



# **2023 Land Development Code Amendments - Public Meeting -**

## **Development Services Advisory Committee - Land Development Review Subcommittee**

**Tuesday, January 17, 2023  
3:00 p.m.**

**2800 N. Horseshoe Dr., Naples, FL  
Growth Management Community Development Department Building  
Conference Room 609/610**

### ***Agenda:***

1. Call to Order
2. Approve Agenda
3. Old Business
  - a. PL20200002400 - Collier Boulevard Interstate 75 Innovation Zone Overlay (CBIIZO)
4. New Business
  - a. PL20220008172 - Neighborhood Information Meeting (NIM) Rules of Decorum
5. Public Comments
6. 2023 DSAC-LDR Subcommittee Potential Dates
  - a. February 21, 2023
  - b. March 21, 2023
  - c. June 20, 2023
  - d. September 19, 2023
  - e. December 19, 2023
7. Adjourn

## LAND DEVELOPMENT CODE AMENDMENT

<b>PETITION</b>	<b>SUMMARY OF AMENDMENT</b>
PL20200002400	This Land Development Code (LDC) amendment establishes the Collier Boulevard/Interstate 75 Innovation Zone Overlay District (CBIIZO), which serves to implement the economic development goals of the Interchange Activity Center No. 9 Innovation Zone (Ord. 2018-39) and the new Collier Boulevard/Interstate 75 Innovation Zone Overlay in the Growth Management Plan (GMP).
<b>ORIGIN</b>	
Board of County Commissioners (Board)	
<b>HEARING DATES</b>	<b>LDC SECTION TO BE AMENDED</b>
BCC            TBD	1.08.01    Abbreviations
CCPC          TBD	2.03.07    Overlay Zoning Districts
DSAC          TBD	4.02.23    Same—Development in the Activity Center #9 Zoning District
DSAC-LDR    01/17/2023 12/15/2020	5.05.08    Architectural and Site Design Standards

### ADVISORY BOARD RECOMMENDATIONS

<b>DSAC-LDR</b>	<b>DSAC</b>	<b>CCPC</b>
Approved	TBD	TBD

### BACKGROUND

The proposed zoning overlay (CBIIZO) contains lands that are generally located at the intersection of Interstate 75 and Collier Boulevard. It comprises approximately +/-1,232 acres and will serve to implement the economic development goals of the proposed Collier Boulevard/Interstate 75 Innovation Zone Overlay (PL20190000821)—a companion large-scale Growth Management Plan (GMP) amendment that was recently approved by the Board for transmittal (Res. 2022-176) and is now ready for adoption. Both the companion GMP amendment and the CBIIZO will have identical boundaries (see Exhibit A) and be scheduled together at the Collier County Planning Commission and BCC hearings.

Much of the proposed CBIIZO is comprised of lands the GMP designates as Interchange Activity Center #9. The Interchange Activity Center #9 has been in effect since 1989 and was later amended in May 2000 to allow uses from the Business Park Subdistrict of the GMP. In addition, industrial uses were added to the northeast and southeast quadrants of I-75 and Collier Boulevard and in the southwest quadrant of Collier and Davis Boulevards. The current map of Activity Center No. 9 in the GMP is depicted in Exhibit B. The only lands located in Interchange Activity Center #9 in the GMP and excluded from the proposed CBIIZO are the following: 1) a 3.4-acre property lying east of Tollgate PUD, which was added to the Activity Center in 2020; and 2) +/-13.89 acres of unimproved property within the Forest Glen of Naples PUD. The companion GMP amendment (PL20190000821) will not modify Interchange Activity Center #9 other than the removal of the reference to the Activity Center #9 Interchange Master Plan (IMP) (from Resolution 2001-45) and the removal of a 0.26-acre parcel. These changes do not impact the CBIIZO.

In 2002, the Activity Center #9 Zoning Overlay District, including a boundary map, was adopted into the LDC, pursuant to Ord. 2002-03. However, the boundary map was removed from the LDC when the LDC was recodified in 2004. In defining the boundaries today, the LDC references the Interchange Master Plan Land Use Map (see Exhibit C), which was a part of the 633-acre IMP. Additional design standards were later incorporated into the zoning overlay in 2005 (for landscaping) and again in 2006 (for freestanding clock towers). The current

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provisions of Activity Center #9 Overlay in LDC are contained in LDC sections 2.03.07 K. and 4.02.23, including the reference to the Interchange Master Plan Land Use Map (of the IMP). In establishing the CBIIZO, however, all current provisions of the Activity Center #9 Zoning Overlay, including the reference to the Interchange Master Plan Land Use Map, will be eliminated. The new boundary map of the CBIIZO will be placed in LDC section 2.03.07 and be identical to the map depicted in the GMP (see Exhibit A). Staff recognizes that the +/-13.89 acres of unimproved property of the Forest Glen of Naples PUD, which is currently regulated by the LDC's Activity Center #9 Overlay, will neither be regulated by that overlay once the overlay is eliminated, nor will it be in the CBIIZO despite remaining within the boundaries of Interchange Activity Center #9 of the GMP.

The proposed uses in the CBIIZO are consistent with the proposed uses in the companion GMP amendment. In general, the Qualified Targeted Industries (QTI) list includes a wide variety of uses; however, the CBIIZO is only intended to attract those businesses compatible with existing development. Performance standards and appropriate design standards are included to ensure that the Economic Development uses do not create impacts to the surrounding community which may be incompatible with the built environment. This LDC amendment recognizes that additive manufacturing (i.e. "3D printing") as identified by the International Organization for Standardization (ISO) is an emerging innovative business use and to be included as a permitted use under SIC 3999, Manufacturing Industries, Not Elsewhere Classified.

In 2010, the Board created Innovation Zones as an Economic Development Zone for tax increment financing to promote economic growth and to diversify the economy of Collier County. The County currently has three innovation zones, one of which being the Interchange Activity Center No. 9 Innovation Zone (Innovation Zone). This Innovation Zone (see Exhibit D) was adopted in 2018 to focus around the industrial and commercial areas near the intersection of Interstate 75 and Collier Bouvard to help accelerate development within the area, to create both high wage jobs as well as a healthy tax base. The primary purpose of this Innovation Zone is to attract and retain qualified targeted industry (QTI) businesses as defined by Florida Statutes 288.106.

A benefit of creating the CBIIZO is that property owners wishing to attract prospective QTI business will not be compelled to rezone lands or establish a new Planned Unit Development (PUD) or amending an existing PUD to gain the additional entitlements. Adopting the CBIIZO will avail property owners the opportunity of establishing QTI uses without the need for rezoning, which can be time-consuming, costly, and with no certainty of approval.

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#### **FISCAL & OPERATIONAL IMPACTS**

There are no anticipated fiscal or operational impacts associated with this amendment. This amendment will support the Board's goal of economic growth in the targeted area. The amendment will eliminate the need to rezone some of the properties within the overlay in order to develop any of the proposed permitted uses, thereby potentially reducing the time and costs associated with development associated with these industries.

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#### **GMP CONSISTENCY**

The proposed LDC amendment is a companion item to a GMP amendment (PL2019000821). The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP, provided the companion GMP amendment is adopted.

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**EXHIBITS:** A) Boundary of CBIIZO; B) Interchange Activity Center No. 9; C) Activity Center No. 9 IMP Land Use Map; and D) Excerpt from Ord. 2018-39

# DRAFT

Text underlined is new text to be added

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

Amend the LDC as follows:

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## 1.08.01 – Abbreviations

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C-5	Heavy Commercial Districts
<u>CBIIZO</u>	<u>Collier Boulevard/Interstate 75 Innovation Zone Overlay</u>
CCME	Conservation and Coastal Management Element of the Growth Management Plan

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## 2.03.07 – Overlay Zoning Districts

