

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20210002450

ORIGIN

Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

This land development code (LDC) amendment modifies the mural provisions in the Bayshore Gateway Triangle Community Redevelopment Area (BGTCRA). It proposes new design standards and an application for the review/approval process for murals within the BGTCRA. This LDC amendment also initiates a companion amendment to the Administrative Code, to create provisions for the mural application review and approval process.

HEARING DATES

BCC	TBD
CCPC	12/16/2021
DSAC	11/03/2021
DSAC-LDR	10/19/2021

LDC SECTION TO BE AMENDED

1.08.02	Definitions
4.02.16	Design Standards for Development in the Bayshore Gateway Triangle Redevelopment Area
10.03.06	Public Notice and Required Hearings for Land Use Petitions

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

Approval with Conditions

DSAC

Approval

CCPC

TBD

BACKGROUND

The Collier County Community Redevelopment Agency (CRA) adopted Resolution 2008-60, which accepted the Bayshore Cultural Needs Assessment Report that included a proposed boundary, vision, and mission statement for the Bayshore Cultural District. However, the Cultural District was never ratified by the Board as recommended by CRA Resolution 2008-60. In 2012, the Bayshore Drive Mixed Use Overlay District was amended pursuant to the adoption of Ord. 2012-39 and one of its new provisions was to allow murals. While murals were allowed, there were no guidelines on the application process or review and approval process. In 2018, it was reported at an annual joint workshop between the CRA and the CRA Local Advisory Boards that there were outstanding code violations involving murals within the Bayshore Gateway Triangle Community Redevelopment Area (BGTCRA). During the discussion, it was evident to the CRA, staff, and the Bayshore Gateway Triangle Local Redevelopment Advisory Board that murals ought to be reexamined, including the prospect of creating an application and review process. It was agreed that the matter ought to be brought to the CRA for more public discussion and that the ongoing code enforcement cases should be stayed. On April 10, 2018, the CRA directed the Advisory Board to not process any mural applications in the BGTCRA and to stay all current code enforcement proceedings. The CRA expected staff to work with the Advisory Board to review murals and to bring back recommendations, including but not limited to a written application and review process and whether further LDC amendments are warranted. Following direction at the annual meeting, staff began reviewing options to establish a process, including establishing an Art Committee to review applications. The discussion expanded to include all types of public art and the need to have a public art plan.

In April 2019, an amendment to the Community Redevelopment Plan was adopted (Resolution 2019-75), which included the development of a public art plan as one of the short-term projects to implement. In December 2019, the Board approved an amendment to the contract with the Cultural Planning Group to complete a public art plan

for the Bayshore Gateway Triangle Community Redevelopment Area. The intent of the plan is to act as a pilot program that could be expanded to cover the entire County if desired by the Board. On July 13, 2021, the Board approved the Bayshore Gateway Triangle Public Pilot Art Plan for the BGTCRA and authorized staff to update the LDC accordingly.

With respect to this LDC amendment, the significant changes include but are not limited to the following:

- Requires that certain murals, depending on their proposed location, visibility to the public, and funding source, are subject to the BGTCRA Public Art Pilot Plan Mural Guidelines.
- Allows murals to be either temporary or permanent—the current text forbids temporary murals.
- Eliminates the restriction that limits one mural per building.
- Eliminates the restriction that limits murals to 200 square feet unless otherwise approved by the CRA Advisory Board.
- Eliminates the restriction that murals are only permitted on building facades that lack windows and doors.
- Requires a mural maintenance plan.
- Establishes a review and approval process consistent with the Public Art Pilot Plan, including a review and approval by the Public Art Committee that will be established by the Board. The Board will have the final decision. The LDC will not require murals to be reviewed by the CRA Advisory Board.
- Establishes a definition of a “mural” in LDC section 1.08.02.

DSAC-LDR Subcommittee Recommendation: The DSAC-LDR Subcommittee recommended approval of amendment, including the additional changes presented by staff at the hearing and contingent upon the following (all which have been incorporated into the amendment):

- The definition of mural shall include “adhered to or affixed.”
- Paragraph #8, which relates to the review process for murals, should be removed from its currently proposed location in the LDC and relocated to the companion Administrative Code amendment.
- “Mural sign” should be cross-referenced in the proposed definition for “mural.”
- Retain the word “District” in the names of the Bayshore Overlay District and the Gateway Triangle Overlay District.

