



Development Services Advisory Committee Meeting

**Wednesday, February 1, 2023
3:00 pm**

**2800 N. Horseshoe Dr.
Naples, FL 34104
Growth Management Department
Conference Room 609/610**

**If you have any questions or wish to meet with
staff, please contact
Trish Mill at 252-8214**



Development Services Advisory Committee

Agenda

Wednesday, February 1, 2023

3:00 pm

2800 N. Horseshoe Dr., Naples, FL 34104

Growth Management Building, Conference Rooms 609/610

NOTICE:

Persons wishing to speak on any Agenda item will receive up to three (3) minutes unless the Chairman adjusts the time. Speakers are required to fill out a "Speaker Registration Form", list the topic they wish to address and hand it to the Staff member before the meeting begins. Please wait to be recognized by the Chairman and speak into a microphone. State your name and affiliation before commenting. During the discussion, Committee Members may direct questions to the speaker.

Please silence cell phones and digital devices. There may not be a break in this meeting. Please leave the room to conduct any personal business. All parties participating in the public meeting are to observe Roberts Rules of Order and wait to be recognized by the Chairman. Please speak one at a time and into the microphone so the Hearing Reporter can record all statements being made.

1. Call to order - Chairman
2. Approval of Agenda
3. Approval of Minutes:
 - a. DSAC meeting – December 7, 2022
 - b. DSAC LDR Meeting – July 27, 2022
 - c. DSAC LDR Meeting – August 24, 2022
4. Selection of Committee Chair and Vice Chair
5. Public Speakers
6. Staff Announcements/Updates
 - a. Development Review Division – **[Jaime Cook]**
 - b. Code Enforcement Division – **[Mike Ossorio]**
 - c. Public Utilities Department – **[Matt McLean]**
 - d. Growth Management Dept. Transportation Engineering Division – **[Jay Ahmad or designee]**
 - e. Collier County Fire Review – **[Shar Beddow or Shawn Hanson, Assistant Chief, Fire Marshal]**
 - f. North Collier Fire Review – **[Chief Sean Lintz or Deputy Director Daniel Zunzunegui]**

- g. Operations & Regulatory Mgmt. Division – **[Ken Kovensky]**
- h. Zoning Division – **[Mike Bosi]**
- 7. New Business
 - a. PL20200002400 – Collier Boulevard Interstate 75 Innovation Zone Overlay (CBIIZO)
 - b. PL20220008172 – Neighborhood Information Meeting (NIM) Rules of Decorum
- 8. Old Business
- 9. Committee Member Comments
- 10. Adjourn

FUTURE MEETING DATES:

March 1, 2023 – 3:00 pm

April 5, 2023 – 3:00 pm

May 3, 2023 – 3:00 pm

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING

Naples, Florida, December 7, 2022

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee, in and for the County of Collier, having conducted business herein, met on this date at 3 P.M. in REGULAR SESSION at the Collier County Growth Management Department Building, Conference Room #609/610, 2800 Horseshoe Drive North, Naples, Florida, with the following members present:

Chairman:	William J. Varian
Vice Chairman:	Blair Foley
	David Dunnavant
	James E. Boughton (unexcused)
	Clay Brooker
	Chris Mitchell
	Robert Mulhere
	Mario Valle
	Norman Gentry
	Marco Espinar
	Laura Spurgeon-DeJohn
	Jeremy Sterk
	Jeff Curl
	John English
	Mark McLean (excused)

ALSO PRESENT: Jaime Cook, Director, Development Review
Jamie French, Department Head, GMD
Mike Ossorio, Director, Code Enforcement
Drew Cody, Senior Project Manager, Utilities Planning
Jay Ahmad, Director, Transportation Engineering
Ken Kovensky, Director, Operations & Regulation Management
Mike Bosi, Director, Zoning Division
Patricia Mill, Senior Operations Analyst/Staff Liaison
Jess Bonilla, Operations Support Specialist II

1. Call to Order - Chairman

Chairman Varian called the meeting to order at 3 p.m. A quorum consisting of 10 members was convened; three arrived later.

2. Approval of Agenda

Mr. Curl moved to approve the agenda. It was seconded by Mr. English. The motion passed unanimously, 10-0.

3. Approval of Minutes

DSAC Meeting – October 5, 2022

Mr. Valle made a motion to approve the October 5, 2022, meeting minutes. It was seconded by Mr. Brooker. The motion passed unanimously, 10-0.

DSAC Meeting – November 2, 2022

Mr. Curl made a motion to approve the November 2, 2022, meeting minutes. It was seconded by Mr. Brooker. The motion passed unanimously, 10-0.

4. Public Speakers

(None)

5. Staff Announcements/Updates

a. Development Review Division – [Jaime Cook, Director]

Ms. Cook reported that:

- There are no major changes, but we're still very busy.
- She continues to get requests to ask contractors for site plans prior to pre-apps so staff can better serve you.
- In August, Jeff Curl asked us to update a memo from Bill Lorenz from 2008 regarding the lifespan of SDPIs to also include ICPs for plats. It's in your agenda package. SDPIs are also subject to the same expiration as SDPs and SDPAs. ICPs have the same time frame as plats do.

Mr. Curl asked about the sentences toward the bottom about approval of two versus three years.

Ms. Cook said they reviewed the code, and the SDP itself, when it's first approved, is for three years and extensions are for two years.

[Mr. Mulhere joined the meeting at 3:02]

b. Code Enforcement Division – [Mike Ossorio, Director]

Mr. Ossorio submitted monthly statistics from October 22-November 21 and reported that:

- This has been a challenging month for Code Enforcement, not only for case details, but case numbers have gone down from about 1,600 cases per month to 300-400 cases because we're losing employees, including a supervisor in property maintenance, and we have some FMLA issues with some seniors.
- We've spoken to the County Manager's Office and hope to be fully staffed by February.

- We're looking for industry input about whether Code Enforcement should extend its hours through the short-term rental issues. We're checking to see if we can get some on-call help, which will help with on-call pay and provide better service to the community.
- You should have the SOP within a month or two and he'll bring it back to DSAC.
- We're hoping to have on-call service until 7 p.m., with a senior staffer on-call and noise specialist because there are community concerns later at night.
- We continue to hold our East Naples, North Naples, Immokalee and Golden Gate City Civic Task Force meetings.
- We are being reactive and not proactive. We'll fix that. It's not a morale issue, but Code Enforcement employees seem to be in demand by other divisions, so that's good that they're moving around and learning different skills in the community and divisions. Unfortunately, it hurts the Code Enforcement Division, so we're working on it.

Chairman Varian asked if they'd seen an increase in unpermitted work with all the repairs going on.

Mr. Ossorio said that 80% of those cases went to the Special Magistrate and Contractors' Licensing Board, including building issues, blight, weeds, trash and other items. Many building code violations that are brought to a hearing involve residents who didn't know, or they bought something, or should have known the contractor was unlicensed. None have come across his desk, but Ken can speak about that

Mr. Curl asked whether the loss of employees is a pay-rate issue.

Mr. Ossorio said no, the Board of County Commissioners, Jamie and his group did a great job and provided a huge pay increase. We lost about 50 years of experience in the last six months. If you've been in Code for a long time, you look for new challenges and opportunities. If they've done Code Enforcement for 15 years, they need to decompress at the end of the day.

[Mr. Gentry joined the meeting at 3:06]

Mr. Ossorio said he put in his retirement papers and his last day will be April 7. He and Jamie spoke about that, so if he needs him to stay longer, he can. Right now, he needs to do more work.

[Mr. Dunnivant joined the meeting at 3:07]

Mr. Curl asked if HR could help with reclassifying positions or a higher pay scale.

Mr. Ossorio said no, they just did a pay study. It's not a matter of money, it's a matter of job stress. Unfortunately, we had an influx of senior people leave. It's difficult and if you've been here a while, you become numb and saying "no" all the time can drain you. We're looking for new, energetic people. We'll find them.

Mr. French proposed that they discuss that issue in February and reported that:

- We can have some HR representation at the meeting and, possibly, Ed Finn from the County Manager's Office to talk about this because it's an ongoing problem.
- We recently went through this with IT on how to read and interpret an ordinance. They decided people in Canada on the other side of the keyboard need to be fingerprinted, so it's my job to deal with that and other projects.
- He appreciates the DSAC's support and constructive criticism for the past two years. It doesn't feel like we got much done, but hopefully we have, despite hurricanes and ups and downs. The DSAC sets the measure of how we're doing.

Mr. Curl asked about Mike Ossorio giving notice of his retirement.

Mr. French confirmed he did give notice. He's done a phenomenal job, is one of the best in his field, and there's nobody more methodical than Mike. The community is growing, so he's going to ask Mike to stay a few more months because we have a more than 10% vacancy rate. The double-filling of that position has been approved and it's been advertised. He (Mr. French) may have a say in who they hire as the Code Enforcement Director. We want to make sure that person fits in this culture and that it's the right person, so we need to take time.

Mr. Brooker thanked Mike for his years of service, his approach to trying to solve problems and not being obstructionist.

Mr. Mulhere agreed he was great to work with.

c. Public Utilities Department [Drew Cody, Senior Project Manager, Utilities Planning]

Mr. Cody reported that:

- The numbers are back where we like them.
- Turnaround across-the-board is 10 business days or less. If you're not seeing that, please reach out to let us know.
- Going into the holiday season, on revise and resubmits for the deviations, if you have questions on the availability requests, make sure you're sending answers back to the utility planning mailbox, or you could be responding to someone who is out due to the holidays. There's a 90% chance the same person will be handling it, but that number goes down during holidays.

d. GMD Transportation Engineering Division – [Jay Ahmad, Director]

Mr. Ahmad reported that:

- Whippoorwill Lane Extension started in July 2021 and is a Design/Build Project with Quality Enterprises and ABB (Agnoli, Barber & Brundage). It's under construction and should be completed on schedule in May 2023. It connects Whippoorwill Lane with Marbella Lakes Drive from Immokalee Road, making an L-shape to Livingston Road. A lot of progress been made. They're doing lime rock and putting in a curb. There are four roundabouts so people will not be driving fast. There's a signal on Livingston and Marbella proposed as part of the project, but the traffic light lead time is very long now. It takes close to a year to get mast arms, so we hope they meet the May schedule.
- Veterans Memorial Boulevard Extension Design/Build Project is going well. Work on the east side of Livingston Road started and most of the work on the west side is in shape. They're looking at paving the final pavement by January, which is almost six months ahead of schedule. Signals are being done at the elementary school and high school, which is under construction. The lead time for mast arms is long. They're scheduled to complete the project ahead of the high school, which should open in August 2023, so we'll be well ahead of that.
- Vanderbilt Beach Road Extension, a seven-mile extension of Vanderbilt Beach Road, from Collier Boulevard to 16th Street. Much of the clearing is ongoing. They've started the excavation for a mile of Cypress Canal, which is being relocated south, and about 300 feet is finished. Completion is set for June 2025.
- Bridge replacement for Golden Gate Parkway over the Santa Barbara Canal, a Design/Build Project. There's a lot of traffic in Golden Gate City. We're narrowing the four-lane roadway to a two-lane roadway, one lane in each direction. There was a lot of discussion on what to

do: close the lane, detour, get it fast, build a second bridge. All options were investigated. This is the most cost-feasible alternative. The project is ongoing. Thomas Marine, which has done other county bridges, will do the work, and Johnson Engineering designed the project. Completion is set for the end of November 2023. We hope the bridge portion gets done quickly and the road work will follow.

Vice Chairman Foley asked about the Pine Ridge and Livingston roads intersection that ties in with the Whippoorwill project.

Mr. Ahmad said the selection process for a consultant concluded, we took it to the BCC in October or September and we gave a Notice to Proceed in November. Jacobs Engineering started the design. It's a Design/Build Project. They will be about 1½ to two years in that process, and as they reach the 60% design, part of the scope is to provide a Design-Criteria Package, which ties the project of I-75, which is done by the state, to a 30- 60% design stage. They'll take Livingston and Pine Ridge and Whippoorwill, combine those and we'll bid them as one project. The schedule is 2024 for construction. There's a grant tied to that, so we can't do it any faster.

A discussion ensued about Veterans Memorial Boulevard northbound and the Livingston Road turn lane and the following points were made:

- Traffic backs up in the mornings, sometimes all the way to the fire house, and the high school hasn't even been built.
- The turn lane is being enlarged. A northbound dual-left turn lane should take care of backups.
- They expect higher-volume traffic once the high school is built.
- It will extend through to U.S. 41 and is in the planning phase now.
- There will be a right-of-way by the Mercedes Benz dealership and it will go through environmentally sensitive areas.
- The county is working on the design phase now and completion is scheduled for 2024-25.

Mr. Ahmad said he'd provide an update on that at the next meeting.

e. Collier County Fire Review [Shar Beddow, Deputy Fire Marshal]

Capt. Bedow provided November monthly updates and reported that:

- There were 317 building plan reviews.
- There were 46 site reviews.
- There were 952 mobilize inspection reports pending.
- Julius Halas, director of the Florida State Fire Marshal's Office, has retired and Joanne Rice was named the new director and took the helm about two weeks ago.
- She introduced Capt. **Cruz**. We're doing a lot of cross training and growing, so we added two new inspectors and want to ensure that the succession training is there, although she will be there for a while.
- The Uline distribution center is close to completion.
- Several other large projects, including Great Wolf Lodge, are coming into the district.
- We're trying to stay on top of education, despite having so many new people, in our agency, North Collier and throughout Lee County.
- On December 15 and 16, the Florida Fire Sprinkler Association will teach free classes next door for the inspectors.

- On January 30, one of the best instructors she's had, Kelly with UL, is coming here to teach emerging technologies, including lithium-ion. There were many fires due to shorts during Hurricane Ian, especially in Sanibel, due to water intrusion. A house burned down from a Riobe battery that got wet. It's not just batteries in cars that are a problem. If anyone is interested in attending the class, please reach out to her.
- The NTSB (National Traffic Safety Board) was in last week to interview the Fire District about how to fix those problems.
- The Annual Clay Shoot is coming up on January 28 for Lee and Collier County fire marshals. She'd love to see a team from DSAC come out to show us how to shoot. She brought flyers, if anyone is interested.
- She attended the annual FFMIA (Florida Fire Marshals and Inspectors Association) conference in November. They're trying to train everyone statewide.
- We had to put off Texas, which is typically the premier organization nationwide that does bombs post-blast. They were coming here when Hurricane Ian was coming, so the class was canceled. We're hoping to bring it back and we'll update you on that.
- Snowfest was just held at Paradise Coast Sports Complex.
- The Botanical Garden and the Naples Zoo have been doing annual fundraisers, which involve a lot of community work.

Mr. Curl said his son plays football at Paradise Coast Sports Complex, where two kids got hurt. One broke his arm and the other had a spine bruise and was temporarily paralyzed. When EMS came, they couldn't figure out how to get in or where to go. Can you tell me who to report this to?

A discussion ensued and the following points were made:

- Both fire and EMS vehicles arrived and couldn't find the location.
- The incidents occurred on two different fields.
- Fire and EMS initially went to The Cove.
- They finally figured out they could take out the fence, drove out on the field through the fire-access lane and were able to put the boy on a body board to get him out.
- There is a better access point closer to the fields.
- There's too much confusion in that area, which is poorly marked.

Capt. Bedow said she'd look into that situation and report back to him.

Chairman Varian asked about e-submitting final certificates to the county. Yours is the only department that still requires us to use a yellow ticket to get submitted. Are you considering going electronic, like North Collier?

Capt. Bedow said the chief is aware of the problem and is looking at software.

Chairman Varian thanked her and said it would be very helpful for everyone out in the field.

f. North Collier Fire Review [Daniel Zunzunegui, Deputy Director]

Mr. Zunzunegui reported that:

- We're doing everything we can to get disaster permits through while still providing great customer service.
- Things have been very sluggish, but it's giving us more time to help with some problem projects.

- He's concerned about the number of permits in the queue, which leads him to believe there's a lot of unpermitted work going on, which will be problematic in the future.
- Residents who aren't in this industry and don't have this knowledge will go to sell their homes and be told that work was flagged because it didn't have a permit. We see it all the time, so he intends to speak to directors in this building to see if they can set up a task force or stop the problem in another way. We want to give the community a longer leash to rebuild, but that's not the right way to do it.

Mr. Valle suggested he reach out to NABOR leadership to get their Realtor members to spread the word about unpermitted work and what's required. They're the ones who will be dealing with it and contacting him about problems.

Mr. Zunzunegui said he wanted to speak with Mike Ossorio and Contractors' Licensing to find out what they're seeing. He wants to ensure it's not just holiday sluggishness. He believes there's a lot of work not going through the proper process, which will be problematic for residents and business owners.

Chairman Varian said he's been called to sites by building managers and association managers where he's seen a lot of unpermitted work going on. He asked why they're doing that and asking him to permit it. He's seen a lot at low-rise condos.

Mr. Zunzunegui said they need to get work going, but it needs to be permitted. We don't want them to be selling their homes five or 10 years from now only to find there was no permit.

g. Operations & Regulatory Management Division – [Ken Kovensky, Director]

Mr. Kovensky reported that:

- There are two queues, with one for permits they already received and are being worked on. That queue is currently on Monday's activities, so we're nearly caught up.
- Activity last month compared with last year was a little higher, but September and October of last year were much higher.
- For the last three months, we've seen about 10,700 permits. Last year, during the same period, there were 13,300. Obviously, some of that decline is due to Hurricane Ian, and it's taking time for permits to come in.
- There's also a queue of permits that haven't been applied for yet. We haven't seen that many permits. We processed 700-plus permits related to Hurricane Ian last month but believe there's a lot out there.
- In anticipation of more permits, we increased satellite offices to five days a week for the past 1½ months. That hasn't taken off much, especially Marco Island Airport's satellite office, which was set up to accommodate Isles of Capri and north. Only 46 people came to the office over the last month, so we think there are many permits that haven't been applied for.