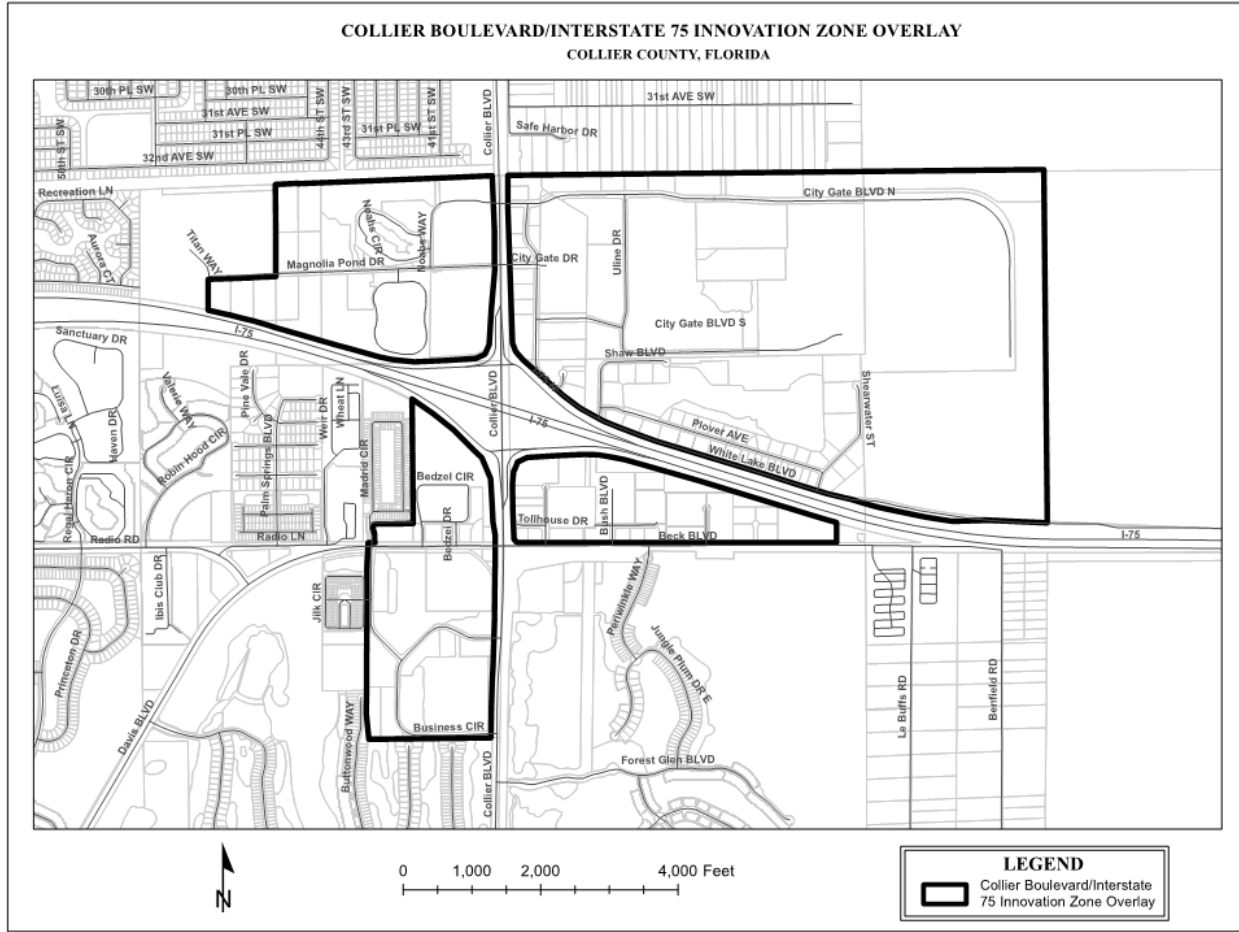
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### K. Collier Boulevard/Interstate 75 Innovation Zone Overlay (CBIIZO)

1. Purpose. The purpose and intent of the CBIIZO is to implement the goals, objectives, and policies of the Interchange Activity Center #9 and Collier Boulevard Interstate 75 Innovation Zone Overlay of the GMP and to attract and retain qualified target industry businesses as defined by Florida Statute.

#### 2. Applicability.

a. This LDC section and the design standards of LDC section 4.02.23 shall apply to all properties identified by the designation “CBIIZO” on the applicable official Collier County Zoning Atlas Maps. The CBIIZO boundary is delineated on the map below.



{Map to be added}

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b. Conditional Uses approved prior to [the effective date of this ordinance] that include design standards inconsistent with the provisions of the CBIIZO may elect to utilize the design standards of the CBIIZO without the re-review of the conditional use as required by LDC section 10.08.00.

c. Any PUD established prior to [the effective date of this ordinance,] including amendments or boundary changes, may elect to utilize the use regulations and design standards of the CBIIZO. Any PUD proposed after [the effective date of this ordinance] shall apply the provisions of the CBIIZO.

3. Table of Uses.

a. The Table of Uses identifies uses as permitted uses (P) or conditional uses (CU). Conditional uses shall require approval in accordance with the procedures set forth in LDC section 10.08.00. These uses are allowed except in instances where the underlying zoning either lists them as prohibited or where the underlying zoning allows residential uses within the same parcel or tract as applicable.

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b. Table 1. In addition to the uses allowed by the underlying zoning district, all properties within the CBIZO shall be allowed the following economic development uses, subject to 3.a.:

<u>Economic Development Uses<sup>1</sup></u>		
<u>1)</u>	<u>Apparel and other finished products (2311-2399)</u>	<u>P<sup>2</sup></u>
<u>2)</u>	<u>Business services (7311-7319, 7331-7389)</u>	<u>P</u>
<u>3)</u>	<u>Chemicals and allied products (2836, 2841, 2844)</u>	<u>CU</u>
<u>4)</u>	<u>Communications (4812-4899 including communications towers up to specified heights, subject to LDC section 5.05.09)</u>	<u>P<sup>2</sup></u>
<u>5)</u>	<u>Depository and non-depository institutions (6011-6163)</u>	<u>CU</u>
<u>6)</u>	<u>Drugs (2833-2835)</u>	<u>P<sup>2</sup></u>
<u>7)</u>	<u>Educational services (8231, 8299)</u>	<u>CU</u>
<u>8)</u>	<u>Electronic and other electrical equipment (3612-3699)</u>	<u>P<sup>2</sup></u>
<u>9)</u>	<u>Engineering, accounting, research, management, and related services (8711-8748)</u>	<u>P<sup>2</sup></u>
<u>10)</u>	<u>Fabricated metal products (3411-3499)</u>	<u>CU</u>
<u>11)</u>	<u>Food and kindred products (2011-2015 except slaughtering plants, 2021-2099)</u>	<u>P<sup>2</sup></u>
<u>12)</u>	<u>Furniture and fixtures (2511-2599)</u>	<u>P<sup>2</sup></u>
<u>13)</u>	<u>Guided missiles and space vehicles and parts (3761-3769)</u>	<u>CU</u>
<u>14)</u>	<u>Health services (8011-8049, 8092, 8093)</u>	<u>CU</u>
<u>15)</u>	<u>Holding and other investment offices (6712-6799)</u>	<u>CU</u>
<u>16)</u>	<u>Industrial and commercial machinery and computer equipment (3511-3599)</u>	<u>P<sup>2</sup></u>
<u>17)</u>	<u>Insurance agents, brokers, and service (6411)</u>	<u>CU</u>
<u>18)</u>	<u>Insurance carriers (6311-6399)</u>	<u>CU</u>
<u>19)</u>	<u>Leather and leather products (3131-3199)</u>	<u>P<sup>2</sup></u>
<u>20)</u>	<u>Legal services (8111)</u>	<u>P<sup>2</sup></u>
<u>21)</u>	<u>Local and suburban transit (4111-4173)</u>	<u>CU</u>
<u>22)</u>	<u>Lumber and wood products (2426, 2431-2499)</u>	<u>P<sup>2</sup></u>
<u>23)</u>	<u>Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks manufacturing (3812-3873)</u>	<u>P<sup>2</sup></u>
<u>24)</u>	<u>Medical and dental laboratories (8071, 8072)</u>	<u>P<sup>2</sup></u>

<u>25)</u>	<u>Medicinal chemicals and botanical products (2833 vitamins only)</u>	<u>P<sup>2</sup></u>
<u>26)</u>	<u>Miscellaneous manufacturing industries (3911-3996, 3999 including “additive manufacturing,” as defined in ISO ASTM 52900)</u>	<u>P<sup>2</sup></u>
<u>27)</u>	<u>Miscellaneous services (8999)</u>	<u>CU</u>
<u>28)</u>	<u>Motion pictures (7812-7829)</u>	<u>P<sup>2</sup></u>
<u>29)</u>	<u>Motion pictures (7832-7833)</u>	<u>CU</u>
<u>30)</u>	<u>Motor freight transportation and warehousing (4212-4225, 4226 except oil and gas storage, and petroleum and chemical bulk stations)</u>	<u>P<sup>2</sup></u>
<u>31)</u>	<u>Paper and allied products (2652-2679)</u>	<u>P<sup>2</sup></u>
<u>32)</u>	<u>Paper and paperboard mills (2621, 2631)</u>	<u>CU</u>
<u>33)</u>	<u>Printing, publishing, and allied industries (2711-2796)</u>	<u>P<sup>2</sup></u>
<u>34)</u>	<u>Railroad transportation (4011, 4013)</u>	<u>CU</u>
<u>35)</u>	<u>Rubber and miscellaneous plastic products (3021-3089)</u>	<u>CU</u>
<u>36)</u>	<u>Sawmills and planing mills (2421, 2429)</u>	<u>CU</u>
<u>37)</u>	<u>Security brokers, dealers, and flotation companies (6211)</u>	<u>CU</u>
<u>38)</u>	<u>Social services (8331, 8351)</u>	<u>CU</u>
<u>39)</u>	<u>Space research and technology (9661)</u>	<u>P<sup>2</sup></u>
<u>40)</u>	<u>Stone, clay, glass, and concrete products (3211, 3221, 3231, 3251-3273, 3275, 3281)</u>	<u>CU</u>
<u>41)</u>	<u>Textile mill products (2211-2299)</u>	<u>CU</u>
<u>42)</u>	<u>Title Abstract Offices (6541)</u>	<u>CU</u>
<u>43)</u>	<u>Transportation equipment (3714, 3716, 3721-3751, 3792, 3799)</u>	<u>P<sup>2</sup></u>
<u>44)</u>	<u>Transportation services (4724-4783, 4789 except stockyards)</u>	<u>CU</u>
<u>45)</u>	<u>United States Postal services (4311)</u>	<u>P<sup>2</sup></u>
<u>46)</u>	<u>Vocational schools (8243-8249)</u>	<u>P<sup>2</sup></u>
<u>47)</u>	<u>Wholesale trade-Durable goods (5012-5014, 5021-5049, 5063-5092, 5094, 5099)</u>	<u>P<sup>2</sup></u>
<u>48)</u>	<u>Wholesale trade-nondurable Goods (5111-5159, 5181, 5182, 5191 except that wholesale distribution of chemicals, fertilizers, insecticides, and pesticides must be a minimum of 500 feet from a residential zoning district, 5192-5199)</u>	<u>P<sup>2</sup></u>

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<sup>1</sup> See LDC section 4.02.23 F. for design standards specific to Economic Development uses.

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<sup>2</sup> Any outside storage and display shall require conditional use approval.

