

2014 Land Development Code Amendment Cycle Update

Summary Prepared By: Alexis Crespo, Principal Planner Waldrop Engineering and member CBIA, Government Affairs Committee.

The first phase of amendments in the 2014 LDC Amendment cycle is well under way, and brings forth several changes that will benefit to the development community.

The 2014 amendments were broken into three (3) phases or “levels” depending on the scope and/or perceived level of controversy of the amendment. Level 1 amendments have undergone review by the Development Services Advisory Committee (DSAC) and the Planning Commission, and are scheduled for first reading before the Board of County Commissioners on Tuesday, June 24th with the 2nd and final reading scheduled for July 8th.

The following is a brief summary of the Level 1 amendment “highlights”. This list is not inclusive of all Level 1 amendments, and CBIA members are encouraged to visit the Collier County website for detailed information.

- **Clarification on Kitchens & Guesthouses: LDC Sections 1.08.02 (Definitions); 4.01.02 (Kitchens in Dwelling Units); & 5.03.03 (Guesthouses)**

The proposed amendments will clarify the definitions for “kitchen, primary”, “kitchen, secondary”, and provide a definition for “wet bar”. The amendment will also clarify what constitutes a kitchen in terms of appliances, food preparation areas, and electrical outlets. The intent is to establish guidelines for County staff to determine if a structure or building addition meets the LDC definition of a guesthouse, in order to perform a building plan review for zoning and assess the correct impact fees, which are considerable for bonafide guesthouses.

- **Commercial Zoning Districts: LDC Sections 2.03.03 A-C**

Staff has proposed several additions to the list of Conditional Uses in commercial zoning districts (C-1 through C-5). Items of note include the addition of “Automotive Dealers” to the conditional uses under the C-3 district (subject to limitations and compatibility review), and the addition of “Eating Places” to C-1 Condition Uses, also subject to certain limitations. For planners and land use attorneys, this amendment will be helpful in demonstrating equivalent zoning district intensity when addressing Future Land Use Element Policy 5.1., as more intensive uses have been added to each district.

- **Industrial Zoning Districts: LDC Sections 2.03.04**

This amendment will broaden the allowable “Physical Fitness Facility (7991)” uses in Industrial Zoning Districts to include dance studios, and karate, judo, or yoga instruction.

- **TDR Early Entry Extension (LDC Section 2.03.07)**

This amendment simply reflects the early entry bonus extension of March 13, 2015, as approved by the Board of County Commissioners during the 2011 Evaluation and Appraisal Report process. DSAC proposed additional language to this amendment that acknowledges the opportunity for another extension. I.e. *“All TDR credit certificates issued by the County for the period from the effective date of this provision until March 27, 2015, unless further extended by resolution by the Board of County Commissioners...”*

- **Removal of Protected Vegetation: LDC Section 3.05.02 D & G**

There are several changes to this section to relax requirements for Vegetation Removal Permits (VRPs) and Early Work Authorizations (EWAs):

- Adds the following activities to the list of VRP exemptions: 1) hand removal of non-native vegetation; 2) installation of fire breaks by the Florida Forest Service or those reviewed and approved by the Florida Forest Service; and 3) removal of dead, dying or leaning trees within preserves which pose a safety concern.
- Amends the Vegetation Removal Permit (VRP) exemption provisions for pre-existing uses within the Rural Fringe Mixed Use District, for consistency with 2011 EAR-based changes to the Conservation and Coastal Management Element (CCME) Policy 6.1.6. I.e.
- Removes the requirement for replacement with native vegetation when a VRP permit is issued for removal of non-native vegetation.
- Removes the requirement for the recording of conservation easements for EWAs, and replaces with a requirement for a survey of the preserve lines. The amendment also requires the installation of protective barriers along the preserve boundary prior to clearing. This is intended to help expedite the EWA process by removing the time-consuming requirement for conversation easements in advance of the SDP and/or PPL approval.

- **Native Vegetation Retention: LDC Section 3.05.07 B**

The changes to native vegetation requirements outlined below are a result of the 2011 Evaluation and Appraisal (EAR)-based amendments to Conservation and Coastal Management Element (CCME).

- Amends LDC section 3.05.07 A.3 to exempt State and Federal parks, preserves, and forests from providing a separate County preserve within the park, preserve, or forest.
- Clarifies that properties not previously within the Coastal High Hazard Area, but now within the Coastal High Hazard Area due to adoption of a revised Coastal High Hazard Area boundary in 2012, may continue to utilize the native vegetation preservation and retention standards for Non-Coastal High Hazard Area.
- Exempts industrial zoned parcels from the native vegetation requirements if the parcel would require 2 acre or less of native preservation. This exemption does not apply to the

overall native vegetation retention requirement for a PUD or subdivision used to create these parcels, unless the overall native vegetation retention requirement for the PUD or subdivision is 2 acres or less.

