LAND DEVELOPMENT CODE AMENDMENT

**PETITION**
PL2020001703

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

**ORIGIN**
Community and Human Services Division

**LDC SECTION TO BE AMENDED**
- 2.03.02 Residential Zoning Districts
- 4.02.04 Standards for Cluster Residential Design
- 4.02.39 Design Deviations for Housing that is Affordable (New Section)

**HEARING DATES**

<table>
<thead>
<tr>
<th>Board</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>BCC</td>
<td>TBD</td>
</tr>
<tr>
<td>CCPC</td>
<td>TBD</td>
</tr>
<tr>
<td>DSAC</td>
<td>10/07/2020</td>
</tr>
<tr>
<td>DSAC-LDR</td>
<td>09/15/2020</td>
</tr>
</tbody>
</table>

**ADVISORY BOARD RECOMMENDATIONS**

<table>
<thead>
<tr>
<th>Board</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>DSAC-LDR</td>
<td>Approval with changes</td>
</tr>
<tr>
<td>DSAC</td>
<td>TBD</td>
</tr>
<tr>
<td>CCPC</td>
<td>TBD</td>
</tr>
</tbody>
</table>

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

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

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

The changes introduced with this initiative relate to the cost savings in terms of materials required and standards imposed on projects that provide for housing that is affordable, as well as the process for approval for cluster housing that is affordable project. As noted, the Community Housing Plan identified a number of areas to be included for cost savings such as: limiting the number of County reviews for various disciplines, removing the requirement for a generator as a lift station, and only requiring...
sidewalks on one side of the street. These and additional areas of cost savings identified as part of a stakeholder think tank held February 21st at the Habitat for Humanity’s Offices formed the basis for the relief being proposed.

It should be noted that all the initiatives directed by the Board at the October 8th, 2018 public hearing could be classified under the premise of regulatory relief, but this initiative focuses upon specific design components that can be identified as areas of relief, as well as certain process within the County review that can be identified as potential cost savings, such as making cluster housing that is affordable a permitted use in the RMF-6 zoning district and amending standards for compatibility compliance. The full list of cost savings strategies was scrutinized by the Consultant, Housing Staff and Growth Management Staff to find agreement on the specific relief measures to be incorporated within the proposed LDC amendments contained within Initiative One.

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

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

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

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

**EXHIBITS:** N/A
Amend the LDC as follows:

2.03.02 - Residential Zoning Districts

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

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

a. Permitted uses.


2. Duplexes, two-family dwellings.

3. Multi-family dwellings, townhouses as provided for in section 5.05.07.

4. Family care facilities, subject to section 5.05.04.

5. Educational plants and public schools with an agreement with Collier County, as described in LDC section 5.05.14; however, any high school located in this district is subject to a compatibility review as described in LDC section 10.02.03.

6. Cluster development that is affordable, subject to:

   (a) Section 4.02.04, Standards for cluster residential design

   (b) Project must qualify as housing that is affordable through a Bonus Density Agreement, Developers Agreement, Impact Fee Deferral Agreement or PUD commitment, which contain a minimum of 20 percent of the overall units as housing that is affordable.

   (c) Project must conform to compatibility standards for housing that is affordable contained in section 4.02.39.C.1.
b. **Accessory uses.**

1. Uses and structures that are accessory and incidental to uses permitted as of right in the RMF-6 district.

2. Private docks and boathouses, subject to section 5.03.06.

3. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to, golf course, clubhouse, community center building and tennis facilities, playgrounds and playfields.

c. **Conditional uses.** The following uses are permissible as conditional uses in the RMF-6 district, subject to the standards and procedures established in LDC section 10.08.00.

1. Churches.

2. Schools, private. Also, "Ancillary Plants" for public schools.

3. Child care centers and adult day care centers.

4. Civic and cultural facilities.

5. Recreational facilities not accessory to principal use.

6. Group care facilities (category I and II); care units; nursing homes; assisted living facilities pursuant to § 400.402 F.S. and ch. 58A-5 F.A.C; and continuing care retirement communities pursuant to § 651 F.S. and ch. 4-193 F.A.C.; all subject to section 5.05.04.

7. Noncommercial boat launch facilities, subject to the applicable review criteria set forth in section 5.03.06.

8. Cluster development that is market rate, subject to section 4.02.04.

9. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to, section 5.04.04.

10. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply; however, any high school located in this district is subject to a compatibility review as described in LDC section 10.02.03.

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

# # # # # # # # # # # # # # # # # #

4.02.04 - Standards for Cluster Residential Design

A. The purpose of a cluster development design technique is to provide a unique and innovative alternative to residential development in the RSF 1 through 6, RMF-6, PUD and VR districts by creating a more varied, efficient, attractive, and economical residential development containing a more usable pattern of open space. It is intended to implement the (GMP) by, among other things, encouraging compact urban growth, discouraging urban sprawl, and encouraging the conservation of environmental resources.

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

C. Conditional uses approved for cluster development and permitted cluster development that is affordable 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 or administrative approval of a Site Development Plan for cluster development that is affordable and that conforms to compatibility standards for housing that is affordable contained in section 4.02.39.C. as permitted in the RMF-6 zoning district.

1. The maximum allowable gross density in any cluster development shall not exceed the maximum allowable gross density of the residential zoning district in which the cluster housing development is located.

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

Table 3. Table of Design Standards for Cluster Development.

