



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL2019000XXXX

SUMMARY OF AMENDMENT

This amendment clarifies the method of public notice for several petition types that require a public hearing.

ORIGIN

Growth Management Department

LDC SECTIONS TO BE AMENDED

10.03.06 Public Notice and Required Hearings for Land Use Petitions

HEARING DATES

BCC – TBD
 CCPC – TBD
 DSAC – TBD
 DSAC-LDR –6/18/19

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

This proposed LDC amendment makes the following changes to the Public Notice section:

- 1.) Update the term ‘regular’ growth management plan (GMP) amendments to now be referred to as ‘large-scale’ GMP amendments. This change is for clarity in amendment type and with terminology used at the state level. This language has also been modified within the Administrative Code.
- 2.) Update LDC notice provisions for rezones, PUD amendments, and ordinances or resolutions for comprehensive plan amendments. For each of the petition types, the LDC requires the County to notify, by mail, each property owner within the area covered by the proposed ordinance or resolution. The proposed LDC Amendment removes this requirement, as this is a duplicative provision.
- 3.) Remove public notice requirements for a PUD Extension, as the PUD sunseting process has been removed from the LDC, per Ordinance 2014-33.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts associated with this amendment.

GMP CONSISTENCY

To be provided by GMP Staff.

ATTACHMENTS: A) Administrative Code

Amend the LDC as follows:

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10.03.06 - Public Notice and Required Hearings for Land Use Petitions

This section shall establish the requirements for public hearings and public notices. This section shall be read in conjunction with LDC section 10.03.05 and Chapter 8 of the Administrative Code, which further establishes the public notice procedures for land use petitions.

A. Ordinance or resolution that is initiated by County or a private entity which does not change the zoning atlas or actual list of uses in a zoning category but does affect the use of land, including, but not limited to, land development code regulations as defined in F.S. § 163.3202, regardless of the percentage of the land affected. This is commonly referred to as a LDC amendment.

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B. Ordinance or resolution for a rezoning, a PUD amendment, or a **conditional use**. For minor **conditional use** notice requirements see 10.03.06 C, below and for County initiated rezonings, see 10.03.06 K.:

- 1. The following advertised public hearings are required:
 - a. One Planning Commission hearing.
 - b. One BCC or BZA hearing.
- 2. The following notice procedures are required:
 - a. A NIM. See LDC section 10.03.05 A.
 - b. Mailed Notice prior to the first advertised public hearing.
 - c. Newspaper Advertisement prior to each advertised public hearing in accordance with F.S. § 125.66.
 - d. Posting of a sign prior to the first advertised public hearing.
 - ~~e. For a rezoning or a PUD amendment the County shall notify by mail each owner within the area covered by the proposed ordinance or resolution of the time, place, and location of the public hearing before the BCC or BZA.~~

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~~PUD extension,~~ Conditional use extension, or conditional use re-review:

- 1. The following advertised public hearings are required:
 - a. One BZA or Hearing Examiner 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. Signage is not required for a conditional use re-review.

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- E. Ordinance or resolution for comprehensive plan amendments:
1. The following advertised public hearings are required:
 - a. One or more Planning Commission hearings pursuant to F.S. Chapter 163.
 - b. One or more BCC hearings pursuant to F.S. Chapter 163.
 2. The following notice procedures are required:
 - a. Small-scale amendments:
 - i. A NIM, which shall be held after the first set of staff review comments have been issued and prior to the Planning Commission hearing.
 - ii. Mailed Notice prior to the advertised Planning Commission hearing.
 - iii. Newspaper Advertisement prior to each advertised public hearing.
 - iv. Posting of a sign prior to the advertised Planning Commission hearing.
 - ~~v. Mailed Notice shall be sent to each real property owner within the area covered by the proposed plan amendment prior to the advertised BCC public hearing.~~
 - b. ~~Regular~~Large-scale amendments:
 - i. For site-specific amendment, aA NIM, which shall be held after the first set of staff review comments have been issued and prior to the Planning Commission adoption hearing ~~for a site-specific amendment.~~
 - ii. For site-specific amendment, mMailed Notice prior to the advertised Planning Commission hearing ~~for a site-specific amendment.~~
 - iii. Newspaper Advertisement prior to each advertised public hearing.
 - iv. For site-specific amendment, pPosting of a sign prior to the advertised Planning Commission hearing ~~for a site-specific amendment.~~
 - ~~v. Mailed Notice shall be sent to each real property owner within the area covered by the proposed plan amendment prior to the advertised BCC public hearing.~~

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A. Comprehensive Plan Amendment

Reference F.S. § 163.3177 – 163.3187, 125.66 and LDC Public Notice ~~sub~~section 10.03.06 E and the Collier County Growth Management Plan (GMP).

👉 *Note:* The Florida Department of Economic Opportunity (DEO) website contains procedures, forms, and technical assistance regarding State of Florida review and requirements. For State related Comprehensive Plan Amendment information refer to: <http://www.floridajobs.org/community-planning-and-development/programs/comprehensive-planning>.

Applicability This procedure applies to a request to amend the GMP whether initiated by the County or a private landowner.

A comprehensive plan amendment does not authorize development.

There are several categories of plan amendments, including but not limited to:

- a. Small-Scale Amendment: A plan amendment that involves 10 acres or less and other criteria set out in F.S. § 163.3187(1).
 - ⊖ i. Generally, small-scale amendments are for maps and may include text changes.
 - ⊖ ii. Small-scale amendments that involve 10 acres or less may be site-specific amendments.
- b. ~~Regular~~ Large-Scale Amendment: A plan amendment that changes the goals, objectives and policies; a map change; or any other material in the plan, and falls within one of the categories described in F.S. § 163.3184(2) and 163.3184(3).
 - ⊖ i. ~~Regular~~ Large-scale amendments may be site-specific amendments.
- c. DRI Companion Amendment: A plan amendment that is directly related to a DRI. This is processed concurrent with the DRI application. ⇔ *See Chapter 3 D.3 of the Administrative Code for more information.*

Pre-Application A pre-application meeting is required.

