

LAND DEVELOPMENT CODE AMENDMENT

<p>PETITION PL20210001033</p> <hr/> <p>ORIGIN Board of County Commissioners (Board)</p> <hr/> <p>HEARING DATES</p> <p>BCC TBD CCPC TBD DSAC TBD DSAC-LDR 06/15/2021</p>	<p>SUMMARY OF AMENDMENT</p> <p>This land development code (LDC) amendment updates LDC section 4.02.16 by creating limited bonus density pool allocation provisions for the Bayshore Gateway Triangle Redevelopment Area (BGTRA). The bonus density pool allocation program, which grants additional dwelling units to qualifying projects, was originally established for the BGTRA in 2006.</p> <hr/> <p>LDC SECTION TO BE AMENDED</p> <p>01.08.01 Abbreviations 04.02.16 Design Standards for Development in the Bayshore Gateway Triangle Redevelopment Area 10.02.15 Requirements for Mixed Use Projects within the Bayshore Gateway Triangle Redevelopment Area 10.03.06 Public Notice and Required Hearings for Land Use Petitions</p>
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ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
Approval with Conditions	TBD	TBD

BACKGROUND

The Collier County Community Redevelopment Agency (CRA) was established on March 14, 2000, to focus on the rehabilitation, conservation, or redevelopment of two different geographic areas in the County, one of which being the Bayshore/Gateway Triangle Redevelopment Area described in Resolution 2000-83. The Board adopted the Collier County Community Redevelopment Plan (Redevelopment Plan) on June 13, 2000. Later that year, the Board adopted two ordinances, described as follows:

Ordinance 2000-87

This was an amendment that established the Bayshore/Gateway Triangle Overlay (B/GTRO) in the GMP. A maximum of 388 dwelling units was approved for the B/GTRO for density bonuses purposes. These dwelling units were derived from the then-anticipated rezoning of the botanical gardens property, which subsequently occurred in 2003, pursuant to Ordinance 2003-29.

Ordinance 2000-92

This was an amendment to the LDC that established the Bayshore Drive Mixed Use Overlay District (BMUD). In 2006, the LDC was amended to include the bonus density pool allocation provisions, pursuant to Ordinance 2006-08. These 388 bonus density units were to be used in the BMUD and the newly created Gateway Triangle Mixed Use Overlay District (GTMUD), through the mixed use project (MUP) approval process.

On May 28, 2013, the Board approved a Growth Management Plan (GMP) amendment to the B/GTRO, stipulating that no project could utilize more than 97 units or 25% of the total density pool available. Almost six years later, a major amendment to the Redevelopment Plan was made, reflecting the current conditions of the Bayshore Gateway Triangle area (Exhibit A) and updating the vision and approach to redevelopment in that area. One of the sub-issues of the Redevelopment Plan is that the built density of the BGTRA is “far below approved density” for the RMF-6 residences in the Gateway Triangle area (see Exhibit B). The Redevelopment Plan contains the density bonus pool for the purpose promoting urban-style development. The bonus density pool can be increased through allocation of residential units that are not developed. When residentially-zoned properties

are rezoned to a non-residential district, those undeveloped dwelling units can be dedicated to the bonus density pool allocation via a legally recorded instrument, restricting the property from developing dwelling units in the future. The total number of dwelling units in the program was once 388; however, as of the date of this publication, only 122 remain. The number of available units is monitored by the CRA. The proposed provisions for limited density bonus allocation units will be applicable to mixed use projects as well as multi-family residential projects.

The purpose of this LDC amendment is threefold: to replenish the pool of units, address smaller multi-family or mixed-use sites seeking one to four bonus units, and to refine eligibility criteria to provide for bonus units to provide for public realm improvements. It should be noted that an amendment to the GMP (PL20210000603) is currently being processed to ensure the Redevelopment Plan will be consistent with the GMP. As such, this LDC amendment will ensure the LDC will be consistent with the contemplated changes to the GMP by providing for the limited density bonus pool allocation provisions.

DSAC-LDR Subcommittee Recommendation

The DSAC-LDR Subcommittee recommended approval with the following changes, which have been incorporated into the amendment:

- Delete the word “approved” where it indicates “approved criteria” in LDC section 4.02.16 C.11.
- Delete the following paragraph in LDC section 4.02.16 C.12.a.iv.: Where no engineer’s Opinion of Probable Cost is available at time of SDP or plat approval, the architects estimate of value will be reviewed and approved by the County Manager or designee.
- Get clarification from County Attorney’s Office regarding LDC section 4.02.16 C.12.b.ii.

