Land Development Code Amendments
- Public Meeting -

Development Services Advisory Committee
Land Development Review Subcommittee

Monday, November 13, 2017
3:00 p.m. – 5:00 p.m.

2800 N. Horseshoe Dr., Naples, FL – GMD Building
Conference Room 609/610

Meeting Purpose:
To obtain a recommendation from the Subcommittee regarding proposed LDC Amendments

Agenda:
1. Call to order
2. Approve Agenda
3. Old Business: Approval of June 21, 2017 meeting minutes
4. Review of Amendments to LDC Sections:
   a. 4.02.06: Privately Initiated Amendment to Standards for Development in Airport Zones
   b. 2.03.08: Modifications to the RFMUD and Rural Fringe Areas Map
   c. 2.03.08 & 3.05.07: Modifications to the provisions of the NBMO
   d. 4.02.14: Modifications to the Big Cypress ACSC and 5 zoning maps
   e. 1.08.02 & 9.03.03: Re-codifying definition for “nonconforming lot of record”
   f. 4.03.04: Clarifying Procedures for Lot Line Adj. and Lot Splits
   g. 10.01.02: Clarifying criteria for EWAs
   h. 10.02.13 & 10.03.06: Clarifying PDI approval process
   i. 2.03.07, 4.02.01, 4.02.03, 4.02.04 & 4.02.06: Clarifying dimensional standards for accessory buildings and structures
   j. 10.02.09: Removing limits on texts amendments to the LDC
   k. 2.03.03 & 2.03.04: Establishing martial arts, gymnastics, and dance as permitted uses in C-3 zoning district
   l. 6.01.05: Requiring soil erosion and sediment control Best Management Practices for 1&2-family, townhouses, and underground utility construction
   m. 9.04.04: Establishing an exception from an Administrative Variance for Minor After-the-Fact Encroachments
5. Public comments
6. Adjourn

News Release Posting is forthcoming
For more information please contact Jeremy Frantz at (239) 252-2305 or jeremyfrantz@colliergov.net
MINUTES OF THE COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE LAND DEVELOPMENT REVIEW
SUBCOMMITTEE

Naples, Florida, June 21, 2017

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee – Land Development Review Subcommittee in and for the County of Collier, having conducted business herein, met on this date at 3:00 PM in a REGULAR SESSION at the Growth Management Department Building, Room 609/610 2800 N. Horseshoe Drive, Naples, FL with the following persons present:

Chairman: Clay Brooker
           Blair Foley
           Robert Mulhere
           Brad Schiffer

ALSO PRESENT: Jeremy Frantz, Senior Planner
              Richard Henderlong, Principal Planner
              Mike Bosi, Zoning Division Director
Any persons in need of the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Division – Planning and Regulation building – Contact Mr. Evy Ybaceta at 239-252-2400.

1. Call to order
The meeting was called to order at 3:00pm

2. Election of Subcommittee Chairperson
Mr. Foley moved to appoint Clay Brooker as Chairman of the Development Services Advisory Committee Land Development Review Subcommittee. Second by Mr. Mulhere. Carried unanimously 4 – 0.

Mr. Brooker chaired the meeting.

3. Approve agenda
Mr. Foley moved to approve the Agenda. Second by Mr. Mulhere. Carried unanimously 4 – 0.

4. Old Business
None

LDC Amendment 5.05.16
Medical Marijuana Dispensaries

5. New Business
a. Staff presentation to Medical Marijuana Dispensaries LDC Amendment
i. Overview of Public Meeting Schedule
Mr. Henderlong provided an overview of the meeting schedule as follows:
- DSAC-LDR subcommittee: June 21, 2017- 3:00 PM
- DSAC: August 2nd, 2017- Daytime Public Meeting -3:00 PM
- BCC: July 11, 2017- Meeting for additional Board direction
- CCPC: July 31st, 2017- Night Time Public Hearing-5:05 PM
- BCC: September 12th and 26th, 2017 - Time To Be Determined
- Board Moratorium Ends-October 10, 2017

ii. Review of June 9, 2017, statutory revisions
Staff provided the PowerPoint “LDC Amendment 5.05.16 Medical Marijuana Dispensaries” for information purposes. They provided an overview of the most recent version of the Statute including:
- Each Medical Marijuana Treatment Center is limited to operating 25 dispensing facilities statewide until the registered qualified patients exceed 100,000 patients. Thereafter, an increase can occur at the rate of 5 per 100,000 additional registered qualified patients.
- Regulation of cultivation, processing, and delivery of marijuana by Medical Marijuana Treatment Centers is preempted to the state except that;
- A MMTC cultivation or processing facility may not be located within 500 feet of public or private elementary, middle, or secondary school.
• A MMTC dispensing facility may not be located within 500 feet of a school except when there is held an open public formal proceeding upon which the county determines the location promotes the public health, safety, and welfare of the community.
• A county or municipality can ban MMTC dispensing facilities from being located within the county or municipality.
• A county or municipality that does not ban dispensing facilities may not:
  ▪ Limit the number of dispensing facilities,
  ▪ Enact an ordinance more restrictive than ordinances permitting or determining locations for pharmacies, or
  ▪ Charge a license or permit fee in an amount greater than for pharmacies.
• A county or municipality may determine the location criteria and other permitting requirements that do not conflict with state law or DOH rule.
• The Statute does regulate the floor plan and interior requirements of a facility, along with handicap accessibility, signage, hours of operation, security measures, age restrictions for sales, the type of products allowed to be dispensed and inspection requirements.

iii. Review of LDC Text Recommendations
Staff reported the County has enacted a ban on the dispensing facilities through October of 2017 and is determining if the ban should be extended. A Land Development Code amendment has been developed for consideration should the ban be lifted. They noted:
• The County is only dealing with Medical Marijuana Dispensary facilities, an arm of a treatment facility which would not be located in the County.
• The dispensary would be an allowed use in districts with the same permitting and location criteria as a pharmacy including C-2 – 5 districts and certain zoning overlay districts.
• Commingling of business uses would not be permitted.
• The facility may not be located within 500 feet of a private or public elementary, middle, or secondary school (consistent with State Statute).
• Construction of a school after the issuance of a permit for a dispensary would not cause a non-conformity in the use.
• A waiver of distance separation can be granted by petition upon approval by the BZA at a public hearing.
• Provisions for a MMD separation distance waiver are added to establish consistency with the County’s alcoholic beverage distance waiver process and comply with state Statue.

b. Committee Questions and Initial Feedback
The Subcommittee reviewed the proposed amendment and suggested the following changes be considered by Staff.

Section 1.08.02 – Definitions – Consider eliminating the definitions and simply cite the Statute for given the ones listed are taken verbatim from the State’s language.

Section 1.08.02 – Definitions – Medical Marijuana Dispensary – consider changing the language from “…which is licensed in accordance…” to “…which is licensed and operated in accordance…”

The Committee recommended the following changes to the text:
1. Section 5.05.16.A. Medical Marijuana dispensaries - to read “Medical Marijuana dispensaries shall be allowed in any zoning district where pharmacies are a permitted use, subject to the following standards.”

2. Section 5.05.16.A.1 Medical Marijuana dispensaries – sentence in line 3 to be revised from “The distance of 500 feet may be measured as the shortest…” to “The distance of 500 feet shall be measured as the shortest…”

**Speaker**

**Bill Barton** noted the State heavily regulates and approves the uses and the County language mirrors the State and noted the regulations by the County may not be needed.

It was noted although the amendment may mirror the State Statute, the County would need to provide the State with a record of approval for the use before the facility is approved by the State. Additionally, a waiver may need to be approved by the County and having some type of requirements in place would facilitate the process. The County may also choose to adopt less restrictive standards than those required for pharmacies in the County.

**Mr. Mulhere moved to recommend the Board of County Commissioners, if electing not to ban the dispensaries in the County, approve the proposed Land Development Code amendment subject to the 2 recommended text changes shown above. Second by Mr. Foley.**

**Mr. Schiffer** expressed concern on including the language on the BCC “banning” the dispensaries and recommended the motion be limited to the recommended text changes should the amendment be considered by the BCC.

**Mr. Mulhere amended the motion to, if the Board of County Commissioners wishes to support medical marijuana dispensary facilities, the proposed amendment to the Land Development Code be approved subject to the 2 recommended text changes shown above. Second by Mr. Foley. Motion carried 3 “yes” – 1 “no.”**

6. **Public comments**

   None

There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 4:07PM.

**COLLIER COUNTY DEVELOPMENT SERVICES ADVISORY COMMITTEE - LAND DEVELOPMENT REVIEW SUBCOMMITTEE**

____________________________________________
Chairman, Clay Brooker

These Minutes were approved by the Committee on ____________, as presented ______, or as amended _______.
LDC AMENDMENT REQUEST

LDC Section(s): 4.02.06.L. Standards for Development in Airport Zones

Author: Robert J. Mulhere, FAICP, VP Planning Services

Change: To expressly indentify an exemption (applicable to the Mini Triangle project) to the LDC Airport Zone height limitations, generally utilizing the same format as was previously used to identify an exemption for the Marco Shores Golf Course Community, and to renumber/reformat the related paragraphs.

Reason: Assuming the GMPA and MPUD are approved by the BCC, the proposed amendments are necessary to:

Reflect the height exemption (from the applicable Airport Zone building height limitations), so that anyone utilizing the LDC to determine limitations for properties with the designated “Airport Zones” would see that the Mini Triangle has a limited exemption (from the height limitations) and would then understand the need to review the referenced ordinance number for the Mini Triangle MPUD to determine the exact nature of that exemption.

These proposed LDC Amendment would receive final consideration and approval only after the proposed SSGMPA and MPUD are approved.

Fiscal & Operational Impacts: There are no specific fiscal impacts or costs associated with the proposed LDC Amendments. However, if the property is developed as permitted under the Mini Triangle Subdistrict there will be a significant return on the taxpayers investment in the CRA via increased tax receipts to the CRA. This is exactly the outcome desired as the end result of creating a CRA and investing an increment of property tax revenues to promote redevelopment and improvement in the CRA. Additionally, as was intended, development within the Mini Triangle will act as a catalyst for further investment and redevelopment in the larger Bayshore Gateway Triangle Redevelopment Area.

Related Codes or Regulations: This LDC is submitted with companion petitions SSGMPA (PL-20160003084/CPSS) and MPUD (PI-20160003054)

Growth Management Plan Impact: The proposed LDC Amendment is necessitated in the event the Mini Triangle Subdistrict and companion MPUD are approved. The proposed change is consistent with that subdistrict and with the overall GMP.

Amend the LDC as follows:

4.02.06 - Standards for Development in Airport Zones

L. Exemptions.

1. Development of the Marco Shores Golf Course Community that comports with the location and height requirements of Ordinance No. 81-6, as amended by Ordinance No. 85-56 and Ordinance No. 94-41, is exempted from the provisions of section 4.02.06 only to the following extent:
a. The agreement between Johnson Bay Development Corporation Collier County Airport Authority and the BCC, dated August 8, 1995.
b. Prior issuance of a Federal Aviation Administration "Determination Of No Hazard To Air Navigation."

2. Development of the Mini-Triangle Subdistrict of the Urban Designation, Urban Mixed Use District of the Growth Management Plan, that comports with height requirements of Ordinance 2017-____, is exempted from the provisions of section 4.02.06 only to the following extent:
LDC Amendment Request

ORIGIN: Growth Management Department

AUTHOR: David Weeks, AICP, Growth Management Manager, Zoning Division, Comprehensive Planning Section

LDC SECTION(S): 2.03.08 Rural Fringe Zoning Districts

SUMMARY: This amendment modifies provisions related to the Rural Fringe Mixed Use District and the Rural Fringe Areas map for clarity and compatibility with the Growth Management Plan (GMP).

DESCRIPTION:
This amendment makes the following four changes to LDC section 2.03.08 A.1.a:

(1) The complete acronym is provided for the Rural Fringe Mixed Use District in the Future Land Use Element (FLUE) of the Collier County GMP, and notes that it is the designation in the FLUE. This change provides a distinction between the RFMUD acronym used in the FLUE and the RFMU District acronym used in the LDC; without such a distinction, the reader may not know which regulation (FLUE or LDC) is being referenced.

(2) A statement is added that the RFMU District supersedes the underlying “A” zoning district – which reflects how the County has applied the RFMU District since its adoption in 2004.

(3) An outdated building name is updated with the Growth Management Department in LDC section 2.03.08 A.1.a.

(4) The Rural Fringe Areas map is modified in LDC section 2.03.08 A.1.a to remove the site of the Corkscrew Island Neighborhood Center Subdistrict (indicated by the arrow in the image below) which is the same as the Corkscrew Commercial Center PUD. This change makes the Rural Fringe Areas map consistent with a past amendment to the FLUE and Future Land Use Map (Ord. No. 07-78).

Excerpt from proposed Rural Fringe Areas map with location of change indicated:
This amendment makes the following change to LDC section 2.03.08 A.1.b:
LDC section 2.03.08 A.1.b. is modified to clearly state that the RFMU District is not applicable to lands not zoned A, Rural Agricultural, and that “expansions” of existing uses refers to on-site expansions of the use not property expansion to reflect and be consistent with Ordinance 2013-14, which amended the same language in the FLUE.

