

RESOLUTION NO. 2020 - 88

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, AND CHAPTER FOUR, ADMINISTRATIVE PROCEDURES, TO CLARIFY ADVERTISING PROCEDURES FOR COMPREHENSIVE PLAN AMENDMENTS AND TO ADD PROCEDURES FOR NOMINAL ALTERATION PLANS; 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 clarify advertising procedures for comprehensive plan amendments, and to add a new nominal alteration plans section, 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, AND CHAPTER FOUR – ADMINISTRATIVE PROCEDURES

Chapter Two – Legislative Procedures, and Chapter Four – Administrative Procedures, 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 9th day of June, 2020.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 

By: 
BURT L. SAUNDERS, CHAIRMAN

Deputy Clerk
Attest as to Chairman's
signature only.

Approved as to form and legality:

 HFAC
Heidi F. Ashton-Cicko 5-18-20
Managing Assistant County Attorney

Attachments: Exhibit A – Chapter 2, Section A, “Comprehensive Plan Amendment”
Chapter 4, Section I.6. “Nominal Alteration Plan (NAP)”

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 2 | Legislative Procedures

A. Comprehensive Plan Amendment

Reference	F.S. § 163.3177 – 163.3187, 125.66 and LDC Public Notice subsection 10.03.06 E and the Collier County Growth Management Plan (GMP). <i>Note:</i> The Florida Department of Economic Opportunity (DEO) website contains procedures, forms, and technical assistance regarding State of Florida review and requirements. For State related Comprehensive Plan Amendment information refer to: http://www.floridajobs.org/community-planning-and-development/programs/comprehensive-planning .
Applicability	This procedure applies to a request to amend the GMP whether initiated by the County or a private landowner. A comprehensive plan amendment does not authorize development. There are several categories of plan amendments, including but not limited to: <ul style="list-style-type: none"> • Small-Scale Amendment: A plan amendment that involves 10 acres or less and other criteria set out in F.S. § 163.3187(1). <ul style="list-style-type: none"> ○ Generally, small scale amendments are for maps and may include text changes. ○ Small-scale amendments that involve 10 acres or less may be site-specific amendments. • Regular Large-Scale Amendment: A plan amendment that changes the goals, objectives and policies; a map change; or any other material in the plan, and falls within one of the categories described in F.S. § 163.3184(2) and 163.3184(3). <ul style="list-style-type: none"> ○ Regular Large-scale amendments may be site-specific amendments. • DRI Companion Amendment: A plan amendment that is directly related to a DRI. This is processed concurrent with the DRI application. ↔ <i>See Chapter 3 D.3 of the Administrative Code for more information.</i>
Pre-Application	A pre-application meeting is required.
Initiation	The applicant files an “Application for a Request to Amend the Collier County Growth Management Plan” with the Comprehensive Planning Section of the Planning and Zoning Division.
Application Contents	The application shall include the draft amendment text and/or map amendment and all data and supporting materials that justify the amendment. <i>Note:</i> Refer to F.S. § 163.3163 <i>et. seq.</i> for State requirements.
Completeness and Processing of Application	The Comprehensive Planning 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 petition. This petition tracking number should be noted on all future correspondence regarding the petition.

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

Small-Scale
Amendment for
Map and/or Text
Changes

1. NIM: The NIM shall be completed at least 15 days before the first advertised Planning Commission hearing. The NIM shall be advertised and a mailed written notice shall be given to property owners in the notification area at least 15 days prior to the NIM meeting.
2. Mailed Notice: Written notice shall be sent to property owners in the notification area at least 15 days before the advertised Planning Commission hearing.
- ~~3. Newspaper Advertisement: The legal advertisements shall be published at least 15 days before the Planning Commission and BCC public hearings dates in a newspaper of general circulation. The advertisements shall include at a minimum:~~
 - Clear explanation of the proposed ordinance ~~or resolution~~ as it affects the subject property;
 - Date, time, and location of one or more public hearings; and
 - 2 in. x 3 in. map of the project location; ~~and~~
 - ~~The required advertisements must be at least 2 columns wide by 10 inches long, in a standard size or a tabloid size newspaper, and the headline in the advertisements must be in a type no smaller than 18 point. The advertisement shall not be placed in a portion of the newspaper where legal notices and classified advertisements appear. The advertisements shall be placed in a newspaper of general paid circulation.~~
4. Sign: (see format below) Posted at least 15 days prior to the advertised Planning Commission hearing.

PUBLIC HEARING FOR AN AMENDMENT TO THE
COMPREHENSIVE PLAN

PETITION NUMBER: _____

TO ALLOW: _____

(Request-Sufficiently clear to describe the project)

LOCATION: _____

DATE: _____ TIME: _____

CONTACT: _____

THE ABOVE TO BE HELD IN THE BOARD OF COUNTY
COMMISSIONERS CHAMBERS, THIRD FLOOR, COLLIER
COUNTY GOVERNMENT CENTER, 3299 TAMIAMI TRAIL
EAST, NAPLES, FLORIDA, 34112.

Notice – ~~Site-Specific~~ Large-Scale Notification requirements are as follows. ⇔ See Chapter 8 of the Administrative Code for additional notice information.