4. Prohibited uses. These uses are prohibited, except that uses existing as of [effective date of Ordinance] may continue to operate until the use ceases for a period of one year. This section does not apply to the uses allowed in the underlying zoning district.

a. Homeless shelters.

b. Soup kitchens.

~~Activity Center #9 Overlay. The purpose of this designation is to create an enhanced entryway into the Naples urban area through appropriate, unified design elements and standards; the implementation of which will result in an attractive, positive image as outlined in the vision statement of the Activity Center #9 Interchange Master Plan. These regulations and the design standards located in section 4.02.23 apply to the following properties within Activity Center #9 as identified in the Interchange Master Plan Land Use Map:~~

~~1. All buildings and projects that are subject to the requirements of section 5.05.08 of this LDC.~~

~~2. Nonresidential land uses abutting any public street except industrial buildings internal to industrial PUD zoned project, that are located no less than 200 feet from the public street.~~

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**4.02.23 – Design Standards for the Collier Boulevard/Interstate 75 Innovation Zone Overlay (CBIIZO) ~~Same—Development in the Activity Center #9 Zoning District~~**

A. General. The standards contained in this section shall be applicable to all development in the CBIIZO, except for residential-only uses. These standards apply to all property and replace the standards applicable to the underlying zoning district where there is a conflict unless otherwise provided for in LDC section 2.03.07 K.2.

B. Building design standards. In addition to the requirements of LDC section 5.05.08, buildings shall have features that characterize the area character themes. These elements include:

1. All primary façades of a building shall feature one or more of the following design elements listed below:

a. Porch.

b. Portico.

c. Elevated first floor or elevated entry.



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d. Any other treatment which the County Manager or designee determines to represent the character themes of this overlay district.

2. Roof treatment.

a. All buildings with gross floor areas of less than 10,000 square feet shall have pitched roofs. Pitched roofs shall have a minimum of 4/12 slope.

b. Industrial uses, and Economic Development uses listed in LDC section 2.03.07 K shall have one or more of the following roof treatments:

i. Pitched roof with a minimum slope of 3/12.

ii. Flat roof with mansard edge treatment.

iii. Flat roof with a combination of pitched and mansard roof elements that extend along a minimum of 30 percent of the length of any primary façade, and 20 percent of the attached façades as measured from the connection point.

c. All non-residential buildings, with gross floor areas of 10,000 square feet or greater, excluding those that are subject to LDC section 4.02.23 B.2.b., shall have one or more of the following roof treatments:

i. Pitched roof with a minimum slope of 4/12.

ii. Flat roof with mansard edge treatment.

iii. Flat roof with a combination of pitched and mansard roof elements that extend along a minimum of 50 percent of the length of any primary façade, and a minimum of 30 percent of the attached façades as measured from the connection point.

d. Roof material shall be tile or metal.

e. Roof overhangs shall be deep, no less than 3 feet beyond the supporting walls.

f. Roofs shall include a minimum of one of the following architectural elements:

i. Clerestory windows.

ii. Cupolas.

iii. Dormers.

iv. Attached clock towers.

1 v. Any other treatment which the County Manager or designee  
2 determines to represent the character themes of this overlay  
3 district.

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5 3. Freestanding clock towers shall be permitted subject to the following conditions:

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7 a. The clock tower shall not exceed an actual height of 35 feet, measured  
8 from the highest point of the crown of the road adjoining the tower site;

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10 b. The clock tower shall have no more than one clock face per side and digital  
11 clocks shall not be allowed;

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13 c. The clock tower shall not contain any signage of any nature; and

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15 d. Only one clock tower per BP-zoned property or PUD shall be permitted.

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17 C. Landscaping standards.

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19 1. Landscape buffers adjacent to road rights-of-way shall require a Type D Buffer in  
20 accordance with LDC section 4.06.00. In addition to the requirements for a Type  
21 D Buffer, the following requirements shall apply:

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23 a. Landscape buffers adjacent to Collier Boulevard, S.R. 84. (Davis Boulevard  
24 and Beck Boulevard) and within 400 linear feet of I-75 right-of-way line:

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26 i. Shall measure a minimum of 25 feet in width.

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28 ii. The required number of trees shall be supplemented by an  
29 additional palm tree planting in the amount of 25 percent.

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31 iii. Undulating beds of ornamental grasses and/or ground cover beds  
32 shall be incorporated for at least 30 percent of the required buffer  
33 strip area.

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35 iv. All required trees shall be a minimum of 12 feet in height at time of  
36 installation.

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38 v. Where industrial land uses, and Economic Development uses  
39 identified in LDC section 2.03.07 K. abut I-75, an eight-foot high,  
40 unified, opaque, masonry wall is required. Landscape buffers shall  
41 be placed along the street side of said wall. The wall shall be located  
42 at the edge of the landscape buffer farthest from the property line.

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44 b. Landscape buffers adjacent to all other public streets:

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46 i. Shall measure a minimum of 15 feet in width.

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48 ii. Undulating beds of ornamental grasses and ground cover beds  
49 shall be incorporated for at least 25 percent of the required buffer  
50 strip area.

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2                   iii. All required trees shall be a minimum of 12 feet in height at time of  
3                                   installation.

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5 D. Lighting fixtures and signage shall be designed to complement the architectural themes  
6 of this overlay district. Lighting shall also be subject to the requirements pursuant to LDC  
7 section 5.05.08 regardless of the gross building area.

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9 E. Pollution control. Any discharge from industrial, commercial, or manufacturing processes  
10 to a stormwater or surface water management system is prohibited. Wastewater from any  
11 industrial, commercial, or manufacturing process must be contained within a building or  
12 disposed of through the Collier County Water-Sewer District’s wastewater collection  
13 system pursuant to the Collier County Industrial Pretreatment Ordinance, (Ord. No. 2003-  
14 18, as amended).

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16 F. Additional design standards for the Economic Development uses in the CBIIZO.

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18 1. Applicability. The standards contained in this section shall be applicable to all  
19 Economic Development uses as identified by LDC section 2.03.07 K. These shall  
20 apply to any Economic Development Use which is not permitted in the underlying  
21 zoning district.

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23 2. Lot design requirements and building dimension standards.

<u>Minimum Lot Area</u>	<u>20,000 square feet</u>
<u>Minimum Lot Width</u>	<u>100 feet</u>
<u>Maximum Building Coverage</u>	<u>45%</u>
<u>Maximum Building Height</u>	<u>35 feet when the subject lot is</u> <u>abutting residential tracts/districts</u> <u>in PUDs or residential zoning</u> <u>districts; 50 feet in all other areas</u>
<u>Minimum Distance Between</u> <u>Buildings</u>	<u>50% of the sum of the heights of</u> <u>the buildings but not less than 15</u> <u>feet</u>
<u>Minimum Distance of Buildings</u> <u>from Residential Land Uses</u>	<u>50 feet</u>
<u>Minimum Floor Area of Buildings</u>	<u>1,000 square feet</u>
<u>Minimum Front Yard</u>	<u>25 feet</u>
<u>Minimum Side Yard</u>	<u>20 feet</u>
<u>Minimum Rear Yard</u>	<u>25 feet</u>

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26 3. Operations.

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28 a. All activity associated with the uses in this category shall be conducted  
29 within a fully enclosed building, except for when approved as a conditional  
30 use in conjunction with LDC section 4.02.23 F.3.c. Activity includes but is  
31 not limited to the following:

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33 i. The use or storage of any fixed or movable business equipment;  
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ii. The use, storage, display, sale, delivery, offering for sale, production, or consumption in any business, or by any business invitee on the premises of the business, of any goods, wares, merchandise, products, or foods; or

iii. The performance of any work or services.

b. All use operations and equipment, including accessory process equipment, such as compressors and air handlers, shall be contained in an enclosed structure.

c. Any outside storage and display may be permitted by conditional use or when approved as part of a temporary/special event in accordance with LDC section 5.04.05.

4. Environmental.

a. Noise. No use shall produce noise exceeding the sound level limits for Commercial or Tourist uses as set forth in the Collier County Noise Control Ordinance No. 90-17, as amended.

b. Odors. No use shall cause or allow the emission of odor.

c. Vibrations. No use shall operate to produce ground vibration noticeable by a reasonable person with normal sensitivity, outside the building for single-use buildings or outside the use space inside mixed use and multi-tenant buildings.

d. Smoke and particulate matter. No use shall discharge outside the building for single-use buildings or outside the use space inside mixed use and multi-tenant building any toxic or noxious matter in such a concentration that will endanger the public health, safety, comfort, or general welfare.

e. Electrical disturbance. No use shall create any electrical disturbance which interferes unduly with the normal operation of equipment or instruments or which is reasonably likely to cause injury to any person located inside or outside building.

f. Secondary containment. Secondary containment such as double walled tanks, leak-proof trays, floor curbing or other containment systems which provide secondary liquid containment shall be installed for facilities that use, store, or handle, regulated substances in a single container of 55-gallons or more. The containment structure shall be capable of containing 110% of the volume of the largest container located within, be composed of materials impervious to the regulated substance, and be able to withstand deterioration from external environmental conditions. For containment areas with more than one storage container, capacity calculations shall be made after deducting the volume of the largest storage containers, other than the largest container. All regulated substances must be removed from the containment structure within 24-hours of a spill or

1 accidental release. Containment structures shall be sheltered so that the  
2 intrusion of precipitation is effectively prevented. These requirements shall  
3 apply to all areas of storage use, handling, and production, loading and off-  
4 loading areas, and to aboveground and underground storage areas.

5  
6 5. Architectural and site design standards.

7  
8 a. Rooftop mechanical equipment shall be fully screened by parapets  
9 or other methods of screening and such parapets or other screening  
10 material shall not exceed 10 feet in height.