FISCAL & OPERATIONAL IMPACTS: There are no fiscal impacts as a result of this amendment.

GROWTH MANAGEMENT PLAN IMPACT: This amendment will make the LDC section consistent with the FLUE.

RELATED CODES OR REGULATIONS: Collier County Growth Management Plan, Future Land Use Element, II. Agricultural/Rural Designation, B. Rural Fringe Mixed Use District, 4. Exemptions from the Rural Fringe Mixed Use District Development Standards; and, the countywide Future Land Use Map in the GMP.

Amend the LDC as follows:

1. 2.03.08 - Rural Fringe Zoning Districts
2.  A. Rural Fringe Mixed-Use District (RFMU District).
3.  1. **Purpose and scope.** The purpose and intent of the **RFMU District** is to provide a transition between the Urban and Estates Designated lands and between the Urban and Agricultural/Rural and Conservation designated lands farther to the east. The **RFMU District** employs a balanced approach, including both regulations and incentives, to protect natural resources and private property rights, providing for large areas of **open space**, and allowing, in designated areas, appropriate types, **density** and intensity of **development**. The **RFMU District** allows for a mixture of urban and rural levels of service, including limited extension of central water and sewer, schools, recreational facilities, commercial uses, and **essential services** deemed necessary to serve the residents of the **RFMU District**. The innovative planning and **development** techniques which are required and/or encouraged within the **RFMU District** were developed to preserve existing natural resources, including habitat for listed species, to retain a rural, pastoral, or park-like appearance from the major public **rightsofway**, and to protect private property rights.
4.  a. Establishment of RFMU Zoning Overlay District. In order to implement the Rural Fringe Mixed Use District (RFMUD) designation in the Future Land Use Element (FLUE) of the GMP, the **RFMU District** shall be designated as "RFMUO" on the Official Zoning Atlas and is hereby established. The **RFMU District** supersedes the underlying zoning district where that underlying zoning district is A, Rural Agricultural. The County-wide Future Land Use Map is located in the Future Land Use Element of the GMP or can be obtained at the Community Development Building from the Growth Management Department, located at 2800 N. Horseshoe Drive, Naples, FL 34104. The lands included in the **RFMU District** and to which this LDC section 2.03.08 apply are depicted by the following map:
Map to be replaced:
b. Exemptions. The requirements, limitations and allowances of this section shall not apply to, affect or limit the continuation of existing uses. Existing uses shall include: those uses for which all required permits were issued
prior to June 19, 2002; and or, projects for which a **Conditional use** or **Rezone petition** has been approved by the County prior to June 19, 2002; or, projects for which a Rezone petition has been approved by the County prior to June 19, 2002 – inclusive of all lands not zoned A, Rural Agricultural; or, land use petitions for which a completed application has been submitted prior to June 19, 2002. The continuation of existing uses shall include on-site expansions of those uses if such expansions are consistent with or clearly ancillary to the existing uses. Hereafter, such previously approved developments shall be deemed to be consistent with the Plan’s Goals, Objectives and Policies and for the **RFMUD district**, and they may be built out in accordance with their previously approved plans. Changes to these previous approvals shall also be deemed consistent with the Plan’s Goals, Policies and Objectives for the **RFMUD district** as long as they do not result in an increase in **development density** or intensity.

# # # # # # # # # # # # #
LDC Amendment Request

ORIGIN: Growth Management Department

AUTHOR: David Weeks, AICP, Growth Management Manager, Zoning Division, Comprehensive Planning Section

LDC SECTIONS: 2.03.08 Rural Fringe Zoning Districts
3.05.07 Preservation Standards

SUMMARY: This amendment modifies provisions related to the North Belle Meade Overlay specific only to Section 24, Township 49 South, Range 26 East, for compatibility with the Collier County Growth Management Plan (GMP).

DESCRIPTION:
This amendment makes the following two changes to LDC section 2.03.08 C.:

(1) Adds reference to a Future Land Use Element (FLUE) provision that resulted from a partial stipulated settlement agreement in 2010; recognizes that FLUE provision, which is specific to one Section within the North Belle Meade Overlay, as the controlling regulation for that Section; and, provides that the native vegetation preservation requirement for that Section is as contained in the FLUE, based upon the settlement agreement.

(2) Corrects numbering and lettering format in LDC section citations.

This amendment makes the following change to LDC section 3.05.07 C.2.:
(1) Corrects a cross-reference to LDC section 2.03.08.

All of these changes make the LDC consistent with a prior amendment to the FLUE and Future Land Use Map series (Ord. No. 10-49).

FISCAL & OPERATIONAL IMPACTS: There are no fiscal impacts as a result of this amendment.

GROWTH MANAGEMENT PLAN IMPACT: This amendment will make the LDC sections consistent with the FLUE and Future Lands Use Map series.

RELATED CODES OR REGULATIONS: Collier County GMP, Future Land Use Element, V. Overlays and Special Features, B. North Belle Meade Overlay; North Belle Meade Overlay Section 24 Map, part of the Future Land Use Map series; and, Conservation and Coastal Management Element, Policy 6.1.2.

Amend the LDC as follows:

2.03.08 - Rural Fringe Zoning Districts
C. North Belle Meade Overlay District (NBMO).
* * * * * * * * * * * *
5. Additional specific area provisions.
a. Receiving lands.

(4) NBMO rural village. A NBMO rural village shall adhere to the provisions for rural village set forth in section 2.03.08 A.2.b. (A)(2)(b), except as follows:

(a) Density. An NBMO rural village shall have a minimum gross density of 1.5 dwelling units per acre and a maximum gross density of three (3) dwelling units per acre.

i. The minimum required density shall be achieved through TDR credits, TDR Bonus Credits, and Rural Village Bonus credits, as provided in section 2.03.08 A.2.b.(3)(c) (C).

b. Neutral lands. Neutral lands shall be governed by the standards set forth in LDC section 2.03.08 A.3. (A)(3), with the exception that, in those neutral lands located in Section 24, Township 49 South, Range 26 East, shall be governed by the North Belle Meade Overlay in the Future Land Use Element of the GMP. Where there is a conflict between provisions, the GMP overlay provisions shall apply, a minimum of 70% of the native vegetation present shall be preserved.

3.05.07 Preservation Standards

C. Specific standards for the RFMU district. For Lands within the RFMU district, native vegetation shall be preserved through the application of the following preservation and vegetation retention standards and criteria, in addition to the generally applicable standards and criteria set forth in LDC section 3.05.07 A (above). Further, for the portion of the Lake Trafford/Camp Keais Strand System located within the Immokalee Urban Designated Area, native vegetation shall be preserved on site through the application of the Neutral Lands standards established in LDC section 3.05.07 C.2 (below).

2. Neutral lands.

a. In neutral lands, a minimum of 60% of the native vegetation present, not to exceed 45% of the total site area shall be preserved.

b. Exceptions.

i. In those neutral lands located in Section 24, Township 49 South, Range 26 East, in the NBMO, native vegetation shall be preserved as set forth in LDC section 2.03.08 DC.5.b.
LDC Amendment Request

ORIGIN: Growth Management Department

AUTHOR: David Weeks, AICP, Growth Management Manager, Zoning Division, Comprehensive Planning Section

LDC SECTION: 4.02.14 Design Standards for Development in the ST and ACSC-ST Districts

ZONING MAPS: 522930, 2033N, 2033S, 2034N, 2034S

SUMMARY: This amendment modifies provisions related to the Big Cypress Area of Critical State Concern (ACSC) and five zoning maps within Township 52 South, Range 30 East, in order to ensure consistency with the Growth Management Plan (GMP).

DESCRIPTION:
This amendment makes the following change to LDC section 4.02.14 A.:  

(1) Adds an acknowledgement that an agreement may be entered regarding the ACSC regulations, pursuant to State law.

This amendment makes the following two changes to LDC section 4.02.14 C.:  

(1) Adds a list of exotic plant species prohibited specifically within the ACSC that are not listed in LDC section 3.05.08.

(2) Adds a list of wetland plant species that cannot be destroyed and removes the reference to all wetland plants as listed by the Florida Department of Environmental Protection.

This amendment makes the following change to zoning atlas maps 522930, 2033N, 2033S, 2034N, 2034S:  

(1) Removes the ACSC overlay acronym (“ACSC/”) for all of Sections 27, 28, 33 and 34, Township 52 South, Range 30 East (See Exhibit A).

All of these changes make the LDC text and zoning maps consistent with a recent amendment to the FLUE and Future Land Use Map (Ord. No. 17-22).

FISCAL & OPERATIONAL IMPACTS: There are no fiscal impacts as a result of this amendment.

GROWTH MANAGEMENT PLAN IMPACT: This amendment will make the LDC section and zoning maps consistent with the FLUE.

RELATED CODES OR REGULATIONS: Collier County Growth Management Plan, Future Land Use Element, V. Overlays and Special Features, A. Area of Critical State Concern Overlay; and, the countywide Future Land Use Map in the GMP.
Amend the LDC as follows:

4.02.14 Design Standards for Development in the ST and ACSC-ST Districts

A. All development orders issued within the Big Cypress Area of Critical State Concern Special Treatment Overlay (ACSC-ST) shall comply with the Florida Administrative Code, as amended, Boundary and Regulations for the Big Cypress Area of Critical State Concern, except as provided by Agreement pursuant to Chapter 380.032(3), F.S.

C. Site alteration within the ACSC-ST.

3. Soils exposed during site alteration shall be stabilized and retention ponds or performance equivalent structures or system maintained in order to retain runoff and siltation on the construction site. Restoration of vegetation to site alteration areas shall be substantially completed within 180 days following completion of a development. Revegetation shall be accomplished with preexisting species except that undesirable exotic species shall not be replanted or propagated. Undesirable exotic species included are those enumerated in LDC section 3.05.08 of this code and the following:

a) Bishopwood (Bischofia javanica);

b) Castor bean (Ricinus communis);

c) Common papaya (Carica papaya);

d) Common snakeplant (Sansevieria trifasciata);

e) Day jessamine (Cestrum diurnum);

f) Hunters robe (Raphidophora aurea);

g) Queensland umbrella tree (Schefflera actinophylla);

h) Trailing wedelia (Wedelia trilobata).

4. No mangrove trees or salt marsh grasses shall be destroyed or otherwise altered. Plants specifically protected by this regulation include: all wetland plants listed by the Florida DEP in the Florida Administrative Code.

a) Red mangrove (Rhizophora mangle);

b) Black mangrove (Avicennia nitida);

c) White mangrove (Laguncularia racemosa);

d) Needlerush (Juncus roemerianus);

e) Salt cordgrasses (Spartina alterniflora, S. patens, S. cynosuroides, S. spartinae);

f) Seashore saltgrass (Distichlis spicata).
LDCA EXHIBIT "A"

This is to certify that this is a page of the official zoning atlas referred to and adopted by reference by ordinance No. 04-41 of the county of Collier, Florida, adopted June 22, 2004, as amended by the zoning notes and subdivision index referenced herein.

BY: ___________________________ CHAIRMAN

ATTEST: _________________________ CLERK

COLLIER COUNTY, FLORIDA
COMMUNITY DEVELOPMENT DIVISION
TWP 52S RNG 30E SEC(S) 33 NO 1/2

SCALE
MAP NUMBER: 2033N
LDCA EXHIBIT "A"

COLLIER COUNTY, FLORIDA
COMMUNITY DEVELOPMENT DIVISION
TWP 52S RNG 30E SEC(S) 33 SO 1/2
MAP NUMBER: 2033S

LAST REVISION: ZONING ___________________ OTHER ___________________

SUBDIVISION INDEX

NO. NAME P.B. P.G.
1 EVERGLADE SHORES UNIT 1 6 1
2 KENTUCKIAN ESTATES UNIT 1 9 98

ZONING NOTES
1 8-6-85 V-84-28C 85-167 (MIN LOT REQ.)
2 LDC-91

SCALE
0 400

THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE OFFICIAL ZONING ATLAS REFERRED TO AND ADOPTED BY REFERENCE BY ORDINANCE NO. 04-41 OF THE COUNTY OF COLLIER, FLORIDA, ADOPTED JUNE 22, 2004, AS AMENDED BY THE ZONING NOTES AND SUBDIVISION INDEX REFERENCED HEREON.

BY: ________________ CHAIRMAN
ATTEST: ________________ CLERK

DRAFT
THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE OFFICIAL ZONING ATLAS REFERRED TO AND ADOPTED BY REFERENCE BY ORDINANCE NO. 04-41 OF THE COUNTY OF COLLIER, FLORIDA, ADOPTED JUNE 22, 2004, AS AMENDED BY THE ZONING NOTES AND SUBDIVISION INDEX REFERENCED HEREON.

BY ______________________ CHAIRMAN

ATTEST ___________________ CLERK

COLLIER COUNTY, FLORIDA
COMMUNITY DEVELOPMENT DIVISION
TWP 52S RING 30E SEC(S) 34 NO 1/2
MAP NUMBER: 2034N
SCALE
Land Development Code Amendment Request

ORIGIN: Growth Management Department

AUTHOR: Planning and Zoning Division Staff

LDC SECTION: 1.08.02 Definitions
9.03.03 Types of Nonconformities

SUMMARY: This amendment reinstates the definition for a “nonconforming lot of record” as previously codified by Ordinance 91-102 and amended by Ordinance 99-6.