Initiation The **applicant** files an “Application for a Request to Amend the Collier County Growth Management Plan” with the Comprehensive Planning Section of the ~~Planning and~~ Zoning Division.

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Application Contents The application shall include the draft amendment text and/or map amendment and all data and supporting materials that justify the amendment.

☞ *Note:* Refer to F.S. § 163.3163 *et. seq.* for State requirements.

Completeness and Processing of Application The Comprehensive Planning Department will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the **applicant** will receive a mailed or electronic response notifying the **applicant** that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

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

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4. Sign: (see format below) Posted at least 15 days prior to the advertised Planning Commission hearing.

<p>PUBLIC HEARING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN</p> <p>PETITION NUMBER: _____ TO ALLOW: _____ (Request-Sufficiently clear to describe the project) LOCATION: _____ DATE: _____ TIME: _____ CONTACT: _____</p> <p>THE ABOVE TO BE HELD IN THE BOARD OF COUNTY COMMISSIONERS CHAMBERS, THIRD FLOOR, COLLIER COUNTY GOVERNMENT CENTER, 3299 TAMIAMI TRAIL EAST, NAPLES, FLORIDA, 34112.</p>

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

Large-Scale
Amendment for
Site-Specific
~~Amendment~~

- 1. NIM:** The **NIM** shall be completed at least 15 days before the first advertised Planning Commission hearing. The **NIM** shall be advertised and a mailed written notice shall be given to **property owners in the notification area** at least 15 days prior to the **NIM** meeting. ~~The NIM is only for site-specific amendments.~~
- 2. Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised Planning Commission hearing.
- 3. Newspaper Advertisements:** The legal advertisements shall be published at least 15 days before the Planning Commission and BCC transmittal and adoption public hearings. The advertisement shall include at a minimum:
 - a.** Clear explanation of the proposed ordinance or resolution as it affects the subject property;
 - b.** Date, time, and location of one or more public hearings;
 - c.** 2 in. x 3 in. map of the project location, if site-specific; and
 - d.** The required advertisements must be at least 2 columns wide by 10 inches long, in a standard size or a tabloid size newspaper, and the headline in the advertisement must be in a type no smaller than 18 point. The advertisement shall not be placed in a portion of the

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newspaper where legal notices and classified advertisements appear. The advertisements shall be placed in a newspaper of general paid circulation.

4. ~~**Mailed Notice:** The County shall send written notice by mail to each real property owner within the area covered by the proposed plan amendment at least 15 days before the advertised BCC public hearing date.~~
5. **Sign:** (see format below) Posted at least 15 days prior to the advertised public hearings. Two distinct signs shall be posted for the transmittal hearings and the adoption hearings. The first sign shall be posted before the first Planning Commission hearing on the GMP transmittal to DEO. A second sign shall be posted before the Planning Commission hearing on the GMP adoption.

<p>PUBLIC HEARING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN</p> <p>PETITION NUMBER: _____ TO ALLOW: _____ (Request-Sufficiently clear to describe the project) LOCATION: _____ DATE: _____ TIME: _____ CONTACT: _____</p> <p>THE ABOVE TO BE HELD IN THE BOARD OF COUNTY COMMISSIONERS CHAMBERS, THIRD FLOOR, COLLIER COUNTY GOVERNMENT CENTER, 3299 TAMiami TRAIL EAST, NAPLES, FLORIDA, 34112.</p>

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

1. **Newspaper Advertisements:** The legal advertisements shall be published at least 15 days before the Planning Commission and BCC transmittal and adoption public hearings. The advertisement shall include at a minimum:
 - a. Clear explanation of the proposed ordinance or resolution as it affects the subject property;
 - b. Date, time, and location of one or more public hearings;
 - c. 2 in. x 3 in. map of the project location, if site specific; and
 - d. The required advertisements must be at least 2 columns wide by 10 inches long, in a standard size or a tabloid size newspaper, and

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the headline in the advertisement must be in a type no smaller than 18 point. The advertisement shall not be placed in a portion of the newspaper where legal notices and classified advertisements appear. The advertisements shall be placed in a newspaper of general paid circulation.

- Public Hearings for Small-Scale Amendment**
1. The EAC shall hold at least 1 advertised public hearing, if required.
 2. The Planning Commission shall hold at least 1 advertised public hearing.
 3. The BCC shall hold at least 1 advertised public hearing.

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

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

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

- Review Process**
1. Transmittal of Amendment to DEO:
 - a. The Comprehensive Planning Section will review the application, identify whether additional materials are needed, prepare a Staff Report, and schedule a hearing date before the EAC, if required, and the Planning Commission to present the petition for review.
 - b. Following the recommendation by the Planning Commission, the Comprehensive Planning Section will prepare an Executive Summary

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and schedule a hearing date before the BCC to present the petition for review.

- c. Small-Scale Amendments are not subject to a review by DEO and may be adopted by the BCC at the first advertised public hearing. A ~~Regular~~ Large-scale Amendment is reviewed by the BCC at a transmittal hearing and if approved, the amendment is sent to DEO and other review agencies for review in accordance with F.S. § 163.3184(3) and (4).

2. Adoption of Amendment:

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

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

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

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

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

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

Updated