A discussion ensued and the following points were made:

- Collier County residents are going to Home Depot and Lowe's to buy insulation after pulling out their own drywall, which is evident if you drive past damaged homes and see what's being purchased at Home Depot and Lowe's.
- There was an uptick in permits after Hurricane Irma, but that probably was due to specialty permits for roofers and screen cages.
- What's going on now is internal, homeowners doing the work.
- It's likely none of those homeowners obtained a permit because they believe it's just installing drywall, they want to get back to normal and not go through a regulatory process.

- Everybody is back in their house, but it's doubtful they got permits, although all those houses were under water.
- Most permits received by the county involved re-roofs (not all from the hurricane) and 30 came in the other day.
- As a result, the county may reduce hours in the satellite offices and redeploy employees back to where they will be more productive.

Mr. Kovensky continued his report:

- The Call Center is still averaging 5,000 calls in November; most were handled by KeyStaff.
- Abandoned calls went up due to staff changes and hiring KeyStaff temps.
- We're in a constant state of replenishing employees, pushing them to different areas and bringing more people to the Call Center, where they must be trained.
- We lost a finance manager, we had interviews that didn't yield anything, so the job was reposted.
- We lost two people in licensing; one went to Procurement and a planning tech from the Business Center went to Risk Management.
- A GIS tech position has been open for two months and is difficult to fill.
- We converted three KeyStaff employees to full-time planning technicians, so we built a pipeline that we're still drawing from.
- We filled an accounting tech position in the cashiering section; she'll start in two weeks.

h. Zoning Division – [Mike Bosi, Director]
(None)

6. New Business

- a. Updated memo regarding the lifespan of SDPIs and ICPs [Development Review]**
[Covered during staff announcements, 5.a, by Ms. Cook.]

7. Old Business

A discussion ensued over whether to hold a January meeting and the following points were made:

- The DSAC-LDR subcommittee didn't meet last month due to lack of a quorum.
- There are some items DSAC-LDR needs to hear, including the East Naples Overlay.
- There's not much coming up in January.
- They need to pursue alternate members for the DSAC-LDR subcommittee to ensure there is a quorum for their meetings. DSAC members could come if there isn't a quorum, especially if it involves their area of expertise.

Mr. Dunnivant made a motion to appoint all members of the DSAC as alternate members of DSAC-LDR that can be called on in case there's no quorum. It was seconded by Mr. Curl. The motion passed unanimously, 13-0.

8. Committee Member Comments

A discussion ensued over whether they would hold a meeting in January and they agreed they would not meet.

9. Adjourn

Future Meeting Dates:

February 1, 2023, 3 p.m.

March 1, 2023, 3 p.m.

Mr. English made a motion to adjourn the meeting. It was seconded by Mr. Brooker. The motion passed unanimously, 13-0.

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 3:41 p.m.

COLLIER COUNTY DEVELOPMENT SERVICES ADVISORY COMMITTEE

William Varian, Chairman

These minutes were approved by the Committee/Chairman on _____, as presented (choose one) _____, or as amended _____.

July 27, 2022

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE
LAND DEVELOPMENT REVIEW SUBCOMMITTEE MEETING

Naples, Florida, July 27, 2022

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee-LDR Subcommittee, in and for the County of Collier, having conducted business herein, met on this date at 3:00 P.M. in REGULAR SESSION at the Collier County Growth Management Department Building, Conference Room #609/610, 2800 N. Horseshoe Drive, Naples, Florida, with the following members present:

Chairman:	Clay Brooker (excused)
	Robert
Mulhere	Mark McLean
	Jeff Curl
	Blair Foley

ALSO PRESENT: Richard Henderlong, Principal Planner
Eric Johnson, LDC Planning Manager
Sean Kingston, Senior Planner

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Any persons in need of the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Department.

1. Call to Order - Chairman

Mr. Johnson said the subcommittee must decide who will be the acting chairman today. **Acting Chairman Foley** said they already chose him. He called the special meeting to order at 1 p.m. A quorum consisting of four members was convened.

2. Approval of Agenda

Acting Chairman Foley suggested they modify the agenda and move New Business, which is No. 4, ahead of Old Business, which is No. 3.

Mr. Mulhere made a motion to approve the agenda, as amended. Second by Mr. Curl. The motion was carried unanimously, 4-0.

3. Old Business

a. Discussion of the Tree Removal Process for More than 10 Trees

Mr. Henderlong said this is a discussion item that was remanded to DSAC-LDR to discuss and make a recommendation on whether there should be an LDC amendment or any change. Staff prepared this to give you the problem statement on page 1 and then to go through questions for your consideration. Actions to be considered are on page 4. Cormac Giblin, from the Development Review section, is here to answer questions and let you know what staff's position is. Mark Templeton indicated that you can do it one of two ways. You can go with a stipulation for making the changes longer than three years. That was the problem we understood. A memorandum was issued in 2008 for two to three years to complete the installation of trees. That's on page 4, 7A.

Mr. Curl said he's glad he found the memorandum because he and Blair thought there was no expiration to an SDPI.

Mr. Henderlong said when that came to Mark's attention, he said staff could do a stipulation or they could add a checkbox in the SDPI application to address the time period, which is really what he's looking at, 7.c.

Acting Chairman Foley said he appreciates all the background. We looked at the numbers to understand why it was happening, so this is helpful.

Mr. Henderlong said it's now up for their deliberation.

Acting Chairman Foley asked if they wanted to request an amendment to the Land Development Code or go with one of these suggestions on the page. Any discussion?

Mr. Curl said he's in favor of the stipulations. But the numbers of applications that they showed, throw those away because it's happening more and more every day. Pretty soon this is going to become more common. The only thing he would add is that an SDPI typically doesn't have a close-out of a permit. For trees, he typically doesn't do a certificate of compliance that would have an inspection to close it out. He doesn't see that working with this process. He does see Code Enforcement involvement going

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with this process. Maybe just write a letter to say you're in compliance, and Code Enforcement can come in to say they agree and it's gone. That would avoid the permitting dilemma.

Acting Chairman Foley said it also could be part of the stipulation work. When staff says two trees, it would give you a six-month or a nine-month period to put them in, and also a letter from the engineer or landscape architect of record to state that it's been completed.

Mr. Mulhere said there could be one extension, or something like that.

Acting Chairman Foley said that's a good idea, due to lack of material materials or whatever.

Mr. Curl said the worst-case scenario would be a major property where oak trees were planted between the sidewalk and the back of the curb. A great example is Saturnia Lakes. We did several hundred trees there. It was a lot of money because they also were repairing curbing and stormwater that also wasn't in compliance. So very quickly, we're not just talking about trees, this ballooned into a major construction project. Quite frankly, he likes prior to 2008.

Mr. Mulhere said B is the most appropriate because, as you were indicating, one change could be very different from another one. When he did one on a Livingston Road development, where oak trees were tearing up all the sidewalks, he had to go in and they had a Street Tree Plan that he had to amend the PUD. They were able to take them out and replace them. Mark worked with us on what type of trees would be appropriate and they had to come in and amend their landscape plan. That was probably on a plat because it was mostly single family.

The problem with B is that there could be a situation where somebody is unreasonable and doesn't necessarily agree with staff and can't come to an agreement on when it should be done. That's the most appropriate. If not, provide a standard stipulation on an SDPI addressing the time period. You also need an escape clause, an exception, so you're able to extend that.

Mr. Curl said to me, the time period is out the window. (Bill) Lorenz already weighed in with the 2008 memo and gave three years. It's more about what you're talking about with B. Stipulations could be open-ended because that could address the inspection, which would tie to a time period. The timing of removal with immediate replacement. That's the other thing we're looking at, the worst-case scenario. All the trees were removed, but they know they have three years to put them back in. That's where the focus should be. If they take them out, they need to put them right back in.

Mr. Mulhere agreed. So as part of the insubstantial change process, make a checkbox to indicate changes to the landscape plan. He doesn't understand the process.

Mr. Giblin said you can't do an ICP to an SDP.
A discussion ensued.

Mr. Giblin said you would do an SDPI and that 2008 memo says there was a time frame on those. Back then, it was two years. The LDC now says it's three years, so we might need that memo to be restated by the current plan director to bring it in sync with today's LDC. But the process should be the same whether it's ICP or SDPI, group processes.

Mr. Mulhere agreed.

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Acting Chairman Foley said he liked that.

Mr. Mulhere said our recommendation would be to formally recognize the process to change either in SDP or an SDPI for replacing existing landscape trees and to identify it – an up to three-year process to accomplish that. Correct nuances that neither the 2008 memo nor the LDC have a time frame on ICPs. This should establish that.

A discussion ensued and the following points were made:

- The landscape component is usually only a small portion of the work.
- Utilities may or may not be part of the work.
- There could be a simple valley gutter replacement and an engineer wouldn't be involved in that because you haven't changed the grade, just connecting point A to point B.
- If there's a stump, grind it down flat.
- Make it simple.

Mr. Johnson asked if a, b, c, or d embodied where they wanted to go with this.

Mr. Mulhere said they'd decided on A.

Mr. Giblin said A, and they have it do it for both an SDPI or ICP and establish today's time frames.

Mr. Johnson said it's a discussion item, but he recommended they make a motion to DSAC to make a recommendation to staff.

Mr. Henderlong said they needed to recommend not moving forward with an LDC amendment.

Mr. Mulhere made a motion to recommend that DSAC consider option A, which may require revisions to the 2008 memo and establishment of ICPs.

Mr. Johnson clarified that they'd agreed not to move forward with an ICP amendment.

Mr. Mulhere said that was correct.

Mr. Curl said he'd second that, but they needed to address the timing so they had an overall process of three years. For the drill down process, he wouldn't want to see three years. In other words, they remove them. They have three years to put it back or just less than three.

Mr. Mulhere said staff could address that.

Acting Chairman Foley asked if they'd submit something as part of the application, saying you estimate you could replace the trees within a year, six months. How would that work?

Mr. Curl said Mark Templeton said it's 60 days. They take it down and they have to put the trees back within 60 days. Expand that into these processes.

A discussion ensued and the following points were made:

- What if they can't get materials in time?

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- You can't clearcut an area and leave it barren for three years.
- The overall process should be three years, not two.
- Staff could make a decision on the time period; that should be part of the recommendation.
- We're not going to do a stipulation for the time period, but use the memo.
- Rewrite the memo to say the maximum time period is three years, from tree removal to replacement.
- There is no time period for an ICP.
- The time period to replace trees could be shortened.
- Ask staff to work with Mark Templeton to develop appropriate language to specify a reasonable time frame for replacement of trees.
- In the case of replacement of trees or landscaping, the applicant and the County may agree to a shorter time frame.

Mr. Mulhere made a motion to revise the 2008 memo to reflect that the ICP is also included; that the time frame is three years; and that the applicant and the County, in the case of landscape replacement, landscape material plantings replacement and related improvements, should establish a time frame that is the most expeditious, and less than three years. Acting Chairman Foley seconded it. The motion passed unanimously, 4-0.

b. Discussion of Automobile Parking for Single-Family Dwelling Units

Acting Chairman Foley said they had one more item and there is someone in the audience for this item.

Mr. Johnson said we have two minutes before we have to end at 5 p.m.

Mr. Henderlong said this is an item on residential parking issues, a reduction from the 40% requirement as it relates to *cul-de-sac* lots. This is a request from CBIA. It says that 40% of the front yard has to be reserved for pervious areas. What's happening is there was no recommendation as to what the relief should be. In your documents, we identified all the buildings and locations where people are going ahead in the high-end district. It's really a problem in Vanderbilt Beach and Connors Beach *cul-de-sac* lots, the bigger lots, and people oversizing and building their homes at a higher level. They can go with the Type 1 or Type 2 stormwater plan. They're going to the Type 2, where they come up with more of the engineering aspects, but they still have to maintain at least some kind of pervious area.

Mr. McLean said he's got one of these going on in a Pine Ridge lot that's a pie-shaped lot and it's almost impossible to get down to that 40% for a driveway.

Mr. Mulhere said we're not going to be able to solve this today.

Mr. McLean said it's tough and needs to be resolved.

Mr. Henderlong said the other thing for your consideration is that in Pelican Bay, their design has a 55% rule, as opposed to 40%, and that's different.

Mr. McLean said the recommendation is that we reduce that 40% recommendation on a pie-shaped lot.

Mr. Mulhere said we won't be able to finish and decide this by 5 p.m. today. [Others agreed.] It should just go to the DSAC. He's sorry for the people who came for this today.

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Mr. Henderlong said they could continue it.

Mr. Curl said this is the second time they've tried to hear this.

Mr. Henderlong said they could put it on the August 3 DSAC agenda.

Mr. McLean said he'd make a motion to recommend that on the pie-shaped lots, we make a reduction on the front yard impervious requirement from 40% to 25% countywide.

Mr. Curl said the only reason he can't support that is how do you determine a pie-shaped lot?

Mr. Mulhere said he'd have to look at it.

The motion failed and discussion ensued. The subcommittee agreed to continue it to the August 3 full DSAC meeting.

[Adjourned due to time constraints.]

4. New Business

a. PL20220004273 – Medical Marijuana Dispensaries

[Heard before Item 3]

Mr. Johnson told the audience that the subcommittee will be following Robert's Rules of Order and their speaking time would be limited.

Acting Chairman Foley said it would be a good idea for the group to choose 3 or 4 representatives to speak on subject matter so it goes more smoothly. The public can speak once we're done.

Mr. Henderlong said staff has been tasked with this presentation to revisit this issue the subcommittee undertook in 2018 and he will go over their prior recommendations later in the presentation and the status of them within the current amendment.

On May 10, 2022, the BCC directed staff to advertise and bring back for their consideration this LDC amendment, which allows medical marijuana dispensaries to become a new permitted land-use in the same zoning districts where pharmacies are allowed. It has been updated to conform to the 2021 Florida Statute 381.986, Regulatory Framework for Medical Marijuana Dispensing Facilities. The zoning districts where pharmacies are currently allowed in the County include C-2, with the limitation of 1,800 square feet or less gross floor area; C-3, C-4 and C-5; Business Park, Research and Technological Park PUDs, certain overlay districts, in particular the Golden Gate Parkway Overlay District and Santa Barbara Commercial Overlay District and where the list of permitted uses includes Standard Industrial Classification (SIC) 5912, a drug store or pharmacy.

Staff also was directed by the BCC to evaluate police reports for dispensaries in Bonita Springs, particularly those along Bonita Beach Road. Staff met with Collier County Sheriff's Office Capt. Scott Forth of Homeland Security, who is here today, and Lt. Gary Gambino of the Vice and Narcotics Bureau, to coordinate a law enforcement-issued report that could identify issues such as trespassing, burglary, theft, robbery, diversion of products, outside parking and loitering, breach of security system

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(indoor or outdoor), and crime involving any violation of Florida Statute 381.986 Medical Marijuana Use, which could be associated with existing medical marijuana treatment center dispensaries.

The initial law enforcement report date is shown on page 12, Exhibit A of the LDC, which shows the number of dispensaries currently operating in Lee and Collier counties. As of May 6, 2022, there are 28, with 10 in Bonita Springs and one on Marco Island that just opened about a month ago. When we contacted law enforcement agencies, we received a report on the question of whether there was any increase in crime associated with existing marijuana dispensaries and this was the initial response.

Staff had a follow up to the initial report through emails with the Collier County Sheriff's Office, which provided assistance in contacting the Lee County Sheriff's Office. Lee County Sheriff's Office later provided in greater detail, the actual nature of calls for service and incidents, for the period from 2014 to July 6, 2022, originating from each of the Bonita Springs dispensary locations. Staff condensed and rearranged this information into a list by nature of call and number of incidents for each dispensary.

The Collier County Sheriff's Office also provided an incident report on seven qualified physicians certification locations where a qualified physician may issue a physician certification before the Florida Department of Health can issue a qualified patient Medical Marijuana Use Registry Identification Card. *[He provided a handout with the summaries of those reports.]*

You will hear later from Ms. Veora Little, who will speak during the public comments portion of this agenda. She made a public records request and obtained a similar report for eight dispensaries in the City of Cape Coral that provided the incidents and nature of those calls. Staff took that information and put it in summary form and will cover that during public comment.

The calls for service and incident reports do not fully evaluate or constitute a complete police report, which is what the BCC was looking for. A more in-depth look at each incident and every record we need to be conducted to determine if, in fact, there is a link to the specific dispensary business or merely an incident that occurred in the vicinity of the dispensary's address.

A July 13 email received from Lee County Sheriff's Sgt. Quinton states the following: *"Our agency does not collect data pertaining to crime rates specific to certain businesses or addresses."*

He noted, the Florida Statute stipulates that local governments may not enact an ordinance for determining the location of dispensing facilities that is more restrictive than its ordinance for determining pharmacy locations. However, the statute does stipulate that a medical marijuana dispensing facility shall not be located within 500 feet of a public or private elementary, middle, or secondary school. A more restricted distance restriction would be inconsistent with the County's location requirement for pharmacies.

Under the statute, a County that does not ban facilities may not place specific limits by ordinance on the number of dispensing facilities that may locate within the County.