DESCRIPTION: During recodification of the LDC in 2004, the definition of a “nonconforming lot of record” as defined by Ordinance 91-102 and later by Ordinance 99-6, was replaced with regulatory actions that are duplicated in LDC section 9.03.03 A.4.

In review of LDC section 9.03.03 A.4, staff has determined it is not necessary for an additional requirement that a separate legally binding document be recorded prior to the combing of two or more adjacent non-conforming lots for development. The permit is a legally binding document and cannot be approved unless there is a legal description of a unified parcel, approved by the County, prior to the issuance of a building permit.

Lastly, the amendment shall clarify once the nonconforming lots are combined and approved by the County as a unified parcel, the property cannot be subsequently split or subdivided to create another nonconforming parcel.

FISCAL & OPERATIONAL IMPACTS: There are no fiscal or operational impacts anticipated with this amendment.

GROWTH MANAGEMENT PLAN IMPACTS: There are no growth management plan impacts associated with this amendment.

Amend the LDC as follows:

1.08.02 Definitions

Nonconforming lot of record: When two or more adjacent legal nonconforming lots of record are either combined under a single folio or parcel number for taxing purposes by the property appraiser’s office or combined as a single parcel by recording the previously separate non-conforming lots into one legal description, neither or both of these actions will prohibit the owner or future owners from subsequently splitting the parcel into two or more folio or parcel numbers for tax purposes, or severing the parcels into their former legal descriptions as legal non-conforming lots of record according to the original legal description(s) at the time the property was recognized as legal nonconforming. Prior to any two or more adjacent, legal non-conforming lots being combined for development a legally binding document must be recorded to reflect a single parcel with a unified legal description. Once such a document has been recorded to amend the legal description to include development the permit has been approved by...
the County for development as that unified parcel, the property cannot be split or subdivided except as may then be allowed by this Code. Any lawful lot or parcel which was recorded, or for which an agreement for deed was executed, prior to the effective date of this Code, and which lot or parcel does not meet the minimum width or lot area requirements as a result of the passage of this Code shall be considered as a legal nonconforming lot and shall be eligible for the issuance of a building permit provided all the other requirements of this Code and the Florida Statues are met. This definition also includes any lot or parcel made nonconforming by a rezoning initiated by Collier County to implement the Zoning Reevaluation Ordinance Number 90-23 (1990).

9.03.03 Types of Nonconformities

A. **Nonconforming lots of record.** In any district, any permitted or permissible structure may be erected, expanded, or altered on any lot of record at the effective date of adoption or relevant amendment to the LDC.

4. When two or more adjacent legal nonconforming lots of record are either combined under a single folio or parcel number for taxing purposes by the property appraiser's office, or combined as a single parcel by recording the previously separate non-conforming lots into one legal description, neither or both of these actions will prohibit the owner or future owners from subsequently splitting the parcel into two or more folio or parcel numbers for tax purposes, or severing the parcels into their former legal descriptions as legal nonconforming lots of record according to the original legal description(s) at the time the property was recognized as legal nonconforming. Prior to any two or more adjacent legal non-conforming lots being combined for development, a legally binding document must be recorded to reflect a single parcel with a unified legal description. Once such a document has been recorded to amend the legal description and a development permit has been approved by the County for development as that a unified parcel that combined the nonconforming lots, the property cannot be split or subdivided except as may then be allowed by this Code.

5. **Nonconforming Corner Lots.** Corner lots of record which existed prior to the date of adoption of Collier County Ordinance No. 82-2 [January 5, 1982] and which do not meet minimum lot width or area requirements established in the LDC, shall be required to provide only one full depth front yard. The full depth front yard requirement shall apply to the front yard which has the shorter or shortest street frontage. The setback requirement for the remaining front yard(s) may be reduced to 50 percent of the full front yard setback requirement for that district, exclusive of any road right-of-way or road right-of-way easement. For setbacks for Estates (E) zoning district, see LDC §section 2.03.01.
Land Development Code Amendment Request

ORIGIN: Growth Management Department

AUTHOR: Planning and Zoning Division Staff

LDC SECTION: 4.03.04 Lot Line Adjustment and Lot Split

SUMMARY: This amendment shall clarify the review and timely recording procedure for both lot line adjustments and lot splits, and to expand lot split approvals to occur in all zoning districts.

DESCRIPTION: LDC section 4.03.04 sets forth the procedures and conditions to obtain a lot line adjustment and lot split. Currently, lot splits are limited to the Rural Agricultural (A) and Estates (E) zoning districts. This has resulted in staff being unable to process an application for a lot split that would otherwise meet the minimum dimensional, area, and access requirements to the lot in other zoning districts. Because the division of property into two lots does not meet the definitional requirement of a “subdivision” that creates three or more lots, a property owner under any zoning district should be able to split the property one time, without incurring an added expense of platting the lot when all other code requirements have been satisfied. However, for a lot split approval of a platted lot that meets all code requirements, a Plans and Plat (PPL) amendment is required.

Furthermore, the amendment resolves a problem related to the timely filing of the lot split change with the proper offices of the County. After staff has given an approval for a lot split change, some applicants have subsequently sold property without filing the lot split change with the Property Appraiser Office, Clerk of Courts and the County. The failure to file within a timely manner has caused incorrect property identification, addressing, and taxation notices. By requiring the timely filing of the approval within 12 months, the amendment establishes an effective date and the Growth Management Department and Property Appraiser will be able to assign a new property address and/or parcel identification number.

This amendment also includes a cross reference to LDC section 4.03.06 access easement standards for Golden Gate Estates lot divisions.

Lastly, the amendment relocates duplicative procedures to a new LDC section 4.03.04 A.

FISCAL & OPERATIONAL IMPACTS: There are no fiscal or operational impacts anticipated with this amendment.

GROWTH MANAGEMENT PLAN IMPACT: There are no anticipated Growth Management Plan impacts associated with this amendment.

Amend the LDC as follows:

4.03.04 Lot Line Adjustment and Lot Split
A. Generally, Only lot line adjustments or lot split requests meeting the applicable land development regulations, specifically including the minimum lot area and lot dimensions for the existing zoning district, may be approved, but approval does not become effective until evidence of the County approved lot split or lot line adjustment is...
also provided to the Property Appraiser or Clerk of Courts. The **lot line adjustment** or **lot split** shall be recorded with the Clerk of Courts within 12 months of approval by the County Manager or designee, and a copy of the recorded document shall be provided to the Growth Management Department.

**Lot Line Adjustment.** An adjustment of a **lot line** between contiguous **lots** or **parcels** which may be platted or unplatted and which are under separate ownership or the same ownership shall be exempt from this section if all of the following conditions are met. The Administrative Code shall establish the procedures and submittal requirements for obtaining a **lot line adjustment**. The **lot line adjustment** shall be recorded with the Clerk of Courts within 12 months of approval by the County Manager or designee.

1. It is demonstrated that the request is to correct an engineering or surveying error in a recorded plat or is to permit an insubstantial boundary change between **adjacent parcels**; and
2. Both **landowners** whose **lot lines** are being adjusted provide written consent to the **lot line adjustment**; and
3. Instrument(s) evidencing the **lot line adjustment** shall be filed in the official records of Collier County, Florida, upon approval, and shall indicate that the result of the **lot line adjustment** will meet the standards of, and conforms to, the requirements of this LDC, including the dimensional requirements of the zoning district and the **subdivision** in which the **lots** are located. However, in cases of an existing **nonconforming lot of record**, the adjustment shall not increase the nonconformity of the **lot**; and
4. It is demonstrated that the **lot line adjustment** will not affect the development rights or permitted density or intensity of use of the affected **lots** by providing the opportunity to create a new **lot(s)** for resale or development.

**Lot Split.** All **lots** must have **frontage** on a public or private **right-of-way**, with the exception of 1 division of a single platted **lot** or otherwise established **lot of record** in the Rural Agricultural or Estates zoning district into **two lots**. Any such **lot split** may utilize an **access easement** to satisfy **access**, and **frontage** requirements for the **lot** which would not otherwise have **street frontage**.

1. The width of such **access easement** may not be less than 12 feet and may be required to be wider at the discretion of Collier County staff, to accommodate **safe access** and turning movements, stormwater drainage pipes and the like. **Access easement** standards for Golden Gate Estates **lot divisions** shall be per LDC section 4.03.06.
2. The number of **access** points to a public **right-of-way** shall not be increased as a result of the **lot split** if, in the opinion of the county staff, safe and sufficient **access** may be accomplished with fewer **access** points than existed prior to the proposed **lot split**.
3. The **access easement** will create a **front yard** for **setback** purposes for all **lots** abutting the **access easement**. In cases where **access** is presently provided by an **access easement** to existing **lots of record** in any zoning district which are not part of a recorded or unrecorded **subdivision**, this **easement** will serve to satisfy **access** and **frontage** requirements for those **lots**, and **yards abutting the easement** will be considered **front yards** for **setback** purposes.
4. **Application.** The further split or division of a **lot, parcel**, or any **lot of record** into **two proposed parcels** must be reviewed and approved by the County prior to any subsequent **development orders** or **development permits** issued or approved.
   a. The Administrative Code shall establish the procedures and submittal requirements for obtaining a **lot split**.
b. Appropriate access to the resulting parcels from the public road network shall be demonstrated, and where necessary, may require appropriate easements for joint or cross access to be recorded before an approved lot split becomes effective.

c. Only lot split requests meeting the applicable land development regulations, specifically including the minimum lot area and lot dimensions for the existing zoning district, may be approved, but do not become effective until evidence of the County approved lot split is also provided to the Property Appraiser or Clerk of Courts for their consideration and record-keeping, as may be applicable.

D. The Administrative Code shall establish the process and application submittal requirements to obtain a lot line adjustment or lot split.
Land Development Code Amendment Request

ORIGIN: Growth Management Department

AUTHOR: Development Review Division Staff

LDC SECTION: 10.01.02 Development Orders Required

SUMMARY: This amendment proposes to remove the requirement for a determination of legal sufficiency for an Early Work Authorization permit (EWA) agreement.

DESCRIPTION: Prior to 2005, in order to commence development prior to the final approval of a development order, a preliminary work authorization in the form established by the County Attorney as a binding agreement that was executed by the Board. Ordinance 2005-12 created an EWA permit that was required to be deemed legally sufficient by the County Attorney’s Office and approved administratively by the County Manager or his designee.

Since 2005, EWA permits have been routinely administered by the County Manager or his designee without requiring the Board to execute an agreement. Because Board approval is no longer required, legal review of the permit is not necessary.

Instead, as set forth in the Administrative Code, Chapter 4.D, an applicant submits an application to obtain a EWA permit. If the petition is deemed complete and meets the criteria identified in LDC section 10.01.02 B, the County Manager or designee (Engineering Services Division) issues a letter of approval and holds a pre-construction meeting prior to commencement of work.

Since 2005, EWA permits have been routinely administered by the County Manager or his designee without requiring the Board to execute an agreement. Because Board approval is no longer required, legal review of the permit is not necessary.

FISCAL & OPERATIONAL IMPACTS: There are no fiscal or operational impacts anticipated with this amendment.

GROWTH MANAGEMENT PLAN IMPACTS: There are no anticipated Growth Management Plan impacts associated with this amendment.

Amend the LDC as follows:

10.01.02 - Development Orders Required

1 B. Early Work Authorization (EWA). An EWA permit allows for limited development activities before a development order is issued provided all underlying zoning approvals are in place. The Administrative Code shall establish the submittal requirements to obtain an EWA permit.
The County may issue an EWA permit for the allowed activities, subject to demonstrated compliance with the following criteria, as applicable:

a. The proposed vegetation removal complies with LDC section 3.05.05 O;
b. County right-of-way permit has been approved;
c. A determination of native vegetation to be retained for landscaping which would comply with LDC section 4.06.00;
d. An excavation permit has been approved;
e. A Soil Erosion and Sediment Control Plan demonstrating compliance with the provisions of LDC section 6.01.05;
f. Copies of all approved Agency permits being submitted, including, but not limited to: SFWMD, ACOE, USFWS, and FFWCC;
g. Determination of legal sufficiency of the EWA permit by the County Attorney’s Office;
h. A vegetation bond in the form of a performance bond, letter of credit, or cash bond and in the amount of $2,000.00 per acre is posted for stabilization with vegetation in accordance with LDC section 4.06.04 A.3;
i. Assurance that all underlying zoning approvals are in place (e.g. PUD, C.U., etc.);
j. The EWA permit is valid for 60 days with the possibility of two 60-day extensions dependent on the reason for the inability to gain proper approvals. After that time, cleared areas must be graded off and hydroseeded. Where more time is needed, a new EWA may be requested;
k. All preliminary construction activities are at the risk of the developer.
Land Development Code Amendment Request

ORIGIN: Board of County Commissioners

AUTHOR: Growth Management Department Staff

LDC SECTION(S): 10.02.13 Planned Unit Development (PUD) Procedures
10.03.06 Public Notice and Required Hearings for Land Use Petitions

SUMMARY: This amendment adds a requirement for PUD insubstantial changes (PDIs) and PUD minor changes (PMCs) to be heard by the Board of County Commissioners (Board) to approve the ordinance amendment.