FISCAL & OPERATIONAL IMPACTS

No fiscal impacts are anticipated. However, the workload of the Office of the Hearing Examiner can potentially increase due to the Limited Bonus Density Pool Allocation application process, resulting in an operational impact.

GMP CONSISTENCY

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the Future Land Use Element, B/GTRO, of the GMP. This determination is based on an expectation that the companion GMPA (PL20210000603) will be adopted by the Board, along with a companion administrative code amendment providing specifics of when a TIS or consistency with access management would be required for this new process.

EXHIBITS: A) CRA Study Area in Redevelopment Plan **and** B) Table 5-2-1 of Redevelopment Plan; **and C) Administrative Code Changes**

Amend the LDC as follows:

1.08.01 – Abbreviations

ICBSD	Immokalee Central Business Subdistrict
LDBPA	Limited Density Bonus Pool Allocation
LDC	Collier County Land Development Code

#

4.02.16 - Design Standards for Development in the Bayshore Gateway Triangle Redevelopment Area

C. Additional Standards for Specific Uses. Certain uses may be established, constructed, continued, and/or expanded provided they meet certain mitigating standards specific to their design and/or operation. These conditions ensure compatibility between land uses and building types and minimize adverse impacts to surrounding properties.

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10. [Limited Density Bonus Pool Allocation \(LDBPA\) for multi-family or mixed use developments on two acres or less.](#)

a. [Purpose and Intent. The limited density bonus pool for smaller developments are to incentivize redevelopment and to promote investment in the public realm.](#)

b. [Eligibility. Up to two additional dwelling units per acre are allowed to be allocated to a multi-family or mixed use development through an LDBPA, subject to the following requirements and procedures:](#)

i. [The project must comply with the dimensional and design standards of the BOZD or GTOZD as applicable.](#)

ii. [The development shall be within a zoning district or overlay zoning district that permits multi-family development or mixed use development.](#)

iii. [The property shall be limited to a maximum of 2 acres. An allocation request shall not be granted for property that is subdivided after the \[effective date of Ordinance\].](#)

iv. [The maximum number of additional units shall be limited to four additional units and not exceed a density increase of two additional dwelling units per acre.](#)

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v. Development must comply with eligibility criteria in LDC 4.02.16 C.12.

vi. The Administrative Code shall establish the process and submittal requirements for an LBDPA application.

c. Public notice. Public notice, notice to property owners, and an advertised public hearing, is required and shall be provided in accordance with the applicable provisions of LDC section 10.03.06 R and Chapter 6 of the Administrative Code.

d. Evaluation criteria. The application shall be reviewed by the Hearing Examiner HEX or CCPC for compliance with the following standards of approval:

i. The proposed development is consistent with the GMP.

ii. The development shall have a beneficial effect upon the neighborhood and advance a Goal, Objective, or Strategy of the adopted Bayshore Redevelopment Plan.

iii. Internal driveways, utilities, drainage facilities, recreation areas, building heights, yards, architectural features, vehicular parking, loading facilities, sight distances, landscaping and buffers shall be adequate for the particular use involved.

iv. Vehicular access to the project shall not be gated.

v. The petition has provided compatibility enhancements by exceeding minimum buffer requirements or incorporating streetscape enhancements.

vi. Compliance with the public realm improvement requirements in LDC section 4.02.16 C.12.

11. Density Pool Allocation for developments over two acres. LDC section 10.02.15 C. provides for the process for a development to utilize the Density Pool. In addition to those criteria, the application shall also provide for:

a. Commitment that the project shall not be gated

b. Contribution to the public realm improvements in LDC section 4.02.16 C.12.

12. Public realm improvements. Any project that receives an allocation of Density Bonus Pool units requires an improvement or contribution to the public realm within the Bayshore Gateway Triangle Redevelopment Area at time of SDP or Plat approval.