- Amends LDC section 3.05.07 C to add a native vegetation retention requirement for the portion of the Lake Trafford/Camp Keais Strand System located within the Immokalee Urban Designated Area.

- **Signs: LDC Section 5.06.00**

Several changes are proposed to allow more permissive signage regulations in residential zoning districts as follows:

- Amendment to Section 5.06.02 to allow for additional residential directional signage. The amendment will remove the maximum number of allowable directional signs, and require a minimum distance separation of 250 feet along private rights-of way.
- Amendment to Section 5.06.02 providing specific allowances for community amenity signs internal to residential projects. These signs would mark the entrance to a community center, clubhouse, health spa, tennis club, or other recreational facility intended to serve the residential development. The proposed provision allows for two ground signs, with a height of 8 feet and a sign copy area of no more than 32 square feet per sign and one wall sign.
- Amendment to Section 5.06.02 to allow for informational signs up to 8 feet in height and 16 square feet in area, which are located interior to the residential development.
- Amendment to Section 5.06.02 allow for “Light Pole Banners” within a residential development and applicable portions of residential PUDs. The light pole banners would provide for a clearance of 8 feet from the lowest point of the bracket structure. The light pole banner would allow for no more than 12 square feet of banner per light pole (the banner size encompasses the sign copy area). No permit would be required for the installation of light pole banners under these provisions. DSAC has recommend removal of the reference to the bracket structure in the measurement of height, as that may not be applicable to all light pole banners.
- Amendment to Section 5.06.02 to provide specific allowances for “boundary marker” signs. Boundary markers are defined as a ground signs located at the corner of the property to mark the edge of a development, which may contain the name of the subdivision and the insignia or logo of the subdivision. A maximum of two boundary markers will be allowed on any one road frontage with a minimum distance between them of 250 feet. The maximum allowable height is 8 feet, and the maximum sign face area is 24 square feet. DSAC has recommended the maximum height for boundary markers be increased to 10 feet to comply with typical deviation requests for PUDs.

- **PUD Sunsetting: LDC Section 10.02.13**

This amendment repeals the PUD sunset provisions, and would make the sunset provisions within adopted PUD ordinances null and void. The development rights conferred by an approved PUD would remain so long as they are consistent with the Collier County Growth Management Plan. Currently, PUDs that have expired or “sunsetting” require further public hearings. Therefore, this amendment will eliminate an oftentimes costly and lengthy process. This amendment mirrors similar changes made in Lee County, in recognition of the changing economic conditions and shifts market demand.

- **PUD Amendments: LDC Section 10.02.13**

Changes to this section will reflect the BCC’s direction to expand the PUD Insubstantial Change process to include text changes to PUD documents. The Insubstantial Change process has greatly expedited minor changes to approved PUDs, and will now allow for the addition of deviations and other language changes, if deemed insubstantial.

- **Notice Requirements: LDC Sections 10.03.05 & 10.03.06**

The proposed amendments will further clarify the public notice procedures for various applications, and allow for consistency with the recently adopted Administrative Code. The changes in this section are as follows:

- Include an Agent’s Letter as a required notice method for Variance, Sign Variance, Parking Exemption, and Alcohol Beverage Distance Waiver.
- Adds the requirement for posted signage for Parking Exemption petitions, and replaces the Neighborhood Information Meeting (NIM) requirement with an Agent Letter.
- Adds requirement for a NIM for a PUD Insubstantial Change, and allows this requirement to be waived at the Hearing Examiner’s discretion, and following County Staff Review.
- Adds requirements for Nonconforming Use Change and Nonconforming Use Alteration petitions, including the public hearing process before the Hearing Examiner, and the notice requirements (mailed notice, newspaper advertisement and posted signage). This amendment serves to codify the County’s current process for these types of petitions.

CBIA will continue to update their membership as the subsequent cycles of amendments are available for review and comment. For more information, or to review the specific verbiage on any of the above referenced amendments, please visit the Collier County LDC Amendment page at <http://www.colliergov.net/index.aspx?page=7292>.

Alexis Crespo, AICP, LEED AP is a Principal Planner at Waldrop Engineering, P.A., a full service development consulting firm specializing in civil engineering, landscape architecture and planning. Headquartered in Bonita Springs with branch offices in Sarasota and Tampa, the Waldrop Team offers multi-disciplinary expertise founded on exceptional customer service, quality design, and a solid commitment to their clients’ success.