DESCRIPTION: Currently, PMCs may be approved by the County Manager or designee or the Hearing Examiner (HEX), and PDIs require a hearing by the Collier County Planning Commission (CCPC). However, the Office of the Collier County Clerk of Courts recently questioned this process, suggesting the approval of an insubstantial change constitutes an amendment to an ordinance. It was noted that only the Board can modify an ordinance.

As a result, at the June 13, 2017, Board meeting (Agenda Item 16.A.14), staff was directed to develop amendments to the LDC and Administrative Code for Land Development to require insubstantial changes to PUDs be brought to the Board for affirmation of the approval and ordinance amendment. Staff was also directed to begin implementing this policy prior to the adoption of the LDC amendment.

This amendment modifies the procedures for PDIs and PMCs in LDC section 10.02.13 E to require PDIs and PMCs to be heard by the Board for ordinance amendment. This requires one hearing on the Board’s summary agenda and required advertising. However, if there is an objector, these items will be placed on the regular agenda as an advertised public hearing. LDC section 10.03.06 H requires the following advertising for a PDI: one Neighborhood Information Meeting, mailed notice, newspaper advertisement, and posting of a sign. Procedures for a Boat Dock Facility Extension, Boathouse Establishment, or Boat Dock Canopy Deviation, which are currently combined with procedures for PDIs, are relocated to new LDC section 10.03.06 Z for clarity. For a PMC, LDC section 10.03.06 T requires a newspaper advertisement (or a mailed notice for PMCs to remove affordable housing commitments).

Additionally, with the adoption of the Administrative Code in 2013, public hearings for PDIs were assigned to the HEX. However, this assignment has not been codified in LDC section 10.02.13 E.2. This amendment clarifies that PDIs may be heard by the HEX, to reflect the current policy.

Finally, since the Board will review all PMCs, it is unnecessary to add an additional hearing before the HEX when an objection to the removal of affordable housing commitments is received. However, the mailed notice requirement for PMCs removing affordable housing commitments is not changed.
FISCAL & OPERATIONAL IMPACTS: Fiscal impacts to applicants include increased costs associated with an additional Board hearing and required advertisements for PDIs and PMCs. Operational impacts to the County include increased staff time required to bring PDIs and PMCs to an additional hearing before the Board. As an illustration of the frequency of these requests, between 2015 and 2016, the County received 30 PDI and 7 PMC applications.

GROWTH MANAGEMENT PLAN IMPACT: There are no anticipated Growth Management Plan impacts associated with this amendment.

Amend the LDC as follows:

10.02.13 Planned Unit Development (PUD) Procedures

E. Changes and amendments. There are three types of changes to a PUD Ordinance:

Substantial, Insubstantial, and Minor.

2. Insubstantial change determination. An insubstantial change includes any change that is not considered a substantial or minor change. An insubstantial change to an approved PUD Ordinance shall be based upon an evaluation of LDC subsection 10.02.13 E.1 and shall require the review and approval of the Hearing Examiner or Planning Commission, and ordinance amendment by the Board of County Commissioners. The Hearing Examiner decision, Planning Commission approval, and ordinance amendment by the Board of County Commissioners, as applicable, shall be based on the findings and criteria used for the original application and be an action taken at a regularly scheduled meeting.

a. The applicant shall provide the Planning and Zoning Department Director documentation which adequately describes the proposed changes as described in the Administrative Code.

3. Minor changes. The following are considered minor changes, and may be approved by the County Manager or designee under the procedures established in the Administrative Code. Minor changes shall also require review and approval of the Board of County Commissioners by ordinance amendment.

a. Educational and ancillary plants exception. When a PUD is amended for the sole purpose of adding an Educational and/or ancillary plant, that PUD will not be subject to the review process outlined in LDC section 10.02.13 E.1. The review conducted will be limited to the impacts that the Educational or ancillary plant will have on the surrounding uses.

b. The County Manager or designee shall also be authorized to allow minor changes to the PUD master plan during its subdivision improvements plan or site development plan process to accommodate topography, vegetation and other site conditions not identified or accounted for during its original submittal and review and when said changes have been determined to be compatible with adjacent land uses, have no impacts external to the site, existing or proposed, and is otherwise consistent with the provisions of this code and the growth management plan. Such changes shall include:

i. Internal realignment of rights-of-way, including a relocation of access points to the PUD itself, where no water management
facility, conservation/preservation areas, or required easements are affected or otherwise provided for.

ii. Relocation of building envelopes when there is no encroachment upon required conservation or preservation areas.

iii. Relocation of swimming pools, clubhouses, or other recreation facilities when such relocation will not affect adjacent properties or land uses.

iv. Relocation or reconfiguration of lakes, ponds, or other water facilities subject to the submittal of revised water management plans, or approval of the EAC where applicable.

c. Minor changes of the type described above shall nevertheless be reviewed by appropriate staff to ensure that said changes are otherwise in compliance with all county ordinances and regulations prior to the Planning and Zoning Department Director’s County Manager or designee’s consideration for approval.

d. Affordable housing commitments. Beginning October 3, 2012, the County Manager or designee shall be authorized to make minor text changes to remove affordable housing commitments to pay an affordable housing contribution in PUDs, Development Agreements, and Settlement Agreements, if the following conditions are met:

i. The applicant notifies property owners in writing in accordance with LDC section 10.03.06 T.

ii. If no written objection is received, the request to remove commitments is deemed approved.

iii. If a property owner who receives notice submits a written objection within 30 days of mailing of the notice, the matter shall be scheduled for public hearing before the Board of County Commissioners. Public notice shall comply with LDC sections 10.03.05 and 10.03.06.

10.03.06 Public Notice and Required Hearings for Land Use Petitions

H. PUD Insubstantial Change (PDI) or Boat Dock Facility Extension, Boathouse Establishment, or Boat Dock Canopy Deviation:

1. The following advertised public hearings are required:

a. One Planning Commission or Hearing Examiner hearing.

b. One BCC hearing for ordinance amendment.

2. The following notice procedures are required:

a. For a PDI, a NIM. See LDC section 10.03.05 A. However, upon written request by the applicant, the Hearing Examiner has the discretion to waive the NIM after the first set of staff review comments have been issued.

b. Mailed Notice prior to the advertised public Planning Commission or Hearing Examiner hearing.

c. Newspaper Advertisement prior to the advertised public hearing.

d. Posting of a sign prior to the advertised public Planning Commission or Hearing Examiner hearing.

T. Minor Change to a PUD to remove affordable housing contributions, pursuant to LDC section 10.02.13 E.3.c.
1. The following notice procedures are required:
   a. For minor changes to remove affordable housing contributions:
      i. Mailed Notice, sent by the applicant.
      ii. Newspaper advertisement prior to the advertised public hearing.
   b. For other minor changes:
      i. Newspaper advertisement prior to the advertised public hearing.

2. The following advertised public hearings may be required:
   a. If a written objection is received, one BCC or Hearing Examiner hearing for ordinance amendment.

Z. **Boat Dock Facility** Extension, **Boathouse** Establishment, or **Boat Dock Canopy** Deviation:

   1. The following advertised public hearing is required:
      a. One Hearing Examiner or Planning Commission 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.
Exhibit A

Collier County Land Development Code | Administrative Procedures Manual
Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

G.3. PUD Insubstantial Change

Reference  LDC subsection 10.02.13 E, LDC section 8.10.00, and LDC Public Notice subsection 10.03.06 H.

Applicability  This process applies to insubstantial changes to a PUD Master Plan which meets the thresholds in LDC section 10.02.13 E.

Pre-application  A pre-application meeting is required.

Initiation  The applicant files an application for an “Insubstantial Change To a PUD Master Plan (PDI)” with the Planning & Zoning Division.

Application Contents

1. Applicant contact information.
2. Disclosure of ownership.
3. PUD Ordinance and Development Commitment information.
4. A legal or graphic description of the area of amendment. This may be graphically illustrated on the Amended PUD Master Plan. If the amendment involves only part of the PUD, provide a legal description for the subject portion.
5. A narrative and detailed description of the amendment and why it is necessary, with responses to the criteria listed under LDC section 10.02.13 E.1.
6. An analysis of whether the amendment complies with the Growth Management Plan.
7. Whether a public hearing was held for the property within the year preceding the application. If this has occurred, include the applicant’s name.
8. Whether any part of the has been sold or developed, and whether the proposed changes involve those areas.
9. Current and revised Master Plans, along with a reduced copy of each, describing the proposed changes of the following:
   • Land use;
   • Densities;
   • Infrastructure;
   • Open space, preservation or conservation areas;
   • Area of building square footage proposed for nonresidential development;
   • Change in potential intensity of land use and related automobile trip movements; and
   • Relationships to abutting land uses.
10. Addressing checklist.
11. An 8½ in. x 11 in. graphic location map of the site.
12. Pre-application meeting notes.


14. Electronic copies of all documents.

The Planning & Zoning Division 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

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

1. **NIM:** The **NIM** shall be completed at least 15 days before each advertised public 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 Hearing Examiner hearing.

3. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the advertised public hearing Hearing Examiner hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
   - Date, time, and location of the hearing;
   - Description of the proposed land uses; and
   - 2 in. x 3 in. map of the project location.

4. **Sign:** (see format below) Posted at least 15 days before the advertised Hearing Examiner hearing date.

PUBLIC HEARING REQUESTING ____________

PETITION NUMBER: ________________

TO PERMIT: _______________________

(Request-Sufficiently clear to describe the project)

LOCATION: _______________________

DATE: ___________ TIME: ___________

CONTACT: ___________________________

THE ABOVE TO BE HELD AT THE GROWTH MANAGEMENT DIVISION BUILDING, 2800 N. HORSESHOE DR., NAPLES, FL 34104 OR AS OTHERWISE DESIGNATED.
Exhibit A

Collier County Land Development Code | Administrative Procedures Manual
Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

Public Hearing

1. The Hearing Examiner or CCPC shall hold at least one advertised public hearing. See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.

2. The BCC shall hold at least one advertised public hearing for ordinance amendment.

Decision maker
The Hearing Examiner, The BCC.

Review Process
The Planning & Zoning Division will review the application and identify whether additional materials are needed. Pursuant to LDC subsection 10.02.13 B.3, Staff will prepare a Staff Report utilizing the criteria identified in LDC subsection 10.02.13 E, to present to the Office of the Hearing Examiner for a decision.

The Hearing Examiner or CCPC will approve, approve with conditions, or deny the application utilizing the criteria in LDC subsection 10.02.13 E.

The BCC will approve, approve with conditions, or deny the application utilizing the criteria in LDC subsection 10.02.13 E.

Updated [Resolution No. 2018-XX]
G.4. PUD Minor Change

Reference  
LDC subsection 10.02.13 E, LDC section 8.10.00, and LDC Public Notice subsection 10.03.06 T.

Applicability  
The following are considered minor changes:

1. Educational and ancillary plants. These include PUD master plans that are amended for the sole purpose of adding an educational and/or ancillary plant.

2. Removal of Affordable Housing Contributions. The County Manager or designee may allow minor text changes to remove affordable housing commitments to pay an affordable housing contribution in PUDs, Development Agreements, and Settlement Agreements. Conditions are identified in LDC subsection 10.02.13 E.

3. Minor Changes during Construction. The County Manager or designee may allow minor changes to the PUD Master Plan during its subdivision improvements plan or site development plan process to accommodate topography, vegetation and other site conditions not identified or accounted for during its original submittal and review and when said changes have been determined to be compatible with adjacent land uses, have no impacts external to the site, existing or proposed, and is otherwise consistent with the provisions of this code and the growth management plan. These changes include the following:

   - Internal realignment of rights-of-way, including a relocation of access points to the PUD itself, where no water management facility, conservation/preservation areas, or required easements are affected or otherwise provided for;
   - Relocation of building envelopes when there is no encroachment upon required conservation or preservation areas;
   - Relocation of swimming pools, clubhouses, or other recreation facilities that do not affect adjacent properties or land uses; and
   - Relocation or reconfiguration of lakes, ponds, or other water facilities subject to the submittal of revised water management plans or approval of the EAC where applicable.

Pre-application  
A pre-application meeting is not required.

Initiation  
The applicant files a “Minor Change to a PUD Master Plan or Text (PMC)” application with the Planning & Zoning Department Division.

Application Contents  
The application must include the following:

1. Applicant contact information.
2. Disclosure of ownership.
3. PUD Ordinance and Development Commitment information.
Exhibit A

Collier County Land Development Code | Administrative Procedures Manual
Chapter 3 | Quasi-Judicial Procedures with a Public Hearing

4. A legal or graphic description of the area of amendment. This may be graphically illustrated on the Amended PUD Master Plan. If the amendment involves only part of the PUD, provide a legal description for the subject portion.

5. The current PUD Master Plan, ☞ See Chapter 3 G.1 of the Administrative Code for requirements and the changes in potential intensity of land use, changes in trips and relationships to abutting land uses.

6. Include any previously revised Master Plans.

7. A narrative and detailed description of the map change and reason for request.

8. An analysis of whether the amendment complies with the Growth Management Plan.

9. Whether a public hearing was held for the property within the year preceding the application. If this has occurred, include the applicant’s name and number.

