Creativity in Bloom

Bayshore Gateway Triangle CRA • Bayshore Beautification MSTU
Haldeman Creek MSTU

Bayshore Gateway Triangle Community Redevelopment Agency

AGENDA

Naples Botanical Garden Buehler Auditorium,
4820 Bayshore Drive, Naples, FL 34112

February 19, 2019
Time: 6:30 PM

Chairman Maurice Gutierrez
Karen Beatty, Larry Ingram, Dwight Oakley,
Steve Main, Michael Sherman, Camille Keilty

1. **Call to order and Roll Call**

2. **Pledge of Allegiance**

3. **Adoption of Agenda**

4. **Approval of Minutes**

5. **Old Business:**
   a. Review Proposed Regulatory Opportunities Memo/Land Development Code - Evan Johnson,Tindale Oliver (Attached)
   b. Redevelopment Plan – Recommendation for Approval

6. **New Business:**
   a. Al Shantzen application for Member At Large Advisory Board Position
   b. Jeff Scott Application for Member At Large Advisory Board Position
   c. Resignation for Steve Rigsbee – Gateway Triangle Resident Position

7. **Public Comment**

8. **Staff Comments:** Proposed F.S. 163 changes 2019 Session

9. **Advisory Board General Communications**

10. **Next meetings:**
    a. March 5, 2019@ 6 p.m. Botanical Gardens

11. **Adjournment**

Bayshore CRA Regulatory Opportunities

DRAFT – February 15, 2019

The following sections address many of the regulatory issues raised during the development of the Bayshore Community Redevelopment Area (CRA) Redevelopment Plan:

- Naming of districts
- Land uses and use standards
- Commercial areas deviations
- Parking and driveways
- Streetwalls
- Building height transitions
- Potential incentives
- Drainage
- Additional concerns

Many of the sections include draft regulatory language (shown in italics) that can be incorporated into Collier County's land development regulations after review and refinement. Other sections, such as development incentives outline regulatory alternatives and the concerns that should be addressed if the County pursues these alternatives.

1.0 Naming of the Districts

Despite the district names, the Bayshore and Gateway Triangle Mixed Use Overlay districts allow mixed-use development only in portions of the districts. This was noted as a point of confusion during the planning process. Renaming the districts as shown in Table 1-1 would eliminate the misconception that mixed-use development is allowed throughout the overlays. Currently in the code, the abbreviations of these districts are used at the beginning of the abbreviation of each subdistrict; for example, the Neighborhood Commercial subdistrict in the Bayshore Mixed Use District is abbreviated as BMUD-NC. This format can be retained with the changes, so this subdistrict would be abbreviated BDOD-NC.

Table 1-1: Current and Proposed Overlay District Names

Current Overlay District Name	Proposed Overlay District Name
Bayshore Mixed Use District (BMUD)	Bayshore Design Overlay District (BDOD)
Gateway Triangle Mixed Use District (GTMUD)	Gateway Triangle Design Overlay District (GTDOD)

2.0 Land Uses and Use Standards

Residential Portions of GTMUD and BMUD Districts. Within these areas, the County should consider developing standards for the following uses:

> **Accessory Storage Sheds**. Existing setback requirements limit the ability to place storage sheds on certain residential lots within residential portions of the BMUD and GTMUD districts. Accessory structures behind single-family units and multi-family units must be setback at least

10 feet from the rear property line. Most rear setbacks are 15 feet, and some are even smaller (the rear setback for GTMUD-R is 8 feet for a single-family home). The lack of storage has resulted in outdoor storage that some residents have found to be unsightly. While the availability of storage sheds would not necessarily eliminate the issue, the flexibility to establish accessory storage sheds in certain setback areas could reduce the amount of outdoor storage. A reduction of the rear setback requirement for accessory buildings would increase the likelihood that there is room to place an accessory building. However, without clear design guidelines on such sheds, the sheds would likely create their own visual blight. Design guidelines could require accessory structures to have similar colors and materials as the primary structure. Bulk standards could establish the maximum height and floor area for sheds. This issue requires further discussion to ensure that relaxing setback requirements would lead to neighborhood enhancement.

Accessory Front Garages. Regarding the placement of accessory buildings in front of the primary building, this option generally is not allowed in residential BMUD and GTMUD areas except in single-family detached corner lots where accessory structures are located in the front yard with longer street frontage; these structures require a minimum setback of 10 feet from the rear property line and the same side setback as required by the primary structure (Section 4.02.16 C.2 of the *Land Development Code* - LDC). Detached accessory garages may be considered in front yards provided that:

- The structures are complementary (e.g., similar materials and architecture) to the principal structure; and
- Garage doors are perpendicular to the front property line or are setback no less than 20 feet from the front property line if facing the right-of-way to reduce the visual impact and ensure that there is room between the garage door and the sidewalk to accommodate a vehicle.

Accessory Dwelling Units. Accessory dwelling units (ADUs) can provide a valuable stock of affordable/workforce housing that would be compatible with existing residential neighborhoods. However, if a substantial number of the units are used for short-term vacation rentals, this can inflate housing costs substantially and reduce the availability of affordable housing. For this reason, and due to constraints, the State has placed on the regulation of short-term vacation rentals, these uses should be explored concurrently.

As an initial step, a definition of an ADU should be added to the code; it is recommended that this definition be distinct from that of a guesthouse given differences between them. The definition of an ADU should allow for its rental with a formal lease agreement (the code prohibits rental of guest houses). Additionally, a provision should be added to Section 5.03.03 that makes it clear that ADUs are not subject to the guesthouse regulations in this section, with reference to the ADU provisions; suggested regulatory language is provided below. Note that the following ordinance text is intended to be used as a starting point for future discussions.

5.05.##[1] *-* ***Accessory Dwelling Units*** *[Accessory dwelling units should be considered in conjunction with vacation rental provisions.]*

A. ***Generally****. Where authorized by zoning district standards, accessory dwelling units (ADUs) may be allowed as an accessory use to single-family detached dwelling units subject to minor site plan review and compliance with the standards in this section. Covered open porches, carports and detached single story garages may not be converted to ADUs, except when a converted garage retains at least two independently accessible parking spaces.*

B. ***ADU Intent.*** *Accessory dwelling units are small dwelling units that are sized and designed to accommodate one or two individuals who lease the property for periods of three (3) months or longer. They are considered accessory to a principal single-family dwelling and are not considered dwelling units when calculating density.*

C. ***ADU Types****. There are two types of ADUs:*

1. *Integrated ADUs. Integrated ADUs are units that are created by dividing space within a principal building, or by adding floor area to an existing building. Integrated ADUs may be accessed from within the principal building or from outside, according to the standards of this section.*

2. *Detached ADUs. Detached ADUs are units that are located inside of accessory buildings. The accessory building that includes a detached ADU may also include a garage.*

D. ***Minimum Lot Areas*** *Where Permitted. New ADUs are allowed only where the minimum lot area provided in Exhibit ##. Where an existing, legally established ADU does not meet the minimum standards, the Planning Director may authorize its continued use upon finding that the unit satisfies the criteria for approval of administrative relief established in Section ##.*

[Develop and insert Exhibit ##, which establishes minimum lot areas for each type of ADU by base or overlay district.]

E. ***Owner Occupancy****. [Owner occupancy is required as set out in this section but this is not essential.]*

1. *Either the principal residence or the accessory dwelling unit must be owner-occupied. Only one of the units is allowed to be rented to a non-owner, unless an exception is granted pursuant to the provisions of this Section.*

2. *A copy of the property's homestead exemption from the Assessor shall be submitted to the Zoning Division Director or designee on or before March 1st of every odd-numbered year attesting to owner occupancy. These affidavits and a record of compliance with this requirement will be kept on file at the Zoning Division.*

[1] Throughout this document "##" is used to indicate a section or exhibit number that should be assigned during the code drafting process.

3. *The Zoning Division Director or designee may grant an exception to the owner occupancy requirement for temporary absences of two (2) years or less when the owner submits acceptable reason of absence from the Naples/Collier County Area, which may include military service, work assignment, or health reasons. The Zoning Division Director or designee may grant one extension of up to one (1) additional year. This exception would allow both units to be rented to non-owners.*

4. *Purchasers of homes with an accessory dwelling unit must register with the Zoning Division Director or designee within sixty (60) days of purchase by submitting a notarized owner-occupancy affidavit.*

5. *If the provisions of this section are not met, the property owner shall cause the accessory dwelling unit to be vacated as a dwelling unit and/or remove the unit and return the property to its single-family dwelling status.*

F. ***Number of ADUs**. No parcel shall contain more than one (1) ADU. [Need to also include language to ensure that density increase to allow for ADU does not count as a second unit.]*

G. ***Maximum Floor Area of the ADU**. The floor area of a newly established ADU shall not exceed the 550 square feet of floor area. The floor area is measured as the area within the ADU itself and does not include areas of an accessory building that are used for other purposes, such as a detached garage or a workshop that is not incorporated into the ADU.*

H. ***Setbacks**. Buildings with internal or external ADUs shall comply with applicable minimum setbacks for principal structures. Where an ADU is established in an existing principal or accessory structure that fails to conform with applicable setbacks for a principal structure, an ADU may be established on the ground floor provided that the ADU is setback at least five (5) feet from the nearest property line. The provisions of this paragraph do not apply to ADUs existing at the time of adoption of this LDC.*

I. ***Height**. The height of a detached ADU shall not exceed fifteen (15) feet unless the ADU is established in a legally non-conforming accessory building. If the County wishes to allow upper floor garage apartments, the height could be increased to 24 feet, however this will result in some loss of privacy for adjacent property owners unless restrictions on windows and balcony locations are established.*

J. ***Building Code Compliance**. All ADUs shall comply with building code requirements for residences.*

K. ***Design Standards**. ADUs shall conform to the following design standards:*

1. ***Integrated ADUs**. Integrated ADUs shall not involve design modifications to the exterior of the principal building that make their presence obvious. Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a single-family building (e.g., side doors, French doors, etc.). External*

stairs are not allowed to provide access to a newly established second-story ADU. If a building is expanded to accommodate an ADU, the expansion shall be designed in a manner that is comparable to the principal building.