<table>
<thead>
<tr>
<th>Design Standard</th>
<th>Minimum lot area per single-family unit</th>
<th>3,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot width</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cul-de-sac lots</td>
<td></td>
<td>20 feet</td>
</tr>
<tr>
<td>All other lots</td>
<td></td>
<td>40 feet</td>
</tr>
<tr>
<td>Minimum setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front yard</td>
<td></td>
<td>20 feet</td>
</tr>
<tr>
<td>front entry garage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>side entry garage</td>
<td></td>
<td>10 feet</td>
</tr>
<tr>
<td>Side yards</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
D. Requirements for zero lot line developments:

1. The zero (0) lot line portion of the dwelling unit shall be void of doors where such wall is contiguous to an adjoining lot line.

2. Where the nature of the construction of a residence has provided for zero (0) side yard, footings and roof overhang encroachments may be permitted onto the adjoining lot. A roof drainage system shall be put in place to prevent roof drainage from falling onto the abutting property adjacent the walls of the residence with the zero (0) side yard tolerance. Furthermore, provision shall be made for a three (3) foot easement on the abutting property, which shall be recorded running with the land with the residence enjoying the zero (0) lot side yard, for maintenance purposes.

3. Roof overhangs shall be prohibited over adjacent property lines, unless a recorded restrictive covenant creating the requisite easement interest for encroachment, maintenance, and repair of the building overhang is an element of the project.

E. Common open space.

1. All reductions in the minimum lot area, lot width, and yard requirements below that which would otherwise be required within the district in which the cluster development is located shall be required to provide an equal amount of common open space within the same phase and general area of each cluster of homes in the development unless said cluster development is part of a planned unit development where the open space requirements of this LDC have been satisfied.

2. Common open space shall be reserved for recreational uses.

3. Any commercial uses recreational facility subject to membership, registration, fees, or aimed at attracting outside users, shall not be counted as common open space.

4. The sale, lease, or other disposition of common open space shall be prohibited except to a nonprofit corporation or homeowners' association or other similar entity established under the laws of Florida to administer and maintain the facilities subject to a deed restriction acceptable to the County to limit the use of said property to common open space. Provisions shall be included to assure the continued maintenance of the common open space area.

5. Access rights to common open space for all residents within the cluster housing development shall be guaranteed.
6. Land utilized for common open space shall be restricted to common open space in perpetuity by appropriate legal instruments satisfactory to Collier County. Such instrument shall be binding upon the owner, developer, his successors, and assigns, and shall constitute a covenant running with the land, and be in recordable form.

F. Additional reduction to the development standards provided at sections 4.02.04 C.—E. may be approved by the Collier County Planning Commission for projects defined as common architectural theme projects. In determining whether or not a project qualifies as a common architectural theme project the BCC shall determine that all of the following design features are incorporated into the project:

1. The architectural style of the dwelling units/structures shall be similar in design and in the use of materials and color.

2. The residential project shall have a signature entranceway which serves to identify the development as having a common architectural theme. The entranceway design and improvement elements shall include some or all of the following: the use of landscape materials, gated structure, water features, sculpture, and ornamental pavement surfaces.

3. Street materials, signage, and lighting shall be complementary and the same throughout the project’s accessways.

4.02.39 – Alternative Design for Housing that is Affordable

A. The Collier County Growth Management Plan sets a priority on providing housing that is affordable to keep pace with the rate of population growth and the need for housing that is affordable to maintain economic viability within the County.

B. Alternatives may be granted by the County Manager or designee from design and permitting standards of this LDC listed below to further the objective of increasing supply of housing that is affordable, subject to criteria of Section 4.02.39.C.

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

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

3. Sections 6.06.01.S, 10.02.02.A.11 & Appendix B - For all local/internal roads that are privately maintained, alternative design, including inverted crown, may be allowed if the alternative is based on sound engineering practices and the alternative is no less consistent with the health, safety and welfare of abutting
landowners and the general public than the standard typical. The applicants engineer shall request that the County Manager or his designee approve the alternative roadway design, as part of the Site Plan or Subdivision Plan application. The request shall be in writing and accompanied with documentation and justification for the alternate roadway design based on sound engineering principles and practices.

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

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

6. Section 10.02.04.C - For single-family developments, the clubhouse facility may be included within the construction plans and final subdivision plats.

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

C. Criteria for design deviations for housing that is affordable. The County Manager or designee shall grant requested deviations allowable per Section 4.02.39.B. at time of development permitting when the following criteria are met:

1. Compatibility.

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

---

![Diagram](https://via.placeholder.com/150)
b. For projects of more than three units, the required buffer for all project boundaries that abut property zoned or developed for single family residential use shall be a 15 foot wide Type "B" landscape buffer per LDC Section 4.06.02.

![Type "B" Landscape Buffer](image)

2. Affordability. To qualify for the design deviations of this section, projects shall meet the requirements and execute one of the following to maintain affordability and contain a minimum of 20 percent of the overall units as housing that is affordable:

a. Affordable Housing Density Bonus (AHDB) Agreement per Section 2.06.00; or

b. Affordable Housing Impact Fee Deferral Agreement per Code of Ordinances Article IV of Chapter 74; or

c. PUD commitment or Developer’s Agreement (DA) for units that serve households at the income levels identified in Section 2.06.00, or units that are priced within the limits established in the Collier County Housing Demand Methodology, as updated yearly or Board approved Table of Rental Rates, as updated yearly.