGS AND LIGHTING ON CAR WASH EQUIPMENT, TO CLARIFY PUBLIC NOTICE PROVISIONS FOR CERTAIN LAND USE PETITIONS, AND TO CORRECT CITATIONS AND UPDATE TEXT, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER ONE – GENERAL PROVISIONS, INCLUDING SECTION 1.08.02 DEFINITIONS; CHAPTER TWO – ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.05 CIVIC AND INSTITUTIONAL ZONING DISTRICTS, SECTION 2.03.07 OVERLAY ZONING DISTRICTS, SECTION 2.03.08 RURAL FRINGE ZONING DISTRICTS; CHAPTER FOUR – SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.06.02 BUFFER REQUIREMENTS; CHAPTER FIVE – SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.03.06 DOCK FACILITIES, SECTION 5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS, SECTION 5.05.09 COMMUNICATIONS TOWERS, SECTION 5.05.11 CARWASHES ABUTTING RESIDENTIAL ZONING DISTRICTS; CHAPTER NINE – VARIATIONS FROM CODE REQUIREMENTS, INCLUDING SECTION 9.04.04 SPECIFIC REQUIREMENTS FOR MINOR AFTER-THE-FACT ENCROACHMENTS; CHAPTER TEN – APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING SECTION 10.02.03 REQUIREMENTS FOR SITE DEVELOPMENT, SITE IMPROVEMENT PLANS AND AMENDMENTS THEREOF, SECTION 10.03.06 PUBLIC NOTICE AND REQUIRED HEARINGS FOR LAND USE PETITIONS; APPENDIX A STANDARD PERFORMANCE SECURITY DOCUMENTS FOR REQUIRED IMPROVEMENTS; AND APPENDIX C FINAL SUBDIVISION PLAT, REQUIRED CERTIFICATIONS AND SUGGESTED TEXT AND FORMATS FOR OTHER REQUIRED INFORMATION; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

Recitals

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code (hereinafter LDC), which was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, on March 18, 1997, the Board adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, the Collier County Planning Commission, sitting as the land planning agency, did hold advertised public hearings on November 21, 2019, and December 19, 2019, and reviewed the proposed amendments for consistency with the Comprehensive Plan and did recommend approval; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold an advertised public hearing on June 9, 2020, and did take action concerning these amendments to the LDC; and

WHEREAS, the subject amendments to the LDC are hereby determined by this Board to be consistent with and to implement the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (1), Florida Statutes; and

WHEREAS, this ordinance is adopted in compliance with and pursuant to the Community Planning Act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w); and

WHEREAS, this ordinance is adopted pursuant to the constitutional and home rule powers of Fla. Const. Art. VIII, § 1(g); and

WHEREAS, all applicable substantive and procedural requirements of the law have otherwise been met.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

SECTION ONE: RECITALS

The foregoing Recitals are true and correct and incorporated by reference herein as if fully set forth.

SECTION TWO: FINDINGS OF FACT

The Board of Commissioners of Collier County, Florida, hereby makes the following findings of fact:

1. Collier County, pursuant to § 163.3161, *et seq.*, F.S., the Florida Community Planning Act (herein after the "Act"), is required to prepare and adopt a comprehensive plan.

2. After adoption of the Comprehensive Plan, the Act and in particular § 163.3202(1). F.S., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.

3. Section 163.3201, F.S., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted comprehensive plan.

4. Section 163.3194(1)(b), F.S., requires that all land development regulations enacted or amended by Collier County be consistent with the adopted comprehensive plan, or element or portion thereof, and any land regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent.

5. Section 163.3202(3), F.S., states that the Act shall be construed to encourage the use of innovative land development regulations.

6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan" or "GMP") as its comprehensive plan pursuant to the requirements of § 163.3161 *et seq.*, F.S.

7. Section 163.3194(1)(a), F.S., mandates that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such comprehensive plan or element shall be consistent with such comprehensive plan or element as adopted.

8. Pursuant to § 163.3194(3)(a), F.S., a development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development are compatible with, and further the objectives,

policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

9. Section 163.3194(3)(b), F.S., states that a development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991. The Land Development Code adopted in Ordinance 91-102 was recodified and superseded by Ordinance 04-41.