2. ***Detached ADUs**. Detached ADUs shall be designed and configured in the following manner:*

    a. *Detached ADUs shall be permanently attached to a permanent foundation, shall comply with locally adopted building codes for detached single-family dwellings, shall be constructed of the same materials as the principal structure, and shall have rooflines and other design features that are consistent with those of the principal structure.*

    b. *Where an alley access exists, ADUs shall take vehicular access from the alley.*

    c. *The use of dormers shall be limited as follows:*

        i. *A dormer ridge or roof line shall not extend above the primary roof ridge.*
        ii. *The width of a dormer face shall not exceed the lesser of sixteen (16) feet or fifty (50) percent of the length of the wall plane upon which the dormer is located.*
        iii. *More than one dormer is allowed on a wall plane, provided that the total combined width of dormer faces does not exceed fifty (50) percent of the wall plane length.*
        iv. *The space between dormers shall not be less than the greater of one-half the width of the adjoining dormer, or one-half the average of the two dormers if they are different sizes.*
        v. *A dormer shall be set back a minimum of three (3) feet from the nearest building wall plane that runs perpendicular to the dormer face.*

    d. *Second floor windows of detached units or garage units shall face streets and alleys. Windows that face or overlook interior lot lines shall be located at least three and one-half (3.5) feet above the finished floor unless the Zoning Division Director or designee determines that other features are in place to protect the privacy of the adjacent lot's rear yard.*

    e. *Access to second floor units shall be from internal stairs, except that the Planning Director may approve external stairs if:*

        i. *External stairs parallel streets or alleys and are not located parallel to interior side property lines; or*
        ii. *The Zoning Division Director or designee determines that other features are in place to protect the privacy of the adjacent lot's rear yard.*

f. *Exterior second floor decks or balconies may not be located so they face or overlook the interior side property lines. Decks or balconies for an ADU shall face streets or alleys.*

g. *ADUs must be constructed on a fixed, permanent foundation. [The intent with this provision is to avoid use of mobile homes as ADUs.]*

3. ***Parking for ADUs**.*

a. *In addition to the parking requirements for the principal building set out in Section 4.05.01, one (1) off-street parking space shall be provided for the ADU.*

i. *Existing on-site, required parking must be retained but may be reconfigured.*

ii. *Parking spaces must be enclosed in a garage, under a carport, or on a pad surfaced with a pervious parking surface approved by the County Engineer.*

5.05.## - Short-Term Vacation Rental

[Review in conjunction with ADUs. Note that "F.S. §509.032(7)(b) (2016) provides that a local law, ordinance, or regulation, adopted after June 1, 2011, may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This restricts the ability of local governments to regulate short-term rentals. However, Florida's First District Court of Appeal in Bennett v. Walton County, 174 So. 3d 386 (Fla. 1st DCA 2015), presented a means to potentially and significantly legally impair the Airbnb and VRBO business model." See Florida Bar Journal, February, 2017 Volume 91, No. 2, "Florida Community Associations Versus Airbnb and VRBO in Florida" by William P. Sklar and Jerry C. Edwards https://www.floridabar.org/news/tfb-journal/?durl=%2Fdivcom%2Fjn%2Fjnjournal01.nsf%2F8c9f13012b96736985256aa900624829%2F2db1463a73b15092852580b400568181]

[Note: some jurisdictions distinguish between short-term room rental and short-term home rental.]

A. ***Generally**. One short-term vacation rental (STVR) unit be allowed in any single-family dwelling unit in a [insert list of zoning districts] according to the standards of this section. [They can't be prohibited, but Miami Beach limits STVRs to specific districts.]*

B. ***Purpose.** The provisions of this subsection are necessary to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by vacation rental homes. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods in which they are located. Maintenance of existing residential neighborhoods is essential to its continued economic strength. It is the intent of this subsection to minimize the impact of vacation rentals on adjacent residences, and to minimize the impact of the commercial character of vacation rentals.*

[Some jurisdictions limit the location and density of STVRs to limit their impacts on the neighborhood character and housing prices, but this may be challenged as an unlawful prohibition.]

C. ***Registration.*** *Prior to establishing a STVR, the applicant shall submit an application for [insert applicable business license title]. The application shall specify the maximum number of occupants allowed in each individual vacation rental. The maximum number of occupants allowed in a vacation rental home shall not exceed the lesser of three (3) persons per on-site parking space, or two (2) persons plus two persons per bedroom.*

D. ***Appearance and Visibility****. The vacation rental home use shall not change the residential character of the outside of a dwelling unit, either by the use of colors, materials, signage, lighting; or by the construction of accessory structures or garages that are visible off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations, or odors not commonly experienced in residential areas.*

E. ***Parking****. All parking associated with a vacation rental home in a residential district shall comply with Section 4.05.00 [Insert parking section applicable to single family homes, and shall be on the same lot as the short-term vacation rental home.]. On-street parking abutting the lot may be used to satisfy the parking requirements of this paragraph.*

F. ***Local Contact Person / Property Manager****.*

1. *A designated property manager, who may be the owner of the vacation rental home or the owner's agent, shall reside in Collier County.*
2. *The name, address, and telephone number(s) of the property manager shall be submitted to the Police and Fire Departments and visibly posted in the unit. Any change in the local contact person's address or telephone number(s) shall be promptly furnished to said agencies.*

G. ***Guest Registration Log Required****. A guest registration log shall be maintained by the owner, including the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay and the room number of each guest. The log must be available for inspection by County officials upon request.*

H. ***Fire Extinguishers****. A at least one (1) fire extinguisher that is in good working order shall be maintained at all times on each floor of the premises of all vacation rental homes.*

I. ***Required Notices****. The following notices shall be posted in a conspicuous location inside the rental unit:*

1. *A copy of the vacation rental permit;*
2. *The name, address, and telephone number(s) of the property manager;*
3. *The location of the fire extinguisher; and*

4. *Information on the trash and curbside recycling programs.*

J. ***Permits**.*

1. *The vacation rental home permit number is required to be clearly displayed on all advertisements and listings of the unit including online advertisements. For those vacation rental homes in existence on the effective date of this provision, the permit number will be distributed and must be displayed prior to any renewal of the unit's business license.*

2. *Vacation rental home permits shall be granted solely to the applicant and shall not be transferable to any other person or legal entity. The vacation rental home permit shall include a non-transferability clause and the use shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been issued.*

K. ***Relationship to Other Ordinances**.*

1. *Each short-term vacation home rental is subject to fees and taxes required for hotels, motels and other facilities providing short-term accommodations.*

2. *Short-term vacation home rentals must meet the standards of the City's adopted residential building codes, as amended from time to time.*

Brewpubs, Cideries, Micro-distilleries. Add the following definitions to section 1.08.02 of the LDC and allow by right in the GTMUD-MXD and BMUD-NC districts subject to the conditions following the definitions:

Definitions:

***Brewpub**: A brewpub is:*

***Option A**: An establishment where food, beer, and malt beverages are duly-licensed to be produced, sold and/or consumed on site subject to applicable State and local regulations. [This open definition may necessitate more detailed performance standards to limit scale of operations. Because the State limits brewpubs to 10,000 kegs (5,000 barrels or 155,000galons per year, a production cap is not needed.]*

***Option B**: Primarily an eating and drinking establishment (restaurant) with a small brewery on the premises which produces beer, ale, or other malt beverage, and where the majority of the beer produced is consumed on the premises. This classification allows a brewpub to sell beer at retail and/or act as wholesaler for beer of its own production for off-site consumption, subject to applicable State licenses. [This limits brewing to an accessory role in the business, which can be defined by area of operations or sales.]*

***Cidery**: An establishment where food, beer, and beverages are duly-licensed to be produced, sold and/or consumed on site. [Note that the same options for brewpub apply to a cidery.]*

***Microbrewery**: An establishment where beer and malt beverages are duly-licensed to be made on the premises and then sold or distributed, and which produces less than 15,000 barrels (465,000 U.S. gallons) of beer per year. [A numerical cap is established to limit scale of production.]*

***Micro-distillery**: A duly-licensed establishment primarily engaged in on-site distillation of spirits in quantities not to exceed 75,000 gallons per year. The distillery operation processes the ingredients to make spirits by mashing, cooking, and fermenting. The micro-distillery operation does not include the production of any other alcoholic beverage.*

***Regional brewery**: A duly-licensed brewery with an annual beer production of between 15,000 and 6,000,000 barrels. A regional brewery may include a taproom as an accessory use.*

***Taproom**: A room that is ancillary to the production of beer at a brewery, cidery microbrewery, and brewpub where the public can purchase and/or consume alcoholic beverages on site subject to State and local regulations.*

***Tasting Room**: A room that is ancillary to the production of spirits where the public can purchase and/or consume the spirits produced by the micro-distillery on site subject to State and local regulations.*

Potential Use Standards:

***Brewpubs and Cideries:** In addition to the development standards of the applicable zoning district, general development standards, and use specific standards for restaurants and bars, an establishment that meets the definition of a brewpub shall comply with the following:*

A. *Revenue from food sales shall constitute more than 50 percent of the total business revenues;*

B. *No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;*

C. *Where permitted by local ordinance, state and federal law, retail carryout sale of beer produced on the premises shall be allowed in specialty containers holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces). These containers are commonly referred to as growlers;*

D. *Brewpubs may sell beer in keg containers larger than a U.S. gallon (3,785 ml/128 US fluid ounces) for the following purposes and in the following amounts:*

    1. *An unlimited number of kegs for special events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three such brewers.*

    2. *An unlimited number of kegs for City co-sponsored events where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event co-sponsors but is instead, dispensed by employees of the brewpub.*

E. All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;

F. Access and loading bays shall not face toward any street, excluding alleys;

G. Access and loading bays facing an adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;

H. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.

I. No outdoor storage shall be allowed. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.

***Microbreweries and Microdistilleries:** In addition to applicable development standards of the zoning district, general development standards, and use specific development standards for restaurant or retail uses, an establishment that meets the definition of a microbrewery shall comply with the following:*

A. In the GCMXD district, this use shall be permitted only in conjunction with a restaurant, tap room, tasting room or retail sales and service:

B. No more than 75 percent of the total gross floor space of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;

C. The façade and main entry of any accessory use(s) shall be oriented toward the street, excluding alleys, and, if located in a shopping center, to the common space where the public can access the use;

D. Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s) to any accessory use(s).

