



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20210002450

ORIGIN

Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

This land development code (LDC) amendment modifies the mural provisions in the Bayshore Gateway Triangle Community Redevelopment Area (BGTCRA). It proposes new design standards and an application for the review/approval process for murals within the BGTCRA. This LDC amendment also initiates a companion amendment to the Administrative Code, to create provisions for the mural application review and approval process.

HEARING DATES

BCC	TBD
CCPC	12/16/2021
DSAC	11/03/2021
DSAC-LDR	10/19/2021

LDC SECTION TO BE AMENDED

1.08.02	Definitions
4.02.16	Design Standards for Development in the Bayshore Gateway Triangle Redevelopment Area
10.03.06	Public Notice and Required Hearings for Land Use Petitions

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval with Conditions

DSAC
Approval

CCPC
TBD

BACKGROUND

The Collier County Community Redevelopment Agency (CRA) adopted Resolution 2008-60, which accepted the Bayshore Cultural Needs Assessment Report that included a proposed boundary, vision, and mission statement for the Bayshore Cultural District. However, the Cultural District was never ratified by the Board as recommended by CRA Resolution 2008-60. In 2012, the Bayshore Drive Mixed Use Overlay District was amended pursuant to the adoption of Ord. 2012-39 and one of its new provisions was to allow murals. While murals were allowed, there were no guidelines on the application process or review and approval process. In 2018, it was reported at an annual joint workshop between the CRA and the CRA Local Advisory Boards that there were outstanding code violations involving murals within the Bayshore Gateway Triangle Community Redevelopment Area (BGTCRA). During the discussion, it was evident to the CRA, staff, and the Bayshore Gateway Triangle Local Redevelopment Advisory Board that murals ought to be reexamined, including the prospect of creating an application and review process. It was agreed that the matter ought to be brought to the CRA for more public discussion and that the ongoing code enforcement cases should be stayed. On April 10, 2018, the CRA directed the Advisory Board to not process any mural applications in the BGTCRA and to stay all current code enforcement proceedings. The CRA expected staff to work with the Advisory Board to review murals and to bring back recommendations, including but not limited to a written application and review process and whether further LDC amendments are warranted. Following direction at the annual meeting, staff began reviewing options to establish a process, including establishing an Art Committee to review applications. The discussion expanded to include all types of public art and the need to have a public art plan.

In April 2019, an amendment to the Community Redevelopment Plan was adopted (Resolution 2019-75), which included the development of a public art plan as one of the short-term projects to implement. In December 2019, the Board approved an amendment to the contract with the Cultural Planning Group to complete a public art plan

for the Bayshore Gateway Triangle Community Redevelopment Area. The intent of the plan is to act as a pilot program that could be expanded to cover the entire County if desired by the Board. On July 13, 2021, the Board approved the Bayshore Gateway Triangle Public Pilot Art Plan for the BGTCRA and authorized staff to update the LDC accordingly.

With respect to this LDC amendment, the significant changes include but are not limited to the following:

- Requires that certain murals, depending on their proposed location, visibility to the public, and funding source, are subject to the BGTCRA Public Art Pilot Plan Mural Guidelines.
- Allows murals to be either temporary or permanent—the current text forbids temporary murals.
- Eliminates the restriction that limits one mural per building.
- Eliminates the restriction that limits murals to 200 square feet unless otherwise approved by the CRA Advisory Board.
- Eliminates the restriction that murals are only permitted on building facades that lack windows and doors.
- Requires a mural maintenance plan.
- Establishes a review and approval process consistent with the Public Art Pilot Plan, including a review and approval by the Public Art Committee that will be established by the Board. The Board will have the final decision.
- Establishes a definition of a “mural” in LDC section 1.08.02.

DSAC-LDR Subcommittee Recommendation: The DSAC-LDR Subcommittee recommended approval of amendment, including the additional changes presented by staff at the hearing and contingent upon the following (all which have been incorporated into the amendment):

- The definition of mural shall include “adhered to or affixed.”
- Paragraph #8, which relates to the review process for murals, should be removed from its currently proposed location in the LDC and relocated to the companion Administrative Code amendment.
- “Mural sign” should be cross-referenced in the proposed definition for “mural.”
- Retain the word “District” in the names of the Bayshore Overlay District and the Gateway Triangle Overlay District.