During a previous review, four subcommittee suggestions on the Land Development Code were made on April 18, 2018. The first clarifies standards related to statutory law from standards recommended by local governments. After a review of other community codes, experiences, practices and interviews, it was appropriate to provide standards at the local level as an additional level of protection for the BCC.

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A summary list of those changes are clarified in Exhibit B. Security measures was one of the more comprehensive elements that was increased. We were asked by the subcommittee to address the type of lighting lenses, such as full cut-off or semi cut-off. On Page 10, line 20 shows full cut-off with flat lenses are required. No. 3 was to include a cross reference to the County sign code. On page 10, line 9, there's a cross reference to LDC Section 5.06.00 that deals with all the sign code requirements.

The fourth and last item discussed was a requirement that a transport delivery vehicle be parked in a garage or a fully enclosed structure and there was no consensus. This provision remains unchanged. It's an added security measure to deter potential crime activity during night-time deliveries. Are there any questions or do you want us to go page by page?

Mr. Mulhere had questions. He said, to summarize, the statute preempts local governments from prohibiting any greater restrictions on medical marijuana dispensaries than would be applied to a pharmacy or drug store. There was a reference that unless a county bans them, but this was directed by the BCC. Obviously, they have the option to ban them, but if they don't ban them, then we have ...

Mr. Henderlong said we have to treat them no differently than pharmacies.

Acting Chairman Foley said it may be helpful for us and the audience to give a little history about when this came before the BCC and what their decisions and directions have been because they just put it on hold initially. But Bob is right. The statute is clear that if they do not ban them, they cannot put additional restrictions on locations and the number. Perhaps you could go over the history.

Mr. Henderlong said it was vetted by the Board in May of 2018 after it went through the committees and the Planning Commission. The recommendation was to allow marijuana dispensaries, no differently than a pharmacy. The Board decided to take a vote to decide to not ban or to allow. They took a vote to not ban dispensaries. It was a 3-2 vote and Collier County requires a four-fifths vote, a supermajority vote. Under our Land Development Code, when a specific use is not allowed, it is deemed to be a prohibited use. As a result of the Board's action, it failed to allow medical marijuana dispensaries due to the lack of a supermajority. That technically means it's a prohibited use. The reason the BCC decided on May 10 to bring it back is because they wanted a full vetting on the issue to ban or allow the use.

Mr. Mulhere said it's important because it should be clear that the Board hasn't made a decision which way they're going to go. They failed due to a lack of a super-majority vote to amend the LDC. They are going to hear this again and it will go to the Planning Commission again. The first threshold is if they decide to allow medical marijuana dispensaries consistent with the significantly approved amendment to the Florida Constitution by citizenry of the State. If they decide to allow that, then this becomes an issue. If they don't, then throw it away.

Mr. Henderlong said that's correct. This time, the motion will be either to ban or to allow it. What's before you is their request to consider allowing it. The County Attorney's instructions were that staff is not to take a position on this. Commissioner LoCastro wanted to hear both sides of it. The vote was 5-0 to bring it back, just so everybody's clear.

Mr. Curl asked when it was adopted. Was it 2018 or 2020? We heard it in May of 2018, but the BCC would have heard it in November 2018?

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Mr. Henderlong said that was correct. Some governments back then put some restrictions in place, and other criteria, before the new Statute became effective in 2018. Under the 2018 statute, they were preempted and accepted.

Mr. Curl said that in 2018, when we looked at it, the statute wasn't in effect.

Mr. Mulhere said the way it works is if there's a constitutional amendment, you still have the process of deliberating and creating a law by the legislature – and that hadn't yet occurred.

Mr. Henderlong said the constitutional amendment for the compassionate-use law pre-existed by several years. What we're talking about is that the Legislature in 2018, which this LDC amendment was consistent with, isn't the same thing we have here today. Governments either have to allow it or vote to ban. Collier County did not vote to ban, they voted to continue to talk because they didn't get a super-majority. They got a 3-2 vote, so that option was left open because it failed and was not fully vetted, in the BCC's opinion. So that's why it's back.

Mr. Mulhere said he didn't see anything of significant concern, except one thing on page 10, paragraph 2. Why would we treat an approved and operating medical marijuana dispensary facility that was approved and operating before a public or private elementary school, middle school, secondary school within 500 feet came in any differently? If something comes in later, we don't do that with an alcohol waiver. We don't make those uses nonconforming if something comes in later. If there's a medical marijuana dispensary there, it shouldn't constitute a non-conforming use if a school comes in later.

Mr. Henderlong said they're not, they're a legal nonconforming use.

Mr. Mulhere said we should check with the County Attorney's Office.

Mr. Henderlong said he did.

Mr. Mulhere said when he did alcohol waivers, they are not deemed to be legal, non-conforming when a school or childcare center opens up after they've opened.

Mr. Henderlong said he worked with assistant County attorney Derek Perry and Ray Bellows directly on the language which are their recommendation.

Mr. Mulhere said his position is that the non-conforming use is inappropriate.

Mr. Curl noted he's doing two projects for one of the companies listed in the packet. One project is in Jacksonville and the other is in Port Richey, so he's already alerted staff. He potentially would benefit should this come through since he's already under contract for one of the companies. He was advised that he doesn't need to recuse himself, but he wanted to put that on the record before the discussion begins.

Mr. Henderlong noted that Mr. Curl was referring to MÜV, which opened on about a month ago on Marco Island. He's doing consulting work in Jacksonville, but there isn't anything here since we do not have any dispensaries. He disclosed that and wanted that to be on the record.

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Mr. McLean said he did Curaleaf consulting work in Fort Myers and Venice, but he hadn't had communications with them in over two years.

Mr. Henderlong asked if he had anything under contract or further discussions, whether they've been in contact with him regarding future locations?

Mr. McLean said he has not.

Mr. Curl asked, on page 4, line 6, in the Florida Statute, if vaping is a different discussion than smoking.

Mr. Henderlong said it's different.

Mr. Curl asked about signage language referring to images associated with marketing toward children. He asked if "Joe Camel," which comes to mind from 20 years ago, is what we're talking about.

Mr. Henderlong said yes, he could read from the statute the language, if he'd like.

Mr. Curl asked about drive throughs having worked on two of them. He said both locations he worked on were doing drive-throughs.

Mr. Henderlong said that was correct, as it varies from local community to community. Some had drive-throughs and some didn't when we vetted this in 2017. There were 11 or 12 communities that had them. The County Attorney, Eric Johnson and himself toured Truelieve in north Fort Myers and there was a discussion and from the experiences of other communities recommended there not be any drive-throughs.

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Mr. Curl asked if it was because of higher crime.

Mr. Henderlong said it was for security reasons. The other part is the law requires that once you get your ID card, you have to go into the facility to talk to the employees. You get into a controlled waiting room area and once the ID card was certified by the State Department of Health, it allows the cardholder to go into the dispensary.

The report discussed earlier with the Sheriff's Office provided physician-certification facilities. What happens there is a physician is basically going over their medical records to determine whether they're a patient qualified to receive medical marijuana. The physician sends it to the Florida Department of Health and within 14 days, the DOH issues an ID card with their picture and information by State statute. Then they take the ID card and go to a dispensary, where they figure out what their doses are going to be, or what types of medical marijuana and whether the form is by smoking, ingesting edibles, etc.

Mr. Curl asked about the Sheriff's Reports for Lee County, saying he didn't recall many of them being stand-a-lone operations, meaning they're at a dedicated location. This could be onerous on the locations if they share a parking lot, and an out-parcel of a major shopping center. Who's to say that a guy parked in this place and that's where he was attacked, but he was targeted somewhere else in the shopping center? The incident reports may not directly reflect activity at the dispensaries.

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Mr. Henderlong said he mentioned that earlier.

Mr. Curl said he'd rather have that in writing to present to County Commissioners.

Mr. Henderlong said you can make that part of your recommendation.

Mr. McLean asked that they go to "security measures," on page 10, section D, subcategory 1a, line 17. Each one of our designated zoning districts are allowing for dispensaries, but Collier County, as a whole, is not a Dark-Sky county, so why would we overlay dark-sky compliant on a dispensary that may want to better light their parking lot than what dark-sky compliant allows for? That's an additional layer of insecurity we don't need.

Mr. Henderlong said when first discussed, the intent was to make sure it would minimize light trespass and glare and that the illumination of the light itself allows them to identify persons in the vehicles on the premises. A few years ago, the County adopted the Outdoor Lighting Standard Guideline book, which talks in detail about dark-sky-compliant fixtures and their differences. It isn't staff's position to decide what they are. They're going to look at the dark-sky-compliant fixtures that are recognized by the Dark Sky Society in the Electrical Engineering Society as to whether they accomplish that. It's a measure that's left there to be equipped in the event that there's a problem relating to trespassing glare or cutoff.

Mr. Curl said he wasn't suggesting eliminating that. They should enhance it.

A discussion ensued and the following points were made:

- People often have a problem leaving a building at night because it's too dark. That's where photometrically compliant versus dark sky compliant comes in. Dark sky compliant makes parking lots too dark.
- Collier County is much brighter than dark-sky compliant.
- That code is intended to identify people in parking lots. Dark-sky compliant is going to make those parking lots darker.
- Use the words "photometrically compliant."
- When they do dark-sky compliant photometrics in the Village of Estero, it meets their criteria for dark sky. But when we're doing photometrics in Collier County, we're much brighter than dark-sky compliant and we still can't have light bleed onto adjacent properties.
- Check with Norm Trebilcock, who does the majority of lighting plans in Collier County. He has some language that's been accepted. It gets what you want without being tied to dark sky.
- Dark sky is not capitalized here because that is a regulated code. The Dark Sky Society promotes a certain type of lighting, but you can achieve the same outcome without having to pay the Dark Sky Society to do it.
- SESCO Lighting also is good. They do a lot of photometrics.
- Strip centers may not be able to comply with that lighting. The way a lot of these codes are applied, especially in parking lots and commercial uses, it's at the access point of the right-of-way. That's what's required, the foot candle.
- Lighting is left up to the individual property owner, so if we're trying to do something different, this needs to be changed.
- Lighting needs to be promoted to have a brighter condition, photometrically compliant.

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- It's in the County site plan process and they have different levels. It's in the electrical code, but full cut-off, part of that language, is already in that ordinance. But it should cross-reference to the existing LDC.
- Outside shields help but it is not in the code.
- The subcommittee agreed to strike "dark-sky compliant" and instead specify an outdoor lighting system that's intended to be designed sufficient to clearly identify person vehicles on the premises.

Mr. Mclean, who was not part of the subcommittee in 2018, said they are objectively reviewing the code, in case it is adopted. Is the vote to move the amendment forward or kill it in the subcommittee?

Mr. Henderlong clarified the subcommittee is making a recommendation to allow or not to allow medical marijuana dispensaries

Mr. Mulhere moved that should the BCC determine to approve medical marijuana dispensaries as opposed to banning it, this would be their regulation/recommendation.

Mr. Foley said it was helpful and pleased to see the items vetted back in 2018 were addressed, including the updating of the statute, type of lighting, sign code, and transport vehicle issue. He understood the need to get feedback to the Board, however there wasn't enough stakeholder meetings and the time is curious. He is concern it was brought back in May when many residents are not here. Further, there should be more input, perhaps, from organizations like the medical community, who have a vetted interest in this topic.

Mr. Henderlong said that is a good point. He stated that when it was vetted in 2017, there was a medical marijuana stakeholder community e-mail list that was put together. Staff reached out to them before this meeting and before starting the process. Mrs. Little, who you will hear from today, has been helpful in updating the list. Staff recently updated the Presidents Council list, which was expanded significantly then in the past. Staff did their best effort through news releases and other information to get it out there. The amendment is processed no differently than what staff would normally do.

To the extent that it would require additional stakeholder meetings is really a decision to be made by the Planning Commission, if they feel they didn't have adequate or enough input. The BCC is open to both sides of the issue and wants to hear that. In fact, the subcommittee can go a step further to say they don't support it and if they do, some of these issues need to be addressed.

Seasonal residents are not here and the subcommittee can cite its concerns in its recommendation to the full DSAC. The schedule was noted with the Planning Commission meeting on September 1 at 5:05 p.m. and the BCC's first hearing of two on October 11. There's a request before the BCC to waive the nighttime hearing for the second hearing on October 25.

Mr. Johnson noted that the DSAC-LDR serves as an advisory committee for DSAC and can make any recommendation it wants. Just because the BCC is asking you to approve or not approve it, it does not compel you to approve or not approve and you can still make a recommendation.

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Public Speakers

Mrs. Veora Little, a certified nurse anesthetist who lives at 7442 Little Lane in Moorings Park Grand Lake and has been a County resident for the last 32 years. She is a CRNA (Certified Registered Nurse Anesthetist) by profession. She said that on December 2006, the Naples Daily News headlines read that six 10-year-old children at Cypress Palm Elementary School were taken to North Collier Hospital because they had overdosed on drugs. They were taken there after a child took his grandmother's medication to school. Because her grandchildren were in that class, it started her as an advocate for children, and for their health and wellness. After she retired from anesthesia, this began her working with the Collier County Sheriff's Office and Drug-Free Collier. She noted that:

- She was shocked there was a bad side of medicine. The precious drugs used and prepared in her career had begun to be a nightmare. Florida became the pill mill state.
- Today, her grave concerns are for the community because drugs have not stopped flowing.
- Changing the LDC to allow the sale of marijuana in established dispensaries would change the unique beauty of the community. It would invite an increase in incidents of crime and petty theft.
- She and her husband had a neurosurgical practice and pain clinic and never had a call for service, except when someone needed surgery on their back.
- "It is the responsibility of the Board of County Commissioners to provide service to promote the health, safety, and welfare, along with the quality of life, for its citizens. For the commission to allow dispensaries without the ability for the County to determine for itself what kinds of restrictions would be appropriate for our County would be irresponsible. Counties cannot determine for themselves where the dispensaries can or cannot be zoned. It is all or nothing."
- Marijuana can contain high levels of THC, the hallucinogenic component of marijuana. "The Department of Health is the regulating body of marijuana. The Bureau of Tobacco and Firearms has no jurisdiction. Marijuana is a harmful, addictive drug. It's illegal at the federal level. It can change and damage a child's developing brain and create a generation of individuals that will measurably contribute less to society and have associated psychiatric disease."
- Definitions are important, there is a difference between marijuana and medicine. There's no such thing as medical marijuana. "There is marijuana being used for medicine because it's the entire plant. It is not medicine. About 90% of our medicines come from the plant, but they've extracted the dose, purified and approved by the FDA. Marijuana remains federally illegal. It's a Schedule 1 drug because of its high potential for abuse with no currently accepted medical use."
- "There are several drugs (3) from marijuana that are FDA approved. Marinol is a synthetic version of THC used for nausea and vomiting from chemotherapy patients. Syndros is an oral THC solution for the treatment of anorexia. Epidiolex, the most current one, is used mainly for seizures in children or people with Tourette's syndrome."
- There is a difference between a physician's recommendation and a prescription.
- 12% of Florida physicians give out 100% of the medical recommendation cards and the rest don't. They make \$199-per-person for a medical marijuana ID card, which must be reviewed and renewed every seven months. It's cheaper the second time, but you also have to pay \$77 a year to be signed up with the Florida Health Department. Doctors have to have a two-hour course of training. No prescription because it is not FDA approved. It's illegal for them to write a prescription, so they must write a recommendation that covers the made-up policy.
- The difference between a dispensary and a pharmacy is, a dispensary is a place where medical marijuana products are sold. You choose your own, there's no prescription. Nothing to be picked out for you. You go into the dispensary and you talk to a "bud tender," who gives you options. There's no training or certifications for bud tenders. They only need a background check with no felonies. A pharmacy has a registered and trained pharmacist who is schooled for

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six years. A pharmacy tech has two years of schooling and is trained to handle medications and receiving your prescription, the legal document for medication.

- In Florida, there are over 50 cities, Naples being one of them, and nine counties, Collier being one of them, have spoken out and have chosen this option. People can get medical marijuana delivered free. It's readily available. There are 37 dispensaries in Lee County, so we should maintain Naples' beauty and safety.

Diane Van Parys, of Tarpon Bay Drive South, said she represents herself and is on St. Vincent DePaul's board, which serves the poor in Collier County. Her focus is on the effects of approving the dispensaries in the LDC. She noted that:

- The number of Florida patients as of May 23, 2021, with medical marijuana cards was only 2.61% of the population. If you take into account that only those 18 years or older are eligible for ID cards, it's a very small percentage of the population. The percentage has grown since then, but it's still a significant minority.
- The most overwhelming fact is that there are 54 doctors authorized to issue medical marijuana ID cards in Collier County. That process has been in effect since 2018. Once a person receives the card, they're able to get medical marijuana delivered within 24 hours.
- When it started out, Collier County residents had to drive to Fort Myers, but now there are 10 medical marijuana dispensaries in Bonita Springs and one on Marco Island.
- There are easy ways to get the card and to get medical marijuana. For example, there are ads that come in the mail that say "Medical marijuana, no medical records, no problem. Free gift today. Recertifications only \$150. Same-day dispensary service, no 14-day waiting period." That's in the statute, but it's not even being followed by the advertisement. It's not truth-in-advertising.
- She gave a hand-out of the ad to staff for the public record.
- She has compassion for people who need medical marijuana. Many have long-term diseases and illnesses and it's helping them, especially the older population.
- That fact that delivery is available, it is better and no one has to go to dispensaries.
- The law does not allow you to control the number of dispensaries once the ban is lifted. In fact, when Bonita Springs City Council approved lifting the ban, the City attorney said he only anticipated having one to two dispensaries there. But there's no limit and there are already 10 and at least three on the way now, so you need to take that into account.
- St. Vincent DePaul was working on a site for a thrift store nearby, on Horseshoe Drive in the River Reach Plaza. They leased the property and went through three months of the process and the 1984 PUD didn't allow a thrift store or second-hand store, so they were denied the property. They located elsewhere and two months later, there's was a CBD store in River Reach Plaza. She called a County employee to ask how a CBD store got in there when CBD was only invented in the last three years. He said of the hundreds of codes that are put in plazas, it was considered a health store. So this leads us down the path of approving dispensaries with no limit.
- Collier County Schools has a problem. There are eight alternative schools. The Phoenix Program for Immokalee and Naples is where students who were caught vaping more than once go. Many there are vaping marijuana. This year alone, Naples went from 107 to 187 students in the Phoenix Program, a 75% increase in one year. In Immokalee, it increased from 59 to 113 students, 92%, the majority of students being sent to the alternative school are vaping. These are students under the age of 18 and vaping is not supposed to be allowed until you're 21, so it's readily available to the students. By having medical marijuana dispensaries, you are

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opening yourself up to even more problems, and we need to prevent our youth from having that available.