E. All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;

F. Access and loading bays are discouraged from facing toward any street, excluding alleys;

G. Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;

H. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;

I. No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers, except as follows: spent or used grain, which is a natural byproduct of the brewing process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent or used grain shall be:

1. *Designated on the approved site plan;*
2. *Permitted within the interior side or rear yard or within the minimum building setbacks;*
3. *Prohibited within any yard abutting a residential use or residential zoning district;*
4. *Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum five feet in height.*

J. *Where provided, tasting or tap rooms, occupying a gross floor area of no less than 500 sq. ft.*

Doggie Dining. The following sample ordinance text would enable Collier County to allow residents to take their dogs with them when they visit certain restaurants with outdoor dining. While not appropriate in all contexts, this option can enhance the ambiance of neighborhood restaurants and promote community interaction.

*#.##.## - **Doggie Dining**.*

A. ***Purpose**. Pursuant to section 509.233(2), Florida Statutes, there is hereby created in Collier County, a local exemption procedure to certain provisions of the United States Food and Drug Administration Food Code, as amended from time to time and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments, which exemption procedure may be known as the Dog Friendly Dining Program.*

B. ***Definitions**. As used in this section:*

1. ***Division** – the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.*
2. ***Dog** – an animal of the subspecies canis lupus familiaris.*
3. ***Outdoor Area** – an area adjacent to a public food service establishment intended for use by patrons of such public food service establishments, which area is not heated or cooled in conjunction with the public food service establishment it serves and is not enclosed by walls, doorways and closeable windows covering 100% of the combined surface area of the vertical planes constituting the perimeter of the area.*
4. ***Public Food Service Establishment** – Any building, vehicle, place or structure where food is prepared, served or sold for immediate consumption on or in the vicinity of the premises, called for or taken out by customers or prepared prior to being delivered to another location for consumption.*

C. ***Permit Required, Applications**.*

5. *To protect the health, safety and general welfare of the public, a public food service establishment is prohibited from having any dog on its premises unless it possesses a valid permit issued in accordance with this section.*

6. *B. Applications for a permit under this section shall be made to the [permit issuing authority] on a form provided for such purpose by the County and shall include, along with any other such information deemed reasonably necessary by the [permit issuing authority] to implement and enforce the provisions of this section:*

   a. *The name, mailing address and telephone contact information of the permit applicant and the subject food service establishment.*
   b. *A diagram and description of the outdoor area to be designated as available to patrons' Dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the [permit issuing authority]. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.*
   c. *A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.*
   d. *All application materials shall contain the appropriate license number for the subject public food service establishment issued by the division.*
   e. *A permit fee of fifty dollars ($50.00).*

7. *Each permit shall expire on the December 31 next following issuance, regardless of when issued.*

8. *The County reserves the right to deny the application for a permit under this section to any public food service establishment found to have violated the provisions of this section in three (3) or more instances during the twelve (12) months preceding the date of receipt of the permit application.*

D. ***General Regulations; Cooperation****. In order to protect the health, safety and general welfare of the public and pursuant to section 509.233, Florida Statutes, all permits issued pursuant to this section are subject to the following requirements:*

1. *All public food service establishment employees shall wash their hands promptly after touching, petting or otherwise handling any dog. Employees shall be prohibited from touching, petting or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.*

2. *Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. waterless hand sanitizer shall be provided at all tables in the designated outdoor area.*

3. *Employees and patrons shall be instructed that they shall not allow dogs to come in to contact with services dishes, utensils, tableware, linens, paper products or any other items involved in food service operations.*

4. *Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.*
5. *Dogs shall not be allowed on chairs, tables or other furnishings.*
6. *All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.*
7. *Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.*
8. *At least one sign reminding employees of the applicable rules, including those contained in this part and those additional rules and regulations, if any, included as condition of a permit issued by the [permit issuing authority], shall be posted in a conspicuous location frequented by employees within the Public Food Service Establishment. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height and printed in easily legible typeface of not less than twenty-point font size.*
9. *At least one sign reminding patrons of the applicable rules, including those contained in this part and those additional rules and regulations, if any, included as a condition of a permit issued by the [permit issuing authority], shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height and printed in easily legible typeface of not less than twenty-point font size.*
10. *At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portions of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height and printed in easily legible typeface of not less than twenty-point font size*
11. *Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment and ingress and egress to the entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.*
12. *A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment but shall expire automatically upon such sale or transfer. The subsequent owner shall be required to reapply for a permit pursuant to this section if such owner wishes to*

continue to accommodate patrons' dogs. Permit must be displayed in a prominent location.

E. ***Enforcement, Penalty****.*

1. *The provisions of this section are cumulative. Nothing herein shall be construed to permit any activity or condition which would constitute a nuisance or be contrary to any law or legal duty. Notwithstanding the issuance of a permit issued in accordance with this section, a public food service establishment may still be in violation of other provisions of law.*

2. *In accordance with section 509.233(6), Florida Statutes, the [permit issuing authority] shall accept and document complaints related to the doggie dining program within the County and shall timely report to the Division all such complaints and the City's enforcement response to such complaint. The [permit issuing authority] shall also timely provide the Division with a copy of all approved applications and permits issued pursuant to this section.*

3. *The provisions of this section may be enforced by the [permit issuing authority]. Any person determined to have willfully failed to comply with any provision of this section shall be guilty of an offense punishable as provided in section ## of the County Code. Each dog on the premises of a public food service establishment in violation of this section shall constitute a separate* offense. This penalty is in addition to any other remedy available to the County.

GTMUD-MXD District. While land uses authorized within the GTMUD district are generally appropriate with some exceptions noted below, many heavy commercial/light industrial uses are allowed by the underlying zoning districts. The County should consider adding the following uses and establishing the following design and operational standards to mitigate the impacts of these uses on residences allowed within the area:

Auto Repair. Neither "auto repair" nor "repair" are defined in section 1.08.02. Presumably, "repair", which is listed as a permitted use in the BMUD-NC and the GTMUD-MXD includes auto repairs. Since auto repairs, along with allowed metal products fabrication and some research and development activities can be relatively intensive and noisy operation, these uses could be made more compatible if each of these uses were defined as industrial buildings and the following specific design and operations standards were added to the section 5.05.08-E.6.:

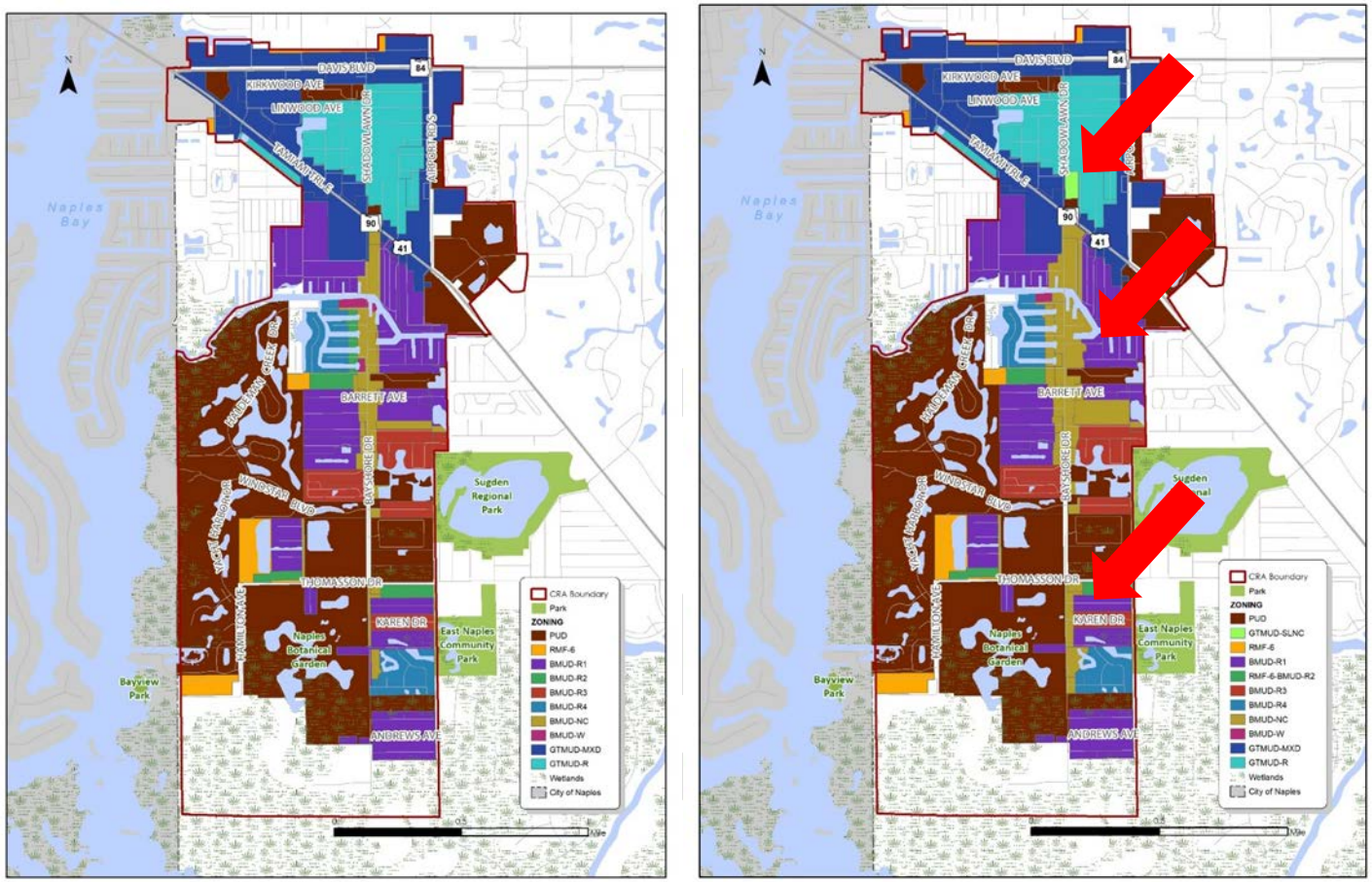
Garages and Loading Bays*: Within a GTMUD or BMUD [Consider broadening applicability.] district, industrial/factory buildings shall be designed so that garage or loading bay openings do not face a residential zoning district located within 200 feet of the opening. Existing industrial/factory buildings that have garage or loading bay openings that face a residential zoning district that is located within 200 feet of a residential district shall remain closed during operations of the use, except when the opening is being used to move goods or vehicles into or out of the building.*

Outside Operations*: No outside operations are allowed within 400 feet of a residential district except for the purpose of moving items into or out of authorized outdoor storage areas.*

Expanded Neighborhood Commercial Areas. The Redevelopment Plan promotes more urban-style development, including an increase in mixed-use designations, in Section 3.2, Objective 1, Strategy 1. Allowing the BMUD-NC designation along Bayshore Drive be extended an additional parcel in depth to allow more space for this type of development to occur would help achieve this objective. An equivalent of the BMUD-NC designation should be applied to parcels abutting the southern portion of Shadowlawn Drive (south of Shadowlawn Elementary) for a single lot depth to facilitate more mixed-use development in the Triangle area (see Map 2-1). Unlike the Bayshore corridor, the street patterns along Shadowlawn Drive are poorly suited to support compatible extension of commercial zoning or auxiliary parking beyond the lots facing the corridor. Developers will retain the option to apply for a PUD on sites to obtain mixed-use allowances.