11  
12 b. Industrial/factory buildings shall be designed in accordance with the  
13 provisions of LDC section 5.05.08, excluding section 5.05.08 E.7.

14  
15 c. Loading areas. All loading areas shall be oriented away from  
16 adjacent residential uses, except for where obstructed by an  
17 intervening building. Loading areas, solid waste facilities, recycling  
18 facilities, and other services elements shall be placed to the sides  
19 or rear of the building.

20  
21 d. The following shall apply to all exterior lighting:

22  
23 i. All light fixtures shall be directed away or shielded from  
24 neighboring properties.

25  
26 ii. Illumination levels shall not exceed 0.5 footcandles at  
27 property lines where adjacent to residential development or  
28 residentially-zoned property, excluding where required  
29 pursuant to LDC section 6.06.03.

30  
31 ~~A. All buildings and projects within Activity Center #9 shall be developed or redeveloped in~~  
32 ~~accordance with 1 or more of the design themes defined in the Activity Center #9~~  
33 ~~Interchange Master Plan. The design themes shall be incorporated into architecture,~~  
34 ~~landscape, signage, gateway features, and roadway lighting.~~

35  
36 ~~B. Buildings within the Activity Center #9 shall be limited to 3 complementary character~~  
37 ~~themes: Everglades, Rural and Old Florida, as defined in the Vision Statement of the~~  
38 ~~Activity Center #9 Interchange Master Plan.~~

39  
40 ~~C. In addition to the requirements of section 5.05.08, buildings shall have features that~~  
41 ~~characterize the area character themes. These elements include:~~

42  
43 ~~1. All primary façades of a building shall feature 1 or more of the following design~~  
44 ~~elements listed below:~~

45  
46 ~~a. Porch.~~

47  
48 ~~b. Portico.~~

49

- 1 ~~c. Elevated first floor or elevated entry.d.Any other treatment which the~~
- 2 ~~County Manager or designee determines to represent the character~~
- 3 ~~themes of this overlay district.~~
- 4
- 5 ~~2. Roof treatment.~~
- 6
- 7 ~~a. Buildings with gross floor areas of less than 10,000 square feet shall have~~
- 8 ~~pitched roofs. Pitched roofs shall have a minimum of 4/12 slope.~~
- 9
- 10 ~~b. Buildings with gross floor areas of 10,000 square feet or greater shall have~~
- 11 ~~one or more of the following roof treatments:~~
- 12
- 13 ~~i. Pitched roof with a minimum slope of 4/12.~~
- 14
- 15 ~~ii. Flat roof with mansard edge treatment.~~
- 16
- 17 ~~iii. Flat roof with a combination of pitched and mansard roof elements~~
- 18 ~~that extend along a minimum of 50 percent of the length of any~~
- 19 ~~primary façade, and a minimum of 30 percent of the attached~~
- 20 ~~façades as measured from the connection point.~~
- 21
- 22 ~~c. Industrial use buildings shall have 1 or more of the following roof~~
- 23 ~~treatments:~~
- 24
- 25 ~~i. Pitched roof with a minimum slope of 3/12.~~
- 26
- 27 ~~ii. Flat roof with mansard edge treatment.~~
- 28
- 29 ~~iii. Flat roof with a combination of pitched and mansard roof elements~~
- 30 ~~that extend along a minimum of 30 percent of the length of any~~
- 31 ~~primary façade, and 20 percent of the attached façades as~~
- 32 ~~measured from the connection point.~~
- 33
- 34 ~~d. Roof material shall be tile or metal.~~
- 35
- 36 ~~e. Roof overhangs shall be deep, no less than 3 feet beyond the supporting~~
- 37 ~~walls.~~
- 38
- 39 ~~f. To create articulation, roofs shall include a minimum of 1 of the following~~
- 40 ~~architectural elements:~~
- 41
- 42 ~~i. Clearstory windows.~~
- 43
- 44 ~~ii. Cupolas.~~
- 45
- 46 ~~iii. Dormers.~~
- 47
- 48 ~~iv. Attached clock towers.~~
- 49

1 v. ~~Any other treatment which the County Manager or designee~~  
2 ~~determines to represent the character themes of this overlay~~  
3 ~~district.~~

4  
5 3. ~~Freestanding clock towers shall be permitted in non-residential and mixed use~~  
6 ~~planned unit developments (PUDs) within Activity Center No. 9 subject to the~~  
7 ~~following conditions:~~

8  
9 a. ~~The clock tower shall not exceed an actual height of 35 feet, measured~~  
10 ~~from the highest point of the crown of the road adjoining the tower site;~~

11  
12 b. ~~The clock tower shall be designed to complement the architectural themes~~  
13 ~~of this overlay district pursuant to subsection 4.02.23 B.;~~

14  
15 c. ~~The clock tower shall have no more than one clock face per side and digital~~  
16 ~~clocks shall not be allowed;~~

17  
18 d. ~~The clock tower shall not contain any signage of any nature; and~~ ~~Only one~~  
19 ~~clock tower per business park or PUD shall be permitted.~~

20  
21 D. ~~Landscape buffers adjacent to road rights-of-way. In addition to the requirements for a~~  
22 ~~Type D buffer, the following requirements shall apply:~~

23  
24 1. ~~Landscape buffers adjacent to Collier Boulevard, S.R. 84. (Davis Boulevard and~~  
25 ~~Beck Boulevard) and within 400 linear feet of I-75 right-of-way line:~~

26  
27 a. ~~Shall measure a minimum of 25 feet in width.~~

28  
29 b. ~~The required number of trees shall be supplemented by an additional palm~~  
30 ~~tree planting in the amount of 25 percent.~~

31  
32 c. ~~Undulating beds of ornamental grasses and/or ground cover beds shall be~~  
33 ~~incorporated for at least 30 percent of the required buffer strip area.~~

34  
35 d. ~~All required trees shall be a minimum of 12 feet in height.~~

36  
37 e. ~~Where industrial land uses abut I-75, an eight foot high unified, opaque,~~  
38 ~~masonry wall is required. Landscape buffers shall be placed along the~~  
39 ~~street side of said wall. The wall shall be located at the edge of the~~  
40 ~~landscape buffer farthest from the property line.~~

41  
42 2. ~~Landscape buffers adjacent to all other public streets:~~

43  
44 a. ~~Shall measure a minimum of 15 feet in width.~~

45  
46 b. ~~Undulating beds of ornamental grasses and ground cover beds shall be~~  
47 ~~incorporated for a least 25 percent of the required buffer strip area.~~

48  
49 c. ~~All required trees shall be a minimum of 12 feet in height.~~

50

1 ~~3. Landscape buffers, signage and lighting fixtures in residential areas shall feature~~  
2 ~~a unified design at point of ingress/egress.~~

3  
4 ~~E. Lighting fixtures and signage within the Activity Center #9 shall be designed to~~  
5 ~~complement the architectural themes of this overlay district. Lighting shall also be subject~~  
6 ~~to the requirements pursuant to section 5.05.08 regardless of the gross building area.~~

7  
8 # # # # # # # # # # # # #

9  
10 **5.05.08 – Architectural and Site Design Standards**

11  
12 \* \* \* \* \* \* \* \* \* \* \* \* \*

13 E. Design standards for specific building uses.

14 \* \* \* \* \* \* \* \* \* \* \* \* \*

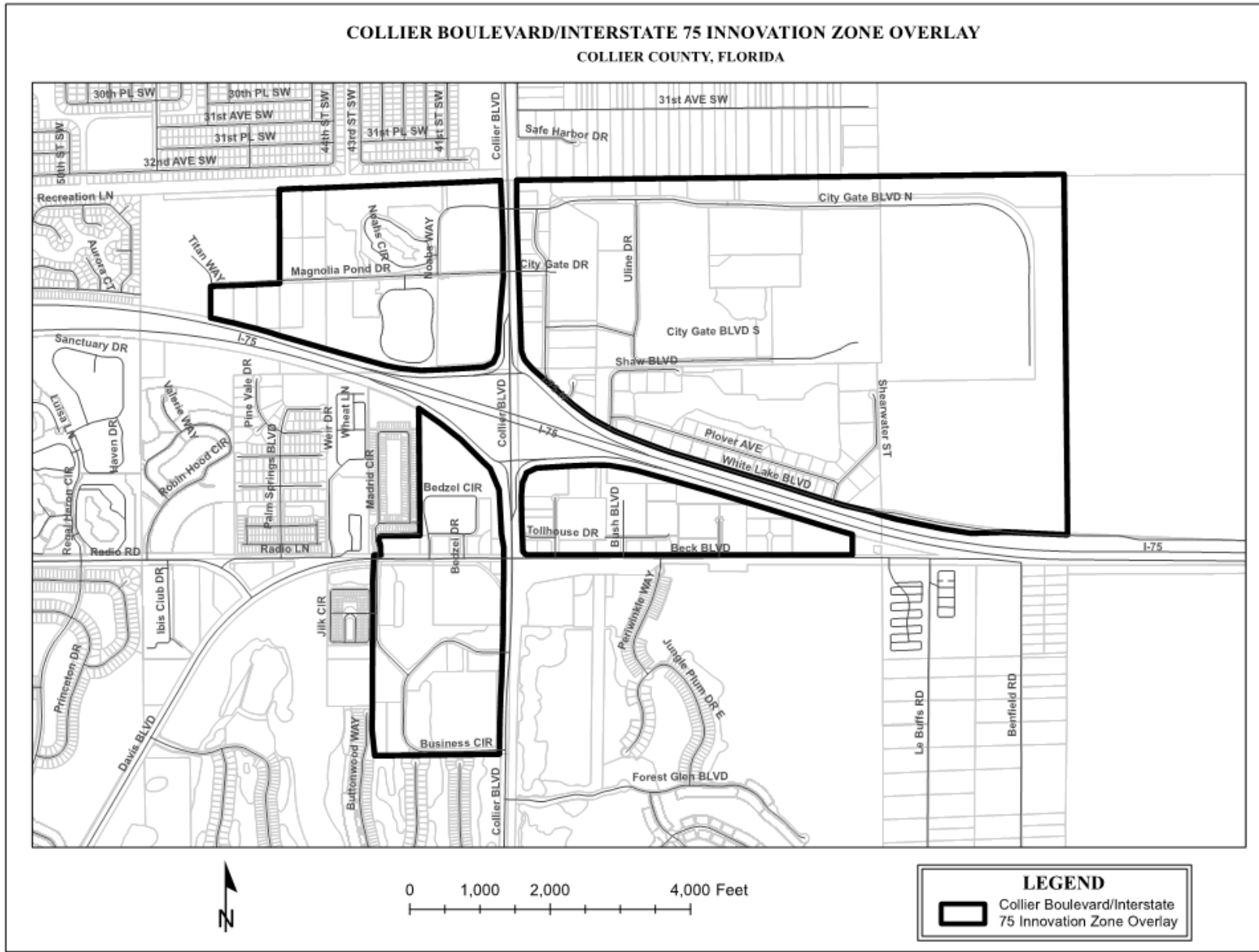
15 7. Industrial/factory buildings.