10. Whether any part of the PUD has been sold or developed, and whether the proposed changes involve those areas.

11. For removal of affordable housing commitments, a completed Letter to Property owners as identified in the application.


13. An 8½ in. x 11 in. graphic location map of the site.


15. Electronic copies of all documents.

Completeness and Processing of Application

The Planning & Zoning Department Division 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

Notification requirements are as follows for Removal of Affordable Housing Contributions:
☞ See Chapter 8 of the Administrative Code for additional notice information.

For removal of affordable housing contributions:

1. Mailed Notice: Written notice shall be sent to property owners in the notification area at least 15 days before the advertised Hearing Examiner public hearing.

2. Newspaper Advertisements: The legal advertisement shall be published at least 15 days before the advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
   - Date, time, and location of the hearing;
   - Description of the proposed land uses; and
   - 2 in. x 3 in. map of the project location.
For other minor changes:

1. **Newspaper Advertisements**: The legal advertisement shall be published at least 15 days before the advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
   - Date, time, and location of the hearing;
   - Description of the proposed land uses; and
   - 2 in. x 3 in. map of the project location.

Public Hearing

1. No public hearing is required for adding educational and ancillary plants to a PUD or minor changes to a PUD Master Plan during construction. A hearing before the BCC for ordinance amendment, pursuant to LDC subsection 10.02.13 E.

2. A hearing before the Hearing Examiner may be required to remove affordable housing contributions, pursuant to LDC subsection 10.02.13 E.

Decision maker

The County Manager or designee or the Hearing Examiner. The BCC.

Review Process

Minor changes are reviewed by the Planning & Zoning Department Division staff and may be approved by the County Manager or designee.

If a public hearing is required to remove Affordable Housing Contributions, Staff will prepare a Staff Report and Staff will schedule a hearing date before the Hearing Examiner to present the petition for review.

The BCC will approve, approve with conditions, or deny the application utilizing the criteria in LDC subsection 10.02.13 E.

Appeals

Administrative appeals shall be in accordance with the Code of Laws section 250-58.

Updated

[Resolution No. 2018-XX]
Land Development Code Amendment Request

**ORIGIN:** Board of Zoning Appeals and Growth Management Department Staff

**AUTHOR:** Growth Management Department Staff

**LDC SECTIONS:**

- 2.03.07 Overlay Zoning Districts
- 4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts
- 4.02.03 Specific Standards for Location of Accessory Buildings and Structures
- 4.02.04 Standards for Cluster Residential Design
- 4.02.06 Standards for Development in Airport Zones

**SUMMARY:** This amendment reorganizes the dimensional standards tables for accessory structures to clarify several provisions and highlight swimming pool and screen enclosure setbacks.

**DESCRIPTION:**

*Changes to LDC section 2.03.07*

This amendment removes references to tables that are removed by this amendment’s changes to LDC section 4.02.04.

*Changes to LDC section 4.02.01*

This amendment expands the allowance for setback encroachments for permanent emergency generators from single-family residences only, to include multi-family and non-residential buildings. This change represents staff’s current application of setbacks to permanent emergency generators for multi-family and non-residential buildings.

*Changes to LDC section 4.02.04*

Currently, setbacks for accessory buildings and structures are located within two tables that are difficult to use and contain inconsistencies and missing information. This amendment merges the tables into one for clarity and usability and includes the following changes:

1. **Carports:** Currently, the tables identify the same setbacks for carports and parking garages. However, LDC section 4.02.01 D.12 allows setback encroachments for carports which are open on all sides in commercial, industrial, and multi-family residential developments. This amendment separates carports from parking garages in the table, includes a cross-reference to LDC section 4.02.01 D.12., and identifies the same standards apply to two-family units for clarity. Additionally, the rear setback for commercial, industrial, and multi-family carports is changed from “35 feet” to “SPS” for consistency with the rear setback for one-story and multi-story parking structures, as described in the next section.

2. **One-story and multi-story parking structures:** The following two changes to the required setbacks for one-story and multi-story parking structures are included:
a) One-story and multi-story parking structures are currently listed separately, but have the same required setbacks, except for the structure to structure setbacks which are as follows:

- One-story parking structures: 10 feet
- Multi-story parking structures: 1 foot of accessory height = 1 foot of building separation (1/1)

Since one-story parking structures are typically 10 feet in height or less, these two standards are effectively the same. Additionally, any one-story parking structure that is more than 10 feet in height should have the same structure to structure setback as any other parking structure that is more than 10 feet in height. Therefore, this amendment combines these two items in the table and modifies the structure to structure setback to “1/1 with a minimum of 10 feet.”

b) Currently the rear setback for one- or multi-story parking structures on non-waterfront and non-golf course lots is 35 feet. However, the rear setback on waterfront or golf course lots are the same as the principal structure (SPS). Additionally, a 35-foot rear setback is greater than the rear setback for the principal structure in several zoning districts. Therefore, the rear setbacks for one- and multi-family parking structures on non-waterfront and non-golf course lots are changed from “35 feet” to “SPS.”

3. Parking garage (one- and two-family): Currently, only setbacks for detached parking garages for single-family units are identified, while two-family units that include detached parking garages are not listed. This amendment codifies the same setback for detached parking garages whether the principal structure is a one-family or two-family use, consistent with staff’s current application of this section.

4. Permanent emergency generators: Currently, the side setback for permanent emergency generators includes a cross-reference to LDC section 4.02.01 D.13, which allows encroachments of up to 36 inches into the side setback. However, the setback itself is not identified. This amendment clarifies that the side setback for permanent emergency generators is the same as the principal structure (SPS) and references LDC section 4.02.01 D.13.

5. Tennis courts (private) (one- and two-family): The “(private)” designation is removed from tennis courts for one- and two-family. Public tennis courts are not an accessory use to one- and two-family structures so the distinction is unnecessary.

6. Trellises, arbors, and similar structures: Trellises, arbors, and similar structures are not currently listed in the tables. Instead, staff uses a 2007 memo when applying setbacks to these structures (Exhibit A). Consistent with the 2007 memo, this amendment adds two setback requirements for trellises, arbors, and similar structures which vary depending on whether the structure exceeds the maximum fence height for the respective zoning district.

7. Attached screen porches, swimming pools and screen enclosures: Currently, setbacks for attached screen porches and swimming pools and screen enclosures on waterfront lots and golf course lots include a lengthy and confusing note. Additionally, setbacks for
swimming pools and screen enclosures were the subject of a variance request heard by the Board of Zoning Appeals (BZA) on February 28, 2017 (Agenda Item 8.A). At the meeting, it was noted that the pool and screen enclosure standards are currently contained in multiple tables and notes, making them easy to overlook. In response, the BZA directed staff to proceed with an LDC amendment to clarify these tables. This amendment relocates the notes for attached screen porches and pools and screen enclosures into the new table for clarity.

The setbacks are also modified to remove the reference to Marco Island. Setbacks for swimming pools and screen enclosures were modified by Ordinance No. 97-2. At the time the ordinance was adopted, Marco Island had not yet incorporated so the provision in Table 4 - Note 3 included standards applicable to Marco Island. When Marco Island incorporated later in 1997, the standards no longer applied to the City of Marco Island, therefore, the reference to Marco Island is removed.

Additionally, the word “screen” is removed from attached screen porch because attached porches should have the same setback whether they are screen or not.

8. **Chickee, barbecue areas:** Currently the structure to structure setback for “chickee, barbecue areas” is “10 feet” on non-waterfront and non-golf course lots and “None” for waterfront and golf course lots. The setback for waterfront and golf course lots is changed to “10 feet” to be consistent with the same structures on non-waterfront and non-golf course lots and for fire safety.

9. **Davits, hoists, and lifts:** On waterfront lots and golf course lots, the structure to structure setback is changed from “SPS” to “None.” Davits, hoists, and lifts are often situated in close proximity to, or work in conjunction with, other boathouses, docks, or other shorefront facilities, therefore, it is not appropriate to apply the principal structure setback to these accessory structures.

10. **Dock facilities and boathouses:** Currently, side setback requirements for dock facilities and boathouses are listed as “7.5 feet or 15” feet. However, setback requirements for dock facilities and boathouses are established in LDC sections 5.03.06 E and F. This amendment replaces setbacks of “7.5 feet or 15” feet with a cross-reference to LDC sections 5.03.06 E and F to clarify where the setbacks are established.

11. **Notes:**
   a. **Removed abbreviations:** The abbreviations “N,” “N/A,” and “NP” have been written out within the table to reduce the number of notes.
   b. **Accessory structures in Rural Agricultural (A) and Estates (E) zoning districts:** Currently, both tables include a note regarding accessory structures in A and E zoning districts. This note has been relocated to the new LDC section 4.02.03 C and a new cross-reference has been added to LDC section 4.02.07 for standards for accessory structures related to keeping animals and livestock. This makes the standard easier to recognize and eliminates duplicative notes.
c. **“NP” designation:** Currently, the front setback for permanent emergency generators and satellite dish antennas in both tables are listed as “NP.” The notes for each table indicate that “NP” means “Structure allowed in rear of building only,” however, these structures are also allowed on the sides of buildings. This amendment clarifies the structure or use is “not permitted in front of building” within the table, rather than as a note.

d. **All notes changed to numbers:** Currently, several footnotes are indicated using “*” or “**.” This amendment replaces all symbols with numbers for clarity.

Changes to LDC sections 4.02.04 and 4.02.06
Since this amendment removes Tables 2 and 3 from LDC Chapter 4, the remaining tables in LDC sections 4.02.04 and 4.02.06 must be renumbered. No other changes are made to these sections.

**FISCAL & OPERATIONAL IMPACTS:** There are no anticipated fiscal and operational impacts associated with this amendment.

**GROWTH MANAGEMENT PLAN IMPACT:** There are no anticipated Growth Management Plan impacts associated with this amendment.

Amend the LDC 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, unless otherwise noted.

vii. 4.02.03 A-Specific Standards for Location of Accessory Buildings and Structures, Dimensional Standards (Tables 3 and 4), except that in the case of new development on commercial parcels, no deviation shall be granted from the required 50-foot building setback when abutting residentially zoned properties, or from the minimum 10-foot wide landscaped strip between the abutting road right-of-way and the off-street parking area. Deviations from these requirements may be considered in the
4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts

D. Exemptions and exclusions from design standards.

13. Permanent emergency generators may be placed within the rear yard of any property supporting a permitted single-family residence, subject to a 10-foot rear yard setback, and within side yards subject to a maximum encroachment into the setback of 36 inches. Generators are not permitted to encroach into required front yards. Above-ground fuel tanks for the generators are subject to the same setbacks; however, underground tanks are not subject to setback requirements. In order to reduce noise during required routine exercising of the generators, this exercising is restricted to operating the generator for no more than 30 minutes weekly during the hours of 9:00 a.m. to 5:00 p.m. and shall not exceed sound level limits for Manufacturing and Industrial uses as set forth in Ordinance 90-17, the Noise Ordinance, as amended. All permanent emergency generators must be equipped with sound attenuating housing to reduce noise.

| # | # | # | # | # | # | # | # | # | # | # |

4.02.03 Specific Standards for Location of Accessory Buildings and Structures

A. For the purposes of this section, in order to determine yard requirements, the term “accessory structure” shall include detached and attached accessory use structures or buildings notwithstanding the attachment of such structure or building containing the accessory use to the principal use structure or building. Accessory buildings and structures must be constructed simultaneously with or following the construction of the principal structure and shall conform with the following setbacks and building separations.

Table 3: Dimensional Standards for Accessory Buildings and Structures on Non-Waterfront Lots and Non-Golf Course Lots in Zoning Districts other than Rural Agricultural (A) and Estates (E)**.