Repetitive Residential Design. Participants in the CRA Plan process raised concerns about the need for standards to avoid repetitive housing design. While diverse design is not specifically addressed for residential units in section 4.02.16 (Design Standards for Development in the Bayshore Gateway Triangle Redevelopment Area), the section provides design guidance for several residential unit types. If the County determines that redundant design is an issue, it could address this by extending the applicability of some of the architectural and site design standards in section 5.05.08 to address multi-family and single-family attached residences. In particular, the County could apply the building design standards for façades/wall height transition elements, variation in massing, building design treatments, roof treatments in sections 5.05.08.D.3, 4, 5, and 10. Applicable provisions could be added to 4.02.16 rather than cross-referencing section 5.05.08.

Map 2-1: Comparison of Current Overlay Districts to Overlay Districts with Expansion of Neighborhood



Existing Overlays

Expanded BMUD-NC and Added GTMUD-NC

3.0 Commercial Areas Deviations

Administrative deviations by the County Manager are authorized for architectural and site design standards in Section 5.05.08, for landscaping buffering in section 10.02.03-A3 and for mixed-use plans in section 10.02.15-B. The mixed-use plan deviations, which are limited to mixed-use developments include front setbacks, architectural and site design standards, landscape and buffer requirements, and parking space requirements. In addition to allowing these deviations for mixed-use development in the GTMUD-MXD and BMUD-NC, the County should consider extending all of these deviation options to the same single use developments in these overlay developments as are permitted in Section 5.05.08. To achieve this, Section 10.02.15-B.1. could be amended as follows:

1. ***Authority****. The County Manager or designee may grant administrative deviations for proposed developments requesting, or which have obtained, MUP approval through a public hearing process. The following administrative deviations may be granted for the above-referenced MUPs and for site plans for the uses listed in Section 5.05.08-G.4., providing such deviation requests demonstrate compliance with the applicable criteria.*

The following uses from 5.05.08-G.4 are those recommended to be made eligible for deviations in 10.02.15-B.1. This would ease development generally for several community-oriented uses and smaller properties with a commercial zoning designation.

Section 5.05.08-G.4 uses:

- Assembly
- Educational
- Institutional
- Mixed use buildings (such as commercial/residential/office)
- Any other non-commercial building, or use, that is not listed under LDC section 5.05.08 E. Design standards for specific building types of this section, and due to its function, has specific requirements making meeting LDC section 5.05.08 standards unfeasible.
- Buildings located on property with a commercial zoning designation when submitted for Site Development Plan review except for the following:
    - Buildings with a gross building area of 10,000 square feet or more on the ground floor.
    - Multi-story buildings with a total gross building area of 20,000 square feet or more.
    - Project sites with more than one building where the aggregate gross building area is 20,000 square feet or more. Individual buildings within a project site that have been previously granted deviations where additional development causes an aggregation of building area 20,000 square feet or greater, must bring existing buildings up to the requirements of LDC section 5.05.08.

The deviations would also be expanded to the specific requirements listed under the following sections:

- LDC section 5.05.08 B.3. Alterations to an existing building.
- LDC section 5.05.08 E.2.d. for Self-storage buildings

Note that these uses and requirements are already listed for deviations from the architectural and site design standards in 5.05.08, the additional deviations would likely be geared primarily towards any additional requirements for front setbacks, landscape and buffer requirements, and parking space requirements.

There are several additional requirements to meet for Section 10.02.15-B.1 deviations. For setback deviations, the project must also meet the following conditions or circumstances:

- If constructed where otherwise required, the building(s) or structure(s) would conflict with regulatory standards for existing public utilities or encroach into an associated public utility easement, which cannot reasonably be relocated or vacated based on physical or legal restrictions, as applicable.
- The property has a unique or challenging parcel shape or boundary, such as a narrow lot frontage on the public street.

Additionally, "in order to administratively approve a front setback deviation, the proposed design shall create a connective and walkable environment by demonstrating a comparable relationship between proposed alternative building(s) location(s) and their associated pedestrian and vehicular pathways, and associated parking facilities and transit alternatives."

To be eligible for landscape and buffer requirements, the project "must additionally provide a minimum of 110 percent of the open space requirement for mixed use projects in addition to other conditions that the County Manager or designee deems necessary."

4.0 Parking and Driveways

The parking provisions and the provisions for deviations seem to be reasonable within the existing LDC. Parking ratios, provisions for off-site parking, provision for parking in the right-of-way, and flexibility provided within the CRA are reasonable, particularly if the recommendations above for deviations are incorporated. To expand the County's flexibility to efficiently address the needs of infill development, the County may wish to explore the potential to establish parking mitigation fees that allow an applicant to pay into a parking fund that would be dedicated to the capital costs of providing additional parking to targeted areas within the CRA.

During development of the CRA Redevelopment Plan, participants raised concerns about limitations on the creation of circular driveways. Many, if not most of the lots in the area lack sufficient width to accommodate circular drives, which are permitted on lots with widths of 100 feet or greater. The maximum driveway width permitted in the Bayshore Gateway for single family residential lots is 18 feet measured at the right of way line. These requirements apply to the portion of the driveway located in the County right-of-way. Accommodating circular drives on narrow lots means that most of the front yard area would be paved, which creates both aesthetic and drainage issues. As a result, it is recommended to retain the existing requirements at this time.

5.0 Streetwalls

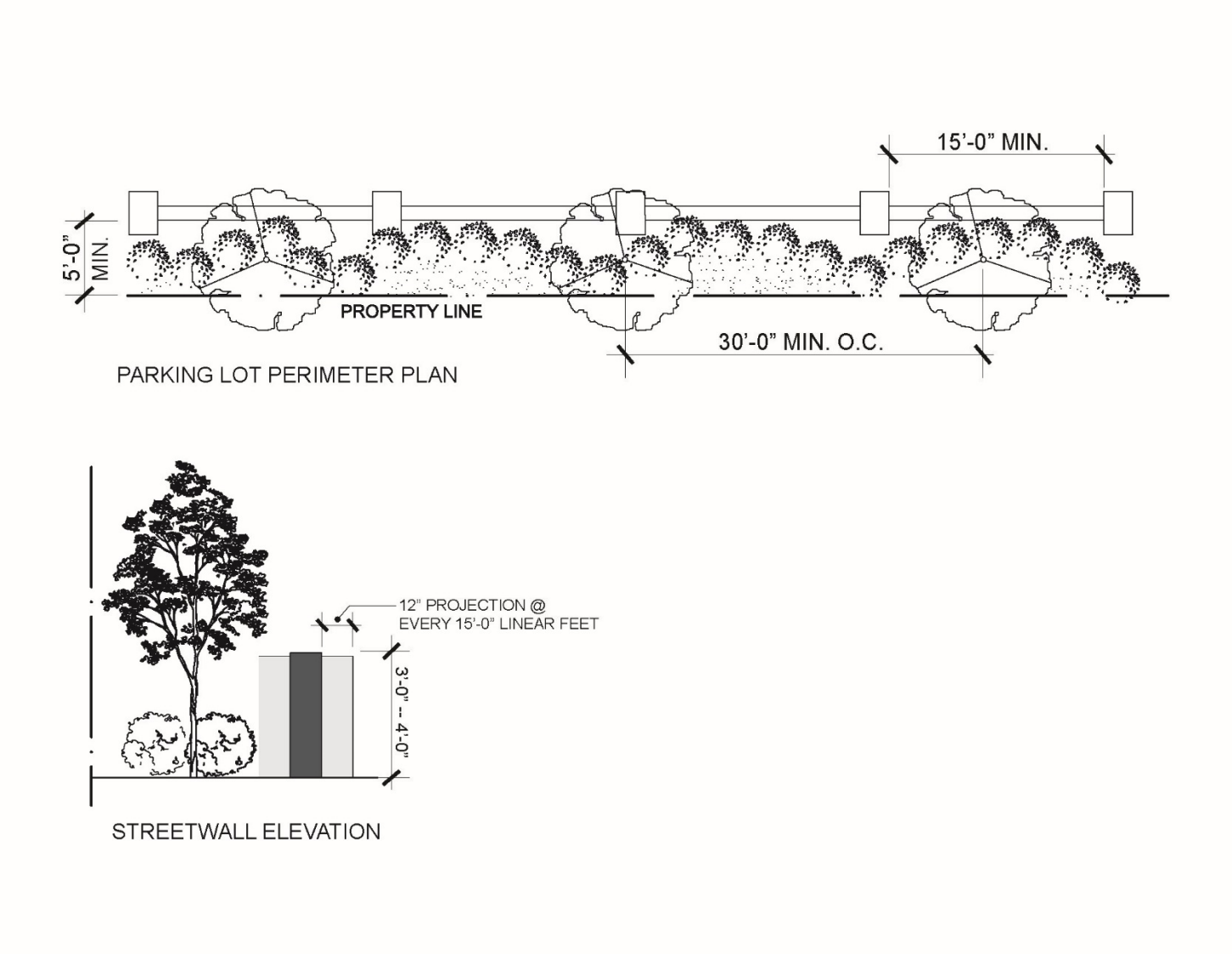
An additional concern raised during the Redevelopment Plan update process was the requirement of streetwalls for non-residential surface parking lots that abut the right-of-way of certain roadways, as set out in Section 4.02.16 E. 3. ii. of the LDC. This section indicates where streetwalls are applicable: "Streetwalls shall be used when surface parking lots for non-residential uses abut the right-of-way of Bayshore Drive, Van Buren Avenue, Thomasson Drive in the BMUD and US 41, Davis Boulevard, and Commercial Drive in the mini-triangle portion of the GTMUD" (see Map 4-1).