Amendment for
Site-Specific

1. **NIM:** The NIM shall be held after the first set of staff review comments have been issued and completed at least 15 days before the first advertised Planning Commission hearing. The NIM shall be advertised and a mailed written notice shall

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be given to **property owners in the notification area** at least 15 days prior to the NIM meeting. ~~The NIM is only for site specific amendments.~~

2. Mailed Notice: Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised Planning Commission hearing.

3. Newspaper Advertisements: The legal advertisements shall be published at least 15 days before the Planning Commission and BCC transmittal and adoption public hearings in a newspaper of general circulation. The advertisement shall include at a minimum:

- Clear explanation of the proposed ordinance or resolution as it affects the subject property;
- Date, time, and location of one or more public hearings; and
- 2 in. x 3 in. map of the project location, ~~if site specific; and~~
- ~~The required advertisements must be at least 2 columns wide by 10 inches long, in a standard size or a tabloid size newspaper, and the headline in the advertisement must be in a type no smaller than 18 point. The advertisement shall not be placed in a portion of the newspaper where legal notices and classified advertisements appear. The advertisements shall be placed in a newspaper of general paid circulation.~~

~~**4. Mailed Notice:** The County shall send written notice by mail to each real **property owner** within the area covered by the proposed plan amendment at least 15 days before the advertised BCC public hearing date.~~

5.4. Sign: (see format below) Posted at least 15 days prior to the advertised public hearings. Two distinct signs shall be posted for the transmittal hearings and the adoption hearings. The first sign shall be posted before the first Planning Commission hearing on the GMP transmittal to DEO. A second sign shall be posted before the Planning Commission hearing on the GMP adoption.

PUBLIC HEARING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN

PETITION NUMBER: _____

TO ALLOW: _____
(Request-Sufficiently clear to describe the project)

LOCATION: _____

DATE: _____ TIME: _____

CONTACT: _____

THE ABOVE TO BE HELD IN THE BOARD OF COUNTY COMMISSIONERS CHAMBERS, THIRD FLOOR, COLLIER COUNTY GOVERNMENT CENTER, 3299 TAMIAMI TRAIL EAST, NAPLES, FLORIDA, 34112.

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

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~~Regular~~ Large-Scale
 Amendment Not
Site-Specific

1. **Newspaper Advertisements:** The legal advertisements shall be published at least 15 days before the Planning Commission and BCC transmittal and adoption public hearings in a newspaper of general circulation. The advertisement shall include at a minimum:

- Clear explanation of the proposed ordinance or resolution as it affects the subject property; and
- Date, time, and location of one or more public hearings; ~~and~~
- ~~2 in. x 3 in. map of the project location; and~~
- ~~The required advertisements must be at least 2 columns wide by 10 inches long, in a standard size or a tabloid size newspaper, and the headline in the advertisement must be in a type no smaller than 18 point. The advertisement shall not be placed in a portion of the newspaper where legal notices and classified advertisements appear. The advertisements shall be placed in a newspaper of general paid circulation.~~

Public Hearings for
 Small Scale
 Amendment

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

Public Hearing for
~~Regular~~ Large-Scale
 Amendment

~~Regular~~ Large-Scale Amendments require two sets of public hearings, transmittal hearings and adoption hearings.

1. Transmittal Public Hearings:
 - The EAC shall hold at least 1 advertised public hearing, if required.
 - The Planning Commission shall hold at least 1 advertised public hearing.
 - The BCC shall hold at least 1 advertised transmittal public hearing.
2. Adoption Public Hearings:
 - The EAC shall hold at least 1 advertised public hearing, if required.
 - The Planning Commission shall hold at least 1 advertised public hearing.
 - The BCC shall hold at least 1 advertised adoption public hearing.

Decision maker

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

Review Process

1. Transmittal of Amendment to DEO:
 - The Comprehensive Planning Section will review the application, identify whether additional materials are needed, prepare a Staff Report, and schedule a hearing date before the EAC, if required, and the Planning Commission to present the petition for review.
 - Following the recommendation by the Planning Commission, the Comprehensive Planning Section will prepare an Executive Summary and schedule a hearing date before the BCC to present the petition for review.
 - Small-Scale Amendments are not subject to a review by DEO and may be adopted by the BCC at the first advertised public hearing. A ~~Regular~~ Large-

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Scale Amendment is reviewed by the BCC at a transmittal hearing and if approved, the amendment is sent to DEO and other review agencies for review in accordance with F.S. § 163.3184(3) and (4).

2. Adoption of Amendment:

- Following review by DEO and other review agencies, the Comprehensive Planning Section will prepare a Staff Report, and schedule a hearing date before the EAC, if required, and the Planning Commission to present the amendment and comments from DEO and other review agencies for review. Following the recommendation by the EAC, if required, and the Planning Commission, the Comprehensive Planning Section will prepare an Executive Summary and schedule an adoption hearing before the BCC. If the amendment is adopted, the amendment is sent to DEO and the review agencies in accordance with F.S. § 163.3184(3) and (4).

Criteria The plan amendment must be consistent with the applicable portions of the Collier County Growth Management Plan, F.S. § 163.3164, *et seq.*, the State Comprehensive Plan, and the *Southwest Florida Strategic Regional Policy Plan* published by the Southwest Florida Regional Planning Council.

Effective Date ⇔ See F.S. § 163.3184(3) and (4).

⇔ See F.S. § 163.3191 if the plan amendment is an update that results from an evaluation and appraisal report.

Appeals Affected persons may file an administrative challenge as described in F.S. § 163.3184(5).

Small-scale amendments may be administratively challenged pursuant to F.S. § 163.3187(5) (a).

Updated

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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;
 - **Applicant contact information;**
 - Name, address, and telephone number of **property owner;**
 - Zoning designation;

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- 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