16 a. Applicability. All standards listed in LDC section 5.05.08 are applicable  
17 with the following exceptions, modifications, and additions. However, the  
18 provisions contained in LDC section 5.05.08 E.7.b. through h. below shall  
19 not be applicable to industrial/factory buildings located within the GGPOD  
20 and CBIIZO.

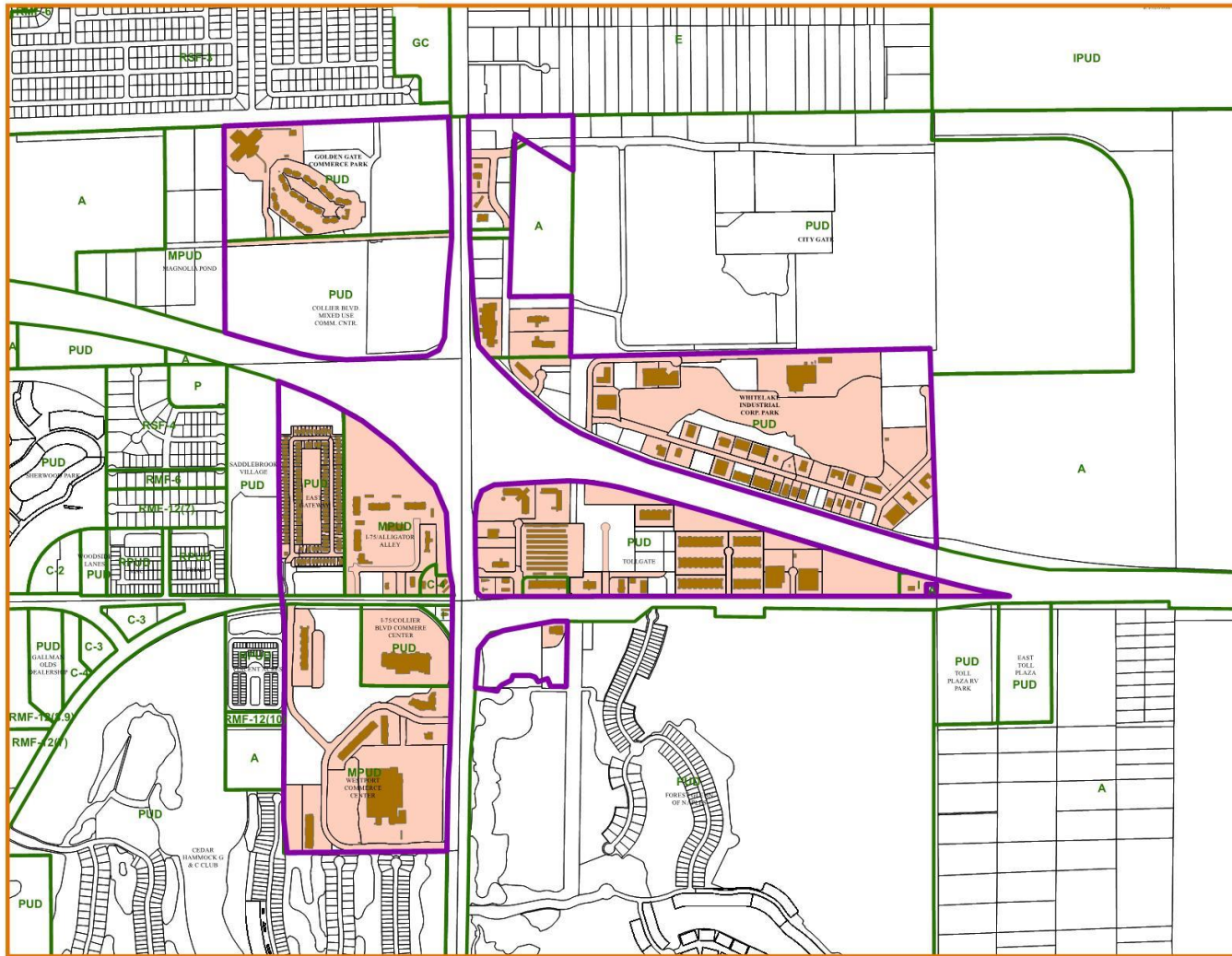
21  
22 # # # # # # # # # # # # #



# Exhibit A – Boundary of CBIZO in LDC and GMP



# Exhibit B – Interchange Activity Center #9



## ACTIVITY CENTER #9 C.R. 951 - INTERSTATE 75 Collier County, Florida

AMENDED - SEPTEMBER 13, 2011 (Ord. No. 2011-26)
AMENDED - JUNE 13, 2017 (Ord. No. 2017-22)
AMENDED - SEPTEMBER 22, 2020 (Ord. No. 2020-25)

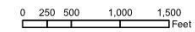
**LEGEND**

ACTIVITY CENTER BOUNDARY

**RSF-3** EXISTING ZONING  
(NOTE: PROVIDED FOR INFORMATIONAL PURPOSES ONLY; THE OFFICIAL SOURCE OF ZONING INFORMATION IS THE ZONING ATLAS SET, WHICH IS PART OF THE COLLIER COUNTY LAND DEVELOPMENT CODE, ORDINANCE NO. 04-41, AS AMENDED)