The County should make the streetwall requirement more flexible by allowing a streetwall with smaller landscaping buffers or allowing buffers with no streetwall. If a streetwall is put in place without landscape buffers, then other amenities should be provided (e.g., shade elements, expanded sidewalks, murals, public art, etc.). Note that the CRA and MSTU are currently looking into a licensing agreement with property owners to take over installation and maintenance of buffer landscaping and walls to allow for a unified look.

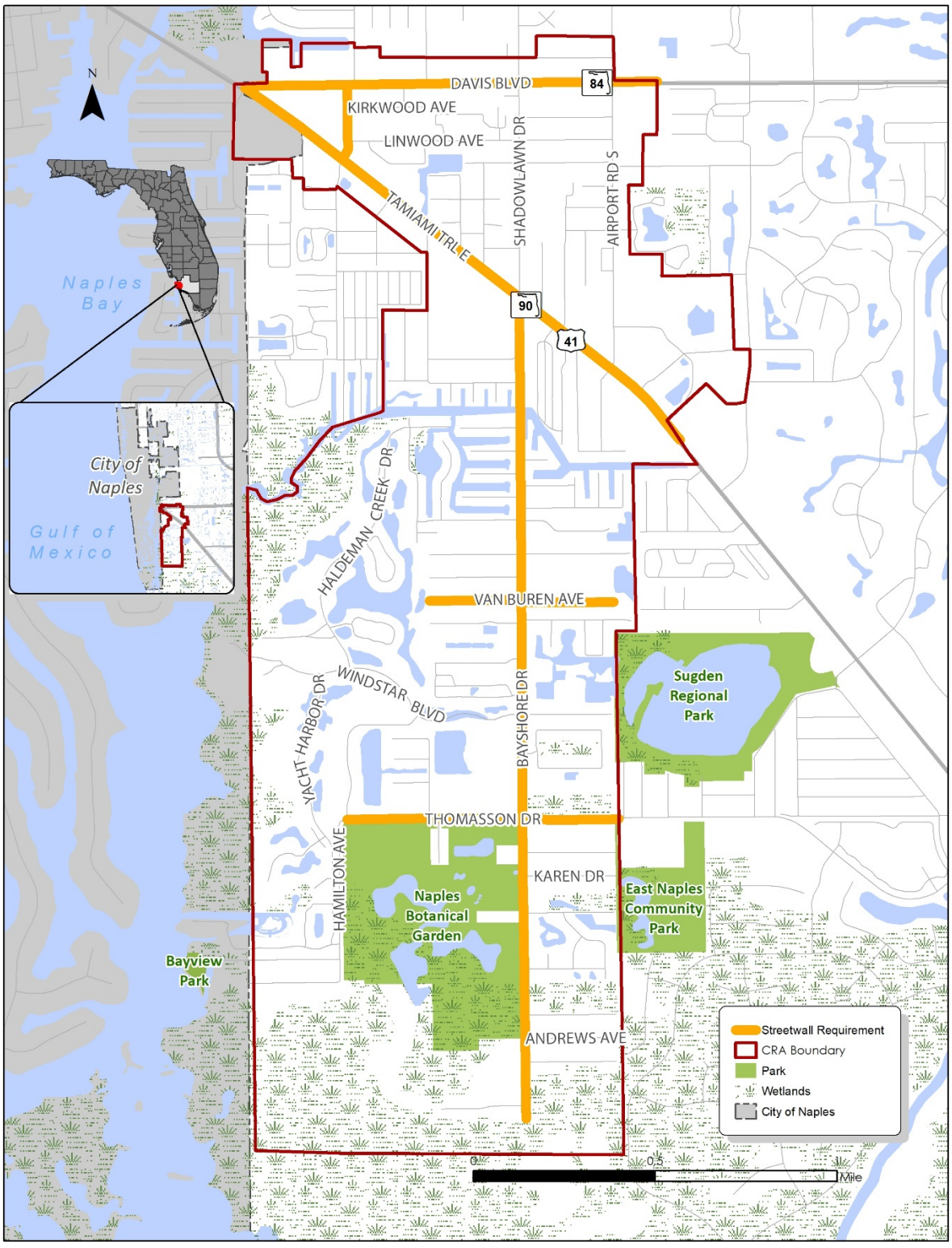
Figure 4-1 shows a diagram of the current streetwall requirements. The following additional regulatory adjustments are recommended:

- Limit the wall height to three feet (current max height is 4 feet).
- Clarify the applicability of the streetwall and setback requirements to front parking (50% of total parking is allowed out front) and lots where parking as a primary use. The current code is unclear and could be interpreted many ways.
- If streetwall requirement is retained for front parking and lots where parking is a primary use, add exemption for existing parking between the building and the street for several developed sites and transitional provisions established.
- Consider including requirements for residential units to provide streetwalls. As the corridors change over time, there may be new residential developments with similar parking arrangements as commercial – for visual consistency it may make sense to have streetwalls along those frontages as well.

Figure 5-1: Streetwall Diagram of Current Regulations



Map 5-1: Roadways Where Streetwall Requirements of Section 4.02.16 E. 3. ii are Applicable



Note: requirements only apply to non-residential uses abutting right-of-way of highlighted roadways.

6.0 Building Height Transitions

During CRA Redevelopment Plan development, participants raised concerns about height transitions between the more intensive GTMUD and BMUD districts and surrounding residential neighborhoods. The main areas where this is likely to occur are:

- Between mixed-use or commercial development in the GTMUD-MXD district (which may be 56 feet in height and abutting development in the GTMUD-R district (which is limited to 35 feet in height); and
- Between mixed-use or commercial development in the BMUD-NC or BMUD-W districts (which may be 56 feet in height) and abutting development in the BMUD-R1 through BMUD-R4 districts (which is limited to 35 feet in height).

To address this, the County should consider adopting bulk plane provisions that require portions of buildings in the GTMUD-MXD, BMUD-NC or BMUD-W that abut a lot in the GTMUD-R, BMUD-R1, BMUD-R2, BMUD-R3 or BMUD-R4 district to be set back an additional 1 foot for each 1 foot in height that the applicable portion of the building exceeds 42 feet in height.

7.0 Potential Incentives

Density Pool Unit Eligibility Criteria and Approval Process. Currently, the Growth Management Plan identifies certain locations within the Bayshore Gateway Triangle Redevelopment Overlay in conjunction with certain project eligibility criteria that qualify a project for use of bonus density pool units. The LDC currently restricts the use of these units to mixed use projects in the BMUD-NC, BMUD-W, GTMUD-MXD (see LDC Sec. 10.02.15). The bonus density is calculated by deducting the base density of the underlying zoning district from the 12 unit maximum being sought; the difference in units per acre determines the bonus density allocation. The process currently requires both a public hearing with the Planning Commission and the Board of County Commissioners. Input from the Redevelopment Plan update process indicated a desire for a more formal CRA role in this review process when the density bonus is sought in the CRA.

Additionally, the Growth Management Plan requires properties having direct frontage on one or more of Bayshore Drive, Davis Boulevard, Airport- Pulling Road (west side only), or US 41 East to have a Planned Unit Development designation to be eligible for density pool units. It also requires that the project have a minimum acreage of 3 acres, constitute redevelopment of a site, and consist of all market-rate units.

The following changes are recommended:

- Remove the acreage requirements in the Growth Management Plan (GMP) and LDC for use of these units, including an exception to PUD acreage requirements for developments in the Bayshore Gateway Triangle Redevelopment Overlay (note that the PUD requirement would still be retained where applicable in the GMP); this change will allow for a mix of sizes of developments that can qualify for bonus density pool units, while still allowing the Planning Commission and County Commission a say in the development process by retaining the other PUD requirements where currently applicable.
- Remove mixed-use requirement to allow single-use residential projects in the BMUD-NC to also use these units; this change will allow for an additional option via higher density residential developments to transition between commercial/mixed-use areas and lower density residential neighborhoods bordering these areas. In this way, higher density residential can act as a buffer.

- Remove, where currently applicable, the requirement that all units in a development must be market-rate. If a developer chose to build workforce/affordable housing in the area, they should still be eligible for bonus density pool units.
- It is recommended that the Advisory Board be formally included in the approval process for more tailored decision-making to the area and that the public hearing requirements be removed to make the process more administrative in nature.
- Consideration should be given to tying additional bonus density from the Density Pool to the provision of community amenities. The County may wish to consider the provision of density and/or height bonuses in exchange for the provision of additional amenities within a development, such as surplus structured parking that could be made available for parking mitigation purposes or surplus community spaces, such as expanded sidewalks, courtyards, plazas or pocket parks. In evaluating these incentives, the County may:
    - Allow densities or heights in excess of those allowed by right in the current ordinance;
    - Require that densities or heights over a portion of what is currently allowed be earned by provision of amenities (e.g., if current height is 42 feet, then 35 feet allowed by right and 7 feet could be earned through incentives); or
    - A combination of the above.

  The first approach would provide the greatest fiscal incentive for infill development but may not be appropriate for all portions of the Bayshore CRA. Prior to deciding on one of the above approaches, the County should determine how much flexibility exists for increased heights or densities and identify the greatest public needs for which bonus densities or heights may be granted. Coordination with local property owners and developers would be needed to establish the relative values of desired improvements and the density bonuses.

Other Density Bonus Considerations

In addition to the availability of the Density Bonus Pool, the other density bonus currently available within the Bayshore Gateway CRA is the Affordable Housing Density Bonus Program (AHDBP). Following the refinement of the criteria associated with the density pool units described in the previous section, consideration could be given to adjusting the AHDBP, to make it more attractive to build affordable/attainable housing units within the Bayshore Gateway CRA. Some potential ideas for adjustments could include the following:

- Remove one-unit reduction of base density in the Coastal High Hazard Area (CHHA) to encourage use of affordable housing density bonus; these provisions can be made in conjunction with a review and any needed modification of housing design provisions to ensure a certain level of resilient building quality in the CHHA.
- Allow for applicants within the CRA to use the bonus density pool to get up to 12 units or the affordable-workforce housing density bonus to get up to 12 units. To further incentivize building affordable housing, the programs could be combined to allow up to 24 units per acre if you use both the bonus density pool and affordable-workforce housing density bonus programs. The bonus density pool would be used for the first additional units and the affordable-workforce housing bonus density program for the next 12.
- Make the affordable-workforce housing density bonus a ministerial process (staff approval only, no formal public hearing) to encourage its use.