- At NCH emergency rooms, from 2021 until now, 96 patients were seen with an average age of 39.9 for the cannabis-dependent problem or issue.
- CBD stores are already allowed to use a Delta 8 hemp loophole and there are abuses at these CBD stores. We don't need to lift the ban for medical marijuana dispensaries in unincorporated Collier County.
- The Florida Health Department is controlling this, not the FDA. The DOH Office of Medical Marijuana Use publishes a weekly report of marijuana use given out by all vendors. Trulieve has 118 dispensaries in the State and their total is 247,051,200 milligrams of THC were given out during the week of July 8-14. That's medical marijuana.
- The low THC, which is the CBD, provided 2,522,582 milligrams in just one week around the state.
- There have been findings that the state DOH Office of Medical Marijuana Use has many problems in their reporting. Another study showed all the errors they make in terms of not reporting in a timely, efficient manner all of the information.

Mr. Mulhere asked if the free delivery is coming from Bonita or Marco and who is making the deliveries. Are they the existing dispensaries?

Mrs. Van Parys said there are delivery options that are available. It does not have to come from the Bonita location. One can apply for a delivery service, as it is a different operation.

Guy Blanchette, CEO of Drug-Free Collier, whose duty is to provide prevention programming to students. He's the one who initially went to the BCC to tell them what the statute allows them to do, which is essentially ban dispensaries or allow them wherever a pharmacy is zoned.

- Voting for Amendment 2 in Florida happened so quickly that there was no structure or policies in place, so they rushed to a statute and gave oversight to the state Department of Health, which has no idea how to do compliance. They have no authority to do anything, except levy fines. They can't do raids and neither can the Sheriff's Office.
- We need the Health Department to catch up. If you go to their website, you cannot tell how many work in that department. There's not a single name on their website. From his understanding, there are eight people in that department. With the millions of doses being distributed, we need the DOH to catch up to that.
- It's noticed because it's illegal under federal law. That's why the federal government decided to allow states to make decisions on medical marijuana and allow them to vote yea or nay. So that takes away the FDA and federal Alcohol, Tobacco and Firearms, oversight and compliance.
- What's in front of you is the latest audit of the Health Department, which shows where Florida stands on compliance. In giving your recommendation to the commission, looking at this audit on where we stand on compliance, process and policy shows it's a complete failure. He ran a public company and if he had an audit like this, he would have been fired and there would have been a criminal investigation. We can't do that with the DOP and it's not their fault. It's a process and DOH needs to build out staff and hire people to control the number of dispensaries. Onboarding and training people are long processes. Look at the State audit, they have failed.

John Maines, a 33-year County resident and retired law enforcement officer (address protected by statute). He's a retired Naples police lieutenant with over 20 years' experience. He's been a real estate

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investor for 30 years and an active licensed real estate agent in Collier County for 12 years. He wants to offer what might be considered a unique perspective on consequences and said:

- If the County amends the Land Development Code to allow medical marijuana dispensaries, it will start with dispensaries, but if recreational marijuana gets passed in Florida due to the big money behind it, dispensaries will quickly be converted into full-blown marijuana stores, just like they were in Colorado, Oregon and Washington.
- His three perspectives on marijuana are from personal, law enforcement and real estate.
- He grew up in northern Wisconsin in the 70s and 80s in a small town called Saynor, with about 400 residents and was one of five siblings. The time he will discuss is within a six-year period
- The number of kids who grew up during this period was about 43.
- The culture there was that when kids reach 8th grade or freshman year, they turned to underage drinking and smoking pot. Most of them hung out at his parent's house. He witnessed the majority of kids smoking marijuana and drinking. He didn't smoke because he aspired to be a football star.
- In the last five years, six people he grew up with between 54 and 61 died because they were addicted to harder drugs. He witnessed two brothers who started their drug abuse with marijuana. His law enforcement perspective is every drug user he ever met always started their addiction with marijuana and alcohol.
- This does not mean every marijuana user will end up a hardcore drug user who dies young. From his personal perspective, many do and it affects everyone in the family and their friends, and causes negative societal impacts, such as car crashes, burglaries, car thefts, robberies, sex trafficking and thefts. These addicts drain local resources, such as counseling centers, jails, law enforcement, EMS and fire departments.
- From a real estate perspective, when he shows properties to prospective buyers and they see a homeless person sleeping inside or near a community they're considering purchasing in, they won't buy there.
- If a medical marijuana dispensary opens in a shopping center adjacent to a community, and if it looks like homeless people are hanging in front, buyers will ask to look at different communities.
- He believes Florida will legalize recreational use of marijuana and follow the same patterns as Colorado, Washington and Oregon, causing homelessness and increased crime. Residents who find themselves living next to dispensaries will stand to lose a lot of money when they sell their homes.
- Don't amend the Land Development Code. People can get medical marijuana now, so there's no justifiable reason to change the code. Politicians look to potential tax revenue from sales and that's what politicians in Colorado, Washington and Oregon did and look at the price their citizens are paying.

Jerry Taricska, a retired engineer who worked with Hole Montes for many years, said:

- It was always his duty to do what's best for the community. No decision has been made yet to ban. He wears a ring, the Order Of Engineers, that was taken from a bridge collapse and it's to remind engineers that we're supposed to be doing what's right for the community.
- There's nothing that Collier County can gain by putting marijuana dispensaries in our community.
- You need to look at more than the code, how it should be written to make it useful, and look at what's morally right.

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Cathy Lowers, of 42nd St. SE, Naples, a 15-year County resident who lived in southern California before moving here, said that as a result, she's very much against this and hopes the subcommittee recommends against this for three reasons:

- One, the impact on youth. You cannot control the number of shops that go in. She has six kids in her home, four are teens and two young adults in their early twenties.
- High THC is wiping out their generation. A U.K. report just came out that says high THC is wiping out people worldwide.
- Her knowledge of cannabis began when she was 18-19 years old, she worked on farms that grew and sold cannabis and that was before legalization. A loved one of her own is a pot addict.
- What the voters voted in overwhelmingly was medical marijuana, but it was a bait and switch, just like they did in California.
- If you ask anybody on the street what is medical marijuana, they think it's low dose and prescription, which is what attorney John Morgan and George Soros sold to them in Florida Amendment 2. They said it would always be regulated. It's not low dose, it's up to 100% THC. They can synthesize it up to that, and it's sold in all Lee County dispensaries and the one on Marco Island.
- She called the Marco Island dispensary this morning and the employee tried to sell her 80% vape oil.
- She knows all about the ID cards, what a joke they are. It's totally recreational right now in Florida, and that's why you should not recommend this.
- Areas are allowed to opt out of this. The very first medical marijuana law in the world was in 1996 in Southern California. She was living there. It was funded by George Soros who also funded 80% of Amendment 2 in 2016.
- People don't realize what the agenda was when Amendment 2 was passed in 2016. Outside interests came in. The way it worked in California is there was a honeymoon period. That's what we're in right now, where investors come in and all these slick-looking shops come in. They will make a big profit, a billion dollars this year in Florida. That's how it was in California. Then what happens? At first, it's medical, then it's a joke. Our medical marijuana law was a total joke, just like California. You got your card and you can get Dab, Shatter Crumble, all high THC products. None of it was medical.
- There is no study that shows anything over 10% is medical. There's no credible worldwide study that shows that. Everybody started getting addicted because the business model is you get everybody using high THC. It's very addicting, just like Big Tobacco. This is Big Tobacco 2.0. The business model is lifelong users.
- A lady in her church two years ago underwent surgery and she's still on it. Her husband asked me what to do. We tried to get her into rehab. So many people go into rehab because it's supposed to be temporary, and these doctors just keep giving it over and over again.
- They give you an endless amount, even in Florida, when they're not supposed to. She called a Naples dispensary today and wanted big numbers above the legal amounts and was told just come in before the 7-month time and they will recertify you for another amount. You have to do the research.
- Don't just get a tour of these places, get your medical marijuana card and go into Lee County. You will see joints, Dab, Shatter, Crumb, high vape and everything is a total, absolute joke.
- Why are we here? Why are we doing this now? The only thing that changed from 2018 is that the pot industry has gotten richer. After the honeymoon period was over, what happened in California was a massive collapse of the legal industry. Look it up.

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- Just this month, California Governor Newsome drastically cut the tax on the cannabis industry. They'd promised that when they brought in recreational, they'd fund education and other things with it. He just moved \$150 million from the general fund to fund the projects that cannabis was funding.
- Can anyone say what happened to the legal industry? There was massive movement of the cartels. 80 to 90% of all cannabis is sold in California, right now is by drug cartels. Look it up.
- What is being done about the problem? Spencer Roach, a state representative from Lee County, Andrew Learned from another county and state Sen. Ray Rodrigues have over the last two years, desperately tried at the legislative level to fix this. For example, THC levels. A lot of states have THC levels. Florida cannabis program is one of the worst, as far as being abusive and having no regulation of any state.
- They said you can get 75% THC. Call them up as part of your report, go in, they do not ask about your condition, it's about using high THC for recreational.
- Another problem is Delta 8, which is happening here, but not in California. She had a personal experience with it because of the hemp loophole. When the federal government legalized hemp in 2018, they said hemp usually is used for clothes and rope and for making CBD, which is the non-hallucinogenic part of cannabis, so there was no problem. Our founding fathers used to do hemp. But the pot industry found a way to get around it to make a high-THC, very addictive product called Delta 8. When you grow hemp legally, it can't be more than 0.3% Delta 9, which is what you usually find in these marijuana shops and high vapes. What they did is synthesize it after harvesting it to create high delta THC that you can definitely get high on and addicted to.
- Delta 8 addiction is such a big problem that Colorado and New York, which are legalization states, have outlawed Delta 8 products, but they're sold here and everywhere in these dispensaries now. About half the dispensaries she called didn't have Delta 8 yet, but they're selling them for about half the price of places that are actually selling them.
- At Compassionate Healthcare Florida, they say come right in and no medical marijuana ID card is needed.
- Two weeks ago, she was at a festival in Cambier Park and someone filed a police report after two kids left the festival high. She found out there was a registered medical marijuana dispensary there selling Delta 8 products without a medical marijuana card in Cambier Park two weeks ago. There was an 8-foot table operated by college students who had a sign. She also filed a police report about it. Kids were getting high. They were just buying it with a credit card. Hard-core recreational marijuana is already here.
- She talked to Commissioner Taylor, the mayor and City Council and they said there is absolutely no way they can stop the vending of high-THC Delta 8 by dispensaries in Collier County until the State enacts a ban.
- She recommended that the County bring in Spencer Roach because he is the leader of trying to rein in the pot industry. It's not fair to the voters that they voted in medical and the industry blatantly turned it in two ways: to high Delta 9 and Delta 8. The common person has no idea and she doesn't want this in her home with young people.
- NBC-2 did an interview about what's happening here and a cannabis employee said, "We're licking our chops to get into Collier because of all the money we can make." When they put one in every retail outlet, which is happening in Bonita, what do you think young people see when it's called Miracle Cure, Wellness Center? They think it's harmless. For the rest of her life, she'll be caring for a loved one who is unable to get off high-THC pot. It is not harmless.

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Dr. Lenard Rutkowski, a retired neurosurgeon of about 40 years who lives in Quail Creek, said he's never taken any illegal medications, such as marijuana. He's lectured to Ave Maria law students about marijuana issues and medical issues involved with it. He noted that:

- He hopes DSAC will make decisions based on property and compassion. Compassion is going to be an issue here, poor people with pain. That's a bunch of baloney.
- He and a neurosurgeon colleague took care of pain patients for decades. There are many other pain medication options available. He has no objection to CBD. It's the THC he objects to in any way, shape, or form and its effect on children and adults.
- There is no control over the percentage of THC given to people.
- The University of Mississippi is government sanctioned to do research on THC marijuana. It's the only place that is sanctioned in the U.S., as far as he knows. They deal with 10% marijuana. In the marketplace, it's now legally up to a 50% THC percentage, which is quite dangerous.
- These clinics are not run by doctors, for the most part. They're run by entrepreneurs who put loads of money into marketing and coming up with false claims about cures.
- Out of 100 people, you'll find two or three who have a good experience with it and a miracle response. That's not scientific data. He stated he can defend everything he says with scientific literature.
- This is a gateway drug and it has been proven to be a gateway drug. Coming from south side of Chicago, his generation was addicted to alcohol. The experience of alcohol and marijuana -by the Wisconsin speaker says something. That combination is not good. There are prudent people, no matter what's been proven genetically, who are predisposed to addiction.
- He's available to provide an open conference and scientific literature to the staff, not hearsay information.

Acting Chairman Foley thanked the speakers for their comments, noting that the subcommittee is hearing a common theme from many different perspectives. Thank you for taking the time to share your concerns over this important issue.

[He closed the public hearing.]

Mr. Henderlong said he'd like to get the recommendation of the committee on the amendment and entertain a motion.

Acting Chairman Foley made a motion, saying he can't support this in any way. It's not right for the community. We were tasked to be reviewing the Land Development Code components, but this isn't right for Collier County. There are other options, as speakers said. We could possibly get more feedback from the community. It's not right for the BCC to be considering approval at this time of year. It might be better later in the year, when there are more residents here.

Mr. Johnson said he wanted to speak about him making a motion. He knew that Mr. Curl had provided information at the earlier meeting. He and Rich have tried to do their best to figure out what's good and what's bad with respect to voting, but we're not attorneys. He wants to make sure subcommittee members aren't taking legal advice from us.

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Acting Chairman Foley said we do have some committee members here that have had some experience with some of these companies. He'll leave it up to them to make a decision on whether they can vote.

Mr. Curl said there are two of us [himself and Mario Valle, a DSAC member].

Mr. McLean said if we make a motion today to approve a potential ordinance and it's denied and fails, or if we make a motion to not move this forward to DSAC, what happens?

Acting Chairman Foley said it goes to DSAC in its form and the subcommittee failed to make a motion.

Mr. Henderlong said earlier you said if the BCC proceeds, these are the changes you would make. If you choose not to approve, the subcommittee's recommendation is not to go forward.

Mr. Mulhere said this motion would be to not support the ordinance that allows medical marijuana dispensaries, but to ban them. The second recommendation would be in the event the BCC does vote to support medical marijuana dispensaries; we recommend the following changes ... That's the way he'd do it, two motions.

Mr. McLean said he wanted to hear the motions.

Mr. Mulhere said he'd second Blair's motion not to adopt this ordinance, that they ban medical marijuana dispensaries. They only have two options.

Acting Chairman Foley said that's right.

Mr. Henderlong said the motion is to recommend that medical marijuana dispensaries be banned as a permitted use, correct? That would be your motion?

Mr. Mulhere said yes, he'd second it just because it's on the floor.

Mr. Mclean asked if they could make multiple motions.

A discussion ensued over whether they needed legal advice on making two motions.

Mr. Henderlong said the DSAC will meet next Wednesday and we will talk to the County attorneys about that, to give you the degree of comfort you're looking for.

Mr. Mulhere said the alternative is to make one motion, but it's cleaner to make two.

Mr. Foley said the subcommittee has made multiple motions before.

Mr. Henderlong reiterated the motion that the Board ban medical marijuana dispensaries as a permitted land use.

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Acting Chairman Foley made a motion to recommend not permitting medical marijuana dispensaries in Collier County. Mr. Mulhere seconded the motion. It passed 2-1; Mr. McLean voted nay. [Mr. Curl recused himself.]

Mr. Mulhere made a motion to recommend to DSAC that in the event the BCC approved allowing medical marijuana dispensaries, the DSAC-LDR subcommittee would make changes to the LDC to remove the reference to dark sky lighting, but to achieve the same effect and seek counsel from Norm Trebilcock or another lighting design expert, and eliminate the language that creates a non-conforming use for the medical marijuana dispensary that was legally approved and is subsequently disqualified after a school or other use moves in.

A discussion ensued over the definition of a non-conforming use and legal non-conforming use, its effects on selling or transferring a business, expansion, eviction and obtaining insurance.

Mr. Mulhere said they were legal when they went in there. Why should they be made legal non-conforming by a subsequent action?

Mr. Henderlong said this is how was explained to him: There are new schools being built and a dispensary goes in. What happens to that dispensary if a new school comes in and it's closer than 500 feet because the school is allowed to get its permits without having to comply with those local requirements?