DSAC Recommendation: The DSAC recommended approval with no changes. However, since their meeting, staff has removed the cross-reference to mural sign from the proposed definition of mural in LDC section 1.08.02. In addition, much of the changes proposed in this LDC amendment that were duplicative and/or relevant to a separate LDC amendment (LDCA-PL20210001222) have been removed from this LDC amendment.

FISCAL & OPERATIONAL IMPACTS

No fiscal or operational impacts are anticipated. There will be an application fee for potential applicants. The Administrative Services Department will determine the application fee and processing of these types of applications.

GMP CONSISTENCY

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

EXHIBITS: A) Administrative Code Changes

DRAFT

Text underlined is new text to be added

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

Amend the LDC as follows:

1.08.02 – Definitions

* * * * *

Motel: See hotel.

Mural: Any drawing, artwork, inscription, or marking that is marked, etched, drawn, painted, adhered to, or affixed on, any building or structure.

Natural reservation: The term natural reservation refers to large areas set aside for natural resource protection, conservation and preservation and includes: only Natural Resource Protection Areas (NRPAs); and, lands designated Conservation on the Collier County Future Land Use Map, including but not limited to, Everglades National Park, Big Cypress National Preserve, Florida Panther National Wildlife Refuge, Fakahatchee Strand State Preserve, Collier-Seminole State Park, Rookery Bay National Estuarine Research Reserve, Delnor-Wiggins Pass State Recreation Area, and the National Audubon Society's Corkscrew Swamp Sanctuary.

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4.02.16 - Design Standards for Development in the Bayshore Gateway Triangle Community Redevelopment Area

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H. Murals. Murals are allowed as public art on all non-residential structures in the BGTCRA, including non-residential portions of mixed use buildings. Murals shall adhere to the following requirements: ~~within the Bayshore Gateway Triangle Redevelopment Area subject to the following conditions:~~

1. Murals shall comply with BGTCRA Public Art Pilot Plan, where applicable, and require recommendation from the Public Art Committee (PAC) and approval by the BCC if any of the following are applicable:

a. Placed within view from a public right-of-way; or

b. Funded, in whole or in part, with public funds.

~~Murals are only allowed on commercial, civic or institutional buildings.~~

2. Murals that are not subject to PAC or BCC review shall comply with this LDC section and all other applicable laws. ~~Building must be located within the proposed Cultural District boundary, Community Redevelopment Agency Resolution 08-60, and cannot be located along U.S. 41.~~

~~3. One mural is allowed per building.~~

DRAFT

Text underlined is new text to be added

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

- 1 34. Murals are permitted on sections of buildings where ~~there are no windows or doors~~
2 ~~or where~~ the mural will not negate the purpose of ~~interfere~~ with the building's
3 design treatments listed in LDC section 5.05.08 D.5. ~~architectural details.~~
4
5 ~~45. The mural cannot exceed 200 square feet unless specifically approved by the CRA~~
6 ~~Advisory Board.~~
7
8 56. The mural shall not contain text for the purpose of advertising any business or
9 commercial activity.
10
11 67. The ~~mural cannot be temporary in nature and the~~ building owner or property owner
12 association, where applicable, is responsible for the mural maintenance and shall
13 submit a mural maintenance plan to the County Manager or designee ~~must commit~~
14 ~~to maintaining the mural.~~
15
16 78. The mural will complement ~~Review and approval from the CRA Advisory Board is~~
17 ~~required to ensure the mural complies with the conditions above and that the~~
18 ~~artwork complements~~ the design of the building in color, shape, and location.
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21 22 10.03.06 – Public Notice and Required Hearings for Land Use Petitions

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24 * * * * * * * * * * * *

25 26 AA. Murals in Bayshore Gateway Triangle Community Redevelopment Area.

27 28 1. The following advertised public hearings are required:

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30 a. One Public Art Committee hearing.

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32 b. One BCC hearing.

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