11. Collier County finds that the Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; to encourage the most appropriate use of land, water and resources consistent with the public interest; to overcome present handicaps; and to deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County and it is intended that this Land Development Code preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience and general welfare of Collier County; to prevent the overcrowding of land and avoid the undue concentration of population; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; to conserve, develop, utilize and protect natural resources within the jurisdiction of Collier County; to protect human, environmental, social and economic resources; and to maintain through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

12. It is the intent of the Board of County Commissioners of Collier County to implement the Land Development Code in accordance with the provisions of the Collier County Comprehensive Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., and through these amendments to the Code.

SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

* * * * *

SUBSECTION 3.A. AMENDMENTS TO SECTION 1.08.02 DEFINITIONS

Section 1.08.02 Definitions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

1.08.02 Definitions

Abut or abutting: To share a common property line or boundary at any one point.

Accent lighting: Exposed sStrands or tubes of lighting that outline a structure, or to maintain a common architectural theme to attract attention to any business, service, or other related functions.

* * * * *

SUBSECTION 3.B. AMENDMENTS TO SECTION 2.03.05 CIVIC AND INSTITUTIONAL ZONING DISTRICTS

Section 2.03.05 Civic and Institutional Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.05 Civic and Institutional Zoning Districts

* * * * *

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

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

a. *Permitted uses.*

* * * * *

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

* * * * *

SUBSECTION 3.C. AMENDMENTS TO SECTION 2.03.07 OVERLAY ZONING DISTRICTS

Section 2.03.07 Overlay Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.07 Overlay Zoning Districts

* * * * *

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

* * * * *

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

* * * * *

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

* * * * *

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

* * * * *

SUBSECTION 3.D. AMENDMENTS TO SECTION 2.03.08 RURAL FRINGE ZONING DISTRICTS

Section 2.03.08 Rural Fringe Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.08 Rural Fringe Zoning Districts

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

* * * * *

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

* * * * *

a. Outside rural villages.

* * * * *

(4) Design Standards.

* * * * *

(b) Clustered development:

* * * * *

ii. Minimum yard requirements:

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

i) Front: 20 feet (Note front yard ~~Set-back~~ setback may be reduced to 10 feet where parking for the unit is

accessed via a rear ally
alley).

- ii) Side: 6 feet_
- iii) Rear: 15 feet_
- iv) Accessory: Per LDC section 4.02.01 4.02.03.

* * * * *

- b) ~~m~~ Multi- ~~f~~ Family. For each multi-family lot or parcel minimum yard shall be established within an approved PUD, or shall comply with the following standards:

* * * * *

- v) Accessory: Per LDC section 4.02.01 4.02.03.

* * * * *

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:

* * * * *

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

* * * * *

(2) Conditional uses:

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

* * * * *

SUBSECTION 3.E. AMENDMENTS TO SECTION 4.06.02 BUFFER REQUIREMENTS

Section 4.06.02 Buffer Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.06.02 Buffer Requirements

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

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

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

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

* * * * *

SUBSECTION 3.F. AMENDMENTS TO SECTION 5.03.06 DOCK FACILITIES

Section 5.03.06 Dock Facilities, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.03.06 Dock Facilities

* * * * *

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

* * * * *

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

- a. Education and public awareness.
- b. Posting and maintaining manatee awareness signs.

12. c. Information on the type and destination of boat traffic that will be generated from the facility.

13. d. Monitoring and maintenance of water quality to comply with state standards.

14. e. Marking of navigational channels, as may be required.

* * * * *

SUBSECTION 3.G. AMENDMENTS TO SECTION 5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS

Section 5.05.08 Architectural and Site Design Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.08 – Architectural and Site Design Standards

* * * * *

F. Site design standards. Compliance with the standards set forth in this section must be demonstrated by submittal of architectural drawings and a site development plan in accordance with the Administrative Code and LDC section 10.02.03.

* * * * *

7. Lighting. See LDC sections 4.05.02 D and 6.06.03 for additional requirements.

* * * * *

d. Design standards. Lighting must be used to provide safety while accenting key architectural elements and to emphasize landscape features. Light fixtures must complement the design of the project. This can be accomplished through style, material or color.

i. When visible from a public right-of-way or from an adjacent residential property, the illumination of new or existing building facades, architectural features, or windows with lights that change color, flash, or alternate at intervals more frequently than once per day is prohibited.

e. Illumination. Background spaces, such as parking lots, shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property. Foreground spaces, including building entrances and plaza seating areas, must utilize local lighting that defines the space.