DEVELOPED LAND USE

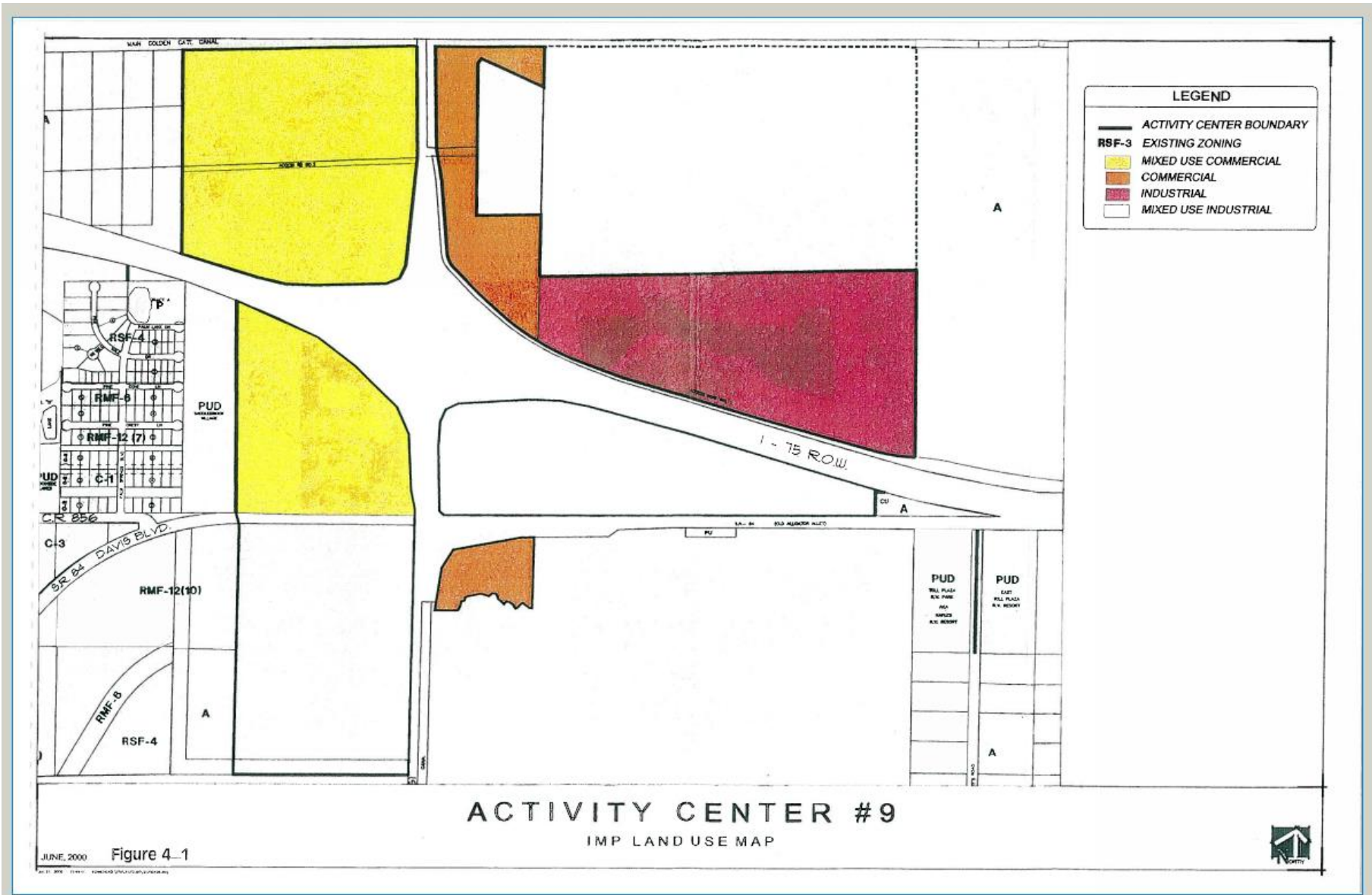
EXISTING BUILDINGS AND STRUCTURES



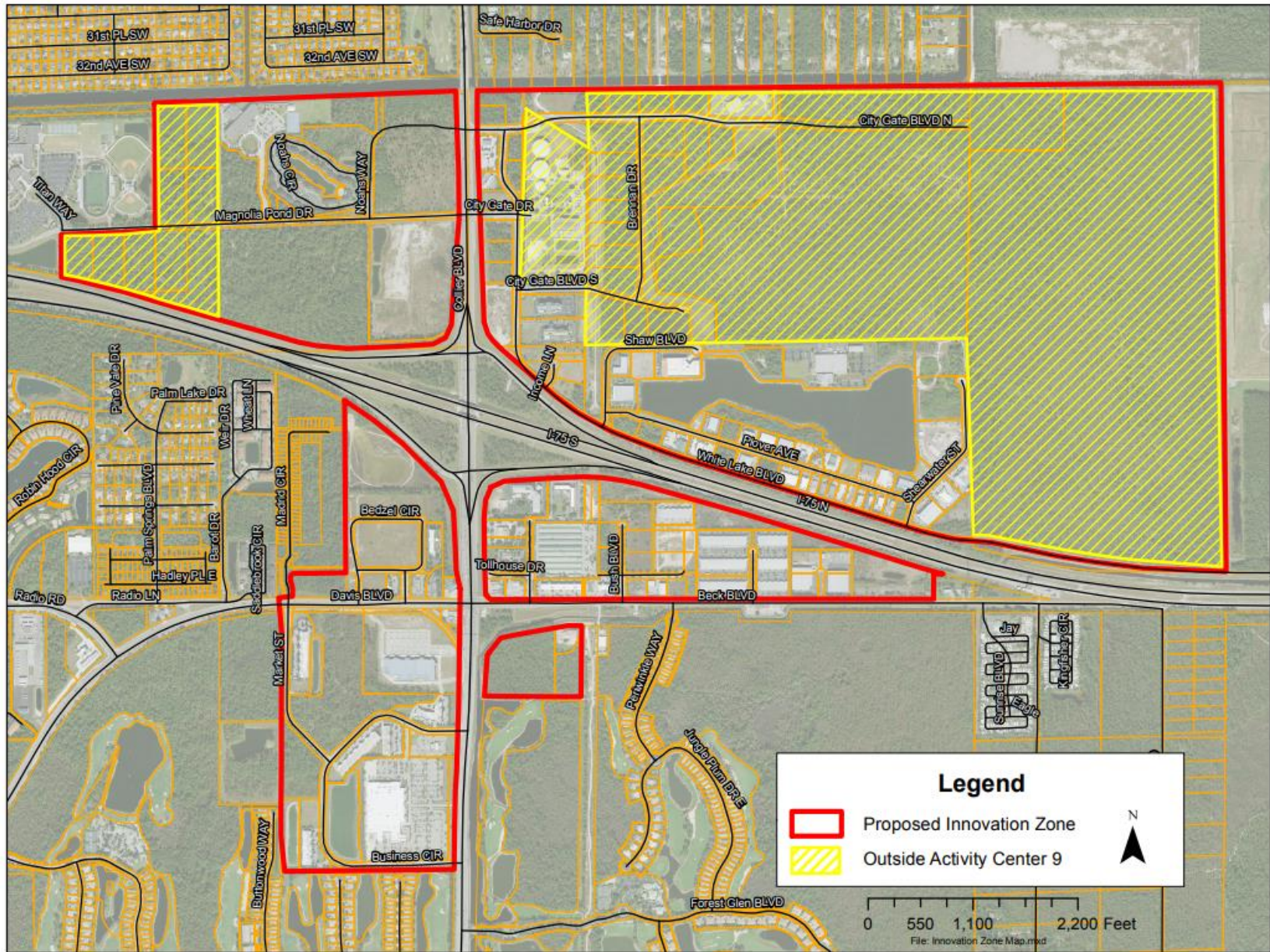
PREPARED BY: GIS/CAD MAPPING SECTION  
GEOGRAPHIC INFORMATION SYSTEMS DEPARTMENT  
FILE: F:\rsf\ac\9.mxd  
DATE: 11/2021



# Exhibit C –Activity Center #9 IMP Land Use Map



# Exhibit D – Map from Ord. 2018-39



## LAND DEVELOPMENT CODE AMENDMENT

**PETITION**

PL20220008172

**ORIGIN**

Board of County  
Commissioners (Board)

**SUMMARY OF AMENDMENT**

This Land Development Code (LDC) amendment introduces the Rules of Decorum for a Neighborhood Information Meeting (NIM). An update to the Collier County Administrative Code for Land Development (Administrative Code) is included as a companion amendment.

**HEARING DATES**

BCC           TBD  
 CCPC         TBD  
 DSAC         TBD  
 DSAC-LDR   01/17/2022

**LDC SECTION TO BE AMENDED**

10.03.05 Required Methods of Providing Public Notice

### ADVISORY BOARD RECOMMENDATIONS

**DSAC-LDR**  
TBD

**DSAC**  
TBD

**CCPC**  
TBD

**BACKGROUND**

In 2001, Collier County first adopted NIM provisions into the LDC for meetings known then as public informational meetings. Under the current LDC, NIMs are mandatory for many types of land use petitions (e.g., Rezones, Conditional Uses, Planned Unit Development amendments, new Stewardship Receiving Areas, etc.) and are to be held at least 15 days prior to the first public hearing.

On September 13, 2022, the Board directed staff to bring back an amendment to the Administrative Code to address an expressed concern for public safety, meeting decorum, and virtual NIM options (Board Agenda Item 16.A.1). The executive summary for that item (see Exhibit B) contained details of a then-recently held NIM that was forced to adjourn due to the disorderly conduct of some of the attendees. Below is an excerpt from the executive summary describing the circumstances:

“The Board discussion centered on a NIM for a current PUD Rezone petition at Collier Boulevard and Vanderbilt Beach Road that was abruptly ended due to a minority percentage of attendees who were disruptive with abusive language, threatening statements and refused to allow the rest of the attendees to hear the project’s details. This created a situation where the crowd began to argue internally, and fearing further escalation into physical confrontation, the meeting was terminated.”

The executive summary also contained five proposed “modifications,” which were ideas designed to address the expressed concern. Staff used these ideas as a general guide when developing the proposed changes to the LDC and Administrative Code. When staff originally presented the five ideas to the Board, it was thought that only changes to the Administrative Code would be necessary. However, after collaborating with the County Attorney’s Office, it has been determined that an ordinance amending the LDC would also be required, because some of the proposed provisions are substantive in nature and/or sets policy, and the Administrative Code is only to be used in a procedural context. As part of the proposed LDC and Administrative Code changes, staff has included purpose and intent language for the NIM, to help formalize and provide perspective on why NIMs are required.

A parallel effort to increase the level of decorum at the Board level had recently been undertaken by the County

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Attorney's Office. On June 14, 2022, the Board requested that the County Attorney's Office draft an ordinance to increase the level of decorum at Board meetings, and on June 28, 2022, the Board directed the County Attorney to advertise and bring back a proposed ordinance. On September 13, 2022, the Board adopted Ordinance 2022-34, which authorizes the Chairman to better deal with disorderly persons. Excerpts from the executive summary and ordinance are provided in Exhibits C and D, respectively.

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**FISCAL & OPERATIONAL IMPACTS**

The NIMs are conducted entirely at the petitioner's expense and as such, there are no anticipated fiscal impacts to the County, except for the cost of advertising an ordinance amending the LDC.

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**GMP CONSISTENCY**

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

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**EXHIBITS:** A) Changes to Administrative Code; B) BCC 9/13/22 – Item 16.A.1. Executive Summary; C) BCC 9/13/22 – Item 17.A. Executive Summary; and D) Ord. 2022-34

Amend the LDC as follows:

10.03.05 – Required Methods of Providing Public Notice

This section shall establish the required methods of providing public notice. Chapter 8 of the Administrative Code shall establish the public notice procedures for land use petitions.

A. Neighborhood Information Meetings (NIM). Neighborhood Information Meetings, when where required, shall be held prior to the first public hearing, and noticed as follows, and subject to the Rules of Decorum:

- 1. Mailed Notice shall be sent prior to the NIM and shall be pursuant to LDC section 10.03.05 B.
- 2. Newspaper Advertisement prior to the NIM.
- 3. Rules of Decorum. The purpose and intent of a NIM is provide the public with notice of an impending land use petition and to foster communication and collaboration between the petitioner and the public. The expectation is that all NIM attendees will conduct themselves in such a manner that their presence will not interfere with the orderly progress of the meeting. The petitioner is encouraged to provide a security detail, which will be at the petitioner’s expense to ensure the safety of all attendees. The petitioner may request the security detail to remove a disorderly person. If the petitioner is unable to complete the NIM due to the disorderly conduct of the attendees, the NIM shall adjourn and the petitioner will be required to conduct another duly advertised NIM, as further described in Chapter 8 of the Administrative Code.