Mr. Mulhere said that doesn't have anything to do with the fact that the dispensary went in there legally. If the school board wants to object to it, let them show up at a public hearing and object to it.

Mr. McLean said he's just trying to clarify the language. He doesn't want to move something forward to the BCC. The political pressure is on the BCC, not us. If this goes to the BCC and gets approved, he wants something enforceable that we've put in place. He doesn't want to overwhelm the BCC with our intended categories.

Acting Chairman Foley said even if it dies here, they're still moving it forward without our recommendation. It doesn't go away.

Mr. McLean said he doesn't want it to die here. He wants it to be ironclad. If a force beyond us approves it, our document should be strong.

Mr. Mulhere explained separation distances on page 9, paragraph 1. Paragraph 2 does not exist in any other place where you have a separation requirement. We do not have that language anywhere else in our code where there already is a separation requirement. We do not declare that a subsequent action makes that use non-conforming anywhere else in our code. We shouldn't do it here. That's his position.

Mr. Johnson said it sounds like what you are recommending is that you would strike out 5.05.16(b)2.

Acting Chairman Foley said there's a motion on the floor and a second. Is there any further discussion?

Mr. Mulhere made a motion to recommend that in the event the Board of County Commissioners approved allowing medical marijuana dispensaries, the DSAC-LDR subcommittee would make

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changes to the Land Development Code to remove the reference to dark-sky-compliant lighting and seek counsel from Norm Trebilcock or another lighting design expert, and eliminate the language that creates a non-conforming use for a medical marijuana dispensary that was already legally approved. Mr. McLean seconded the motion. The motion passed 3-1; Acting Chairman Foley voted nay. [Mr. Curl said he did not recuse himself because it involved the LDC.]

b. PL20220004350 – Golden Gate Estates Variance Distance Notification

Mr. Johnson said this is a proposal to modify LDC Section 10.03.05 Required Methods of Providing Public Notice. It's accompanied by a companion Administrative Code amendment, Chapter 8, Public Notice. On June 14, 2022, the Board of County Commissioners unanimously directed staff to bring back an LDC amendment for variance petitions and reinstate the mail notification distance of 1,000 feet for the Urban Golden Gate Estates Sub-Element of the Golden Gate Area Master Plan GGAMP), as well as the Rural Sub-Element of the GGAMP.

The proposal would be to modify 10.03.05, B1.c, to change it from one mile to 1,000 feet for variance applications only. That's at the direction of the Board of County Commissioners. By the time this goes to DSAC, he will populate the GMP consistency portion of the narrative to indicate that it's consistent with the GMP.

Mr. Mulhere asked if the logic was that a variance isn't a land-use change, whereas the conditional-use or rezone or small-scale amendment is a land-use change, so they would want to notify more people? A variance only affects the people closer to it, so that would be the basis for that?

Mr. Johnson said the variance was because it affects one property and doesn't affect everyone along the street in the Golden Gate area. That's the reason for that logic.

Mr. Curl said he's not on board.

Mr. Mulhere said 1,000 feet is a pretty substantial notification.

Mr. Curl said not in Golden Gate Estates. If it's a 660-foot lot, you're notifying two people.

Mr. Henderlong said he understands, but when it comes to a variance, it's usually a side setback in the majority of the ones John Kelly has vetted on this and was supporting this back when it was one mile.

Mr. Curl said that's how the one-mile notice occurred two years ago. He remembers Clay saying that was a good thing.

Mr. Henderlong said Bob also did and it's really the land-use that's the issue for the one-mile notification. Apparently, it came to the attention of the BCC.

A discussion ensued.

[Mr. Johnson offered to show a graphic to illustrate and clarify.]

Mr. Mulhere noted that it's a bit different in the urban area because if you go out of the one-mile area now for a variance, you're going to be notifying all these gated communities that happen to be next to urban estates. That's going to create a lot of problems for, in most cases, someone with a 2-foot pool.

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Mr. Johnson said right now the public notification for the Estates in the Golden Gate Area Master Plan is one mile. This would reduce it to 1,000 feet for variances only.

A discussion ensued over language that referred to 500 feet; Mr. Johnson said he'd revise a sentence to show that reference should be in the past tense.

Mr. Mulhere made a motion to modify Land Development Code Section 10.03.05, Required Methods of Providing Public Notice, to reinstate the 1,000-foot mail notification distance for variance applications in the Urban Golden Gate Estates Sub-Element of the Golden Gate Area Master Plan and the Rural Sub-Element of the GGAMP. Second by Mr. McLean. The motion passed 3-1; Mr. Curl voted nay.

5. Public Comments

None

6. 2022 DSAC-LDR Subcommittee schedule reminder:

September 21, 2022

December 14, 2022

7. Adjourn

Acting Chairman Foley made a motion to adjourn the meeting. Second by Mr. Curl. The motion passed unanimously, 4-0.

There being no further business for the good of the County, the meeting was adjourned by the order of the acting chairman at 5 p.m.

**COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE
LAND DEVELOPMENT REVIEW SUBCOMMITTEE**

Acting Chairman: Blair Foley

These minutes were approved by the subcommittee/chairman on _____, (check one) as presented _____, or as amended _____.

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE
LAND DEVELOPMENT REVIEW SUBCOMMITTEE MEETING

Naples, Florida, August 24, 2022

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee-LDR Subcommittee, in and for the County of Collier, having conducted business herein, met on this date at 3:00 P.M. in REGULAR SESSION at the Collier County Growth Management Department Building, Conference Room #609/610, 2800 N. Horseshoe Drive, Naples, Florida, with the following members present:

Chairman:	Clay Brooker
	Robert Mulhere
	Mark McLean (excused)
	Jeff Curl
	Blair Foley (excused)

ALSO PRESENT: Richard Henderlong, Principal Planner
Eric Johnson, LDC Planning Manager
Sean Kingston, Senior Planner
Zachary Karto, Principal Planner
James Sabo, Planning Manager
Derek Perry, Assistant County Attorney
Chrissy Fisher, Principal Planner, Johnson Engineering

Any persons in need of the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Department.

1. Call to Order - Chairman

Chairman Brooker called the meeting to order at 3:05 p.m.; a quorum of three members was present.

2. Approval of Agenda

Chairman Brooker said at the suggestion of staff, they will be moving New Business before Old Business to tackle 3.a, the RLSA item, because that might be time consuming.

Mr. Curl made a motion to approve the agenda, as amended. Second by Mr. Mulhere. The motion was carried unanimously, 3-0.

3. New Business

a. PL20220003445 RLSA Updates [Eric Johnson – PowerPoint Presentation]

Mr. Mulhere said he emailed Assistant County Attorney Derek Perry, Chief Assistant Attorney Heidi Ashton and County Attorney Jeff Klatzkow before the meeting, but unfortunately his email was hacked and the County doesn't receive his emails. The topic was that he has at least three different land owners he's working with in the RLSA, so there is, at the very least, a potential perception of a conflict of interest that his involvement in this item could accrue to the benefit of his clients, so he will abstain from voting because he hasn't received any legal advice. That leaves you with two for now to vote.

Mr. Johnson said he believed Mr. McLean would be arriving late.

Mr. Curl noted that if they discussed it, it still would move to DSAC.

Mr. Johnson said there would be no recommendation from the Subcommittee and it would just go to the DSAC as is. He's not sure how they want to proceed on that.

Chairman Brooker said they should do the Scrivener's Errors first and then move to the RLSA after that, in case other members arrive later.

Mr. Johnson said staff's preference is to have it move forward as efficiently as possible. The DSAC-LDR's next scheduled meeting is Sept. 21, which is after the DSAC meeting.

Chairman Brooker said his preference is to have a DSAC-LDR Subcommittee's recommendation on the record. Let's move to 3.b, Scrivener's Errors now.

Mr. Mulhere asked if they'd heard from Mark or Blair.

Mr. Johnson said he heard that Mark is tied up at a city meeting and would be late and believed Blair said he'd be here, but he wasn't certain.

Mr. Mulhere suggested they poll the DSAC-LDR members to see if they can meet before the DSAC meeting in late September to ensure DSAC has its recommendation.

Mr. Johnson said that was their prerogative.

A brief discussion ensued over scheduling a meeting.

Mr. Johnson said Bob was suggesting they could meet before DSAC's September 7th meeting, possibly before September 1st and the conference room is usually used on Tuesday, Wednesday and Thursday. These rooms are available on Fridays. There's no reason we can't meet on a Monday or a Friday, provided he has 72 hours' notice.

A discussion ensued over scheduling and the availability of the conference room.

b. PL20220005067 2022 Scrivener's Errors [Sean Kingston – PowerPoint Presentation]

Mr. Kingston said this amendment corrects Scrivener's errors and updates various code citations and references throughout the LDC. The PL number is PL20220005067. These changes are necessary to keep citations current and language appropriate. Research to relevant codes was applied for validity. This amendment makes corrections in the following LDC sections. He offered to go through each individually.

Mr. Curl said that wasn't necessary, that it was straightforward.

A brief discussion ensued about Tab 5 containing the Scrivener's Errors to the LDC.

Mr. Mulhere made a motion to approve PL20220005067 2022 Scrivener's Errors. Second by Mr. Curl. The motion passed unanimously, 3-0.

c. Discussion of Neighborhood Information Meeting Process Modifications

Chairman Brooker said he brought this up at the last DSAC meeting. There was a proposed amendment that came before the BCC recently about amending the NIM process. The amendment referenced issues, such as security possibly being required at the cost of the applicant, and rules of procedure or protocol were going to be developed that should be observed by all NIM attendees. But it was continued by the BCC to discuss at a later date. He's not certain if it was rescheduled.

Everyone sitting here has probably attended a NIM where people lately are feeling rather emboldened and can get aggressive and disrespectful, to the extent where we saw some violence erupt at a recent NIM one or two months ago. In his opinion, the County is now on actual notice that NIMs can become violent and dangerous. The solution in the draft he saw was to have contractors hire a safety/security detail. Instead, he thought the Subcommittee could discuss the options of having virtual-only NIMs. You solve many, many problems by doing that. We've all become used to performing virtually now.

He didn't know if anyone could say where that proposal and modifications are with respect to the BCC and whether DSAC can have input. After he brought it up at the full DSAC meeting last month, he talked to Jaime Cook afterwards and she said she took notes at the meeting and would give it some thought. Since then, he spoke with Jamie French, who seemed to think it wasn't really going to involve anything other than rules of behavior or protocol in front of the BCC, as opposed to at NIMs. But that

wasn't what he read. Maybe someone from staff can say where the draft is, the next steps, and whether this is something we should bother with.

Mr. Johnson said he believed it was the County Attorney's office that was establishing the rules of decorum for Board of County Commissioner hearings. A different effort involved Mr. Bosi submitting an agenda item for NIM changes and one option that was included was a virtual-only option. It's wise to have all the different types of methods, at least for a discussion point of view. Ultimately, it's going to be whatever the Board of County Commissioners decide. If the Subcommittee wants to provide input, it should probably come from the full DSAC so it would be communicated to Mr. Bosi.

Chairman Brooker said when he brought it up at DSAC last month, he was told the Subcommittee should hear it first.

Mr. Johnson said if that's the case, then you can talk amongst yourselves and come up with a plan.

Mr. Mulhere said Mike Bosi did write something. He heard a lengthy discussion at the Planning Commission about a month ago and Rich Yovanovich was there and was called on to provide his input. Rich attends many NIMs and some of the rest of us actually put NIMs together and have unique input into the challenges. If we feel there is a likelihood of a large crowd and some degree of security concerns due to that and there's a possibility of having an unruly meeting, we engage off-duty Sheriff's deputies, typically two, sometimes three. There's no guarantee they're available, so you have to ask. They get \$50-\$60 an hour and the client pays for that.

NIMs have gotten pretty expensive. It costs a lot of money to have a couple of IT guys there for six hours making sure that everything is set up properly because we're having them in all different locations with different technological capabilities. We've had to have Wi-Fi hotspots because where we were wasn't adequate. We've had problems where, even though we thought it was adequate, people couldn't hear on the Zoom call, so he now writes a disclaimer in his company's ads that say, "We're making it available as a courtesy, and we are not responsible for any technological problems that might occur."

If we go to mandatory, one thing that has to be considered is certain locations that are already deemed to have the adequate technology, which could limit the number of locations. That means they may be a little farther away from where a NIM would be otherwise be held because we try to have them in close proximity to wherever the petition is being impacted.

The other thing that was discussed was the quality of the recordings. My company invested thousands of dollars, more than \$10,000 and probably closer to \$20,000, to purchase equipment that will allow us to videotape from a couple of different locations and audiotape at a high level, instead of the tiny recording devices on the microphones, which are backups. Then we have two IT people who attend every NIM to set it up, monitor the Zoom call and make sure everything is working. And we typically have at least another two planning staff members at every NIM.

The process is probably five people for an average of four hours, so NIMs have gotten expensive. It's part of doing business. He wrote the original NIM LDC amendment, along with the County Attorney's Office, about 24 years ago, before NIMs were required. Now, almost every jurisdiction has NIMs, which is a good thing.

But where there is a potential of physical violence or harm, or people are so disruptive that it's now continued for a month or two, such as the case Clay (Brooker) cited, they couldn't even hold a second NIM. The Planning Commission also discussed something that would regulate and suffice if people don't follow the rules of decorum. If you don't, you've lost your chance to have an opportunity for us to explain what we are doing because the intent of a NIM was to allow the applicant to explain what they were doing and then take feedback, not dialogue, feedback from the folks who are impacted by it.

It's a good idea and he prepared a standard slide that he uses now at all NIMs on their rules of decorum, which says this is required, what we're going to do, how we expect people to behave, and if you don't talk into the microphone, it's not going to get recorded. Mike was talking about maybe having the staff person be the facilitator, as the Administrative Code indicates. Both representatives from Comprehensive Planning and Zoning do not need to attend so long as one is there. He also was thinking that staff should speak at the beginning of the meeting and lay out the rules of decorum as the County staff person and then hand it over to the person handling the NIM. He usually introduces staff at his NIMs because people like to talk after meetings and get advice or a business card, so having a staff person would help.

The Planning Commission also was discussing the disparity in the quality of the recordings of NIMs and their inability to get a benefit from hearing the recordings sometimes. The summary is just a summary and some people want to actually listen to an entire meeting or watch the entire meeting. The audio with video helps and is better than just audio. They were talking about what potentially may be considered a safe harbor – and that would be a verbatim transcript.

We had a meeting recently where we did a verbatim transcript out of an abundance of caution and it cost several thousand dollars, so for anything that's potentially controversial and you need a safe harbor, you're probably talking about \$12,000-15,000 for a NIM. It's the cost of business. All of these things should be considered, but he's not sure the Planning Commission had the benefit of hearing from enough people. They only heard from one person.

Planning Commission members don't go to the meetings, they're not putting on the meetings, they don't necessarily know what goes into it. They might have benefited from a little broader discussion about that, but Mike Bosi does have a draft. If that draft was continued by the BCC, it'd be nice for us to see what those recommendations are.

Mr. Curl agreed that it should come through the Subcommittee, which would make a recommendation to the DSAC and then it would go to the Planning Commission. He wants people to understand that many developments came to a complete stop during the recession, so if this is a \$15,000 bill for a NIM, it's going to keep a lot of people in the future from doing business in Collier County.

Mr. Mulhere said many aren't like that. A lot are short and productive, but increasingly, that is not the case.

Mr. Curl agreed. He's been on the other side of a NIM and he weighed in. The Planning Commission asked if it was a conceptual concern by me to the planner. A lot of times these NIMs are worthless because the Planning Commission hears it and they know what the concern is, but it's still framed as a conceptual concern, so he doesn't believe \$15,000 is really making that much of an impact.

Mr. Mulhere said there's some truth to that. You have an obligation because you're representing a client. Ultimately, the client is going to make a decision based on what he hears, whether he changes something or doesn't change it. We say, right at the beginning, "We are not making any commitments," zero, because any commitment we make is considered to be a commitment and it goes into the staff report, so we're not saying, "OK, we'll build a 10-foot-high wall." That's not going to happen.

But we are hearing concerns and they are discussing those concerns after the meeting. Almost always where there's a concern, there is a change or attempt to address that concern. If someone is against it, that's a different story. But to mitigate with a more substantial landscape buffer or ...

Chairman Brooker noted that the purpose behind a NIM is a good one for transparency and to allow the public, especially those who are going to be most affected by what's being proposed, to act and learn about what's being proposed and ask questions or give feedback. Transparency and feedback are good things because on the applicant side, we're trying to address those problems so they don't get aired in a public hearing setting. We want to hear concerns, but it's gotten out of control lately – the cost, the disrespect, and anger. It's been a long time since he had a friendly, short NIM.

He'd like to see whatever is being proposed come before either the Subcommittee or the full DSAC. That would be his preference. One idea Mark McLean mentioned at the last DSAC meeting was that staff runs it and there's an agenda. Staff opens it up, explains the process, why the meeting is being held, turns it over to the applicant for presentation, takes back control of the mic, and then fields questions. If questions need to be answered by the applicant, the applicant is afforded the opportunity to try to answer or give information, but everything remains in staff's control, so that creates a shield from the anger.

Mr. Curl said it doesn't, because then you're opening a dialogue to the staff member to quote code and a concerned citizen who questioned if it is legal.