1 a. Monetary Contributions will be made to CRA for the CRA's Public Art Fund
2 or Capital Project Fund, or County Capital Project fund for projects within
3 the BGT CRA boundary as follows:

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5 i. For projects that receive one to four units from the Density Bonus
6 Pool, the amount will be 3% of the engineer's Opinion of Probable
7 Cost, to be provided at time of each SDP or PPL for the project;

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9 ii. For projects that receive five to nine units from the Density Bonus
10 Pool, the amount will be 5% of the engineer's Opinion of Probable
11 Cost, to be provided at time of each SDP or PPL for the project;

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13 iii. For projects that receive ten or more units from the Density Bonus
14 Pool, the amount will be 5% of the engineer's Opinion of Probable
15 Cost, to be provided at time of each SDP or PPL for the project,
16 plus an additional 1% of the engineer's Opinion of Probable Cost
17 for each increment of 10 Density Bonus Pool units allocated over 9
18 units; for example for 20-29 Density Bonus Pool units, the
19 calculation is 5% + 1% + 1% =7%; or

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21 b. As an alternative or offset to the monetary contribution of LDC section
22 4.02.16 C.12., physical improvements within the project and land or
23 easement dedications may be made to the County or the CRA provided the
24 improvement and/or land or easement is identified as a need in the adopted
25 CRA Redevelopment Plan, Public Art Master Plan, CRA Capital
26 Improvement Plan or County Capital Improvement Plans, and in
27 accordance with the following:

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29 i. The applicant's physical contribution and/or dedication of land or
30 easement will be approved by the CRA advisory board or CRA staff
31 and stated in a condition of approval as part of the public hearing
32 process required for projects seeking units from the Density Bonus
33 Pool, as a condition of approval of the SDP or plat or in a
34 developer's agreement.

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36 ii. The value of the land or easement dedication shall be the fair
37 market value determined by a real estate appraisal approved by the
38 County Manager or designee. The cost of physical improvement
39 shall be determined according to an engineer's Opinion of Probable
40 Cost, or where no engineer's Opinion of Probable Cost is available
41 the architect's estimate of value, which must be approved by the
42 County Manager or designee, and

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44 iii. If the value of the land or easement conveyance and the cost of the
45 physical improvement is less than the required monetary
46 contribution in 12.a. above, then the applicant will pay the difference
47 as a monetary contribution to CRA for the CRA's Public Art Fund or
48 Capital Project Fund, or County Capital Project fund for projects
49 within the BGT CRA boundary.

1 c. Prior to the issuance of the first certificate of occupancy for the project, the
2 applicant shall provide evidence that the required monetary contribution
3 has been deposited within the appropriate CRA fund, the land or public
4 easement conveyance has been accepted by the County or CRA and
5 recorded in the Public Records of Collier County, and/or the public realm
6 improvement has been installed or constructed as required by developer's
7 agreement or condition of development order approval.
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9 13. Expiration. All Density Bonus Pool allocations shall expire five years from the
10 date of approval if building permits for the allocated units have not be issued. Upon
11 expiration, the units shall revert to the Density Bonus Pool.
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15 10.02.15 - Requirements for Mixed Use Projects within the Bayshore Gateway Triangle
16 Redevelopment Area

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20 C. Bonus Density Pool Allocation. Under the Collier County Future Land Use Element, bonus
21 density units are available for reallocation within the Bayshore/Gateway Triangle
22 Redevelopment Overlay. The County Manager or designee will track the Bonus Density
23 Pool balance as the units are used. These bonus density units may be allocated between
24 the BOZD and GTOZD overlays, and shall only be allocated through a public hearing
25 approval process.
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27 To qualify for up to 12 dwelling units per acre, projects shall comply with the following
28 criteria. This density of up to 12 dwelling units per acre is only applicable until the bonus
29 density pool has been depleted.

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33 5. For projects that do not comply with the requirements for this density increase,
34 their density is limited to that allowed by the Density Rating System and applicable
35 FLUE Policies.
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37 6. Expiration. All Density Bonus Pool units shall expire five years from the date of
38 approval if building permits for the allocated units have not be issued. Upon
39 expiration, the units shall revert to the Density Bonus Pool.
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43 **10.03.06 - Public Notice and Required Hearings for Land Use Petitions**
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45 This section shall establish the requirements for public hearings and public notices. This section
46 shall be read in conjunction with LDC section 10.03.05 and Chapter 8 of the Administrative Code,
47 which further establishes the public notice procedures for land use petitions.
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1 R. Site Plan with Deviations for Redevelopment, pursuant to LDC section 10.02.03 F,
2 deviations in the GGPOD, pursuant to LDC section 4.02.26 E., [and the LBDPA, pursuant](#)
3 [to LDC section 4.02.16 C.10.](#)
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- 5 1. The following advertised public hearings are required:
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7 a. One Planning Commission or Hearing Examiner hearing.
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9 b. If heard by the Planning Commission, one BZA hearing.
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11 2. The following notice procedures are required:
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13 a. Newspaper Advertisement prior to the advertised public hearing in
14 accordance with F.S. § 125.66.
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16 b. Mailed Notice prior to the advertised public hearing.

