



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20200001703

ORIGIN

Community and Human Services Division

HEARING DATES

BCC TBD
 CCPC 11/19/2020
 DSAC 10/07/2020
 DSAC-LDR 09/15/2020

SUMMARY OF AMENDMENT

This amendment proposes relief from certain design standards for Housing that is Affordable pursuant to the Community Housing Plan recommendations.

LDC SECTION TO BE AMENDED

2.03.02 Residential Zoning Districts
 4.02.04 Standards for Cluster Residential Design
 4.02.39 Design Deviations for Housing that is Affordable (New Section)

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
 Approval with changes

DSAC
 Approval

CCPC
 TBD

BACKGROUND

At the October 9, 2018 Board of County Commissioners meeting the Board provided direction upon the final recommendations of the Collier County Housing Plan. As part of that review, the Board directed staff to prepare Growth Management Plan (GMP) and Land Development Code (LDC) amendments on five specific initiatives identified within the Housing Plan:

1. Regulatory relief for affordable housing applications
2. Streamline commercial to residential conversions
3. Incentivize mixed income residential housing in future and redeveloped Activity Centers
4. Create a Strategic Opportunity Sites designation process and allow for increased density
5. Increase density along transit corridors

The first Initiative, regulatory relief for affordable housing applications, seeks to evaluate cost saving measures identified in the Collier Housing Plan to provide for relief from specified processes and standards to increase certainty and cost savings for projects that include housing that is affordable. In addition to the areas identified within the Housing Plan, the Housing team in coordination with a development industry stakeholder’s group worked to identified and recommended other areas of potential cost savings relief for housing that is affordable. The approach tries to ensure that the quality of the project does not suffer from a functional or aesthetic standpoint, while allowing the overall cost of each unit in the project to be reduced, and therefore increasing the potential for future projects to increase the supply of housing that is affordable.

The changes introduced with this initiative relate to the cost savings in terms of materials required and standards imposed on projects that provide for housing that is affordable, as well as the process for approval for cluster housing that is affordable project. As noted, the Community Housing Plan identified a number of areas to be included for cost savings such as: limiting the number of County reviews for various disciplines, removing the requirement for a generator as a lift station, and only requiring

sidewalks on one side of the street. These and additional areas of cost savings identified as part of a stakeholder think tank held February 21st at the Habitat for Humanity's Offices formed the basis for the relief being proposed.

It should be noted that all the initiatives directed by the Board at the October 8th, 2018 public hearing could be classified under the premise of regulatory relief, but this initiative focuses upon specific design components that can be identified as areas of relief, as well as certain process within the County review that can be identified as potential cost savings, such as making cluster development that is affordable a permitted use in the RMF-6 zoning district and amending standards for compatibility compliance. The LDC defines cluster development as, "A design technique allowed within residential zoning districts or where residential development is an allowable use. This form of development employs a more compact arrangement of dwelling units by allowing for, or requiring as the case may be, reductions in the standard or typical lot size and yard requirements of the applicable zoning district, in order to: increase common open space; reduce the overall development area; reduce alterations and impacts to natural resources on the site; to preserve additional native vegetation and habitat areas; and, to reduce the cost of providing services, including but not limited to central sewer and water.

The full list of cost savings strategies was scrutinized by the Consultant, Housing Staff and Growth Management Staff to find agreement on the specific relief measures to be incorporated within the proposed LDC amendments contained within Initiative One.

DSAC-LDR Subcommittee Recommendation

The DSAC-LDR Subcommittee reviewed the amendment on September 15, 2020, and recommended approval with the following changes:

- Clarify proposed Section 4.02.39 B.1 regarding storm event design requirements.
 - These proposed changes have been incorporated in the amendment.
- Modify proposed Section 4.02.39 B.2 to require relocation of required trees to street trees or buffer areas, rather than simply exempting the requirement.
 - This section has been modified to exempt required trees only on lots adjacent to preserve areas or perimeter berms and allowing all other required trees to be relocated to common areas or street tree programs.
- Consider changes to proposed Section 4.02.39 B.5 which allowed for the deferral of payment-in-lieu of construction of external sidewalks to address potential issues related to deferral of an assessment to future homeowners.
 - This provision has been removed from the amendment.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts to the County. The amendment relaxes development standards and application requirements for housing that is affordable. The amendment is intended to decrease costs and application review time for developers of housing that is affordable.

GMP CONSISTENCY

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



It should be noted that the proposed amendments could result in a slight decrease in SDP review fees collected by the Growth Management Department, as the process for reviewing certain projects are proposed to be condensed, but this reduction in fees corresponds to a decrease in the reviews required by Staff.