<table>
<thead>
<tr>
<th>#</th>
<th>Accessory Use</th>
<th>Front</th>
<th>Rear</th>
<th>Side</th>
<th>Structure to Structure (If Attached)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Parking garage or carport, single-family</td>
<td>SPS</td>
<td>10-feet</td>
<td>SPS</td>
<td>10-feet</td>
</tr>
<tr>
<td>2.</td>
<td>One-story parking structures and/or carports</td>
<td>SPS</td>
<td>35-feet</td>
<td>SPS</td>
<td>10-feet</td>
</tr>
<tr>
<td>3.</td>
<td>Multistory parking structures</td>
<td>SPS</td>
<td>35-feet</td>
<td>SPS</td>
<td>1/1</td>
</tr>
<tr>
<td>4.</td>
<td>Swimming pool and/or screen enclosure (one- and two-family)</td>
<td>SPS</td>
<td>10-feet</td>
<td>SPS</td>
<td>N</td>
</tr>
<tr>
<td>5.</td>
<td>Swimming pool (multi-family and commercial)</td>
<td>SPS</td>
<td>20-feet</td>
<td>15-feet</td>
<td>N</td>
</tr>
<tr>
<td>6.</td>
<td>Tennis courts (private) (one- and two-family)</td>
<td>SPS</td>
<td>15-feet</td>
<td>SPS</td>
<td>10-feet</td>
</tr>
<tr>
<td>7.</td>
<td>Tennis courts (multi-family, and commercial)</td>
<td>SPS</td>
<td>20-feet</td>
<td>15-feet</td>
<td>20-feet</td>
</tr>
<tr>
<td>8.</td>
<td>Utility buildings</td>
<td>SPS</td>
<td>10-feet</td>
<td>SPS</td>
<td>10-feet</td>
</tr>
<tr>
<td>9.</td>
<td>Chickee, barbecue areas</td>
<td>SPS</td>
<td>10-feet</td>
<td>SPS</td>
<td>10-feet</td>
</tr>
<tr>
<td>10.</td>
<td>Attached screen porch</td>
<td>SPS</td>
<td>10-feet</td>
<td>SPS</td>
<td>N/A</td>
</tr>
<tr>
<td>11.</td>
<td>Unlisted accessory</td>
<td>SPS</td>
<td>SPS</td>
<td>SPS</td>
<td>10-feet</td>
</tr>
<tr>
<td>12.</td>
<td>Satellite dish antenna</td>
<td>N/A</td>
<td>15-feet</td>
<td>SPS</td>
<td>10-feet</td>
</tr>
</tbody>
</table>
13. Permanent emergency generators  NP  10 feet  See Sec. 4.02.01 D.13  N/A

N = None.
N/A = Not applicable.
NP = Structure allowed in rear of building only.
SPS = Calculated same as principal structure.
* = 1 foot of accessory height = 1 foot building separation.
** = All accessory structures in Rural Agricultural and Estates zoning districts must meet principal structure setbacks.

**Table 4. Dimensional Standards for Accessory Buildings and Structures on Waterfront Lots and Golf Course Lots in Zoning Districts other than Rural Agricultural (A) and Estates (E)**

<table>
<thead>
<tr>
<th>Item</th>
<th>Front</th>
<th>Rear</th>
<th>Side</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Parking garage or carport, single-family</td>
<td>SPS</td>
<td>SPS</td>
<td>SPS</td>
<td>10 feet</td>
</tr>
<tr>
<td>2. One-story parking structures</td>
<td>SPS</td>
<td>SPS</td>
<td>SPS</td>
<td>10 feet</td>
</tr>
<tr>
<td>3. Multistory parking structures</td>
<td>SPS</td>
<td>SPS</td>
<td>SPS</td>
<td>1/1.1</td>
</tr>
<tr>
<td>4. Swimming pool and/or screen enclosure (one- and two-family)</td>
<td>SPS</td>
<td>10 feet</td>
<td>SPS</td>
<td>N</td>
</tr>
<tr>
<td>5. Swimming pool (multi-family and commercial)</td>
<td>SPS</td>
<td>20 feet</td>
<td>15 feet</td>
<td>N</td>
</tr>
<tr>
<td>6. Tennis courts (private) (one- and two-family)</td>
<td>SPS</td>
<td>15 feet</td>
<td>SPS</td>
<td>10 feet</td>
</tr>
<tr>
<td>7. Tennis courts (multi-family and commercial)</td>
<td>SPS</td>
<td>35 feet</td>
<td>SPS</td>
<td>20 feet</td>
</tr>
<tr>
<td>8. Boathouses and boat shelters (private)</td>
<td>SPS</td>
<td>N/A</td>
<td>7.5 feet or 15 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>9. Utility buildings</td>
<td>SPS</td>
<td>SPS</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>10. Chickee, barbecue areas</td>
<td>SPS</td>
<td>10 feet</td>
<td>SPS</td>
<td>N</td>
</tr>
<tr>
<td>11. Davits, hoists and lifts</td>
<td>N/A</td>
<td>N/A</td>
<td>7.5 feet or 15 feet</td>
<td>SPS</td>
</tr>
<tr>
<td>12. Attached screen porch</td>
<td>SPS</td>
<td>10 feet</td>
<td>SPS</td>
<td>SPS</td>
</tr>
<tr>
<td>13. Unlisted accessory</td>
<td>SPS</td>
<td>SPS</td>
<td>SPS</td>
<td>10 feet</td>
</tr>
<tr>
<td>14. Docks, decks and mooring pilings</td>
<td>N/A</td>
<td>N/A</td>
<td>7.5 feet or 15 feet</td>
<td>N/A</td>
</tr>
<tr>
<td>15. Boat slips and ramps (private)</td>
<td>N/A</td>
<td>N/A</td>
<td>7.5 feet</td>
<td>N/A</td>
</tr>
<tr>
<td>16. Satellite dish antennas</td>
<td>NP</td>
<td>15 feet</td>
<td>SPS</td>
<td>10 feet</td>
</tr>
<tr>
<td>17. Permanent emergency generators</td>
<td>NP</td>
<td>10 feet</td>
<td>See Sec. 4.02.01 D.13</td>
<td>N/A</td>
</tr>
<tr>
<td>18. Golf clubhouse and maintenance buildings</td>
<td>NP</td>
<td>50 feet</td>
<td>50 feet</td>
<td>N/A</td>
</tr>
</tbody>
</table>

N = None.
N/A = Not applicable.
NP = Structure allowed in rear of building only.
SPS = Calculated same as principal structure.
** = All accessory structures in Rural Agricultural and Estates zoning districts must meet
principal structure setbacks.
1 Foot of accessory height = 1 foot of building separation.
2 In those cases where the coastal construction control line is involved, the coastal
construction control line will apply.
3 20 feet where swimming pool decks exceed 4 feet in height above top of seawall or top of
bank, except Marco Island and Isles of Capri which may construct to a maximum of seven feet
above the seawall with a maximum of four feet of stem wall exposure, with the rear setback of
ten feet.
4 20 feet where floor or deck of porch exceeds 4 feet in height above top of seawall or top of
bank, except Marco Island and Isles of Capri which may construct to a maximum of seven feet
above the seawall with a maximum of four feet of stem wall exposure, with the rear setback of
ten feet.
5 The setback shall apply to external boundaries of the golf course district, and shall be
inclusive of separately platted buffer tracts.

B. Accessory buildings shall not occupy an area greater than five (5) percent of the total
lot area in all residential zoning districts, or occupy an area greater than forty (40)
percent of any building envelope (i.e., area of lot remaining for building purposes
after accounting for required setbacks), whichever is the lesser, provided the total
maximum coverage provision of this ordinance for all principal and accessory
buildings is not exceeded. Nothing herein contained shall serve to prevent the
construction of an accessory building containing an area of less than 500 square feet
provided all yard and building spacing requirements can be met.

C. All accessory structures in Rural Agricultural (A) and Estates (E) zoning districts
must meet principal structure setbacks. For accessory structures related to the
keeping of animals and livestock in these districts, see LDC section 4.02.07.

D. Table of dimensional standards for accessory buildings and structures in zoning
districts other than Rural Agricultural (A) and Estates (E):

<table>
<thead>
<tr>
<th>Location</th>
<th>Accessory Building/Structure</th>
<th>Setbacks</th>
<th>Structure to Structure (If Detached)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Front</td>
<td>Rear</td>
</tr>
<tr>
<td>Non-Waterfront Lots and Non-Golf Course Lots</td>
<td>Attached porch</td>
<td>SPS</td>
<td>10 feet</td>
</tr>
<tr>
<td>Non-Waterfront Lots and Non-Golf Course Lots</td>
<td>Carports (commercial, industrial, and multi-family)¹</td>
<td>SPS</td>
<td>SPS</td>
</tr>
<tr>
<td>Non-Waterfront Lots and Non-Golf Course Lots</td>
<td>Carports (one- and two-family)</td>
<td>SPS</td>
<td>10 feet</td>
</tr>
<tr>
<td>Non-Waterfront Lots and Non-Golf Course Lots</td>
<td>Chickee, barbecue areas</td>
<td>SPS</td>
<td>10 feet</td>
</tr>
<tr>
<td>Non-Waterfront Lots and Non-Golf Course Lots</td>
<td>One-story and multi-story parking structures</td>
<td>SPS</td>
<td>SPS</td>
</tr>
<tr>
<td>Non-Waterfront Lots and Non-Golf Course Lots</td>
<td>Parking garage (one- and two-family)</td>
<td>SPS</td>
<td>10 feet</td>
</tr>
<tr>
<td>Non-Waterfront Lots and Non-Golf Course Lots</td>
<td>Permanent emergency generators</td>
<td>Not permitted</td>
<td>10 feet</td>
</tr>
<tr>
<td>Satellite dish antennas</td>
<td>Not permitted in front yard</td>
<td>LDC section 4.02.01 D.13</td>
<td>15 feet</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-----------------------------</td>
<td>---------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Swimming pool and/or screen enclosure (one- and two-family)</td>
<td>SPS</td>
<td>10 feet</td>
<td>SPS</td>
</tr>
<tr>
<td>Swimming pool (multi-family and commercial)</td>
<td>SPS</td>
<td>20 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Tennis courts (one- and two-family)</td>
<td>SPS</td>
<td>15 feet</td>
<td>SPS</td>
</tr>
<tr>
<td>Tennis courts (multi-family, and commercial)</td>
<td>SPS</td>
<td>20 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Trellises, arbors, and similar structures that do not exceed the maximum fence height in LDC section 5.03.02</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Trellises, arbors, and similar structures that exceed the maximum fence height in LDC section 5.03.02</td>
<td>SPS</td>
<td>10 feet</td>
<td>SPS</td>
</tr>
</tbody>
</table>

| Unlisted accessory | SPS | SPS | SPS | 10 feet |
| Utility buildings | SPS | 10 feet | SPS | 10 feet |

**Attached porch where floor or deck of porch are:**

- In Isles of Capri: More than seven feet in height above the top of seawall or with more than four feet of stem wall exposure
- In all other areas: More than four feet in height above top of seawall or top of bank

| Attached porch where floor or deck of porch are: | SPS | 20 feet | SPS | SPS |

---

**LDC Amendments**

Jeremy Accessory Use Setbacks

Standards for Accessory Building and Structures LDCA 11-6-17.docx
<table>
<thead>
<tr>
<th>Building Type</th>
<th>Setback</th>
<th>Minimum Height</th>
<th>Maximum Height</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat slips and ramps (private)</td>
<td>N/A</td>
<td>7.5 feet</td>
<td>N/A</td>
<td>None</td>
</tr>
<tr>
<td><strong>Boathouses and boat shelters (private)</strong></td>
<td>SPS</td>
<td>N/A</td>
<td>10 feet</td>
<td>See LDC sections 5.03.06 E and F</td>
</tr>
<tr>
<td>Carports (commercial, industrial, and multi-family)¹</td>
<td>SPS</td>
<td>SPS</td>
<td>10 feet</td>
<td>None</td>
</tr>
<tr>
<td>Carports (one- and two-family)</td>
<td>SPS</td>
<td>SPS</td>
<td>10 feet</td>
<td>None</td>
</tr>
<tr>
<td>Chickee, barbecue areas</td>
<td>SPS</td>
<td>10 feet</td>
<td>SPS</td>
<td>10 feet</td>
</tr>
<tr>
<td>Davits, hoists, and lifts</td>
<td>N/A</td>
<td>N/A</td>
<td>SPS</td>
<td>See LDC sections 5.03.06 E and F</td>
</tr>
<tr>
<td><strong>Docks, decks, and mooring pilings</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>See LDC sections 5.03.06 E and F</td>
</tr>
<tr>
<td>Golf clubhouse and maintenance <strong>buildings</strong>⁴</td>
<td>50 feet</td>
<td>50 feet</td>
<td>50 feet</td>
<td>N/A</td>
</tr>
<tr>
<td>One-story and multi-story parking <strong>structures</strong></td>
<td>SPS</td>
<td>SPS</td>
<td>SPS</td>
<td>1/1² with a minimum of 10 feet</td>
</tr>
<tr>
<td>Parking garage (one- and two-family)</td>
<td>SPS</td>
<td>SPS</td>
<td>SPS</td>
<td>10 feet</td>
</tr>
<tr>
<td>Permanent emergency generators</td>
<td>Not permitted in front yard</td>
<td>10 feet</td>
<td>SPS (See LDC section 4.02.01 D.13)</td>
<td>N/A</td>
</tr>
<tr>
<td>Satellite dish antennas</td>
<td>Not permitted in front yard</td>
<td>15 feet</td>
<td>SPS</td>
<td>10 feet</td>
</tr>
<tr>
<td>Swimming pool and/or screen enclosure (one- and two-family)</td>
<td>SPS</td>
<td>10 feet</td>
<td>SPS</td>
<td>None</td>
</tr>
<tr>
<td>• In Isles of Capri: Seven feet in height or less above the top of seawall with a maximum of four feet of stem wall exposure</td>
<td>SPS</td>
<td>10 feet</td>
<td>SPS</td>
<td>None</td>
</tr>
<tr>
<td>• In all other areas: Four feet in height or less above</td>
<td>SPS</td>
<td>10 feet</td>
<td>SPS</td>
<td>None</td>
</tr>
</tbody>
</table>

³ Includes those built as ancillary use. They are subject to a minimum setback of 5.03.06 E feet.
⁴ For golf clubhouses, the setback is determined by the number of stories.
⁵ For one-story buildings, the setback is 50 feet. For multi-story buildings, the setback is 1/1² with a minimum of 10 feet.
⁶ For satellite dish antennas, they are not permitted in the front yard. For swimming pools, the setback is 10 feet.