Exhibit A – CRA Study Area in Redevelopment Plan

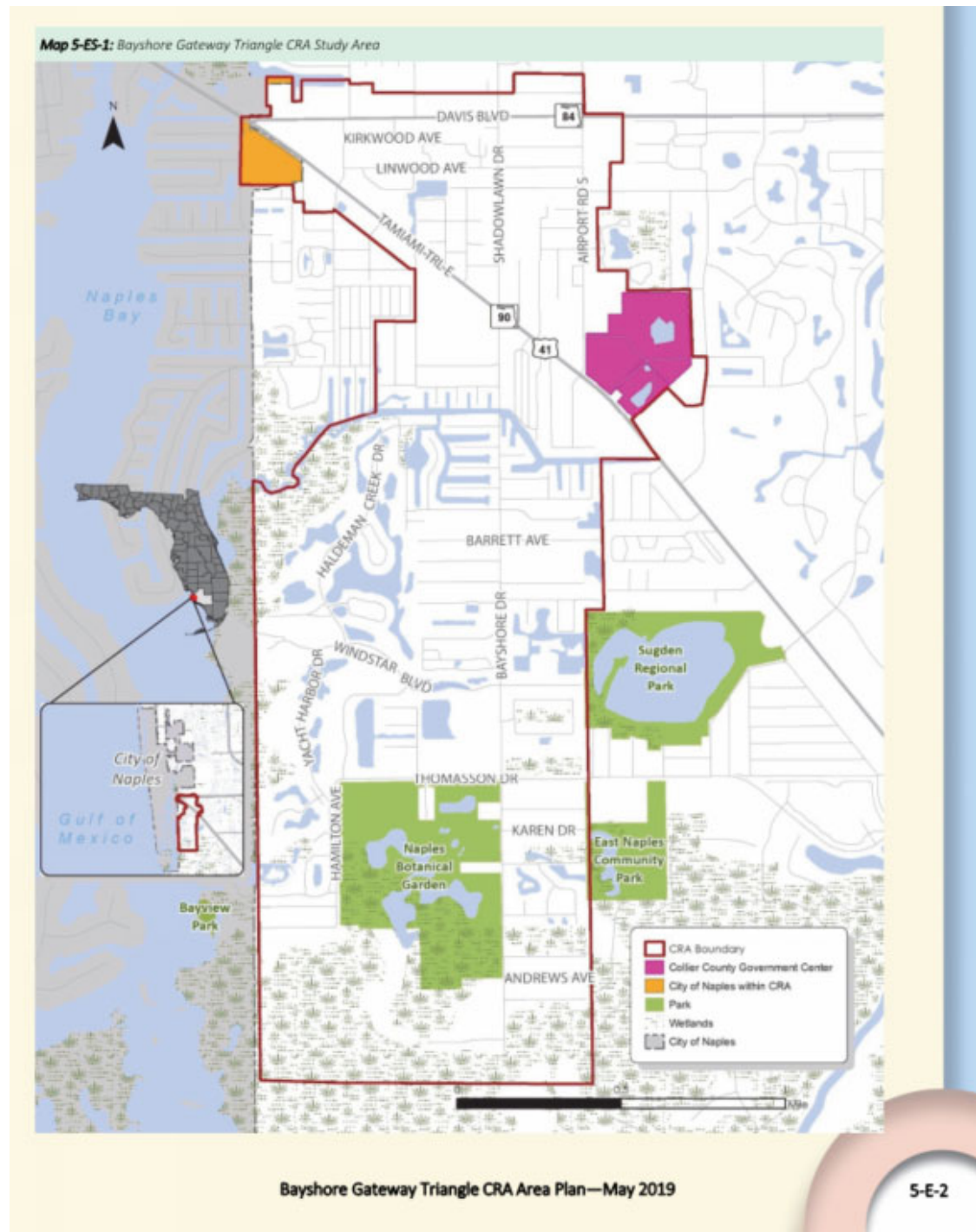


Exhibit BC – Table 5-2-1 of Redevelopment Plan

Main Issue	Sub-Issue	Specific Locations Mentioned
Predominance of defective or inadequate street layout	Inadequate street layout and design (including sub-standard street widths)	<ul style="list-style-type: none"> Shadowlawn Dr Thomasson Dr Most local streets
	Commercial parking problems	<ul style="list-style-type: none"> Davis Blvd Airport Rd Bayshore Rd US 41
	Lack of streetlights along major arterial and most local streets	<ul style="list-style-type: none"> Major arterials Most local streets Davis Blvd
	Lack of sidewalks	<ul style="list-style-type: none"> Shadowlawn Dr Bayshore Rd south of Thomasson Rd Most local streets
	Lack of neighborhood connections	<ul style="list-style-type: none"> Residential neighborhoods
Faulty lot layout in relation to size, adequacy, accessibility, or usefulness	Commercial lots	<ul style="list-style-type: none"> US 41 Davis Blvd Between Pine St and US 41
	Built density far below approved density	<ul style="list-style-type: none"> RMF-6 residences in Gateway Triangle area
	Not meeting lot standards in at least one respect	<ul style="list-style-type: none"> RMF-6 residential properties Bayshore area residences
Unsanitary or unsafe conditions	Disproportionate lack of plumbing	
	Disproportionate overcrowding	
	2 unsafe structures	
	Lack of sidewalks and streetlights	
Deterioration of site or other improvements	Poor drainage of local roads, surface water management problems	
Other problems	Lack of right-of-way for improvements along Shadowlawn Dr	
	No public transportation provided in CRA area	
	Housing affordability noted as an issue in the county and as an issue that could get worse in the CRA area	

Table 5-2-1: Findings of Blighted Conditions in CRA Area

Exhibit C – Administrative Code Changes

Collier County Land Development Code | *Administrative Procedures Manual*
Chapter 6 | Waivers, Exemptions, and Reductions

Chapter 6. Waivers, Exemptions, and Reductions

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N. Limited Density Bonus Pool Allocation (LDBPA)

Reference LDC section 4.02.16 C. and LDC section 10.03.06 R.

Applicability Property Owners in the BOZD and GTOZD which are zoned as either multi-family or mixed use, 2 acres or less are allowed to add 2 units per acer when satisfying the criteria of LDC section 4.02.16.C.10.