Any potential changes to the AHDBP should be closely coordinated with Community & Human Services Division to ensure integration with their efforts on implementing the Community Housing Plan.

8.0 Drainage

The CRA area has some local streets with sufficient right-of-way to safely accommodate additional on-street or head-in parking. Some of these streets rely on swales to accommodate stormwater management needs. The County should explore opportunities to replace swales with green infrastructure alternatives that could accommodate parking and the stormwater functions of the existing swales. In evaluating this alternative, the County will need to balance the benefits of additional parking supplies with the capital and maintenance costs for the green infrastructure. Green infrastructure can include, but is not limited to:

(a) Green infrastructure (GI) for planting areas includes:

1. Bioswales;

2. Bioretention cells;

3. Constructed wetlands;

4. Dry detention basins;

5. Stormwater planters; and

6. Green roofs.

(b) Green infrastructure that does not require planting includes:

1. Infiltration Trenches;

2. Cisterns and underground stormwater chambers, constructed for detention;

3. Blue roofs; or

4. Retention ponds.

(c) Design and construction of hardscape surfaces, including but not limited to parking spaces, drive aisles, walkways, and gathering spaces with pervious paving.

(d) Alternative green infrastructure designs that the City Engineer determines will safely and efficiently manage stormwater.

9.0 Additional Concerns

The following additional regulatory concerns have been raised during the development of the CRA Plan:

Site Development Plan Review Process. The CRA Area Redevelopment Plan amendment process highlighted the desire for better incorporation of the CRA staff and Advisory Board into the site development plan review process. It is important to balance deliberative review with strong reliance on the LDC (and amendments to the LDC to achieve as much of the development vision as possible), which helps avoid excessive deliberative decision-making and a resulting slow-down of the process. To this end, in conjunction with the other LDC amendments for development requirements listed in this memo, the CRA should be included in public notice requirements when a property within the CRA area is rezoned or requires a public hearing process for other reasons; the CRA should receive the same notice that adjacent property owners receive. This notice will allow CRA staff to invite applicants to an Advisory Board meeting to discuss proposals prior to public hearing.

Heavy Commercial/Industrial Uses. The current GMP provisions for the Bayshore/Gateway Triangle Redevelopment Overlay allow for uses permitted under existing zoning districts to continue (development and redevelop) unless the zoning overlay is amended to restrict those uses. As noted elsewhere in this document, the current zoning overlay allows for all permitted uses associated with the base zoning districts as long as the zoning overlay's dimensional standards are met. It is recommended that the overlay and/or the GMP be amended to restrict those industrial-oriented uses (particularly under the C-5 zoning district) that may be incompatible with the vision of the Bayshore Gateway CRA.

Housing Unit Size. The VR district does not establish a minimum floor area for dwelling units, which would allow the development of tiny houses at the maximum allowable densities in each district. The County should determine whether this is an oversight or whether the district is an appropriate district to allow tiny houses and other developments with small footprint residential units.

Gated Communities. Concerns raised about gated communities include two distinct issues: whether to allow private roads with or without gates and whether to allow the construction of walls around residential developments. Both of these issues are significant policy issues that involve discussions that extend beyond the boundaries of the CRA. The private streets discussion should address the issues of design and long-term maintenance of private streets, in addition to the issues of limiting public access and providing adequate connectivity to foster automotive, bike and pedestrian mobility. The walled neighborhood discussion should focus on design, connectivity and mobility concerns.

Overlay District Applicability. A need for clarity on the applicability of Bayshore Gateway Triangle Mixed Use District Overlays in relation to the base zoning districts arose from the LDC update process. To this end, the Purpose and Intent sections from Section 2.03.07 for these overlays should be added to Section 4.02.16, which includes the design criteria for these overlays. Language should be added to these sections to indicate that the regulations in these sections should support and be consistent with the CRA Area Redevelopment Plan and vision.

The following information provides more explanation on the relationship between these overlays and base zoning districts. The LDRs establish the land uses allowed within each BMUD and GTMUD subdistrict, paragraph 3 of section 2.03.07 allows the property owner to choose between overlay and base zoning standards for uses and densities subject to the design standards established in Sections 4.02.16. Paragraph 3 states that:

> "Development in the activity center is governed by requirements of the underlying zoning district and the mixed-use activity center subdistrict requirements in the FLUE, except for site development standards as stated in section 4.02.16 of the LDC."
>
> and
>
> "Property owners within the BMUD may establish uses, densities and intensities in accordance with the LDC regulations of the underlying zoning classification, or may elect to develop/redevelop under the provisions of the applicable BMUD Subdistrict. In either instance, the BMUD site development standards as provided for in section 4.02.16 shall apply."

While the language is not clear, the first provision is intended to state that Section 4.02.16 replaces most base district lot development standards (e.g., lot width, yards/setbacks, floor areas, building separation and building height). The second provision above allows the property owner to choose between the base district and the overlay district for applicable uses and densities. The use limitations of the overlay district should prevail over the base zoning where there are conflicts. Because the densities established in section 4.02.16 for the BMUD-R1, BMUD-R2, BMUD-R3, BMUD-R-4 and GTMUD-R subdistricts defer to the base district zoning densities of most residential lots are subject to base district densities. There are only 6 lots within the BMUD and GTMXD districts that are affected by density provisions of the second provision above. These lots front on Bayshore Drive within the BMUD-NC subdistrict and have RMF-6 base zoning. For these parcels, the property owner can choose between the 6 dwelling units per acre allowed by the base zoning or 12 dwelling units per acre allowed by the overlay district (note that the 12-unit maximum is obtained through density bonus provisions).

While the practical effect of the above provisions is minimal, the confusion could be reduced by revising Section 2.03.07 l.3. as follows:

3. Relationship to the Underlying Zoning Classification and Collier County Growth Management Plan.

   a. The purpose of the BMUD is to fulfill the goals, objectives and policies of the Collier County Growth Management Plan (GMP), as may be amended. Specifically, the BMUD implements the provisions of section V.F, Bayshore Gateway Triangle Redevelopment Overlay, of the Future Land Use Element. Portions of the Bayshore Overlay District coincide with Mixed Use Activity Center #16 designated in the Future Land Use Element (FLUE) of the Collier County GMP. Development in the activity center is governed by requirements of the underlying zoning district and the mixed-use activity center subdistrict requirements in the FLUE, except where site development standards are established in section 4.02.16 of the LDC, they shall prevail over conflicting base district standards.

   b. Property owners within the BMUD may establish densities in accordance with the LDC regulations of the underlying zoning classification or may elect to develop/redevelop under

the provisions of the applicable BMUD Subdistrict. In either instance, BMUD site development shall comply with the design standards for development established in section 4.02.16.

Advisory Board Application Form

Collier County Government
3299 Tamiami Trail East, Suite 800
Naples, FL 34112
(239) 252-8400

Application was received on: 11/16/2018 9:22:38 AM.

Name: Allen M Schantzen **Home Phone:** 239 370 7763

Home Address: 3321 Canal St

City: Naples **Zip Code:** 34112

Phone Numbers
Business:

E-Mail Address: stackoil@comcast.net

Board or Committee: Bayshore/Gateway Triangle Local Redevelopment Advisory Board

Category: Not indicated

Place of Employment: Retired

How long have you lived in Collier County: more than 15

How many months out of the year do you reside in Collier County: I am a year-round resident

Have you been convicted or found guilty of a criminal offense (any level felony or first degree misdemeanor only)? No

Not Indicated

Do you or your employer do business with the County? No

Not Indicated

NOTE: All advisory board members must update their profile and notify the Board of County Commissioners in the event that their relationship changes relating to memberships of organizations that may benefit them in the outcome of advisory board recommendations or they enter into contracts with the County.

Would you and/or any organizations with which you are affiliated benefit from decisions or recommendations made by this advisory board? No

Not Indicated

Are you a registered voter in Collier County? Yes

Do you currently hold an elected office? No

Do you now serve, or have you ever served on a Collier County board or committee? No

Not Indicated

Please list your community activities and positions held:

Naples Airport Authority Noise Abatement Committee Naples Botanical Garden - Dog Committee Member Unofficial neighborhood watch participant Curator of a whimsical area called Ponderville

Education:

High School, Military and Aviation Related Schools

Experience / Background

40 years Aviation Maintenance USAF Veteran, Two tours Republic of Vietnam Have held positions throughout my career, including but not limited to: Director and Chief of Maintenance, Flight Examiner, Flight Engineer/Load Master with 271 combat flight hours. Homeowner/Resident in the CRA area since 1990. Active in non-government community affairs.

Advisory Board Application Form

Collier County Government
3299 Tamiami Trail East, Suite 800
Naples, FL 34112
(239) 252-8400

Application was received on: 2/14/2019 9:13:02 AM.

Name: Jeffrey L. Scott **Home Phone:** 239-248-5226

Home Address: 3389 Lakeview Drive

City: Naples **Zip Code:** 34112

Phone Numbers
Business:

E-Mail Address: jeffscottinnaples@gmail.com

Board or Committee: Bayshore/Gateway Triangle Local Redevelopment Advisory Board

Category: Not indicated

Place of Employment: South Florida Architects Inc.

How long have you lived in Collier County: more than 15

How many months out of the year do you reside in Collier County: I am a year-round resident

Have you been convicted or found guilty of a criminal offense (any level felony or first degree misdemeanor only)? No

Not Indicated

Do you or your employer do business with the County? No

Not Indicated

NOTE: All advisory board members must update their profile and notify the Board of County Commissioners in the event that their relationship changes relating to memberships of organizations that may benefit them in the outcome of advisory board recommendations or they enter into contracts with the County.

Would you and/or any organizations with which you are affiliated benefit from decisions or recommendations made by this advisory board? No

Not Indicated

Are you a registered voter in Collier County? Yes

Do you currently hold an elected office? No

Do you now serve, or have you ever served on a Collier County board or committee? No

Not Indicated

Please list your community activities and positions held:
Was past member on Rotary Club of Naples

Education:
Bachelor Degree in Architecture from Kent State University

Experience / Background
Registered Architect State of Florida AR 10158 Been in Naples for 30 years Look forward to serving on Neighborhood Board

2-9-18

To: CRA Board MEMBERS
From: John Steve Rigsbee
SUBJECT: RESIGNING

DEAR CRA BOARD,

I FEEL THAT DUE TO CONTINED HEALTH ISSUE THAT I RESIGN.