Chairman Brooker said Ray Bellows was at the last NIM he held and came up to him afterward. There's a reason staff doesn't want to do it – for the very reasons we're discussing right now. They don't want to be in the position of shielding or fielding all the concerns and anger. So, an idea would be to make it virtual, have staff run it, but get rid of the audio recording. Do people really listen to the audio recording after-the-fact? (*Mr. Curl said, "No."*) The requirement is that there's a commitment made that becomes part of the record and that commitment follows the application through the process and becomes a commitment with whatever approval is granted.

As for security detail, he was speaking with a staff member who said the mere appearance of two burly off-duty cops creates tension. This is the atmosphere we are dealing with and it's unacceptable. Frankly, if someone gets hurt and comes to his office, who is going to be the first person he recommends they sue? Collier County due to this mandated process and they have actual knowledge that they're putting people in danger. Also, if a concerned citizen at a NIM gets out of control, "waive your right to address any public hearing from that point on, on that application. You waive it."

Mr. Mulhere asked, what if you're not able to hold a public hearing because of an unruly crowd, which causes you not to be able to hold the NIM? Then that's it. You've made your obligation. You opened it and you closed it.

Chairman Brooker said staff required him to hold a second NIM after a Zoom recording didn't work due to technical difficulties. We tested it and it worked five minutes before the NIM started and then for some reason it didn't.

Mr. Mulhere said that's why he put a disclaimer in.

Chairman Brooker said that doubled the cost.

Mr. Curl contended the recordings are meaningless, unless the Planning Commission wants to hear people fight and yell.

Chairman Brooker said maybe the County Attorney's Office will listen to his comment about waiving the right to speak at a public hearing if you can't control yourself and you've exhibited that. The law requires an opportunity to be heard. They can be heard by writing an e-mail, writing a letter, or talking to their appointed or elected officials prior to the hearing, but at that point it stops.

Mr. Curl said the DSAC members just received an e-mail today from Trish (Mill), who said that if we wanted to add an item to the agenda, she needs it by next Monday. Is this something we can add or is it something that needs to come from staff? We'd like to hear where staff is in the process.

Mr. Johnson said if anyone in the Subcommittee wants to have something on the DSAC agenda, Trish (Mill) needs to receive it by next Monday.

Chairman Brooker said they talked about it at the DSAC but were told to send it to the Subcommittee.

Mr. Johnson said the reason you're talking about it now is because Subcommittee members aren't allowed to talk about it separately behind closed doors. Right now, we're in the sunshine and you're discussing something that is important to you. This conversation is memorialized by our transcriber, and any kind of direction that you want to give either staff or the DSAC, that is your prerogative.

Chairman Brooker asked where the modifications are now in the process of being re-reviewed by the BCC. He asked if it is coming up.

Mr. Johnson said he did not know. Without Mr. Bosi being here, he can't say much about it.

Chairman Brooker suggested they add it to the next full DSAC meeting again with the request that staff bring us whatever is in writing and then be prepared to tell us where it is in the process in terms of BCC ultimate review.

Mr. Johnson said if something is in writing, it's public, and this Subcommittee can discuss it at this Subcommittee's next meeting.

Mr. Curl said he'd second Clay's motion to see the draft and where it is in the process.

Mr. Henderlong confirmed that they want to see the draft, have staff at the next DSAC meeting give an update on the process and the procedure, where it is going to go, how it's being vetted and will be followed.

Mr. Curl said the fourth bullet would be that if it's sitting in limbo, why isn't the Subcommittee getting an opportunity to discuss it?

Mr. Henderlong said that is a question to bring up at the DSAC and they should make two or three main points in their motion to bring back to the DSAC.

Chairman Brooker said in the event they have another Subcommittee meeting next week, they can discuss it again there. The motion is to put it on the full DSAC agenda, have a copy of the draft in writing, and have staff explain where it is in the process of review.

Chairman Brooker made a motion to put the NIM process on the full DSAC agenda, be able to review the NIM draft, and have staff explain where the draft is in the review process. Second by Mr. Curl. The motion passed unanimously, 3-0.

Mr. Johnson asked if it was available by the next Subcommittee meeting, do you want to put it on the agenda?

Mr. Curl said absolutely.

Chairman Brooker said if it's the Subcommittee meeting is after the DSAC meeting, yes because right now, they'll be discussing it at the next full DSAC meeting.

Mr. Johnson said he was referring to having a Subcommittee meeting prior to September 1st.

Chairman Brooker said yes, you might as well.

[Mr. Mulhere left the meeting room at 3:45 p.m.]

4. Old Business

a. Discussion of Automobile Parking for Single-Family Dwelling Units on Cul-de-Sacs and Pie-Shaped Lots

Mr. Henderlong said he and Zak worked on this. This is the fifth time they're bringing it back to the Subcommittee. For background, this originated with the CBIA and it was taken to the full DSAC, which directed it back to the Subcommittee. Staff presented discussion items, did some background research, so you can look at that. We thought the best way to approach the discussion item would be to frame the problem statement which is in the first paragraph.

Those are the four locations of the projects, which have already been approved. They're marked in yellow. The 40% vehicle-use rule applies to the front yard, from the building of the front yard setback, up to the front yard. Only 40% of that area can be used for vehicles. When we looked at the site calculations of the four plans when they came in for review, the four projects they were concerned about have already gone forward. We just wanted to make that clear to you. Your packet includes photo examples of those properties for clarity.

[Mr. Mulhere returned to the room at 3:48 p.m.]

The CBIA wanted to know what the original rule was and where did it come from. Question No. 1 addressed the original rule. Back in 2002 and 2003, staff actually created this rule based upon a corner lot in Golden Gate Estates for a duplex. The problem they were experiencing was that they were having a problem with 11 cars being in a front-yard setback. They went through some calculations based upon that lot area and came up with the 40% rule, which they felt would be appropriate going forward in the future for all plats, lots, and subdivisions, regardless of whether it was a cul-de-sac, or not a cul-de-sac lot.

The next question to be addressed was No. 2: How often does the problem occur? We spoke with the Development Review staff and the issue appears to be associated singularly with the design of a specific home site, a split-garage design on smaller lots. In particular, it's a common issue for pie-shaped, cul-de-sac lots, and more so in the higher-end projects.

Why did this issue surface now? That's because we're finding the lots in the Pelican Bay community, and Vanderbilt Connors Beach, have cul-de-sac lots where they are maxing out development of the lots. They can get by without having to re-engineer the impervious areas. They can get their stormwater management by spending more money engineering the structure itself and by elevating the structure.

On pages 4 and 5, what we thought was interesting is to see what these structures, that already have been approved, are doing. For example, look at Seabreeze Avenue on page 5, from the property records office. We came up with the square footages as to how much area they are enclosing within the structure for parking and storage. We found that three of the four have significantly dedicated space within the confines of the entire building itself for additional parking and warehousing, so the 40% rule, even though it's still somewhat restrictive on a pie-shaped lot, is still maintaining some impervious use.

Mr. Mulhere asked if that applied to the understructure part.

Mr. Henderlong said that was correct. One of the other concerns that everybody talks about is what happens when you have a vacation-rental home? You're going to get additional people coming in there and they're going to have more cars. They're going to come to the end of the cul-de-sac. Where are these people going to park? So, there are two sides to this and you have to look at the consequences of the relief. What size lot and what relief should be deemed appropriate? There's limited space already at the end of a cul-de-sac for cars to park, unless they go into the structure. On these bigger structures, they're putting parking inside, but then they also want a car outside. Should we load up and do away with the impervious rule if they gave up the entire area that was impervious, or a portion of it to be pervious? We looked at the deed restrictions and design diagrams because one of the designers noted that in Pelican Bay, they have a 55% rule, versus 40%. Jeff, you're probably familiar with that.

Mr. Curl said he was.

Henderlong said the only other criteria that would give some relief would be to move it and change it a little bit. We left some of the questions open-ended. We bring it to your attention for discussion and to get your input. The Subcommittee has to come up with a recommendation.

Chairman Brooker said for clarification on the table, all the cases that are brought as potential problems on the yellow-highlighted table actually did comply with the 40% rule?

Mr. Henderlong said they did.

Chairman Brooker said the second column, which is entitled 40% front-yard parking area, is confusing. Isn't that just the front-yard area?

Mr. Henderlong said that is all the area from the front yard to the building that they did on the site plans. It shows on their site plans it's 2,056 and then they multiply that by 40%.

Chairman Brooker said you've titled entitled that column "40% front-yard parking area."

Mr. Henderlong agreed it was misleading. We should just say "front-yard area." We should take the 40% off. He apologized.

Mr. Mulhere asked if it was just the front yard.

Mr. Henderlong said it was.

Mr. Mulhere said you're just applying the depth of the setback times the width in the front yard.

Mr. Henderlong said it's easy for a square, but when you do a cul-de-sac, their site plans had to provide that so when they come in for an SDP, they have to show the setback calculation and area. Then the 40% rule is applied to that area

Mr. Mulhere said when he looks at the allowable 40% in those examples, he did some math and determined it could accommodate a driveway, a circular driveway or a doublewide. You're not going to be able to get a turnaround in a cul-de-sac because you have limited street exposure.

Mr. Karto noted that a lot of these issues were tied to lots with two garages, where they had one garage on one side and one garage on the other.

Mr. Curl said it's an architectural design. This sounded like a no-brainer, but he's struggling with this. Architectural design is a huge impact, front-loaded versus side-loaded. We're also discussing Pelican Bay, and Port Royal even comes to mind. They often put sod in the driveway and it's not often used as frequently as a front-yard.

Mr. Henderlong asked them to view page 4 photos, 342 and 354, noting that 354 is one that the CBIA was having an issue with, but it's actually being built. If needed, the site plan can be pulled up from our folders. The photo showed there are areca palms on the right and landscaped out with limited an impervious area on both sides and hedges. When it is designed, there's usually a garage to the right and to the left and landscaping in the front to meet that impervious requirement. We're trying to figure out if it's in the community's best interests to cover it all with an impervious area.

Mr. Curl said it wasn't. The short answer is no. Now you've added a lot of parking to the front yard. You brought up an excellent point. You increase the parking, you increase the impervious area. For somebody in an Airbnb, now you've allowed a lot of parking in the front yard and as a neighbor, he'd be upset. The other important part is you brought up Pelican Bay. They have a 55% impervious maximum-lot coverage there, which works for them. He's not saying the County needs to be Pelican Bay at 45%, but there are other drivable surfaces that can still be pervious and accommodate the 40% rule. It's not a hardship. It just comes down to smart design.

Mr. Henderlong showed the next photo, at 340 Pine, a Vanderbilt home and how it appears from an elevation view.

Mr. Curl said aesthetically, if these property owners could have covered 100%, they would have.

Mr. Mulhere said one thought is that you're calculating the front-yard area and then applying 40% to the front-yard area. There could be other vehicular-use areas in the case of a side-loaded garage, which are not within the front yard area. There could be other vehicular-use areas, as is the case for a side-loaded garage, which are not within the front yard. If a rule is created, it should say no more than 40% of the front yard area may be restricted to the vehicular use area.

A brief discussion ensued over the photos and the wording of the 40% rule and where cars are allowed to park or not allowed to park on grass or in the right-of-way.

Mr. Brooker asked if you are allowed to place parking areas in the sides of the front yard setback.

Mr. Henderlong noted that you can park there provided it does not exceed the square footage of 40% of the front yard area and it is not part of the calculations.

Mr. Mulhere said it can occur on a square or rectangular lot where there is enough room to do a side-loaded garage and have two parking spaces.

Mr. Henderlong noted that on his own 1970s property in Palm River, he can't install a pool because he's prohibited due to the 40% impervious rule, unless he tears up the driveway and makes it pervious. Another rule and criterion for single family lots is that it requires the stormwater management area to be no greater than 40% impervious area. He and Rocco, an architect in Palm River, live on a golf course and both have the problem.

Mr. Mulhere said he does not deal with single-family much but that you're saying in RSF1 through RSF5, in the development standards there's a maximum impervious standard, which he's unaware of.

A discussion ensued and they determined that involved stormwater plans on single-family lots, page 2 of the table, and that didn't restrict it to 40%.

Mr. Mulhere said an easy solution to your concern about paving over for parking would be to establish a maximum impervious area. The City of Naples adopted a maximum impervious area and you can't go over that. The County never did that. In Connor Vanderbilt Beach Estates and other places, there were a lot of neighbors building side yard to side yard adjacent to older homes in the 1970s, with the new homes elevated 10 feet over the old homes with no stormwater plan and all that stormwater came down from the roof onto the neighbor's property. This is why a stormwater plan is required for single-family.

Chairman Brooker said the general consensus seems to be we are not sure there is a problem that needs to be addressed.

Mr. Curl noted that the four they were discussing were already completed and are well below the 40%.

Mr. Mulhere noted there are some problems: people parking more than on an occasional basis within a right-of-way, which probably occurs a lot within vacation rental homes. If there are six bedrooms to the rental home and there's a family reunion, there could be five cars there. That's what's happening. That needs to be regulated. You can go to Marco Island to see what's going on. Their referendum on regulating and registering rentals passed last night but the state has prohibited municipalities from prohibiting the use. However, you can regulate the use. He is not sure if there should be a regulation on the number of cars to be allowed to park in a right-of-way.

Mr. Henderlong said it's also a problem on regular lots.

Chairman Brooker said if they were to suggest some relief on a cul-de-sac lot, the only type of relief they could suggest is to allow more than 40% – and he's not sure he would support that. It's getting close to paving the entire lot over. If you want to buy one of those Connor Beach Vanderbilt cul-de-sac lots that are being built, you go in there knowing this. You have a rule and have to put parking underneath.

Mr. Mulhere said that's with the exception of the 7½-foot side-yard setback.

[Mr. Mulhere left the room at 4:10 p.m.]

Mr. Henderlong said this reminds him of Olde Naples, where everybody is now starting to max out within the setbacks the building in its entirety. The question then is then how much of the area outside that building envelope would be dedicated for parking or used for impervious areas? You can engineer, you can go up, we can put parking totally underneath, go up on the floodplain, which most of them are doing. They're still maxing out the structure, and then you have within the rear yard setback here, your accessory use, and you have limitations. You get on waterfront in Parkshore or Vanderbilt, and they can go up to the back end of that seawall, right up to a point. So now it keeps going there, but there's a quantity of water that has to be engineered and maintained and kept on site.

That's where he believes we got a little confused with the stormwater-impervious area. Because the rule there was to say that when they collect all of that, if you can't engineer it, you have to come up with a Type 2 design. You're going to have to put it all underneath in rock trenches, French drains, whatever, and you have to retain it. If not, they'll give you some relief for the impervious area within the front yard. If you want to wipe that away, then the question they need to prove to us is that, No. 1, stormwater system can handle it and, No. 2, it's a fundamental question of what do you want the front yard to look like? It's an aesthetic issue. And No. 3, is parking, as it relates to having guests and where they're going to park. Are they going to park in the garage? What if they can't?

Chairman Brooker said his recommendation is that they return it to the DSAC, say we discussed it and the general consensus of the Subcommittee is we don't see that there's enough of a problem to change the regulations, No. 1. No. 2, if there were some will or incentive to change, you're starting to pave over the entire lot.

Mr. Curl said he agreed.

Mr. Henderlong said the direction given was for the Subcommittee to discuss it and come back with their recommendation to the DSAC as to whether to take any action or not.

[Mr. Mulhere returned to the room at 4:12 p.m.]

A brief discussion ensued over whether this was a legitimate policy issue and Mr. Mulhere was briefed on what he missed.

Mr. Mulhere made a motion to note that the Subcommittee does not see a problem exists to the extent it warrants a modification to the existing regulation. Second by Mr. Curl. The motion passed unanimously, 3-0.

A brief discussion ensued over when the DSAC-LDR could meet to discuss the amendments, which would require a news release and notice of five business days.

Mr. Johnson said the earliest meeting date would be September 6 or September 2, if the news release was out tomorrow.

Mr. Mulhere said he is not available on the 6th and if he were here, he would not be making any discussion and abstain. He will hold his comments until the planning commission.

Chairman Brooker said he understood these are LDC amendments being proposed to implement GMP amendments that went into effect last year. Shouldn't the controversy be significantly limited?

Mr. Mulhere said it should be.

Chairman Brooker asked if the LDC amendments are essentially verbatim to what was adopted last year in the GMP.

Mr. Johnson said there is more detail on the LDC.

Mr. Mulhere said that for example, the Rural Fringe Comprehensive Plan was more detailed, so a lot of the LDC mirrors the Rural Villages, which spells out everything. That's not as much so in the Rural Land Stewardship Area, which is a little more open. He hasn't finished reviewing all of these, but there probably is some more detail. There's not really anything at issue, but he saw that there was a lengthy letter from the Conservancy, with their recommendation, so they obviously have some issues with some parts of it.

Chairman Brooker says the 60-page packet from the Conservancy starts off by saying these comments don't necessarily relate to the LDC amendments that are being proposed because the proposed LDC amendments are simply designed to implement the Growth Management Plan changes of last year. Notwithstanding that, we would like you to improve the RLSA in these numerous ways. That's how he read the introductory paragraph of the Conservancy's letter.

Mr. Henderlong said to keep in mind consistency. The LDC can never be inconsistent with the Growth Management Plan. That's the first criteria test. They may disagree with that and that's where he believes the controversy comes about over what's inconsistent or consistent.

Chairman Brooker said if Mr. Mulhere isn't coming to the DSAC-LDR meeting they plan to schedule, he would still like to have the benefit of his comments on the matter in order to understand what the issues are.