EXHIBITS: N/A

Amend the LDC as follows:

2.03.02 - Residential Zoning Districts

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B. Residential Multi-Family-6 District (RMF-6). The purpose and intent of the residential multi-family-6 district (RMF-6) is to provide for single-family, two-family and multi-family residences having a low profile silhouette, surrounded by open space , being so situated that it is located in close proximity to public and commercial services and has direct or convenient access to collector and arterial roads on the county major road network. The RMF-6 district corresponds to and implements the urban mixed use land use designation on the future land use map of the Collier County GMP. The maximum density permissible in the RMF-6 district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County GMP. The maximum density permissible or permitted in the RMF-6 district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as accessory or conditional uses in the RMF-6 district.

a. Permitted uses.

- 1. Single-family dwellings.
- 2. Duplexes, two-family dwellings.
- 3. Multi-family dwellings, townhouses as provided for in section 5.05.07.
- 4. Family care facilities, subject to section 5.05.04.
- 5. Educational plants and public schools with an agreement with Collier County, as described in LDC section 5.05.14; however, any high school located in this district is subject to a compatibility review as described in LDC section 10.02.03.

b. Accessory uses.

- 1. Uses and structures that are accessory and incidental to uses permitted as of right in the RMF-6 district.
- 2. Private docks and boathouses, subject to section 5.03.06.
- 3. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to, golf course, clubhouse, community center building and tennis facilities, playgrounds and playfields.

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- c. *Conditional uses.* The following uses are permissible as conditional uses in the RMF-6 district, subject to the standards and procedures established in LDC section 10.08.00.
 - 1. Churches.
 - 2. Schools, private. Also, "Ancillary Plants" for public schools.
 - 3. Child care centers and adult day care centers.
 - 4. Civic and cultural facilities.
 - 5. Recreational facilities not accessory to principal use.
 - 6. Group care facilities (category I and II); care units; nursing homes; assisted living facilities pursuant to § 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to § 651 F.S. and ch. 4-193 F.A.C.; all subject to section 5.05.04.
 - 7. Noncommercial boat launch facilities, subject to the applicable review criteria set forth in section 5.03.06.
 - 8. Cluster development, subject to section 4.02.04, except for affordable housing projects which qualify under Section 4.02.39.C which do not require a conditional use.
 - 9. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to, section 5.04.04.
 - 10. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply; however, any high school located in this district is subject to a compatibility review as described in LDC section 10.02.03.

- d. *Prohibited animals in residential districts.* The following animals are to be considered farm animals and are not permitted to be kept in residential districts except as provided for in zoning district regulations: turkeys, chickens, ducks, geese, pigs, horses, cows, goats, hogs, and the like.

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4.02.04 - Standards for Cluster Residential Design

- A. The purpose of a cluster development design technique is to provide a unique and innovative alternative to residential development in the RSF 1 through 6, RMF-6, PUD and VR districts by creating a more varied, efficient, attractive, and economical residential development containing a more usable pattern of open space . It is intended to implement

the (GMP) by, among other things, encouraging compact urban growth, discouraging urban sprawl, and encouraging the conservation of environmental resources.

B. This section shall apply to all parcels of land under single ownership within the RSF 1 through 6, RMF-6, VR and PUD zoning districts which permit cluster development. See LDC section 2.03.08 A.2 for clustering standards in RFMU receiving lands district.

C. Conditional uses approved for cluster development and single family affordable housing projects in the RMF-6 zoning districts eligible under Section 4.02.39.C. may reduce the lot area, lot width, and yard requirements within a zoning district, subject to the criteria enumerated in this section. The lot area, lot width, coverage, and yard regulations of the residential zoning district in which the cluster development is located shall be used as the basis for all computations of allowed reductions. The following reductions in lot area, lot width, coverage and yard regulations of the underlying zoning district ~~shall be~~ are permissible: ~~pursuant to the grant of a conditional use for cluster development.~~

1. The maximum allowable gross density in any cluster development shall not exceed the maximum allowable gross density of the residential zoning district in which the cluster housing development is located.
2. The following site design and dimensional standards shall apply to cluster development:

Table 3. Table of Design Standards for Cluster Development.

<i>Design Standard</i>	
Minimum lot area per single-family unit	3,000 sq. ft.
Minimum lot width	
Cul-de-sac lots	20 feet
All other lots	40 feet
Minimum setbacks	
Front yard	20 feet
front entry garage	10 feet
side entry garage	<u>25 feet</u>
<u>If no garage</u>	
Side yards	
zero lot line on one side	10 feet remaining side
no zero lot line	5 feet each side
Rear yard	
principal structure	10 feet
accessory structure	3 feet

D. Requirements for zero lot line developments:

DRAFT

Text underlined is new text to be added

~~Text strikethrough is current text to be deleted~~

- 1 1. The zero (0) lot line portion of the dwelling unit shall be void of doors where such
- 2 wall is contiguous to an adjoining lot line.
- 3
- 4 2. Where the nature of the construction of a residence has provided for zero (0) side
- 5 yard, footings and roof overhang encroachments may be permitted onto the
- 6 adjoining lot. A roof drainage system shall be put in place to prevent roof drainage
- 7 from falling onto the abutting property adjacent the walls of the residence with the
- 8 zero (0) side yard tolerance. Furthermore, provision shall be made for a three (3)
- 9 foot easement on the abutting property, which shall be recorded running with the
- 10 land with the residence enjoying the zero (0) lot side yard, for maintenance
- 11 purposes.
- 12
- 13 3. Roof overhangs shall be prohibited over adjacent property lines, unless a recorded
- 14 restrictive covenant creating the requisite easement interest for encroachment,
- 15 maintenance, and repair of the building overhang is an element of the project.
- 16
- 17 E. Common open space.
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- 19 1. All reductions in the minimum lot area, lot width, and yard requirements below that
- 20 which would otherwise be required within the district in which the cluster
- 21 development is located shall be required to provide an equal amount of common
- 22 open space within the same phase and general area of each cluster of homes in
- 23 the development unless said cluster development is part of a planned unit
- 24 development where the open space requirements of this LDC have been satisfied.
- 25
- 26 2. Common open space shall be reserved for recreational uses.
- 27
- 28 3. Any commercial uses recreational facility subject to membership, registration,
- 29 fees, or aimed at attracting outside users, shall not be counted as common open
- 30 space.
- 31
- 32 4. The sale, lease, or other disposition of common open space shall be prohibited
- 33 except to a nonprofit corporation or homeowners' association or other similar entity
- 34 established under the laws of Florida to administer and maintain the facilities
- 35 subject to a deed restriction acceptable to the County to limit the use of said
- 36 property to common open space . Provisions shall be included to assure the
- 37 continued maintenance of the common open space area.
- 38
- 39 5. Access rights to common open space for all residents within the cluster housing
- 40 development shall be guaranteed.
- 41
- 42 6. Land utilized for common open space shall be restricted to common open space
- 43 in perpetuity by appropriate legal instruments satisfactory to Collier County. Such
- 44 instrument shall be binding upon the owner, developer, his successors, and
- 45 assigns, and shall constitute a covenant running with the land, and be in recordable
- 46 form.
- 47
- 48 F. Additional reduction to the development standards provided at sections 4.02.04 C.—E.
- 49 may be approved by the Collier County Planning Commission for projects defined as
- 50 common architectural theme projects. In determining whether or not a project qualifies as

1 a common architectural theme project the BCC shall determine that all of the following
2 design features are incorporated into the project:

- 3
- 4 1. The architectural style of the dwelling units/structures shall be similar in design and
- 5 in the use of materials and color.
- 6
- 7 2. The residential project shall have a signature entranceway which serves to identify
- 8 the development as having a common architectural theme. The entranceway
- 9 design and improvement elements shall include some or all of the following: the
- 10 use of landscape materials, gated structure, water features, sculpture, and
- 11 ornamental pavement surfaces.
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- 13 3. Street materials, signage, and lighting shall be complementary and the same
- 14 throughout the project's accessways.
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18 **4.02.39 – Alternative Design for Housing that is Affordable**

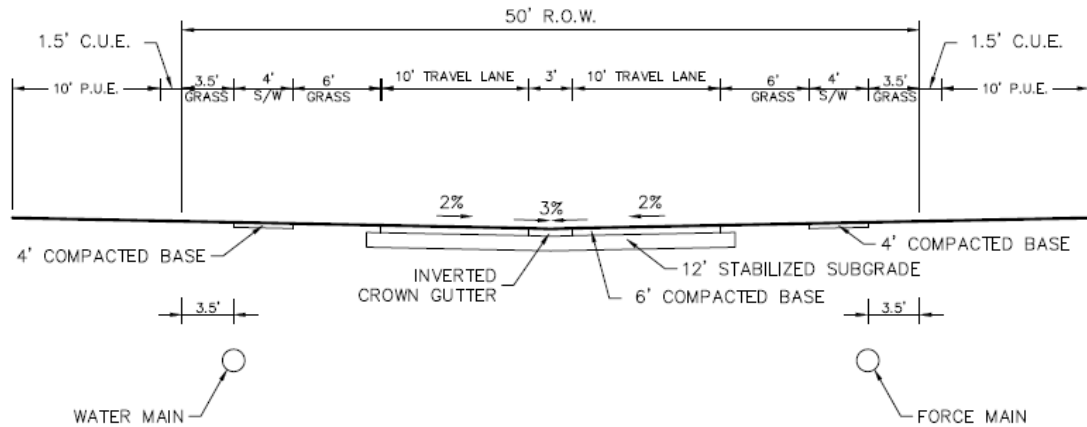
19
20 A. The intent of this Section is to provide incentives for housing that is affordable and applies
21 to residential only projects, and residential portions of PUDs. Vertical mixed-use projects
22 are not eligible for the alternative designs identified within this Section.