Initiation The applicant files a “Limited Density Bonus Pool” application with the Planning & Zoning Division.

Pre-Application A pre-application meeting is required.

Application Contents A limited density pool application must include the following, in addition to the Application Contents and Requirements for an SDP, SDPA, or SIP. ⇔ See Chapter 4 I.2 – I.4 of the Administrative Code.

Submittal Credentials: Pursuant to LDC section 10.02.03, the engineering plans shall be signed and sealed by the applicant’s professional engineer licensed to practice in the State of Florida. For projects subject to LDC section 5.05.08, architectural drawings, shall be signed and sealed by a licensed architect, registered in the State of Florida. Landscape plans shall be signed and sealed by licensed landscape architect, registered in State of Florida.

Sheet size: The site improvement plan 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.

The application must include the following:

1. A narrative of the redevelopment project and how it is consistent with the standards for approval, LDC section 4.02.16.C10.
2. Submittal of a Traffic Impact Statement.
3. Demonstrated compliance with the County’s access management policies.

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

1. Mailed Notice: Written notice shall be sent to property owners in the notification area at least 15 days before the first advertised hearing.

2. Newspaper Advertisement: The legal advertisement shall be published at least 15 days before each advertised hearing in a newspaper of general circulation. The advertisement shall include at a minimum:

- a. Date, time, and location of the hearing;

Exhibit C – Administrative Code Changes

Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 6 | *Waivers, Exemptions, and Reductions*

b. Application number and project name;

c. 2 in. x 3 in. map of project location; and

d. Description of location.

Public Hearing The Hearing Examiner or Planning Commission shall hold at least 1 advertised public hearing. ⇔ See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.

If the petition is heard by the Planning Commission, one BZA hearing is required.

Decision maker The Hearing Examiner or BZA.

Review Process The Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare a Staff Report utilizing the criteria established in LDC section 4.02.16 C.10.d. to present to the decision maker.