B. Mailed Notice.

- 1. Where required, Mailed Notice shall be sent to property owners in the notification area as follows:
  - a. For areas in the urban designated area of the future land use element of the Growth Management Plan notices shall be sent to all property owners within 500 feet of the property lines of the subject property.
  - b. For all other areas, except areas designated in the Rural Golden Gate Estates Sub-Element or Urban Golden Gate Estates Sub-Elements of the Golden Gate Area Master Plan, notices shall be sent to all property owners within 1,000 feet of the property lines of the subject property.
  - c. For areas designated within the Rural and Urban Golden Gate Estates Sub-Element of the Golden Gate Master Plan, notices shall be sent to all property owners within one mile of the subject property lines.

# DRAFT

Text underlined is new text to be added

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

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d. Notices shall also be sent to property owners and condominium and civic associations whose members may be impacted by the proposed land use changes and who have formally requested the county to be notified. A list of such organizations must be provided and maintained by the County, but the applicant must bear the responsibility of insuring that all parties are notified.

2. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County. Unless required by F.S. § 125.66(4), the mailed notice is a courtesy only and is not jurisdictional. Accordingly, provided a good faith attempt for mailed notice is made, failure to mail or to timely mail the notice or failure of an affected property owner to receive mailed notice will not constitute a defect in notice or bar the public hearing as scheduled.

C. Newspaper Advertisement.

1. In accordance with F.S. § 125.66.

D. Posting of Signage. Where required, signs shall be posted 15 days prior to the first advertised public hearing pursuant to the Administrative Code.

E. Agent Letter. Where required, an informational letter shall be sent by the owner or Agent to property owners within 150 feet of the area covered by the petition following the initial staff review comments for the petition and prior to the resubmittal of the petition to the County.

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



# Exhibit A – Changes to Administrative Code

## B. Neighborhood Information Meeting

<p><b>Purpose and Intent</b></p>	<p>1. <u>The purpose and intent of a Neighborhood Information Meeting ("NIM") is to provide the public with notice of an impending zoning application and to foster communication and collaboration between the petitioner and the public.</u></p>
<p><b>Applicability</b></p>	<p>2. A <del>Neighborhood Informational Meeting</del> ("NIM") shall be conducted when:</p> <ul style="list-style-type: none"> <li>a. The initial staff review and comment on the application has been completed; and</li> <li>b. At least 15 days before the first public hearing is held, whether it is the Planning Commission, Hearing Examiner, the BCC, or the BZA.</li> </ul> <p>3. In addition to the above, the following shall also apply for small-scale amendments and other site-specific comprehensive plan amendments:</p> <ul style="list-style-type: none"> <li>a. The NIM is required before the Planning Commission transmittal hearing.</li> <li>b. A second NIM is required if the County Manager or designee determines that a substantial change has occurred to a proposed site-specific comprehensive plan amendment following the BCC's transmittal hearing. The applicant must hold the second NIM before the Planning Commission adoption hearing.</li> </ul> <p>4. If the applicant's petition activity extends beyond 1 year from the date of the first NIM, a second NIM will be required and shall be noticed in accordance with this chapter.</p>
<p><b>Notice Requirements</b></p>	<p>The NIM shall be noticed as follows:</p> <p>1. <b>Mailed Notice:</b> Written notice shall be sent to <b>property owners in notification area</b> at least 15 days before the NIM meeting.</p> <p>The applicant shall also provide written notice of the NIM to <b>property owners, condominium, and civic associations</b> whose members may be affected by the proposed land use change and who have formally requested the county to be notified.</p> <p><u>Each mailed notice shall contain the following:</u></p> <p><u>"The purpose and intent of this Neighborhood Information Meeting is to provide the public with notice of an impending zoning application and to foster communication and collaboration between the applicant and the public. The expectation is that all attendees will conduct themselves in such a manner that their presence will not interfere with the orderly progress of the meeting."</u></p> <p>2. <b>Newspaper Advertisement:</b> The legal advertisement shall be published at least 15 days before the NIM meeting in a newspaper of general circulation. The advertisement shall include at a minimum:</p> <ul style="list-style-type: none"> <li>a. Date, time, and location of the NIM <u>meeting</u>;</li> <li>b. Petition name, number and applicant contact <u>info</u>;</li> <li>c. Purpose of the NIM <u>meeting</u>;</li> <li>d. Description of the proposed land uses; and</li> <li>e. 2 in. x 3 in. map of the project location.</li> </ul>

# Exhibit A – Changes to Administrative Code

Location	The applicant must arrange the location of the meeting. The location must be reasonably convenient to the property owners who receive the required notice. The facilities must be of sufficient size to accommodate <u>the</u> expected attendance.
Conduct of Meeting and Decorum	<p><u>1. Conduct of Meeting:</u> <del>The A</del> Collier County staff planner <del>assigned to attend the pre-application meeting;</del> or designee, <u>must also shall</u> attend the NIM and <del>will serve as the facilitator of</del> <u>record all commitments made by the applicant regarding the petition during the meeting while remaining neutral and providing clarification regarding the next steps the petitions must follow in the review process, including the anticipated future public hearings that are associated with the petition.</u> <del>However, the</del> <u>The applicant is expected to shall</u> make a presentation of how they intend to develop the subject property. The applicant is required to <u>record audio or video tape</u> the NIM proceedings <del>of the meeting</del> and <del>to</del> provide <u>an audio or video</u> copy to the <del>Planning &amp; Zoning</del> <u>Division Department,</u> <u>including a written summary.</u></p> <p>The applicant must provide <u>the following</u> at the NIM <del>meeting</del> for review and comment, <u>including but not limited to:</u></p> <ul style="list-style-type: none"> <li><u>a.</u> The proposed uses and density/<u>intensity</u> of the <u>project;</u></li> <li><u>b.</u> The proposed Master Plan, <u>when applicable;</u> and</li> <li><u>c.</u> The current LDC zoning district uses and development regulations.</li> </ul> <p><u>2. Decorum:</u> <u>The expectation is that all NIM attendees will conduct themselves in such a manner that their presence will not interfere with the orderly progress of the meeting. The applicant is encouraged to provide a security detail, which will be at the applicant's expense to ensure the safety of all attendees. The applicant may request the security detail to remove a disorderly person. If the applicant is unable to complete the NIM due to the disorderly conduct of the attendees, the NIM shall adjourn and the applicant will be required to conduct another duly advertised NIM, either in-person or virtually via a widely used videoconferencing platform, at the applicant's discretion. If videoconferencing is used, it must have the capability to archive written comments from the attendees. All videoconference meetings shall provide reasonable accommodations for disabled persons if requested by any of the registered attendees. The Notice Requirements for additional NIMs shall be the same as for the original NIM unless otherwise advertised in advance by the petitioner.</u></p>
Meeting Follow up	<p><u>1.</u> After a NIM is completed, the applicant will submit a written summary of the NIM and any commitments that have been made to the assigned planner. These commitments will:</p> <ul style="list-style-type: none"> <li><u>a.</u> Become part of the record of the <u>proceedings;</u></li> <li><u>b.</u> Be included in the staff report for any subsequent review and approval bodies; and</li> <li><u>c.</u> Be considered for inclusion in the conditions of approval of any applicable development order.</li> </ul> <p><u>2. The County staff planner or designee shall post the videoconference recording of the NIM to the County's website for public inspection.</u></p>
Updated	<u>Resolution 2023-##</u>

# Exhibit B – BCC 9/13/22 - Item 16.A.1. Executive Summary

16.A.1

09/13/2022

**Recommendation to direct staff to bring back an amendment to Ordinance 2013-57, the Administrative Code for Land Development to address an expressed concern for public safety regarding meeting decorum, location, and virtual options for Neighborhood Information Meetings.**

**OBJECTIVE:** To have the Board of County Commissioners (Board) direct staff to bring back a formal amendment to the Administrative Code for Land Development to address recently discussed concerns for public safety and decorum at County required Neighborhood Information Meetings (NIM)s.

**CONSIDERATIONS:** At both the June 14<sup>th</sup> and the 28<sup>th</sup>, 2022 Board of County Commissioners Public Hearings, the Board discussed the need to provide further regulatory oversight regarding Neighborhood Information Meetings. The County requires a mandatory NIM for most land use petitions (Rezoning, Conditional Uses, PUD and PUDA Rezoning, Stewardship Receiving Areas, etc..) to be held at a minimum of 15 days prior to the Planning Commission public hearing.

The Board discussion centered on a NIM for a current PUD Rezone petition at Collier Boulevard and Vanderbilt Beach Road that was abruptly ended due to a minority percentage of attendees who were disruptive with abusive language, threatening statements and refused to allow the rest of the attendees to hear the project's details. This created a situation where the crowd began to argue internally, and fearing further escalation into physical confrontation, the meeting was terminated.

To address this reality, the Board directed staff to consider modifications to the NIM requirements and guidance to curtail such situations from transpiring at future NIMs. This executive summary is requesting the Board to direct Staff to initiate the process for updating the Administrative Code to include the following modifications:

1. Allow an applicant the option to hold two NIMs, with the First virtual and the Second available for in-person and a virtual option;
2. To require standard language for rules of decorum within the public notice and advertising for NIMs;
3. Extend rules of decorum for advisory board and BCC public meetings to NIM's.
4. Require security detail paid by applicant at all NIMs;
5. Require all speakers to state their name and address.