SpS: Shall be set back.
<table>
<thead>
<tr>
<th>Accessory Use</th>
<th>Top of Seawall or Top of Bank</th>
<th>SPS</th>
<th>20 Feet</th>
<th>SPS</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swimming pool and/or screen enclosure (one- and two-family) where swimming pool decks are:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In Isles of Capri: More than seven feet in height above the top of seawall or with more than four feet of stem wall exposure</td>
<td>SPS</td>
<td>20 feet</td>
<td>SPS</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>In all other areas: More than four feet in height above top of seawall or top of bank</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming pool (multi-family and commercial)</td>
<td>SPS</td>
<td>20 feet</td>
<td>15 feet</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Tennis courts (private) (one- and two-family)</td>
<td>SPS</td>
<td>15 feet</td>
<td>SPS</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>Tennis courts (multi-family and commercial)</td>
<td>SPS</td>
<td>35 feet</td>
<td>SPS</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Trellises, arbors, and similar structures that do not exceed the maximum fence height in LDC Section 5.03.02</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Trellises, arbors, and similar structures that exceed the maximum fence height in LDC Section 5.03.02</td>
<td>SPS</td>
<td>10 feet</td>
<td>SPS</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Unlisted accessory</td>
<td>SPS</td>
<td>SPS</td>
<td>SPS</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>Utility buildings</td>
<td>SPS</td>
<td>SPS</td>
<td>10 feet</td>
<td>10 feet</td>
<td></td>
</tr>
</tbody>
</table>

Notes:

1. SPS = Calculated same as principal structure.
2. See LDC section 4.02.01 D.12
3. 1 foot of accessory height = 1 foot of building separation.
4. In those cases where the coastal construction control line is involved, the coastal construction control line will apply.
5. The setback shall apply to external boundaries of the golf course district, and shall be inclusive of separately platted buffer tracts.

4.02.04 Standards for Cluster Residential Design

C. Conditional uses approved for cluster development 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 permissible pursuant to the grant of a **conditional use** for **cluster development**.

2. The following site design and dimensional standards shall apply to **cluster development**:

   **Table 53. Table of Design Standards for Cluster Development.**

4.02.06 Standards for Development in Airport Zones

D. The width of each primary surface is as follows:

   **Table 64. Primary Surface Width**

E. Horizontal zone. A horizontal plane 150 feet above the established **airport** elevation, the perimeter of which is constructed by swinging arcs for specified radii from the center of each end of the primary surface of each runway of each **airport** and connecting the **adjacent** arcs by lines tangent to those arcs. The radius of each arc is as follows:

   **Table 75. Horizontal Zone Radius**

H. Approach zone. The approach zone is an area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach zone is designated for the end of each runway based upon the type of approach available or planned for that runway end.

1. **Approach zone width.** The inner edge of the approach zone is the same width as the primary surface. The outer width of the approach zone is prescribed for the most precise approach existing or planned for that runway end expanding uniformly to the following widths:

   **Table 86. Approach Zone Width (feet)**

2. **Approach zone lengths.** The approach zone extends for the applicable horizontal distance as follows:

   **Table 97. Approach Zone Length (feet).**

3. **Approach zone height.** Permitted height limitation within the approach zone shall not exceed the runway end height at the inner edge and increases uniformly with horizontal distance outward from the inner edge as follows:

   **Table 108. Approach Zone Height.**
MEMORANDUM

Community Development & Environmental Services Division
Department of Zoning & Land Development Review

To: Zoning Staff, Building Dept. Staff.

From: Ross Gochenaur, Planning Manager

Date: 9 April 2007

Subject: Trellises, arbors and similar structures, setbacks

The LDC does not define “trellis,” but this word is increasingly used to describe certain structures in some subdivisions. Webster defines a trellis as “a frame of latticework used as a screen or as a support for climbing plants.” An arbor is defined as a shelter of vines or branches or of latticework covered with climbing shrubs or vines. A pergola is “an arbor or passageway with a roof of trelliswork on which climbing plants are trained to grow.” The structures we’re seeing described as trellises do not seem to meet any of these definitions precisely. They typically consist of uprights supporting crossbeams, open on top and without latticework, and not noticeably supporting plants.

This item would be identified as an “unlisted accessory” structure in the Code. If the Code were strictly applied, these structures would have to meet the same setbacks as the principal structures. Since this is a grey area, it would seem more reasonable to treat the structure as either a fence or a pool screen enclosure for the purposes of setbacks. The applicant will have two options –

1. If treated as a fence, the structure would have to comply with fence height restrictions but could encroach into any a required yard.
2. If treated as a screen enclosure, it would have to meet the same setback as a pool screen enclosure but could exceed the maximum fence height. Under the last scenario, a “trellis” could not be placed in the required front yard.
Unless specific mention is made of a "trellis" in a PUD document as a permitted structure or, as in one case, on a subdivision plat (where it doesn’t belong), a trellis will be treated as described above with regard to setbacks.

CC: Susan Istenes, AICP, Zoning Director
    Bill Hammond, Building Director
    Alamar Finnegan, Permitting Supervisor
Land Development Code Amendment Request

ORIGIN: Growth Management Department Staff

AUTHOR: Growth Management Department Staff

LDC SECTION: 10.02.09 Requirements for Text Amendments to the LDC

SUMMARY: This amendment proposes to modify the number of times amendments to the Land Development Code (LDC) may be made.

DESCRIPTION: Currently, LDC section 10.02.09 states that amendments to the LDC may be made no more than twice a year, unless the Board of County Commissioners (Board) directs additional amendments by super-majority vote. LDC amendments are initiated in several ways:

- The Board directs amendments,
- State legislation mandates changes to local government regulations,
- Private entities request amendments,
- Growth Management Plan (GMP) amendments require LDC amendments, or
- Collier County staff propose LDC amendments.

Each of the above sources of LDC amendments may include different timeframes for completion of LDC amendments, for example:

- Local moratoria sometimes require LDC amendments at a faster pace than, or out of cycle with, other planned amendments;
- State legislation may become effective at various times of the year;
- Privately initiated amendments may be requested at any time; or
- GMP changes may require concurrent LDC amendments.

Due to the variety of sources and timeframes of LDC amendments, the current maximum of two LDC amendments per year places an unnecessary limitation on staff time and resources. Given the limitation is not statutorily required, this amendment proposes to remove the limitation in order to better reflect the origination, frequency, and time constraints historically associated with LDC amendments.

Regardless of the source or timing, LDC amendments are reviewed at several public meetings, including, at a minimum:

- Development Services Advisory Committee - Land Development Review Subcommittee (DSAC-LDR) (1 meeting)
- DSAC (1 meeting)
- Environmental Advisory Council (EAC) (1 advertised hearing, if necessary)
- Collier County Planning Commission (CCPC) (1 or 2 advertised hearings)
- Board of County Commissioners (1 or 2 advertised hearings)

FISCAL & OPERATIONAL IMPACTS: There are no anticipated fiscal or operational impacts associated with this amendment.
GROWTH MANAGEMENT PLAN IMPACTS: There are no anticipated Growth Management Plan impacts associated with this amendment.

Amend the LDC as follows:

10.02.09 Requirements for Text Amendments to the LDC

A. Text Amendments to the LDC.

1. Amendments to the LDC may be made no more than twice during the calendar year as scheduled by the County Manager, except if the Collier County Board of County Commissioners, by at least a super-majority vote, directs that additional amendments be made for specific purposes.

21. The LDC may only be amended in such a way as to preserve the consistency of the LDC with the Growth Management Plan.

32. The Administrative Code shall establish the submittal requirements for LDC amendments.
B. Privately Initiated Land Development Code Amendments – Privately Initiated Text Amendments

Reference

**LDC section 10.02.09, LDC Public Notice subsection 10.03.06 A and K, F.S. § 163.3202, and F.S. § 125.66.**

See LDC section 10.03.06 for County Initiated Text LDC Amendments.

Applicability

Privately initiated Amendments that supplement, change, or repeal the text of the LDC.

Pre-Application

A pre-application meeting is not required.

Initiation

The applicant files an “Application for Amendment to the Land Development Code.” with the Planning & Zoning Division.

Application Contents

The application must include the following information:

1. **Applicant Contact Information**.

2. **Completed LDC Amendment Request form**.

3. **Pre-application meeting notes**.

4. **LDC amendment request document, including the following**.

   - The applicant’s name;
   - The name of the author of the LDC text amendment;
   - All LDC sections to be modified by the amendment;
   - A written statement briefly describing the change requested;
   - A written statement describing the justification for the amendment and any other relevant information about the change requested;
   - A written statement describing any potential fiscal or operational impacts associated with the amendment;
   - A written statement addressing the amendment’s consistency with the Growth Management Plan;
   - Changes to the LDC shall be identified in a strikethrough/underline format. Strikethrough language represents removal and underlined language represents new language; and
   - All cross references to the section in the LDC shall be checked and amended if necessary.

5. **Electronic copies of all documents.**

Completeness and Processing of Application

The Growth Management Division 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.

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

1. **Newspaper Advertisements**: The legal advertisement shall be published at least 15 days before each advertised public hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
   - The title of the proposed ordinance or resolution;
   - Date, time, and location of the hearing; and
   - Places(s) within the county where the proposed ordinance may be inspected by the public; and
   - LDC amendments that change the zoning map designation of 10 acres or more of land or change the permitted, conditional, or prohibited uses within a zoning category shall include a 2 in. x 3 in. map of the project location.

Notification requirements are as above, with the addition of:

- 2 in. x 3 in. map of the project location on which amends the Zoning Atlas and/or changes the permitted, conditional, and prohibited uses within a zoning category in the County.

For LDC amendments that change the zoning map designation of less than 10 acres of land or do not change the list of permitted, conditional, or prohibited uses within a zoning district:

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

For LDC amendments that change the zoning map designation of 10 acres or more of land, or change the list of permitted, conditional, or prohibited uses within a zoning district:

1. The EAC shall hold at least one advertised public hearing, if required.
2. The Planning Commission shall hold at least one advertised public hearing;
   - The Planning Commission may elect by a majority decision to hear the ordinance or resolution at two advertised public hearings. If there is only one advertised public hearing, the hearing shall be held after 5:00 p.m. on a
3. The BCC shall hold at least two advertised public hearings.
   - At least one advertised public hearing shall be held after 5:00 p.m. on a weekday, unless the BCC by a majority vote plus one vote elects to conduct that hearing at another time of day.

1. The EAC shall hold at least 1 advertised public hearing, if required.

2. The Planning Commission shall have at least 1 advertised public hearing. The Planning Commission may elect by a majority decision to hear such ordinance or resolution at 2 advertised public hearings. If there is only 1 advertised public hearing, the hearing shall be held after 5:00 p.m. on a weekday, and if there are 2 advertised hearings, then at least 1 of the advertised public hearings shall be held after 5:00 p.m. on a weekday.

3. The BBC shall have at least 2 advertised public hearings. At least 1 advertised public hearing shall be held after 5:00 p.m. on a weekday, unless the BCC by a majority vote plus 1 vote elects to conduct that hearing at another time of day.

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

**Review Process**
Staff reviews the amendment application and provides a recommendation. The Planning & Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare a Staff Report and provide a recommendation to the following advisory boards and the BCC:

- The DSAC reviews the amendment application in a public meeting and makes a recommendation to the BCC.
- The EAC reviews the amendment application if the proposed change includes an environmental component in accordance with Collier County Code of Laws section 2-1193. The EAC makes a recommendation to the BCC.
- The Planning Commission reviews the application for consistency with the GMP and makes a recommendation to the BCC.

The BCC shall review the application and the recommendations by the advisory boards. The BCC may approve, approve with revisions, or deny the proposed ordinance or resolution.

**Effective Date**
Per F.S. § 125.66, the ordinance must be filed with the Florida Department of State, Tallahassee, FL within 10 days of signing by the Chairman of the Board. The effective date is the date it is filed with the State, unless a date is specified in the ordinance.

**Updated**
[Resolution 2018-XX]
Land Development Code Amendment Request

ORIGIN: Growth Management Department

AUTHOR: Planning and Zoning Division Staff

LDC SECTION: 2.03.03 Commercial Zoning Districts
2.03.04 Industrial Zoning Districts

SUMMARY: This amendment proposes to clarify “martial arts” and “dance, gymnastics, judo, and karate instructions,” as permitted uses in the C-3 and Industrial zoning districts where physical fitness facilities are also permitted uses. It shall clarify “outdoor” amusement and recreation services are conditional uses in the C-3 zoning district and reinstate an omitted Standard Industrial Classification Code in the C-4 zoning district.

DESCRIPTION: Since 2006, staff has relied on an administrative memorandum that was issued to allow certain forms of physical fitness uses, including martial arts, dance, gymnastics, judo, and karate instruction in the C-3 zoning district (Exhibit A). However, they have not been officially codified as permitted uses in the LDC. The administrative memoranda are not well known to the public which results in frequent questions to staff regarding the availability of these uses in C-3 zoning districts. The amendment proposes to codify the staff policy of considering these physical fitness uses as permitted uses in the C-3 zoning district.