DSAC Recommendation: The DSAC recommended approval with no changes. However, since their meeting, staff has removed the cross-reference to mural sign from the proposed definition of mural in LDC section 1.08.02. In addition, much of the changes proposed in this LDC amendment that were duplicative and/or relevant to a separate LDC amendment (LDCA-PL20210001222) have been removed from this LDC amendment.

FISCAL & OPERATIONAL IMPACTS

No fiscal or operational impacts are anticipated. There will be an application fee for potential applicants. The Administrative Services Department will determine the application fee and processing of these types of applications.

GMP CONSISTENCY

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

EXHIBITS: A) Administrative Code Changes

DRAFT

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~~Text strikethrough is current text to be deleted~~

Amend the LDC as follows:

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2 **1.08.02 – Definitions**

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6 *Motel:* See hotel.

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8 *Mural:* Any drawing, artwork, inscription, or marking that is marked, etched, drawn, painted,
9 adhered to, or affixed on, any building or structure.

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11 *Natural reservation:* The term natural reservation refers to large areas set aside for natural
12 resource protection, conservation and preservation and includes: only Natural Resource
13 Protection Areas (NRPAs); and, lands designated Conservation on the Collier County
14 Future Land Use Map, including but not limited to, Everglades National Park, Big Cypress
15 National Preserve, Florida Panther National Wildlife Refuge, Fakahatchee Strand State
16 Preserve, Collier-Seminole State Park, Rookery Bay National Estuarine Research
17 Reserve, Delnor-Wiggins Pass State Recreation Area, and the National Audubon
18 Society's Corkscrew Swamp Sanctuary.

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22 **4.02.16 - Design Standards for Development in the Bayshore Gateway Triangle Community**
23 **Redevelopment Area**

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27 H. Murals. Murals are allowed as public art on all non-residential structures in the BGTCRA,
28 including non-residential portions of mixed use buildings. Murals shall adhere to the
29 following requirements: ~~within the Bayshore Gateway Triangle Redevelopment Area~~
30 ~~subject to the following conditions:~~

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32 1. Murals shall be subject to the BGTCRA Public Art Pilot Plan, where applicable,
33 and require recommendation from the Public Art Committee (PAC) and approval
34 by the BCC if any of the following are applicable:

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36 a. Placed within view from a public right-of-way; or

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38 b. Funded, in whole or in part, with public funds.

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40 ~~Murals are only allowed on commercial, civic or institutional buildings.~~

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42 2. Murals that are not subject to PAC or BCC review shall comply with this LDC
43 section and all other applicable laws. ~~Building must be located within the proposed~~
44 ~~Cultural District boundary, Community Redevelopment Agency Resolution 08-60,~~
45 ~~and cannot be located along U.S. 41.~~

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47 ~~3. One mural is allowed per building.~~

DRAFT

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~~Text strikethrough is current text to be deleted~~

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- 34. Murals are permitted on sections of buildings where ~~there are no windows or doors or where~~ the mural will not conflict ~~interfere~~ with the building's design treatments listed in LDC section 5.05.08 D.5.~~architectural details.~~
- ~~45. The mural cannot exceed 200 square feet unless specifically approved by the CRA Advisory Board.~~
- 56. The mural shall not contain text for the purpose of advertising any business or commercial activity.
- 67. The ~~mural cannot be temporary in nature and the~~ building owner or property owner association, where applicable, is responsible for the mural maintenance and shall submit a mural maintenance plan ~~must commit to maintaining the mural.~~
- 78. Review and a recommendation ~~approval~~ from the PAC to the BCC ~~CRA Advisory Board~~ is required to ensure that the mural complies with the ~~conditions above~~ standards contained herein and that the artwork complements the design of the building in color, shape, and location.

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10.03.06 – Public Notice and Required Hearings for Land Use Petitions

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AA. Murals in Bayshore Gateway Triangle Community Redevelopment Area

- 1. The following advertised public hearings are required:
 - a. One Public Art Committee hearing.
 - b. One BCC hearing.