Mr. Mulhere said he could call in on September 6. He'll be at a planning conference to get continuing planning education credits.

Mr. Curl said he read it, including Rural Lands West and noted the Hamlets is being knocked out, so they're making the case for connectivity. He saw a lot of eye-raising things in there.

A brief discussion ensued over a date for a meeting.

Mr. Mulhere said he knows the landowners want to get it moving.

A discussion ensued over scheduling another meeting and members decided to meet at 2 p.m. September 21, 2022, to discuss the RLSA before the October 5th DSAC meeting

5. Public Comments

None

6. 2022 DSAC-LDR Subcommittee schedule reminder:

September 21, 2022

December 14, 2022

7. Adjourn

Mr. Mulhere made a motion to adjourn the meeting. Second by Chairman Brooker. The motion passed unanimously, 3-0.

There being no further business for the good of the County, the meeting was adjourned by the order of the acting chairman at 4:29 p.m.

**COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE
LAND DEVELOPMENT REVIEW SUBCOMMITTEE**

Chairman: Clay Brooker

These minutes were approved by the Subcommittee/chairman on _____, (check one) as presented _____, or as amended _____.

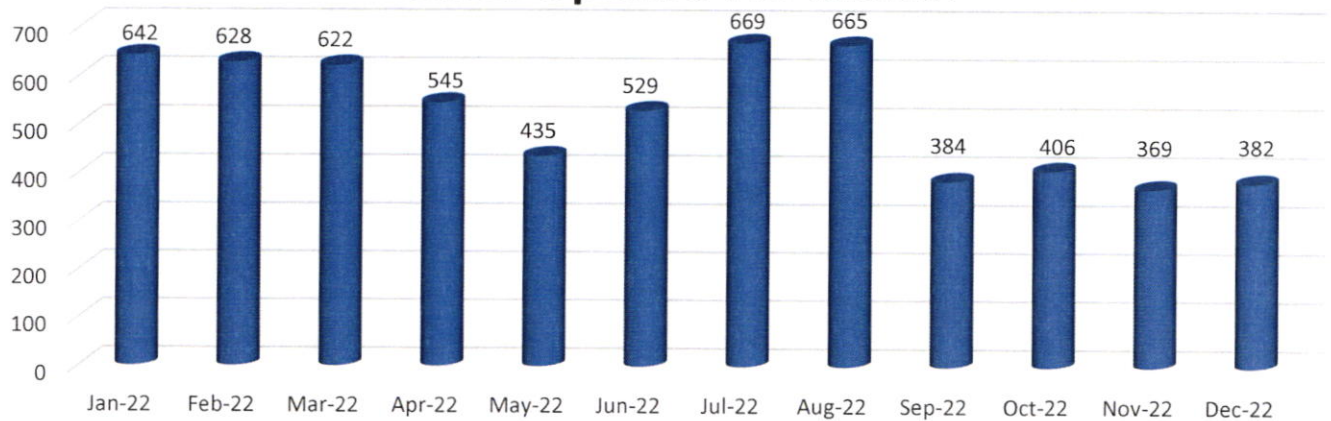
Code Enforcement Division Monthly Report

December 22, 2022 – January 21, 2023 Highlights

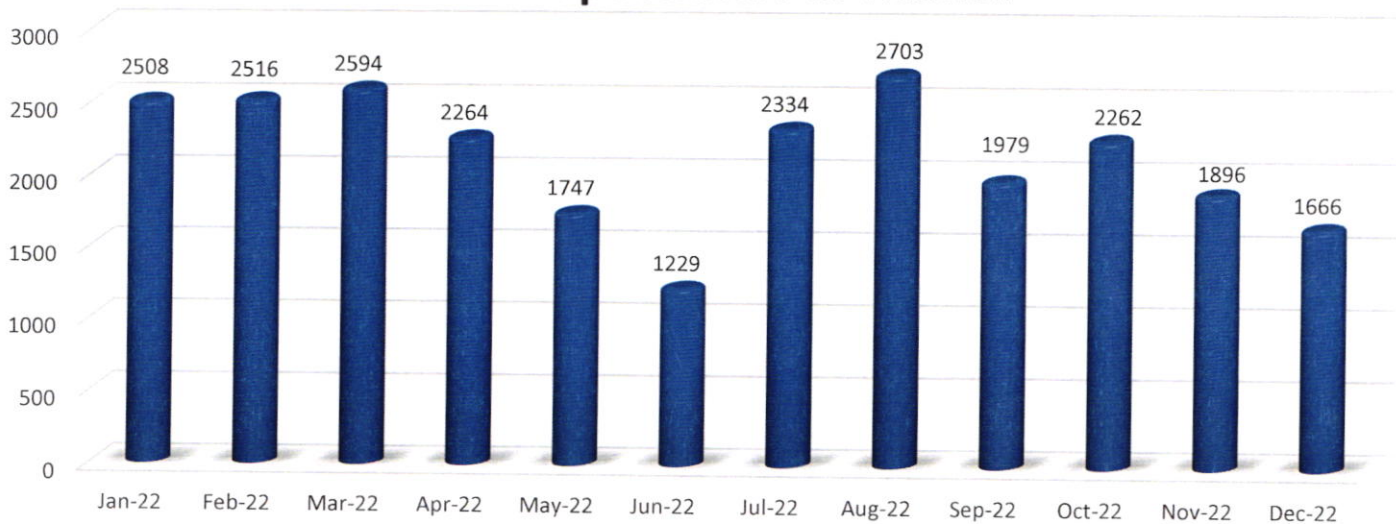
- Cases opened: 382
- Cases closed due to voluntary compliance: 153
- Property inspections: 1666
- Lien searches requested: 803

Trends

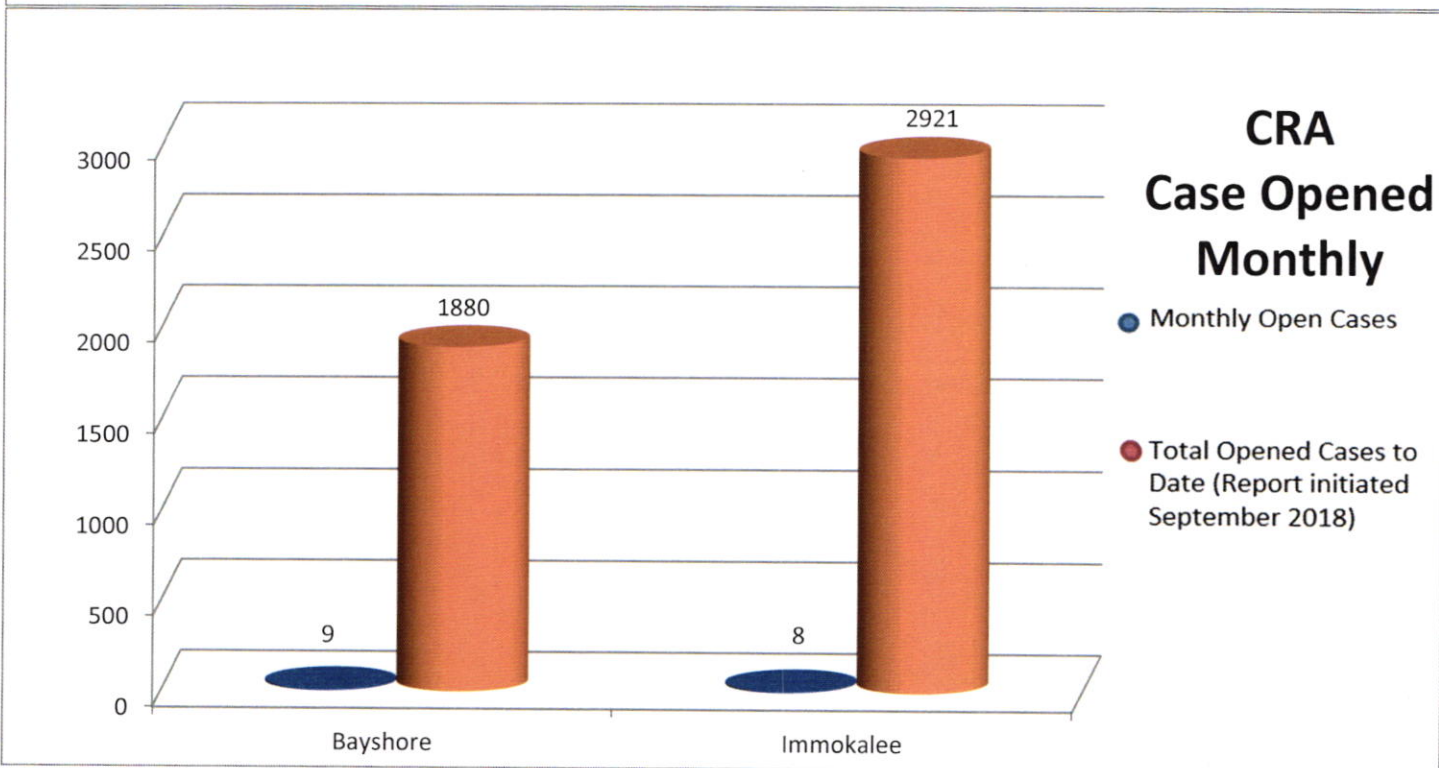
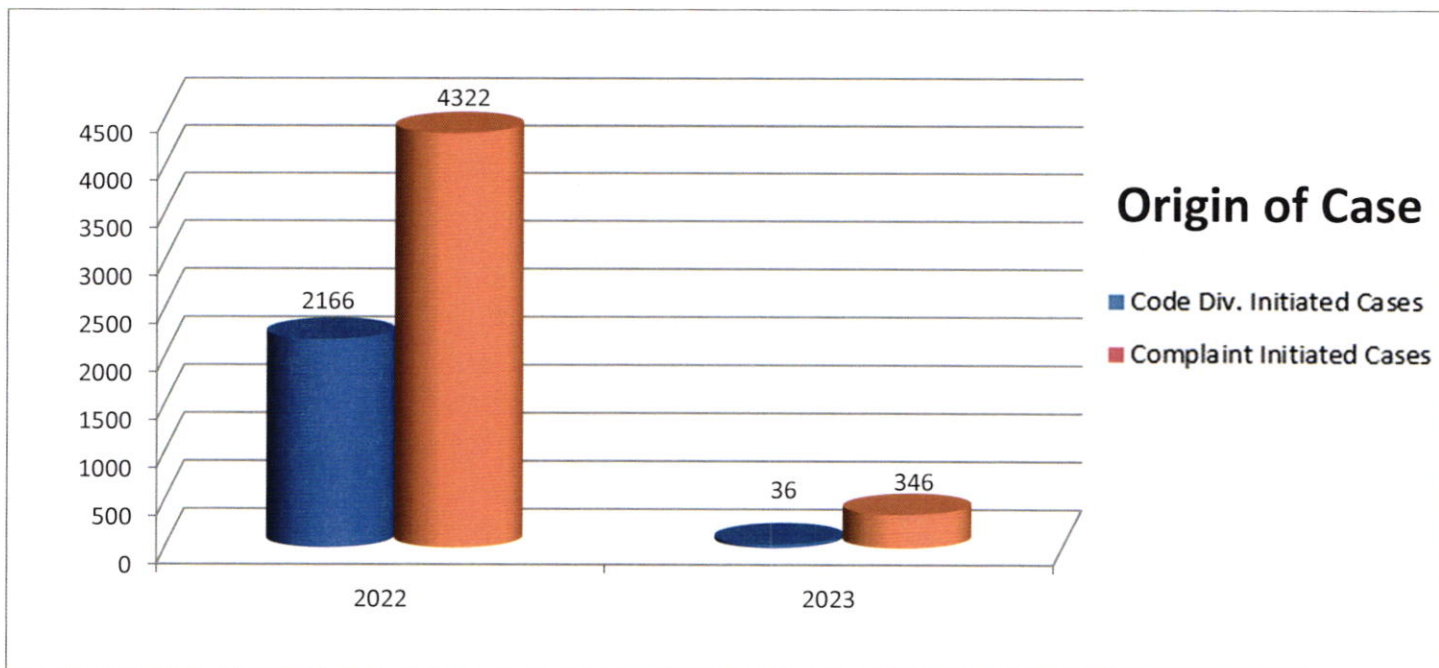
Cases Opened Per Month