Additionally, this amendment clarifies in LDC section 2.03.03 C.1.c. that the conditional use “Amusement and Recreation Services,” in the C-3 zoning district is for outdoor uses only. Also, the amendment reinstates Standard Industrial Code number 7999 in the C-4 zoning district which was inadvertently omitted when Ordinance 08-11 was adopted. Lastly, in the Industrial district the amendment shall clarify indoor recreation uses involving physical fitness are permitted uses.

FISCAL & OPERATIONAL IMPACTS: There are no fiscal or operational impacts that are anticipated with this amendment.

GROWTH MANAGEMENT PLAN IMPACTS: There are no Growth Management Plan impacts associated with this amendment.

Amend the LDC as follows:

2.03.03 - Commercial Zoning Districts

C. Commercial Intermediate District (C-3). The purpose and intent of the commercial intermediate district (C-3) is to provide for a wider variety of goods and services intended for areas expected to receive a higher degree of automobile traffic. The type and variety of goods and services are those that provide an opportunity for comparison shopping, have a trade area consisting of several neighborhoods, and are preferably located at the intersection of two-arterial level streets. Most activity centers meet this standard. This district is also intended to allow all of the uses permitted in the C-1 and C-2 zoning districts typically aggregated in planned shopping centers. This district is not intended to permit wholesaling type of uses, or land uses that have associated with them the need for outdoor storage of equipment and merchandise. A mixed-use project
containing a residential component is permitted in this district subject to the criteria established herein. The C-3 district is permitted in accordance with the locational criteria for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum density permissible in the C-3 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 C-3 district shall not exceed the density permissible under the density rating system.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the commercial intermediate district (C-3).

   a. **Permitted uses.**
   
     1. Accounting (8721).
     2. Adjustment and collection services (7322).
     3. Advertising agencies (7311).
     4. Amusement and recreation services, indoor (7999- martial arts, yoga and gymnastics instruction, gymnastic schools, and recreation involving physical fitness exercise only).
     5. Animal specialty services, except veterinary (0752, excluding outside kenneling).
     6. Apparel and accessory stores (5611—5699) with 5,000 square feet or less of gross floor area in the principal structure.

   **Note:** ALL REMAINING SUBSECTIONS TO BE RENUMBERED ACCORDINGLY

   c. **Conditional uses.** The following uses are permissible as conditional uses in the commercial intermediate district (C-3), subject to the standards and procedures established in sections 4.02.02 and 10.08.00.
     
     1. Amusements and recreation services, outdoor (7999 - boat rental, miniature golf course, bicycle, and moped rental, rental of beach chairs and accessories only).

D. General Commercial District (C-4). The general commercial district (C-4) is intended to provide for those types of land uses that attract large segments of the population at the same time by virtue of scale, coupled with the type of activity. The purpose and intent of the C-4 district is to provide the opportunity for the most diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions, at a larger scale than the C-1 through C-3 districts. As such, all of the uses permitted in the C-1 through C-3 districts are also permitted in the C-4 district. The outside storage of merchandise and equipment is prohibited, except to the extent that it is associated with the commercial activity conducted on-site such as, but not limited to, automobile sales, marine vessels, and the renting and leasing of equipment. Activity centers are suitable locations for the uses permitted by the C-4 district because most activity centers are located at the intersection of arterial roads. Therefore the uses in the C-4 district can most be sustained by the transportation network of major roads. The C-4 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

1. The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the general commercial district (C-4).

   a. **Permitted uses.**
     
     1. Accounting (8721).
2.03.03 Martial Arts - Dance Instructions 11-1-17.docx

2.03.04 – Industrial Zoning Districts

A. Industrial District (I). The purpose and intent of the industrial district (I) is to provide lands for manufacturing, processing, storage and warehousing, wholesaling, and distribution. Service and commercial activities that are related to manufacturing, processing, storage and warehousing, wholesaling, and distribution activities, as well as commercial uses relating to automotive repair and heavy equipment sales and repair are also permissible in the I district. The I district corresponds to and implements the industrial land use designation on the future land use map of the Collier County GMP.

1. The following uses, as identified within the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as a right, or as accessory or conditional uses within the industrial district (I).

   a. Permitted uses.

   39. Physical fitness facilities, indoor (7911 except Discotheques, 7991, 7999 - limited to baseball instruction, basketball instruction, gymnastics instruction, judo instruction, karate instruction, and martial arts instruction, yoga instruction, gymnastic schools, and recreation involving physical fitness exercise only).
To: Front Counter Planners

From: Ross Gochenaur, Senior Planner

Date: 9 May 2006

Subject: Zoning for physical fitness uses, including martial arts and dance instruction

The question of what zoning districts permit these uses continually resurfaces. **The above uses are permitted in C-3, C-4, C-5 and Industrial zoning.** This is based on the reasoning expressed in Susan Murray’s memo dated 24 December 2003, which groups these uses under the general heading of physical fitness, allowing them in the Industrial zoning district and by extension of this logic, in C-3, C-4 and C-5.

Although the SIC code for physical fitness is SIC 7991, two other SIC codes are involved, because these codes *include* certain activity classified as physical fitness: 7991 (physical fitness) includes aerobic dance and exercise classes, weight-reduction exercise classes, gymnasiums and health clubs, and all uses under this category are permitted in the above districts; 7911 (dance studios, schools and halls) of which only dance studio, dance instruction, and dance schools are permitted in the above districts; and 7999 (amusement and recreation services) of which only martial arts (such as karate and judo), yoga, gymnastic instructions, gymnastic schools and indoor recreation involving physical exercise (such as handball, tennis, swimming, racquetball, etc) are permitted in the above districts. With regard to uses under the last two categories which do not constitute physical fitness, these are permitted as indicated in the LDC Use Tables.
**Land Development Code Amendment Request**

**ORIGIN:** Growth Management Department

**AUTHOR:** Planning and Zoning Division

**LDC SECTION:** 6.01.05 Soil Erosion and Sediment Control Plan

**SUMMARY:** This amendment proposes to include Best Management Practices (BMPs) for soil erosion and sediment control to developments such as single-family, two-family, townhouse structures and underground construction type activities.

**DESCRIPTION:** Both the State of Florida and County have established performance standards for soil erosion and sediment control during grading and land alternations to retain sediment on-site. Florida’s stormwater regulatory program requires the use of BMPs during and after construction to minimize soil erosion, sedimentation, and manage runoff. The Florida Stormwater, Erosion and Sedimentation Control Inspector’s Manual (July 2008) cites the following; “The goals of Florida’s stormwater regulatory program and the Florida Department of Environmental Protection (FDEP) are to protect water quality and to minimize erosion and sedimentation by requiring the use of effective Best Management Practices (BMPs) during and after grading.”

At the county level, Objective 5.4 in the Conservation and Coastal Management Element (CCME) of the GMP requires the County to “maintain...regulations identifying criteria to control and reduce soil erosion and sediment transport from construction and other nonagricultural land disturbing activities.” Additionally, Collier County’s National Pollutant Discharge Elimination System, Phase 2 Stormwater Permit requires the County to control pollution from construction sites, and it includes procedures for site inspection and enforcement.

Currently, these requirements are met through the submittal of a Soil Erosion and Sediment Control Plan, as required in LDC section 6.05.01, for developments to obtain construction approval by an Early Work Authorization (EWA) permit, Site Development Plan (SDP), or Site Improvement Plan (SIP). However, LDC section 10.02.03 A.3 inadvertently exempts a number of construction activities from using BMPs because they are not required to obtain an EWA permit, SDP, or SIP approval.

As a result, staff frequently receives complaints regarding soil erosion and sedimentation issues at construction sites for single family homes, duplexes, or townhomes such as the example shown in Figures 1 and 2. These issues not only disturb surrounding properties, stormwater systems, and other waterways, but also cause construction delays, fines, and additional expenses to reverse the damage caused by missing or inadequate soil erosion and sedimentation control measures.

This amendment requires those projects not required to submit a Soil Erosion and Sediment Control Plan to implement BMPs for sediment and erosion control. Typically, BMPs are described in Chapter 4 of the FDEP’s “Florida Stormwater, Erosion and Sedimentation Control Inspector’s Manual.” These standards include: 1) perimeter controls such as silt-fence, floating turbidity barriers when adjacent to waterways, or straw bale to stabilize soil and 2) storm drain inlet
protection such as a fabric drop, sod drop, or gravel and wire mesh inlet sediment filter. However, the specific control measures required will depend on the characteristics of each construction site and adjoining property. Per LDC section 10.02.06 B.1.e., it is further noted that any of the following property improvements, lot clearing, grading, stockpiling of soil, demolition, building construction or reconstruction, building alteration or addition cannot commence without a building permit or vegetation removal permit. Therefore, the building department shall, at the time of the first building inspection, determine if the appropriate BMP for erosion and soil control is effective.

Figure 1. Absence of silt fence and soil stabilization adjacent to waterway.  

Figure 2. Off-site sedimentation.

FISCAL & OPERATIONAL IMPACTS: No operational impacts are anticipated as the building department will observe compliance at the time of the first building inspection. Depending on the site characteristics and BMP, additional costs can be incurred once development commences.

GROWTH MANAGEMENT PLAN IMPACTS: There are no Growth Management Plan impacts associated with this amendment.

Amend the LDC as follows:

**6.01.05 - Soil Erosion and Sediment Control Plan**

1. **A. Soil Erosion and Sediment Control Plan.** For new and existing development and construction approved pursuant to the provisions of LDC sections 10.02.03, 10.02.04 and 10.02.05, a soil erosion and sediment control plan shall be prepared and submitted for approval with the required construction documents for each proposed project as prescribed by objective 5.4 and policy 5.4.1 of the Conservation and Coastal Management Element of the Collier County Growth Management Plan.

2. 1. **Application.** The Administrative Code shall establish the procedure and submittal requirements for a Soil Erosion and Sediment Control Plan.

3. **B. Developments** not requiring a Soil Erosion and Sediment Control Plan shall implement and maintain best management practices in accordance with the Florida Stormwater Erosion and Sedimentation Control Manual for sediment and soil erosion control, to prevent the transport of sediment and pollutants off site.
1. All sediment and soil erosion control devices shall be installed prior to the first building permit inspection for demolition, renovation, alteration, construction, stockpiling of fill, lot clearing or grading.

2. During construction activities, the applicant shall remove any pollutant, silt, debris, or dirt resulting from the construction activities that accumulates off site or within any stormwater management system, including but not limited to swales, lakes, ponds, canals, and waterways.

3. Debris generated on site, including but not limited to discarded building materials, concrete truck wash-out, litter, and sanitary waste shall be stored, secured, or otherwise controlled on site.

# # # # # # # # # # # # #
Land Development Code Amendment Request

ORIGIN: Growth Management Department Staff

AUTHOR: Growth Management Department Staff

LDC SECTION: 9.04.04 Specific Requirements for Minor After-the-Fact Encroachment

SUMMARY: This amendment creates an exception from the requirement to pursue an Administrative Variance for residential structures with setback encroachments of three inches or less that result from the application of exterior wall treatments.

DESCRIPTION: For many years, the Growth Management Department has received daily requests seeking to determine if a residential structure complies with zoning regulations. These inquiries often occur during the due-diligence stage of the sale of a property and include a recent survey of the structure. If the new survey shows a structural encroachment into the required setbacks, the owner would need a variance in order to clear the encumbrance from their title, placing an unexpected financial burden on those seeking to purchase or sell a property.

Many of these requests demonstrate that although a new survey may show a structure with setback encroachments, the structures were approved with the correct required setbacks, received a building permit and Certificate of Occupancy (CO), and satisfied the required structure to structure separation. Currently, LDC section 9.04.04 B establishes that requests where building permits and CO’s were granted qualify for administrative variance approval if the encroachment does not exceed ten percent of the required yard with a maximum of two feet.

Since 2014, approximately 37 percent of Administrative Variances approved in accordance with LDC Section 9.04.04 B were for encroachments of less than three inches. These types of encroachments may occur when the exterior frame walls are flush with the outer most edge of the slab, and the added exterior wall treatments extend into the required yard.

The County would not require the homeowner to pursue a variance for these types of encroachments, as the amendment proposes to deem legal those residential structures in which:

- A building permit has been granted;
- The building permit was approved utilizing the required setbacks in effect at that time;
- A certificate of occupancy has been granted;
- The encroachment does not exceed three inches into the required yard;
- The only portion of the structure encroaching into the required yard is the exterior wall treatment; and
- The required structure to structure separation, as identified in LDC section 4.02.02, is satisfied.

However, the exception will not apply when the foundation or other architectural design features encroach into required yards.

FISCAL & OPERATIONAL IMPACTS: This amendment will result in fewer Administrative Variances, but if homeowners still require verification the property meets setbacks, this may
increase the number of Zoning Verification Letters requested. This could decrease fees collected by the Growth Management Department. However, by eliminating the need for administrative variances, homeowners with encroachments of three inches or less may save the cost of the application fee and any other consultant fees associated with obtaining the administrative variance.

GROWTH MANAGEMENT PLAN IMPACTS: There are no anticipated Growth Management Plan impacts associated with this amendment.

Amend the LDC 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 (10) percent of the required yard with a maximum of two (2) 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 legal 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, is satisfied.