* * * * *

SUBSECTION 3.H. AMENDMENTS TO SECTION 5.05.09 COMMUNICATION TOWERS

Section 5.05.09 Communication Towers, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.09 - Communications Towers

* * * * *

G. Development standards for communication towers.

* * * * *

14. ~~Effective January 1, 1992, a~~ All ~~guyed towers, including old towers,~~ exceeding 185 feet in height shall be inspected every ~~three (3) two (2)~~ years. ~~Such s~~ Self-supporting towers shall be inspected every ~~four (4) five (5)~~ years. Each inspection shall be conducted by a qualified professional engineer or other qualified professional inspector, and any inspector-recommended repairs and/or maintenance should be completed without unnecessary delay. At a minimum, each inspection shall include the following:

* * * * *

SUBSECTION 3.I. AMENDMENTS TO SECTION 5.05.11 CARWASHES ABUTTING RESIDENTIAL ZONING DISTRICTS

Section 5.05.11 Carwashes Abutting Residential Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.11 Carwashes Abutting Residential Zoning Districts

* * * * *

I. Carwashes abutting residential districts shall be closed from 10:00 p.m. to 7:00 a.m.

J. The illumination of equipment with lights that change color, flash, or alternate at intervals more frequently than once per day is prohibited on new or existing car washes when visible from a public right-of-way or from an adjacent residential property.

* * * * *

SUBSECTION 3.J. AMENDMENTS TO SECTION 9.04.04 SPECIFIC REQUIREMENTS FOR MINOR AFTER-THE-FACT ENCROACHMENT

Section 9.04.04 Specific Requirements for Minor After-the-Fact Encroachment, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

9.04.04 Specific Requirements for Minor After-the-Fact Encroachment

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

* * * * *

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

1. Exception. Residential structures shall be deemed compliant with the applicable development standards and no variance shall be required when the following additional conditions apply:
 - a. The building permit and certificate of occupancy were approved in compliance with the required setbacks in effect at that time;
 - b. The encroachment does not exceed three inches into the required yard;
 - c. The only portion of the structure encroaching into the required yard is the exterior wall treatment; and
 - d. The required structure to structure separation, as identified in LDC section ~~4.02.02~~ 4.02.03, is satisfied.

* * * * *

SUBSECTION 3.K. AMENDMENTS TO SECTION 10.02.03 REQUIREMENTS FOR SITE DEVELOPMENT, SITE IMPROVEMENT PLANS AND AMENDMENTS THEREOF

Section 10.02.03 Requirements for Site Development, Site Improvement Plans and Amendments thereof, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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

A. *Generally.*

* * * * *

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.

* * * * *

E. *Site Improvement Plan Requirements (SIP).*

1. Criteria for site improvement plan review. A site improvement plan may be reviewed if the development proposal meets all of the following criteria:

* * * * *

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

* * * * *

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.

* * * * *

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

* * * * *

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;
 - 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. Carpports or shade structures that do not increase impervious area calculations.

* * * * *

SUBSECTION 3.L. AMENDMENTS TO SECTION 10.03.06 PUBLIC NOTICE AND REQUIRED HEARINGS FOR LAND USE PETITIONS

Section 10.03.06 Public Notice and Required Hearings for Land Use Petitions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.03.06 Public Notice and Required Hearings for Land Use Petitions

This section shall establish the requirements for public hearings and public notices. This section shall be read in conjunction with LDC section 10.03.05 and Chapter 8 of the Administrative Code, which further establishes the public notice procedures for land use petitions.

* * * * *

- B. Ordinance or resolution for a rezoning, a PUD amendment, or a conditional use. For minor conditional use notice requirements see 10.03.06 C, below and for County initiated rezonings, see 10.03.06 K.:

1. The following advertised public hearings are required:
 - a. One Planning Commission hearing.
 - b. One BCC or BZA hearing.

2. The following notice procedures are required:
 - a. A NIM. See LDC section 10.03.05 A.
 - b. Mailed Notice prior to the first advertised public hearing.
 - c. Newspaper Advertisement prior to each advertised public hearing in accordance with F.S. § 125.66.
 - d. Posting of a sign prior to the first advertised public hearing.
 - e. ~~For a rezoning or a PUD amendment the County shall notify by mail each owner within the area covered by the proposed ordinance or resolution of the time, place, and location of the public hearing before the BCC or BZA.~~

* * * * *

D. ~~PUD extension, c~~Conditional use extension, or conditional use re-review:

1. The following advertised public hearings are required:
 - a. One BZA or Hearing Examiner hearing.

2. The following notice procedures are required:
 - a. Mailed Notice prior to the advertised public hearing.
 - b. Newspaper Advertisement prior to the advertised public hearing.
 - c. Posting of a sign prior to the advertised public hearing. Signage is not required for a conditional use re-review.