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Exhibit A – Administrative Code Changes

Chapter 1. Introduction

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C. Reviewing Agencies

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11. Public Art Committee (PAC)

The PAC shall be composed of seven members, to advise the BCC on all matters related to the public art within the entire unincorporated area of the County, including the Bayshore Gateway Triangle Community Redevelopment Area (BGT CRA). Said members shall be permanent residents and electors of Collier County. In making such appointments, the BCC will give preference to members of local arts organizations, architects, planners, and working artists. All members of the PAC shall be personal with knowledge of and appreciation for the visual arts. One member shall represent the BGT CRA either as a resident, nonprofit leader, business owner, or have a business interest in the BGT CRA.

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Chapter 2. Quasi-Judicial Procedures with a Public Hearing

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M. Murals in the Bayshore Gateway Triangle Community Redevelopment Area

<u>Reference</u>	<u>LDC subsection 4.02.16 H. and LDC Public Notice subsection 10.03.06 AA.</u>
<u>Applicability</u>	<u>This establishes the process to obtain a mural.</u>
<u>Pre-Application</u>	<u>A pre-application meeting is required.</u>
<u>Initiation</u>	<u>The applicant files a "Murals in Bayshore Gateway Triangle Community Redevelopment Area" application with the Administrative Services Department.</u> <u>↔ See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.</u>
<u>Application Contents</u>	<u>Sheet size: The architectural drawing and the coversheet shall be prepared on a maximum size sheet measuring 24 inches by 36 inches, drawn to scale showing the areas affected by the amendment. The sheet must clearly show the change "clouded" and clearly delineate the area and scope of the work to be done.</u> <u>The application must include the following:</u> <u>1. Pre-approval location certification letter from County Manager or designee, as required in the BGT CRA Public Art Pilot Plan.</u> <u>2. Applicant and artist contact information.</u> <u>3. Notarized approval letter from building owner or property owner association.</u> <u>4. The legal description and the street address of the property upon which the mural is to be placed.</u>

Exhibit A – Administrative Code Changes

	<p><u>5. The current or anticipated use of the building (i.e., commercial, civic, or institutional).</u></p> <p><u>6. For each wall of a building where a mural is proposed, a scaled Elevation Drawing or color rendering that clearly and accurately depicts the mural, including the dimensions. The drawing shall be constructed in the context of illustrating the surrounding landscaping, buildings, lighting, public rights-of-way, parking, frontage, and any other information relevant to the site and placement.</u></p> <p><u>7. A narrative of the project and how it is consistent with the standards identified in LDC section 4.02.16 H. and the BGCRA Public Art Pilot Plan. The narrative shall detail the proposed material(s), durability of material(s), paint chips, manner of application, and installation process, including but not limited to the need for scaffolding, lighting, other equipment, etc.</u></p> <p><u>8. Category of mural (i.e., temporary or permanent).</u></p> <p><u>9. Photograph of building wall or structure to which the mural will be placed. The photograph may be used to illustrate if there is any conflict with required or existing landscaping.</u></p> <p><u>10. Electronic copies of all documents.</u></p>
<u>Completeness and Processing of Application</u>	<u>The County Manager or designee will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the applicant will receive a mailed or electronic response notifying the applicant that the petition is being processed.</u>
<u>Notice</u>	<u>No notice is required.</u>
<u>Public Hearing</u>	<p><u>The PAC shall hold at least one advertised public hearing.</u></p> <p><u>The BCC shall hold at least one advertised public hearing.</u></p>
<u>Decision maker</u>	<u>The BCC, following recommendation from the PAC.</u>
<u>Review Process</u>	<u>An applicant wishing to install a mural that is subject to PAC review shall submit an application to the County Manager or designee, who shall have five business days to review the application for completeness and accuracy and identify whether additional materials are needed. The County Manager or designee shall schedule a hearing date with the PAC to occur no later than 30 days from when the application was found to be complete and accurate. The County Manager or designee shall prepare a Staff Report, based on the application's consistency with the BGCRA Public Art Pilot Program and compliance with LDC section 4.02.16 H. Following the PAC review, Staff will prepare an Executive Summary and schedule a hearing date before the BCC to present the petition.</u>
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