**FISCAL IMPACT:** The Neighborhood Information Meetings, though required by the County are conducted entirely at the applicant's expense, as such there is no anticipated fiscal impact to the County.

**GROWTH MANAGEMENT IMPACT:** The Growth Management Plan does not address NIMs, other than promoting public participation with the rezoning process. Modifications to requirements for NIM will not impact the GMP.

**LEGAL CONSIDERATIONS:** This item has been approved as to form and legality, and requires an affirmative vote of three for Board approval. (JAK)

**RECOMMENDATION:** That the Board of County Commissioners direct staff to bring back a formal amendment to the Administrative Code for Land Development to address recently discussed concerns for public safety and decorum at County required Neighborhood Information Meetings (NIM)s.

Prepared by: Mike Bosi, AICP, Director, Zoning Division

Packet Pg. 406

# Exhibit C – BCC 9/13/22 - Item 17.A. Executive Summary

09/13/2022

## EXECUTIVE SUMMARY

**Recommendation to amend Ordinance No. 75-16, as amended, to authorize the Chairman to better deal with disorderly persons, including requesting law enforcement officers remove disorderly persons when conduct interferes with orderly progression of meetings.**

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**OBJECTIVE:** To adopt the proposed ordinance amending Ordinance No. 75-16, as amended, in order to enhance security during Board meetings.

**CONSIDERATION:** On June 14, 2022, the Board requested the County Attorney draft an Ordinance to increase the level of decorum at Board of County Commissioner meetings, and on June 28, 2022, the Board directed the County Attorney to advertise and bring back the proposed ordinance for a public hearing.

The proposed Ordinance amendment is modeled after the procedure utilized by the Collier County School Board for its meetings, which the Sheriff has been comfortable enforcing.

The proposed ordinance amends the Board's meeting ordinance as follows:

Sec. 2-37. - Addressing the Commission

- (a) If a subject is not on the agenda for a meeting of the Board of County Commissioners it may be added by motion and an affirmative vote of a majority of all Board members present that the subject should not be delayed until the next meeting.
- (b) Any person appearing to provide the Board factual information or expert opinion to consider prior to taking official action shall be governed by the following procedure:
  - (1) Prior to addressing the Board the speaker shall approach any podium or any other place otherwise designated by the Board of County Commissioners for this purpose and clearly state his or her full name, home address, the name of the person or entity that he or she represents and the subject of his or her address.
  - (2) Before providing factual information or expert opinion the speaker may ask, and any Commissioner may require the speaker to be placed under the following oath with right hand upraised:

"I willfully swear under oath the facts and testimony I furnish this Board to be the truth, the whole truth and nothing but the truth, and not inconsistent or contradictory with other statements made by me under oath."

No person shall be required to take this oath more than once in any given day, but shall be reminded he is under oath before again addressing the Board. Each commissioner, shall take the oath one time and be considered under oath during the term of his office.Those asking questions or desiring to comment on a matter before the Board shall not be required to take the oath. Any Commissioner may at any time request such a speaker to take the above oath.
  - (3) Each person shall limit his address to three minutes unless granted additional time by the Chairman or by an affirmative vote of the majority of the Board members present. All remarks shall be to the Board as a body and not to any individual member. No person other than a Commissioner shall discuss directly or through a Commissioner, without authorization of the presiding officer.

# Exhibit C – BCC 9/13/22 - Item 17.A. Executive Summary

09/13/2022

- (4) ~~Any person making impertinent or slanderous remarks or who becomes boisterous shall be instructed to remain silent by the presiding officer, until permission to continue is granted. The Chairman may:~~
1. interrupt, warn, or terminate a speaker's statement when such statement is too lengthy, abusive, obscene, irrelevant or repetitive;
  2. request any individual to leave the meeting when that person does not observe reasonable decorum;
  3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
  4. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

Sec. 2-38. - Sergeant-at-arms.

The County Sheriff, or his deputy, shall be the sergeant-at-arms at meetings of the Board of County Commissioners and shall carry out all orders of the Chairman to maintain order and decorum, including the removal of a disorderly person when requested by the Chairman.

**FISCAL IMPACT:** The proposed ordinance was advertised in the Naples Daily News on Thursday, June 30, 2022, for a cost of \$560.00.

**GROWTH MANAGEMENT IMPACT:** None.

**LEGAL CONSIDERATIONS:** This item has been reviewed by the County Attorney, is approved as to form and legality and requires majority vote for approval. -JAK

**RECOMMENDATION:** That the Board of County Commissioners adopt the proposed ordinance amending Ordinance No. 75-16, as amended.

**PREPARED BY:** Colleen A. Kerins, Assistant County Attorney and  
Jeffrey A. Klatzkow, County Attorney

## **ATTACHMENT(S)**

1. Ordinance - Amend Ord. 75-16 BCC meeting ordinance - numbered (PDF)
2. Ordinance - amend Ord. 75-16 BCC meeting ordinance - JAK signed (PDF)
3. legal ad - amend Ord. 75-16 (PDF)

# Exhibit D – Ord. 2022-34

## ORDINANCE NO. 22 - 34

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 1975-16, AS AMENDED, IN ORDER TO AUTHORIZE THE CHAIRMAN TO BETTER DEAL WITH DISORDERLY PERSONS, INCLUDING REQUESTING THE ASSISTANCE OF LAW ENFORCEMENT OFFICERS TO REMOVE DISORDERLY PERSONS WHEN THAT PERSON'S CONDUCT INTERFERES WITH THE ORDERLY PROGRESS OF THE MEETING; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Ordinance No. 1975-16, as amended, regulates the conduct of meetings of the Board of County Commissioners; and

WHEREAS, the Board wishes to authorize the Chairman to better deal with disorderly persons, including requesting the assistance of law enforcement in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE: Amendment to Section One, Paragraphs 2 and 3 of Ordinance No. 1975-16, as amended, codified as Sections 2-37 and 2-38 in the Code of Laws and Ordinances.

### 2. Addressing the Commission:

- a. If a subject is not on the agenda for a meeting of the Board of County Commissioners it may be added by motion and an affirmative vote of a majority of all Board members present that the subject should not be delayed until the next meeting.
- b. Any person appearing to provide the Board factual information or expert opinion to consider prior to taking official action shall be governed by the following procedure:
  - (1) Prior to addressing the Board the speaker shall approach any podium or any other place otherwise designated by the Board of County Commissioners for this purpose and clearly state his or her full name, home address, the name of the person or entity that he or she represents and the subject of his or her address.

[22-BCC-00993/1745115/1]

## Exhibit D – Ord. 2022-34

- (2) Before providing factual information or expert opinion the speaker may ask, and any Commissioner may require the speaker to be placed under the following oath with right hand upraised:

"I willfully swear under oath the facts and testimony I furnish this Board to be the truth, the whole truth and nothing but the truth, and not inconsistent or contradictory with other statements made by me under oath."

No person shall be required to take this oath more than once in any given day, but shall be reminded he is under oath before again addressing the Board. Each commissioner, shall take the oath one time and be considered under oath during the term of his office.

Those asking questions or desiring to comment on a matter before the Board shall not be required to take the oath. Any Commissioner may at any time request such a speaker to take the above oath.

- (3) Each person shall limit his address to three minutes unless granted additional time by the Chairman or by an affirmative vote of the majority of the Board members present. All remarks shall be to the Board as a body and not to any individual member. No person other than a Commissioner shall discuss directly or through a Commissioner, without authorization of the presiding officer.
- (4) ~~Any person making impertinent or slanderous remarks or who becomes boisterous shall be instructed to remain silent by the presiding officer, until permission to continue is granted. The Chairman may:~~
- a) interrupt, warn, or terminate a speaker's statement when such statement is too lengthy, abusive, obscene, irrelevant or repetitive;
  - b) request any individual to leave the meeting when that person does not observe reasonable decorum;
  - c) request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
  - d) call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

### 3. Sergeant-at-arms:

The County Sheriff, or his deputy, shall be the sergeant-at-arms at meetings of the Board of County Commissioners and ~~shall carry out all orders of the Chairman to maintain~~ may assist the Chairman in maintaining order and decorum, including the removal of a disorderly person when requested by the Chairman.

[22-BCC-00993/1745115/1]

# Exhibit D – Ord. 2022-34

## SECTION TWO: INCLUSION IN THE CODE OF LAWS AND ORDINANCE

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

## SECTION THREE: CONFLICT AND SEVERABILITY

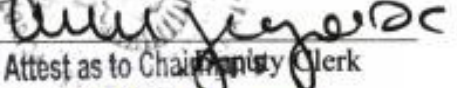
In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

## SECTION FOUR: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 13<sup>th</sup> day of September, 2022.

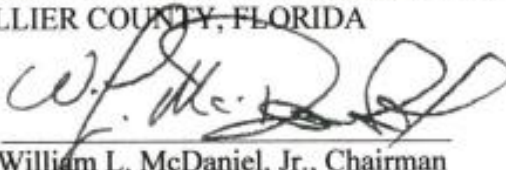
ATTEST:  
Crystal K. Kinzel, Clerk of Courts

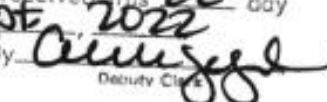
By:   
Attest as to Chairman's  
signature only.

Approved as to form and legality:

  
Jeffrey A. Klatzkow, County Attorney

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By:   
William L. McDaniel, Jr., Chairman

This ordinance filed with the  
Secretary of State's Office the  
21<sup>st</sup> day of SEPT, 2022  
and acknowledgement of that  
filing received this 22<sup>nd</sup>  
day of SEPT, 2022  
By:   
Deputy Clerk

[22-BCC-00993/1745115/1]

Page 3 of 3

Words underlined are added; words struck through are deleted.