E. Ordinance or resolution for comprehensive plan amendments:

1. The following advertised public hearings are required:
 - a. One or more Planning Commission hearings pursuant to F.S. Chapter 163.
 - b. One or more BCC hearings pursuant to F.S. Chapter 163.

2. The following notice procedures are required:

- a. Small-scale amendments:
 - i. ~~A NIM. See LDC section 10.03.05 A., which shall be held after the first set of staff review comments have been issued and prior to the Planning Commission hearing.~~
 - ii. Mailed Notice prior to the advertised Planning Commission hearing.
 - iii. Newspaper Advertisement prior to each advertised public hearing.
 - iv. Posting of a sign prior to the advertised Planning Commission hearing.
 - v. ~~Mailed Notice shall be sent to each real property owner within the area covered by the proposed plan amendment prior to the advertised BCC public hearing.~~

- b. ~~Regular~~Large-scale amendments:
 - i. ~~A NIM, which shall be held after the first set of staff review comments have been issued and prior to the Planning Commission adoption hearing for a site specific amendment.~~
 - ii. ~~Mailed Notice prior to the advertised Planning Commission hearing for a site specific amendment.~~
 - iii. ~~Newspaper Advertisement prior to each advertised public hearing.~~
 - iv. ~~Posting of a sign prior to the advertised Planning Commission hearing for a site specific amendment.~~
 - v. ~~Mailed Notice shall be sent to each real property owner within the area covered by the proposed plan amendment prior to the advertised BCC public hearing.~~
 - i. For all large-scale amendments, a Newspaper Advertisement prior to each advertised public hearing.
 - ii. For large-scale amendments that are site-specific, the additional notice procedures are required:
 - a) A NIM. See LDC section 10.03.05 A.
 - b) Mailed Notice prior to the advertised Planning Commission hearing.
 - c) Posting of a sign prior to the advertised Planning Commission hearing.

* * * * *

SUBSECTION 3.M. AMENDMENTS TO APPENDIX A STANDARD PERFORMANCE SECURITY DOCUMENTS FOR REQUIRED IMPROVEMENTS

APPENDIX A, Standard Performance Security Documents for Required Improvements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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

* * * * *

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

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

A.4. Site Development Plan Improvements

* * * * *

c. The Performance Agreement for Site Development 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

* * * * *

**SUBSECTION 3.N. AMENDMENTS TO APPENDIX C FINAL SUBDIVISION PLAT,
REQUIRED CERTIFICATIONS AND SUGGESTED TEXT AND FORMATS FOR
OTHER REQUIRED INFORMATION**

Appendix C, Final Subdivision Plat, Required Certifications and Suggested Text and Formats for Other Required Information, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**Appendix C - Final Subdivision Plat, Required Certifications and Suggested Text and
Formats for Other Required Information**

* * * * *

COUNTY COMMISSION APPROVAL

STATE OF FLORIDA
COUNTY OF COLLIER

THIS PLAT APPROVED FOR RECORDING IN A REGULAR OPEN MEETING BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, THIS _____ DAY OF _____, 20___, PROVIDED THAT THE PLAT IS FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COLLIER COUNTY, FLORIDA.

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

(Name of Chairman), CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

FILING RECORD

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

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

* * * * *

SECTION FOUR: CONFLICT AND SEVERABILITY

In the event that any provisions of this ordinance should result in an unresolved conflict with the provisions of the Land Development Code (LDC) or Growth Management Plan (GMP), the applicable provisions of the LDC or GMP shall prevail. In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FIVE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION SIX: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 9th day of June, 2020.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: *Crystal Kinzel*
Deputy Clerk
Attest as to Chairman's
signature only.

By: *Burt L. Saunders*
Burt L. Saunders, Chairman

Approved as to form and legality:

Heidi F. Ashton-Cicko
Heidi F. Ashton-Cicko
Managing Assistant County Attorney

04-CMD-01077/1826 (6/10/20)
19-LDS-00065

This ordinance filed with the
Secretary of State's office the
12th day of June,
and acknowledgement
filing received this 12th day
of June 2020.
By: *Crystal Kinzel*
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 12, 2020

Ms. Ann P. Jennejohn, BMR Senior Deputy Clerk
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, Florida 34112

Dear Ms. Jennejohn:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 20-16, which was filed in this office on June 12, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb