

**RESOLUTION NO. 2021 - 48**

**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 SIX, WAIVERS, EXEMPTIONS AND REDUCTIONS, MORE SPECIFICALLY TO ADD SECTION M, DEVIATION REQUESTS FOR PROJECTS IN THE GOLDEN GATE PARKWAY OVERLAY DISTRICT (DR-GGPOD); 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 amend application requirements for Deviation Requests for Projects in the Golden Gate Parkway Overlay District (DR-GGPOD), 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 SIX – WAIVERS, EXEMPTIONS, AND REDUCTIONS**

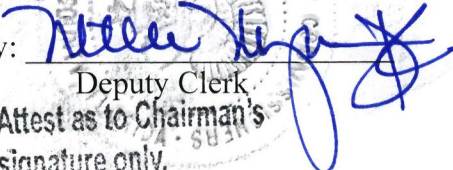
Chapter Six, entitled “Waivers, Exemptions, and Reductions”, of Exhibit “B,” Administrative Code for Land Development, is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION TWO: EFFECTIVE DATE

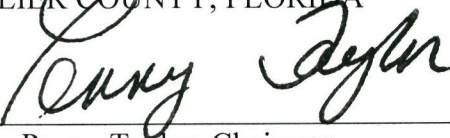
This Resolution shall become effective on the date of adoption by the Board.

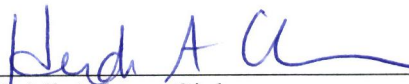
THIS RESOLUTION ADOPTED by majority vote this 9<sup>th</sup> day of March, 2021.

ATTEST:  
CRYSTAL K. KINZEL, CLERK

By:   
Deputy Clerk  
Attest as to Chairman's  
signature only.  
Approved as to form and legality:

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By:   
Penny Taylor, Chairman

  
Heidi Ashton-Cicko  
Managing Assistant County Attorney

Attachments: Exhibit A – Chapter 6, Section M, “Deviation Requests for Projects in the Golden Gate Parkway Overlay District (DR-GGPOD)”

# Exhibit A – Proposed Administrative Code Section

## DRAFT

Text underlined is new text to be added

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

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

#### Chapter 6 | *Waivers, Exemptions, and Reductions*

#### Chapter 6. *Waivers, Exemptions, and Reductions*

\* \* \* \* \*

#### M. Deviation Requests for Projects in the Golden Gate Parkway Overlay District (DR-GGPOD)

**Reference** LDC sections 2.03.07 F., 4.02.26 E., and LDC Public Notice section 10.03.06 R.

**Applicability** Property owners in the GGPOD may request deviations from certain standards, as established in LDC section 4.02.26 E.2., to allow for flexibility in building and site design, and to support and initiate incentives for new development on vacant property or redevelopment on existing sites.

Deviations in the GGPOD may be requested for new development or redevelopment projects requiring an SDP, SDPA, or SIP, as established in LDC section 10.02.03, or a building permit in the case of a sign deviation, as established in LDC section 5.06.11. Deviations may also be requested in connection with a PPL for townhouses developed on fee simple lots under individual ownership, as established in LDC section 10.02.04.

**Initiation** The applicant files a “*Deviations for Projects in Golden Gate Parkway Overlay District*” application with the Zoning Division.

↔ See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.

**Pre-Application** A pre-application meeting is required.

**Application Contents** A deviation request made in connection with an SDP, SDPA, or SIP must include the necessary information and drawing(s) required with the Application Contents and Requirements for a site development plan, site development plan amendment, or a site improvement plan. ↔ See Chapter 4 I.2 – I.4 of the Administrative Code.

A deviation request in connection with a sign permit must include the necessary information and drawing(s) required with the Application Contents and Requirements for a sign permit. ↔ See Chapter 4 H. of the Administrative Code.

Submittal Credentials: Pursuant to LDC section 10.02.03, the engineering plans shall be signed and sealed by the applicant’s professional engineer licensed to practice in the State of Florida. For projects subject to LDC section 5.05.08, architectural drawings, shall be signed and sealed by a licensed architect, registered in the State of Florida. Landscape plans shall be signed and sealed by licensed landscape architect, registered in State of Florida.

Sheet size: The site improvement plan and the coversheet shall be prepared on a maximum size sheet measuring 24 inches by 36 inches, drawn to scale showing the areas affected by the amendment. The sheet must clearly show the change “clouded” and clearly delineate the area and scope of the work to be done.

The application must include the following:

# Exhibit A – Proposed Administrative Code Section

## DRAFT

Text underlined is new text to be added

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

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

#### Chapter 6 | *Waivers, Exemptions, and Reductions*

1. A narrative of the project and how it is consistent with the evaluation criteria identified in LDC section 4.02.26 E.4.
2. Description of each requested deviation and justification for each request. Requested deviations shall be clearly delineated in the petition. The LDC section for which the deviation seeks relief from shall be identified.
3. Project enhancements to offset or minimize the deviations shall be clearly identified.
4. Exceptions to the required Application Contents. A deviation request made in connection with townhouses developed on fee simple lots under individual ownership must include all items listed under Application Contents for Construction Plans and Final Subdivision Plats in Chapter 5.D.1. of the Administrative Code, except for the following:
  - a. Fire Flow Test.
  - b. Environmental Data Requirements.
  - c. Traffic Impact Analysis.
  - d. Engineer's Report.
  - e. Permits.

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

1. **Mailed Notice:** Written notice shall be sent to property owners in the notification area at least 15 days before the first advertised hearing.
2. **Newspaper Advertisement:** The legal advertisement shall be published at least 15 days before each advertised hearing in a newspaper of general circulation. The legal advertisement shall include at a minimum:
  - a. \_\_\_\_\_ Date, time, and location of the hearing;
  - b. \_\_\_\_\_ Application number and project name;
  - c. \_\_\_\_\_ 2 in. x 3 in. map of project location;
  - d. \_\_\_\_\_ Requested deviations and proposed project enhancements; and
  - e. \_\_\_\_\_ Description of location.

**Public Hearing** The Hearing Examiner or Planning Commission shall hold at least 1 advertised public hearing. ⇔ See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.

If the petition is heard by the Planning Commission, one BZA hearing is required.

**Decision maker** The Hearing Examiner or BZA.

**Review Process** The Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare Staff Report or Executive Summary, utilizing the criteria established in LDC section 4.02.26 E.4, to present to the decision maker.