23
24 B. Affordable housing projects may use the following design alternatives, subject to
25 compliance with Section 4.02.39.C.

26
27 1. Section 3.07.02.E - Local/internal roads that are privately maintained may be
28 designed to the elevation required to meet the 5-year, 1-day storm event, and the
29 perimeter berm shall be designed so that surrounding properties will not be
30 adversely impacted by the project's influence on stormwater sheet flow up to the
31 elevation during the 25 year, 3-day design storm.

32
33 2. Section 4.06.05.A.1 - Single-family developments lots which are adjacent to
34 preserve areas or perimeter berms are exempt from providing one canopy tree per
35 3,000 square feet of pervious open space per lot. For all other lots, the required
36 one canopy tree may be relocated to common areas or to a street tree program.

37
38 3. Sections 6.06.01.S, 10.02.02.A.11 & Appendix B - For all local/internal roads that
39 are privately owned and maintained, an inverted crown design, shall be allowed.
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TYPICAL INTERNAL INVERTED CROWN ROADWAY DESIGN

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4. Sections 6.06.02.A.2 & 6.06.02.F - For local/internal sidewalks that are privately maintained, the minimum sidewalk width shall be four feet, which can be of concrete or asphalt material and shall be constructed over a compacted subgrade. Asphalt shall also require a minimum of 4 inches of compacted limerock base, in addition to the compacted subgrade.

5. Section 10.02.03.A.3 - Three-family housing structures proposed on a lot(s) of record are exempt from the Site Development Plan provisions of LDC Section 10.02.03.A.2.

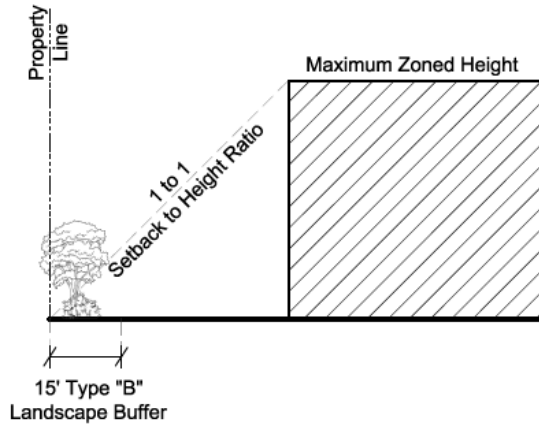
6. Section 10.02.04.C - For single-family developments, the clubhouse facility may be included within the construction plans and final subdivision plats. The clubhouse facility shall commence construction when fifty percent of the lots have received a Certificate of Occupancy.

7. Section 10.02.08.I.2. - The set-aside of land or dedication of land for a public water well at time of rezoning is not required, unless the site is located within a quarter-mile of a future raw water transmission main identified in the latest Board-adopted Collier County 10-Year Water Supply Facilities Work Plan Update and in such a way that the quantity of affordable housing units would not be impacted.

C. Criteria for design alternatives for housing that is affordable. The alternatives described in Section 4.02.39.B. will be allowed when the following criteria are met:

1. Compatibility.

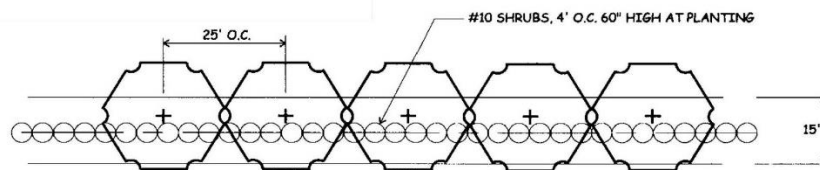
a. Setbacks from all project boundaries that abut property zoned or developed for single family residential use shall be a minimum of one foot (setback) per one foot maximum zoned height for principal structures.



1 to 1 Setback to Height Ratio

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b. For projects of more than three units, the required buffer for all project boundaries that abut property zoned or developed for single family residential use shall be a 15 foot wide Type "B" landscape buffer per LDC Section 4.06.02.



Type "B" Landscape Buffer

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2. Affordability. To qualify for the design alternatives of this section a project shall commit to one of the following agreements or commitments to provide a minimum of 20 percent of the overall units as housing that is affordable:

- a. Affordable Housing Density Bonus (AHDB) Agreement per Section 2.06.00; or
- b. Affordable Housing Impact Fee Deferral Agreement per Code of Ordinances Article IV of Chapter 74; or
- c. PUD commitment or Developer's Agreement (DA) for units that serve households at the income levels (very-low, low, moderate, or gap) identified in Section 2.06.00, or units that are priced within the limits established in the Collier County Housing Demand Methodology, as updated yearly or Board approved Table of Rental Rates, as updated yearly.

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