IT WAS A PLEASURE TO BE ABLE TO HAVE INPUT ON VARIOUS ISSUE.

Respectfully
John Steven Rigbee

By Senator Lee

20-00386E-19 20191054__

A bill to be entitled

An act relating to community redevelopment agencies; creating s. 112.327, F.S.; defining terms; prohibiting a person from lobbying a community redevelopment agency until he or she has registered as a lobbyist with that agency; providing registration requirements; requiring an agency to make lobbyist registrations available to the public; requiring a database of currently registered lobbyists and principals to be available on certain websites; requiring a lobbyist to send a written statement to the agency canceling the registration for a principal that he or she no longer represents; authorizing an agency to remove the name of a lobbyist from the list of registered lobbyists under certain circumstances; authorizing an agency to establish an annual lobbyist registration fee, not to exceed a specified amount; requiring an agency to be diligent in ascertaining whether persons required to register have complied, subject to certain requirements; requiring the Commission on Ethics to investigate a lobbyist or principal under certain circumstances, subject to certain requirements; requiring the commission to provide the Governor with a report of its findings and recommendations in such investigations; authorizing the Governor to enforce the commission's findings and recommendations; authorizing community redevelopment agencies to adopt rules to govern the registration of lobbyists; amending s. 112.3142, F.S.; requiring ethics training

for community redevelopment agency commissioners; specifying requirements for such training; amending s. 163.340, F.S.; revising the definition of the term "blighted area"; amending s. 163.356, F.S.; revising reporting requirements; deleting provisions requiring certain annual reports; amending s. 163.367, F.S.; requiring ethics training for community redevelopment agency commissioners; amending s. 163.370, F.S.; revising the list of projects that are prohibited from being financed by increment revenues; requiring community redevelopment agencies to follow certain procurement procedures; creating s. 163.371, F.S.; requiring a community redevelopment agency to publish certain digital boundary maps on its website; providing annual reporting requirements; requiring a community redevelopment agency to publish the annual reports on its website; creating s. 163.3755, F.S.; providing termination dates for certain community redevelopment agencies; creating s. 163.3756, F.S.; providing legislative findings; requiring the Department of Economic Opportunity to declare inactive community redevelopment agencies that have reported no financial activity for a specified number of years; providing hearing procedures; authorizing certain financial activity by a community redevelopment agency that is declared inactive; providing applicability; providing for construction; requiring the department to maintain a website identifying all inactive community redevelopment agencies; amending s. 163.387,

F.S.; specifying the level of tax increment financing that a governing body may establish for funding the redevelopment trust fund; effective on a specified date, revising requirements for the use of redevelopment trust fund proceeds; limiting allowed expenditures; revising requirements for the annual budget of a community redevelopment agency; revising requirements for use of moneys in the redevelopment trust fund for specific redevelopment projects; revising requirements for the annual audit; requiring the audit to be included with the financial report of the county or municipality that created the community redevelopment agency; amending s. 218.32, F.S.; revising criteria for finding that a county or municipality failed to file a report; requiring the Department of Financial Services to provide a report to the Department of Economic Opportunity concerning community redevelopment agencies reporting no revenues, expenditures, or debts; amending s. 163.524, F.S.; conforming a cross-reference; making technical changes; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 112.327, Florida Statutes, is created to read:

112.327 Lobbying before community redevelopment agencies; registration and reporting.—

(1) As used in this section, the term:

(a) "Agency" or "community redevelopment agency" means a public agency created by, or designated pursuant to, s. 163.356 or s. 163.357 and operating under the authority of part III of chapter 163.

(b) "Lobby" means to seek to influence an agency with respect to a decision of the agency in an area of policy or procurement or to attempt to obtain the goodwill of an agency official or employee on behalf of another person. The term must be interpreted and applied consistently with the rules of the commission adopted pursuant to s. 112.3215(15).

(c) "Lobbyist" has the same meaning as in s. 112.3215.

(d) "Principal" has the same meaning as in s. 112.3215.

(2) A person may not lobby an agency until he or she has registered as a lobbyist with that agency. Such registration is due upon the person initially being retained to lobby and is renewable on a calendar-year basis thereafter. Upon registration, the person shall provide a statement, signed by the principal or principal's representative, stating that the registrant is authorized to represent the principal and identifying and designating its main business pursuant to a classification system approved by the agency. Any changes to the information required by this section must be disclosed within 15 days by filing a new registration form. An agency may create its own lobbyist registration forms or may accept a completed legislative branch or executive branch lobbyist registration form. In completing the form required by the agency, the registrant shall disclose, under oath, the following:

(a) His or her name and business address.

(b) The name and business address of each principal

represented.

(c) The existence of any direct or indirect business association, partnership, or financial relationship with any officer or employee of an agency with which he or she lobbies or intends to lobby.

(3) An agency shall make lobbyist registrations available to the public. If an agency maintains a website, a database of currently registered lobbyists and principals must be available on that website. If the agency does not maintain a website, the database of currently registered lobbyists and principals must be available on the website of the county or municipality that created the agency.

(4) Immediately upon a lobbyist's termination of his or her representation of a principal, the lobbyist shall send a written statement to the agency canceling the registration. If the principal notifies the agency that the lobbyist is no longer authorized to represent that principal, an agency may remove the name of a lobbyist from the list of registered lobbyists.

(5) An agency may establish an annual lobbyist registration fee, not to exceed $40, for each principal represented. The agency may use registration fees only for the purpose of administering this section.

(6) An agency shall be diligent in ascertaining whether persons required to register under this section have complied. An agency may not knowingly authorize an unregistered person to lobby the agency.

(7) Upon receipt of a sworn complaint alleging that a lobbyist or principal has failed to register with an agency or has knowingly submitted false information in a report or

registration required under this section, the commission shall investigate the lobbyist or principal pursuant to the procedures established in s. 112.324. The commission shall provide the Governor with a report of its findings and recommendations in any investigation conducted pursuant to this subsection, and the Governor may enforce them.

(8) Community redevelopment agencies may adopt rules to govern the registration of lobbyists, including rules governing the adoption of forms and the establishment of the lobbyist registration fee.

Section 2. Section 112.3142, Florida Statutes, is amended to read:

112.3142 Ethics training for specified constitutional officers, ~~and~~ elected municipal officers, and commissioners.—

(1) As used in this section, the term "constitutional officers" includes the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.

(2)(a) All constitutional officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

(b) ~~Beginning January 1, 2015,~~ All elected municipal officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

(c) Beginning October 1, 2019, each commissioner of a community redevelopment agency created under part III of chapter 163 must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation, if the required subject material is covered by the class.

(d) The commission shall adopt rules establishing minimum course content for the portion of an ethics training class which addresses s. 8, Art. II of the State Constitution and the Code of Ethics for Public Officers and Employees.

(e) ~~(d)~~ The Legislature intends that a constitutional officer or elected municipal officer who is required to complete ethics training pursuant to this section receive the required training as close as possible to the date that he or she assumes office. A constitutional officer or elected municipal officer assuming a new office or new term of office on or before March

31 must complete the annual training on or before December 31 of the year in which the term of office began. A constitutional officer or elected municipal officer assuming a new office or new term of office after March 31 is not required to complete ethics training for the calendar year in which the term of office began.

(3) Each house of the Legislature shall provide for ethics training pursuant to its rules.

Section 3. Subsection (8) of section 163.340, Florida Statutes, is amended to read:

163.340 Definitions.—The following terms, wherever used or referred to in this part, have the following meanings:

(8) "Blighted area" means an area in which there are a substantial number of deteriorated or deteriorating structures; in which conditions, as indicated by government-maintained statistics or other studies, endanger life or property or are leading to economic distress; and in which two or more of the following factors are present:

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.

(b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years before ~~prior to~~ the finding of such conditions.

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.

(d) Unsanitary or unsafe conditions.

(e) Deterioration of site or other improvements.

(f) Inadequate and outdated building density patterns.

(g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality.

(h) Tax or special assessment delinquency exceeding the fair value of the land.

(i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.

(j) Incidence of crime in the area higher than in the remainder of the county or municipality.

(k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality.

(l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.

(m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.

(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

(o) A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.

(p) Rates of unemployment higher in the area than in the remainder of the county or municipality.

(q) Rates of poverty higher in the area than in the remainder of the county or municipality.

(r) Rates of foreclosure higher in the area than in the

remainder of the county or municipality.

(s) Rates of infant mortality higher in the area than in the remainder of the county or municipality.

~~However, the term "blighted area" also means any area in which at least one of the factors identified in paragraphs (a) through (o) is present and all taxing authorities subject to s. 163.387(2)(a) agree, either by interlocal agreement with the agency or by resolution, that the area is blighted. Such agreement or resolution must be limited to a determination that the area is blighted.~~ For purposes of qualifying for the tax credits authorized in chapter 220, the term ~~"blighted area"~~ means an area as defined in this subsection.

Section 4. Paragraphs (c) and (d) of subsection (3) of section 163.356, Florida Statutes, are amended to read:

163.356 Creation of community redevelopment agency.—

(3)(c) The governing body of the county or municipality shall designate a chair and vice chair from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff.

(d) An agency authorized to transact business and exercise powers under this part shall file with the governing body the report required pursuant to s. 163.371(1)~~, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial~~

~~statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the county or municipality and that the report is available for inspection during business hours in the office of the clerk of the city or county commission and in the office of the agency~~.

(e)~~(d)~~ At any time after the creation of a community redevelopment agency, the governing body of the county or municipality may appropriate to the agency such amounts as the governing body deems necessary for the administrative expenses and overhead of the agency, including the development and implementation of community policing innovations.

Section 5. Subsection (1) of section 163.367, Florida Statutes, is amended to read:

163.367 Public officials, commissioners, and employees subject to code of ethics.—

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, s. 163.356 or s. 163.357 are ~~shall be~~ subject to ~~the provisions and requirements of~~ part III of chapter 112, and commissioners also must comply with the ethics training requirements imposed in s. 112.3142.

Section 6. Paragraphs (d), (e), and (f) are added to subsection (3) of section 163.370, Florida Statutes, and subsection (5) is added to that section, to read:

163.370 Powers; counties and municipalities; community redevelopment agencies.—

(3) The following projects may not be paid for or financed by increment revenues:

(d) Community redevelopment agency activities related to festivals or street parties designed to promote tourism.

(e) Grants to entities that promote tourism.

(f) Grants to nonprofit entities that provide socially beneficial programs.

(5) A community redevelopment agency shall procure all commodities and services under the same purchasing processes and requirements that apply to the county or municipality that created the agency.

Section 7. Section 163.371, Florida Statutes, is created to read:

163.371 Reporting requirements.—

(1) By January 1, 2020, each community redevelopment agency shall publish on its website digital maps that depict the geographic boundaries and total acreage of the community redevelopment agency. If any change is made to the boundaries or total acreage, the agency shall post updated map files on its website within 60 days after the date such change takes effect.

(2) Beginning March 31, 2020, and no later than March 31 of each year thereafter, a community redevelopment agency shall file an annual report with the county or municipality that created the agency and publish the report on the agency's website. The report must include the following information:

(a) The most recent complete audit report of the redevelopment trust fund as required in s. 163.387(8).

(b) The performance data for each plan authorized, administered, or overseen by the community redevelopment agency

as of December 31 of the reporting year, including the:

1. Total number of projects started and completed and the estimated cost for each project.

2. Total expenditures from the redevelopment trust fund.

3. Original assessed real property values within the community redevelopment agency's area of authority as of the day the agency was created.

4. Total assessed real property values of property within the boundaries of the community redevelopment agency as of January 1 of the reporting year.

5. Total amount expended for affordable housing for low-income and middle-income residents.

(c) A summary indicating to what extent, if any, the community redevelopment agency has achieved the goals set out in its community redevelopment plan.

Section 8. Section 163.3755, Florida Statutes, is created to read:

163.3755 Termination of community redevelopment agencies; prohibition on future creation.—

(1) A community redevelopment agency in existence on October 1, 2019, shall terminate on the expiration date provided in the agency's charter on October 1, 2019, or on September 30, 2039, whichever is earlier, unless the governing body of the county or municipality that created the community redevelopment agency approves its continued existence by a majority vote of the members of the governing body.

(2)(a) If the governing body of the county or municipality that created the community redevelopment agency does not approve its continued existence by a majority vote of the governing body

members, a community redevelopment agency with outstanding bonds as of October 1, 2019, that do not mature until after the termination date of the agency or September 30, 2039, whichever is earlier, remains in existence until the date the bonds mature.

(b) A community redevelopment agency operating under this subsection on or after September 30, 2039, may not extend the maturity date of any outstanding bonds.

(c) The county or municipality that created the community redevelopment agency must issue a new finding of necessity limited to timely meeting the remaining bond obligations of the community redevelopment agency.

Section 9. Section 163.3756, Florida Statutes, is created to read:

163.3756 Inactive community redevelopment agencies.—

(1) The Legislature finds that a number of community redevelopment agencies continue to exist, but do not report any revenues, expenditures, or debt in the annual reports they file with the Department of Financial Services pursuant to s. 218.32.

(2)(a) A community redevelopment agency that has reported no revenue, no expenditures, and no debt under s. 189.016(9) or s. 218.32 for 3 consecutive fiscal years beginning no earlier than October 1, 2016, must be declared inactive by the Department of Economic Opportunity, which shall notify the agency of the declaration. If the agency does not have board members or an agent, the notice of the declaration of inactive status must be delivered to the county or municipal governing board or commission that created the agency.

(b) The governing board of a community redevelopment agency

that is declared inactive under this section may seek to invalidate the declaration by initiating proceedings under s. 189.062(5) within 30 days after the date of the receipt of the notice from the Department of Economic Opportunity.

(3) A community redevelopment agency that is declared inactive under this section may expend funds from the redevelopment trust fund only as necessary to service outstanding bond debt. The agency may not expend other funds in the absence of an ordinance of the local governing body that created the agency which consents to the expenditure of such funds.

(4) The provisions of s. 189.062(2) and (4) do not apply to a community redevelopment agency that has been declared inactive under this section.

(5) The provisions of this section are cumulative to the provisions of s. 189.062. To the extent the provisions of this section conflict with the provisions of s. 189.062, this section prevails.

(6) The Department of Economic Opportunity shall maintain on its website a separate list of community redevelopment agencies declared inactive under this section.

Section 10. Paragraph (a) of subsection (1), subsection (6), paragraph (d) of subsection (7), and subsection (8) of section 163.387, Florida Statutes, are amended to read:

163.387 Redevelopment trust fund.—

(1)(a) After approval of a community redevelopment plan, there may be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the

agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan. No community redevelopment agency may receive or spend any increment revenues pursuant to this section unless and until the governing body has, by ordinance, created the trust fund and provided for the funding of the redevelopment trust fund until the time certain set forth in the community redevelopment plan as required by s. 163.362(10). Such ordinance may be adopted only after the governing body has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

1. The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area; and

2. The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund.

However, the governing body ~~of any county as defined in s. 125.011(1)~~ may, in the ordinance providing for the funding of a trust fund established with respect to any community redevelopment area ~~created on or after July 1, 1994~~, determine that the amount to be funded by each taxing authority annually shall be less than 95 percent of the difference between subparagraphs 1. and 2., but in no event shall such amount be less than 50 percent of such difference.

(6) Effective October 1, 2019, moneys in the redevelopment trust fund may be expended ~~from time to time~~ for undertakings of a community redevelopment agency as described in the community redevelopment plan only pursuant to an annual budget adopted by the board of commissioners of the community redevelopment agency and only for the ~~following~~ purposes specified in paragraph (c).~~,~~ ~~including, but not limited to:~~

(a) Except as otherwise provided in this subsection, a community redevelopment agency shall comply with the requirements of s. 189.016.

(b) A community redevelopment agency created by a municipality shall submit its annual budget to the board of county commissioners for the county in which the agency is located within 10 days after the adoption of such budget and submit amendments of its annual budget to the board of county commissioners within 10 days after the adoption date of the amended budget ~~Administrative and overhead expenses necessary or incidental to the implementation of a community redevelopment plan adopted by the agency~~.

(c) The annual budget of a community redevelopment agency

may provide for payment of the following expenses:

1. Administrative and overhead expenses directly or indirectly necessary to implement a community redevelopment plan adopted by the agency. However, administrative and overhead expenses may not exceed 18 percent of the total annual budget of the community redevelopment agency.

2.~~(b)~~ Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement of the governing body or the community redevelopment agency for such expenses incurred before the redevelopment plan was approved and adopted.

3.~~(c)~~ The acquisition of real property in the redevelopment area.

4.~~(d)~~ The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants within or outside the community redevelopment area as provided in s. 163.370.

5.~~(e)~~ The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.

6.~~(f)~~ All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.

7.~~(g)~~ The development of affordable housing within the community redevelopment area.

8.~~(h)~~ The development of community policing innovations.

9. Infrastructure improvement, building construction, and

building renovation, including improvements, construction, and renovation related to parking lots, parking garages, and neighborhood parks.

10. Grants and loans to businesses for facade improvements, signage, sprinkler system upgrades, and other structural improvements.

(7) On the last day of the fiscal year of the community redevelopment agency, any money which remains in the trust fund after the payment of expenses pursuant to subsection (6) for such year shall be:

(d) Appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan. The funds appropriated for such project may not be changed unless the project is amended, redesigned, or delayed, in which case the funds must be reappropriated pursuant to the next annual budget adopted by the board of commissioners of the community redevelopment agency ~~which project will be completed within 3 years from the date of such appropriation~~.

(8)(a) Each community redevelopment agency with revenues or a total of expenditures and expenses in excess of $100,000, as reported on the trust fund financial statements, shall provide for a financial ~~an~~ audit ~~of the trust fund~~ each fiscal year ~~and a report of such audit to be prepared~~ by an independent certified public accountant or firm. Each financial audit conducted pursuant to this subsection must be conducted in accordance with rules for audits of local governments adopted by the Auditor General.

(b) The audit ~~Such~~ report must: ~~shall~~

1. Describe the amount and source of deposits into, and the

amount and purpose of withdrawals from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which increment revenues are pledged and the remaining amount of such indebtedness.

2. Include financial statements identifying the assets, liabilities, income, and operating expenses of the community redevelopment agency as of the end of such fiscal year.

3. Include a finding by the auditor as to whether the community redevelopment agency is in compliance with subsections (6) and (7).

(c) The audit report for the community redevelopment agency must accompany the annual financial report submitted by the county or municipality that created the agency to the Department of Financial Services as provided in s. 218.32, regardless of whether the agency reports separately under that section.

(d) The agency shall provide ~~by registered mail~~ a copy of the audit report to each taxing authority.

Section 11. Subsection (3) of section 218.32, Florida Statutes, is amended to read:

218.32 Annual financial reports; local governmental entities.—

(3)(a) The department shall notify the President of the Senate and the Speaker of the House of Representatives of any municipality that has not reported any financial activity for the last 4 fiscal years. Such notice must be sufficient to initiate dissolution procedures as described in s. 165.051(1)(a). Any special law authorizing the incorporation or creation of the municipality must be included within the notification.

(b) Failure of a county or municipality required under s. 163.387(8) to include with its annual financial report to the department a financial audit report for each community redevelopment agency created by that county or municipality constitutes a failure to report under this section.

(c) By November 1 of each year, the department must provide the Special District Accountability Program of the Department of Economic Opportunity with a list of each community redevelopment agency that does not report any revenues, expenditures, or debt for the community redevelopment agency's previous fiscal year.

Section 12. Subsection (3) of section 163.524, Florida Statutes, is amended to read:

163.524 Neighborhood Preservation and Enhancement Program; participation; creation of Neighborhood Preservation and Enhancement Districts; creation of Neighborhood Councils and Neighborhood Enhancement Plans.—

(3) After the boundaries and size of the Neighborhood Preservation and Enhancement District have been defined, the local government shall pass an ordinance authorizing the creation of the Neighborhood Preservation and Enhancement District. The ordinance must ~~shall~~ contain a finding that the boundaries of the Neighborhood Preservation and Enhancement District comply with s. 163.340(7) or s. 163.340(8)(a)-(s) ~~(8)(a)-(o)~~ or do not contain properties that are protected by deed restrictions. Such ordinance may be amended or repealed in the same manner as other local ordinances.

Section 13. This act shall take effect July 1, 2019.