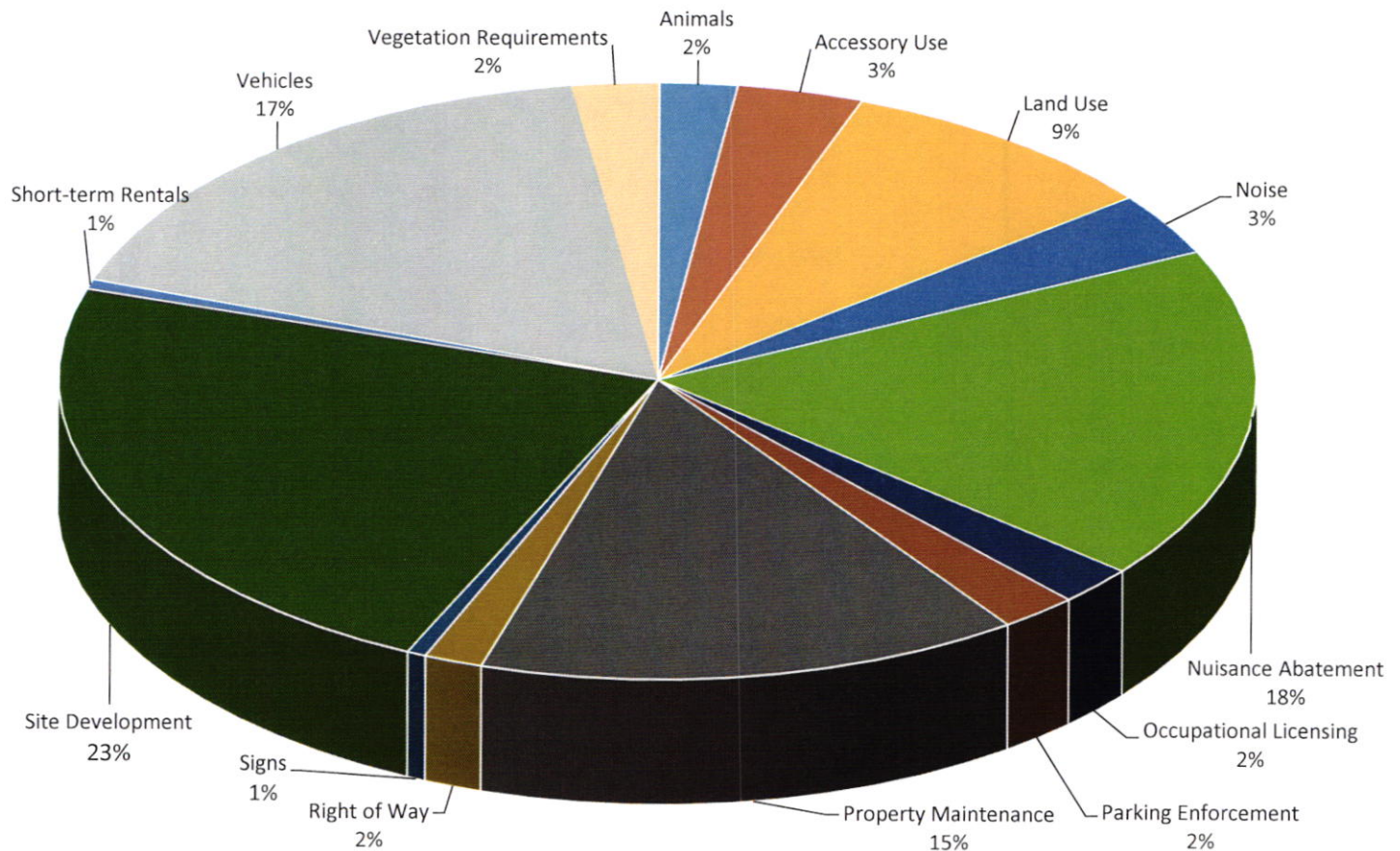
Code Inspections Per Month



November 22, 2022 – January 21, 2023 Code Cases by Category



November 22, 2022 – January 21, 2023 Code Cases by Category

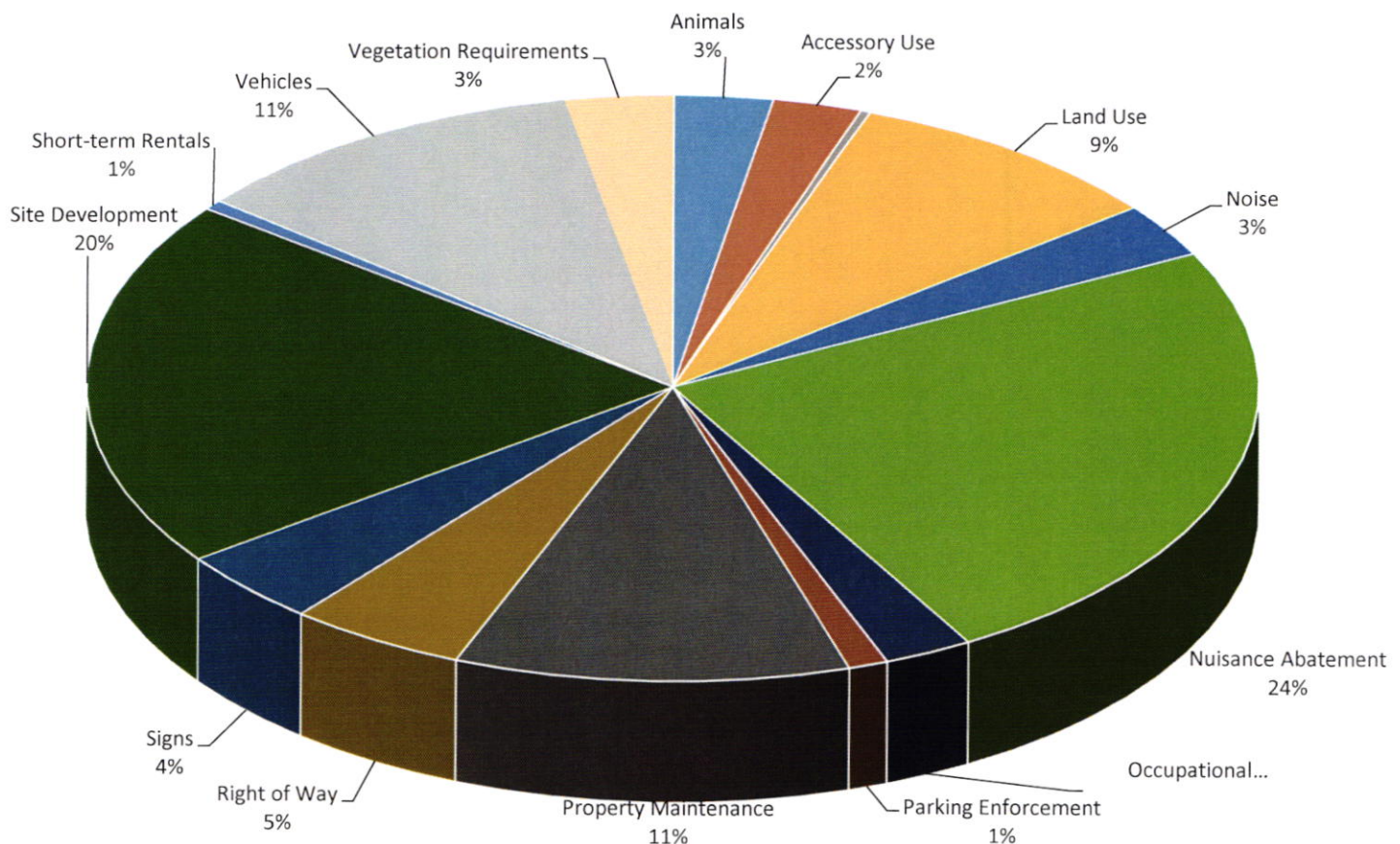


Case Type

Common Issues Associated with Case Type

Accessory Use	- Fence permits, fence maintenance, canopies, shades, guesthouse renting etc.
Animals	- Prohibited animals, too many animals, etc.
Commercial	- Shopping carts
Land Use	- Prohibited land use, roadside stands, outdoor storage, synthetic drugs, zoning issues, etc.
Noise	- Construction, early morning landscaping, bar or club, outdoor bands, etc.
Nuisance Abatement	- Litter, grass overgrowth, waste container pits, exotics, etc.
Occupational Licensing	- Home occupation violations, no business tax receipts, kenneling. etc.
Parking Enforcement	- Parking within public right-of-way, handicap parking, etc.
Property Maintenance	- Unsanitary conditions, no running water, green pools, structure in disrepair, etc.
Protected Species	- Gopher Tortoise, sea turtles lighting, bald eagles, etc.
Right of Way	- Construction in the public right-of-way, damaged culverts, obstruction to public right-of-way, etc.
Signs	- No sign permits, illegal banners, illegal signs on private property, etc.
Site Development	- Building permits, building alterations, land alterations, etc.
Temporary Land Use	- Special events, garage sales, promotional events, sidewalk sales, etc.
Vegetation Requirements	- Tree maintenance, sight distance triangle, tree pruning, land clearing, landfill, preserves, etc.
Vehicles	- License plates invalid, inoperable vehicles, grass parking, RV parking, other vehicle parking etc

October 22, 2022 – November 21, 2022 Code Cases by Category

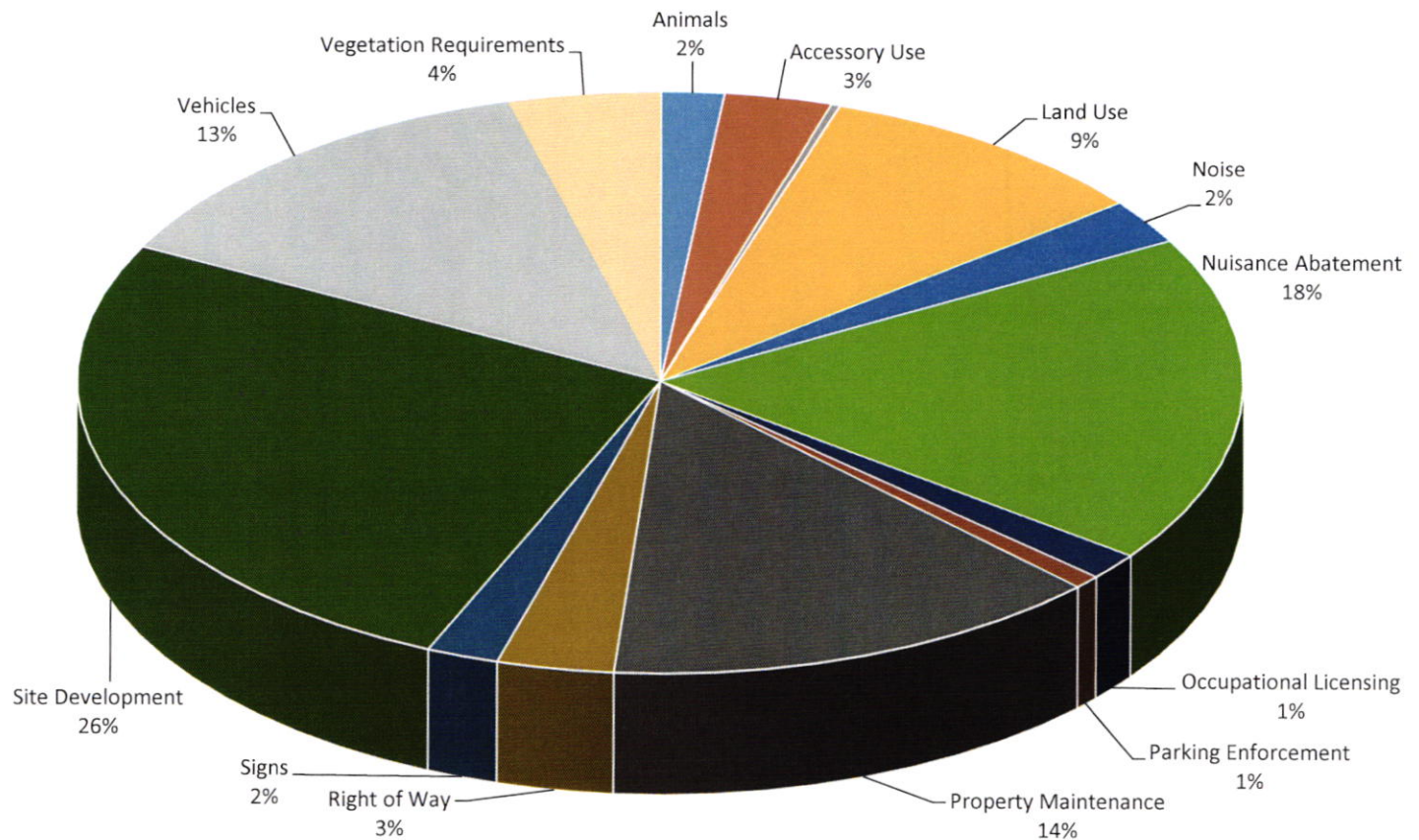


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Property Maintenance	- Unsanitary conditions, no running water, green pools, structure in disrepair, etc.
Protected Species	- Gopher Tortoise, sea turtles lighting, bald eagles, etc.
Right of Way	- Construction in the public right-of-way, damaged culverts, obstruction to public right-of-way,tc.
Signs	- No sign permits, illegal banners, illegal signs on private property, etc.
Site Development	-Building permits, building alterations, land alterations, etc.
Temporary Land Use	- Special events, garage sales, promotional events, sidewalk sales, etc.
Vegetation Requirements	- Tree maintenance, sight distance triangle, tree pruning, land clearing, landfill, preserves, etc.
Vehicles	- License plates invalid, inoperable vehicles, grass parking, RV parking, other vehicle parking etc.

September 22, 2021 – October 21, 2022 Code Cases by Category

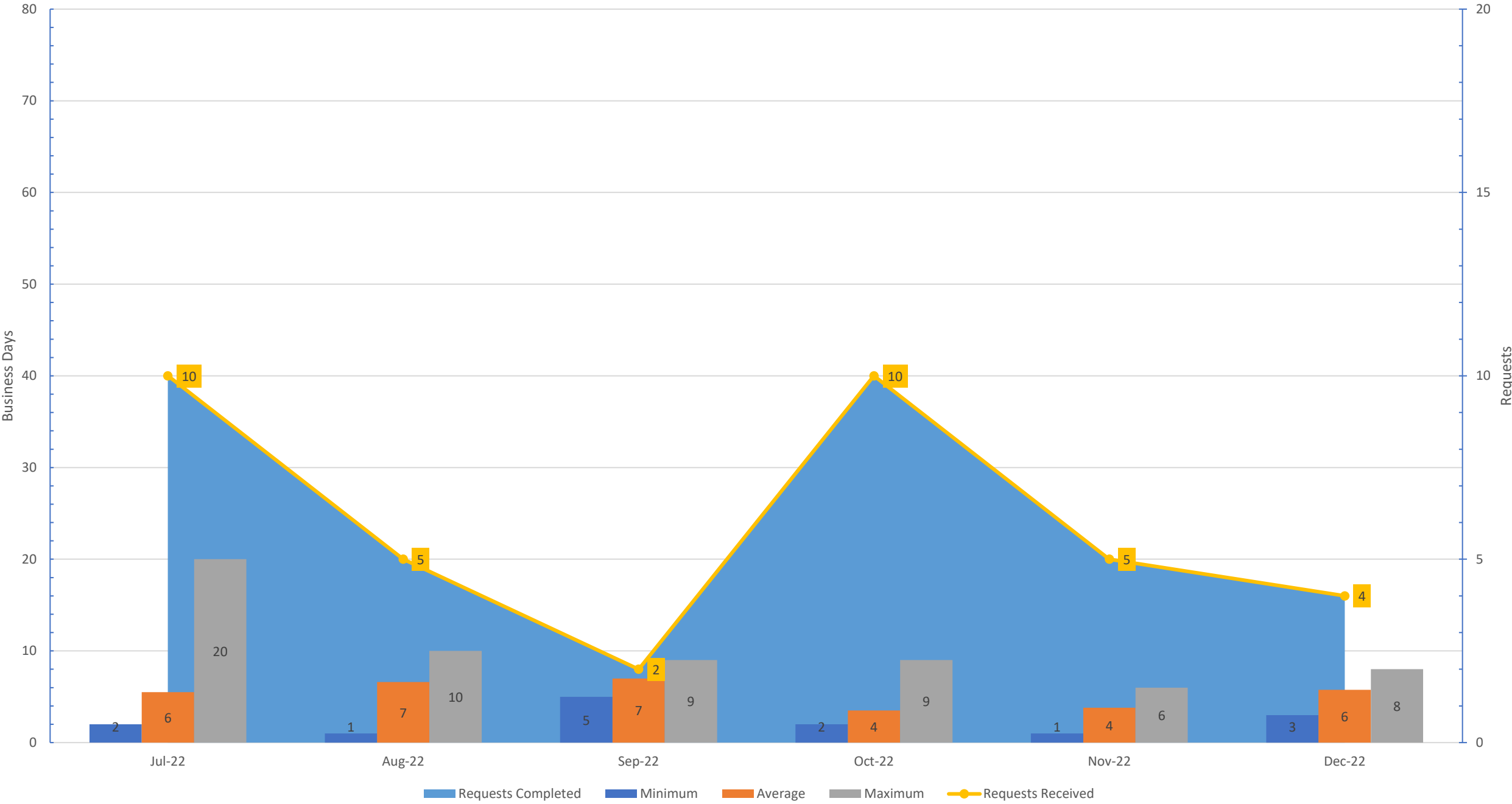


Case Type

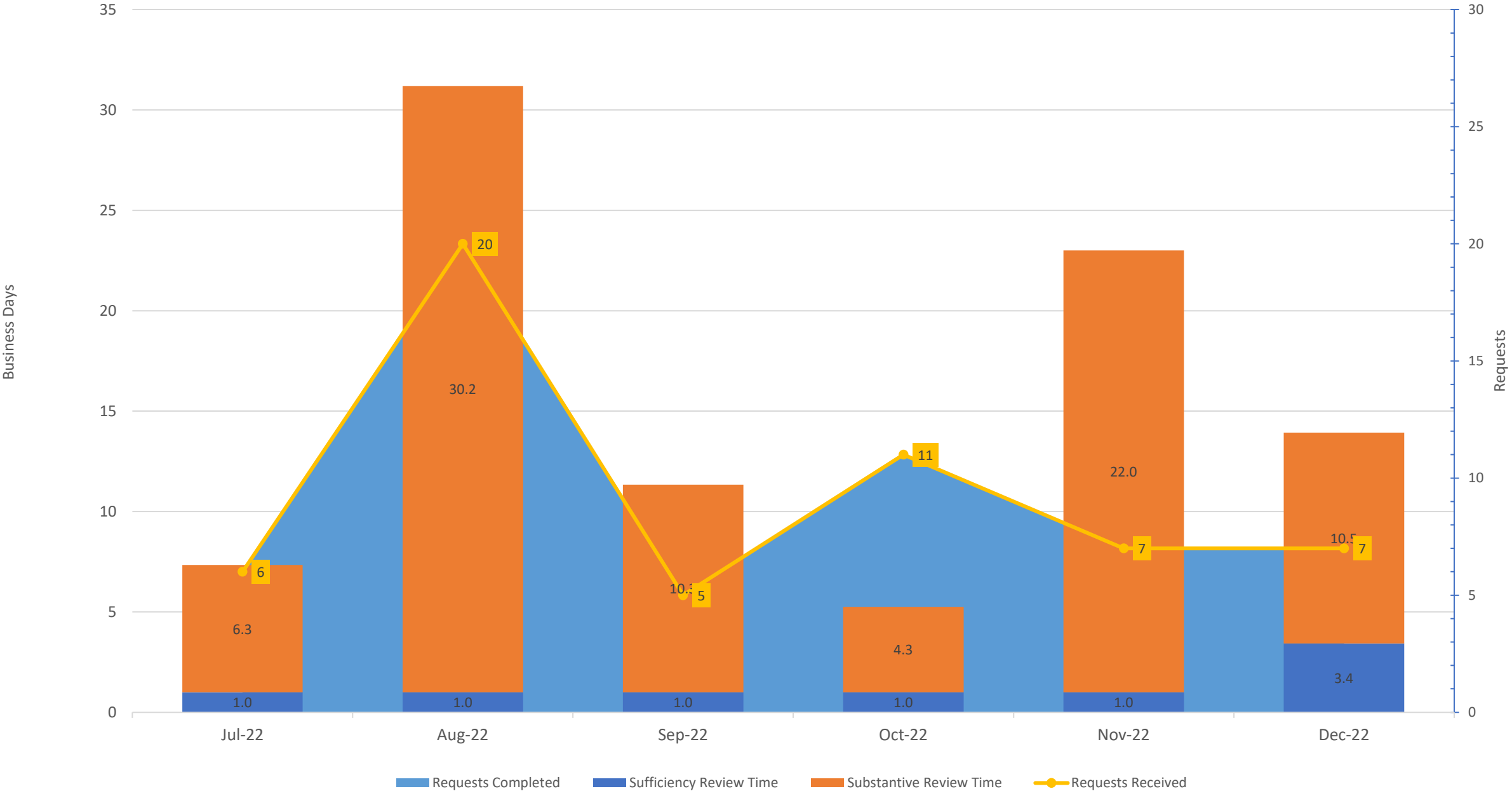
Common Issues Associated with Case Type

Accessory Use	- Fence permits, fence maintenance, canopies, shades, guesthouse renting etc.
Animals	- Prohibited animals, too many animals, etc.
Commercial	- Shopping carts
Land Use	- Prohibited land use, roadside stands, outdoor storage, synthetic drugs, zoning issues, etc.
Noise	- Construction, early morning landscaping, bar or club, outdoor bands, etc.
Nuisance Abatement	- Litter, grass overgrowth, waste container pits, exotics, etc.
Occupational Licensing	- Home occupation violations, no business tax receipts, kenneling, etc.
Parking Enforcement	- Parking within public right-of-way, handicap parking, etc.
Property Maintenance	- Unsanitary conditions, no running water, green pools, structure in disrepair, etc.
Protected Species	- Gopher Tortoise, sea turtles lighting, bald eagles, etc.
Right of Way	- Construction in the public right-of-way, damaged culverts, obstruction to public right-of-way,tc.
Signs	- No sign permits, illegal banners, illegal signs on private property, etc.
Site Development	- Building permits, building alterations, land alterations, etc.
Temporary Land Use	- Special events, garage sales, promotional events, sidewalk sales, etc.
Vegetation Requirements	- Tree maintenance, sight distance triangle, tree pruning, land clearing, landfill, preserves, etc.
Vehicles	- License plates invalid, inoperable vehicles, grass parking, RV parking, other vehicle parking etc.

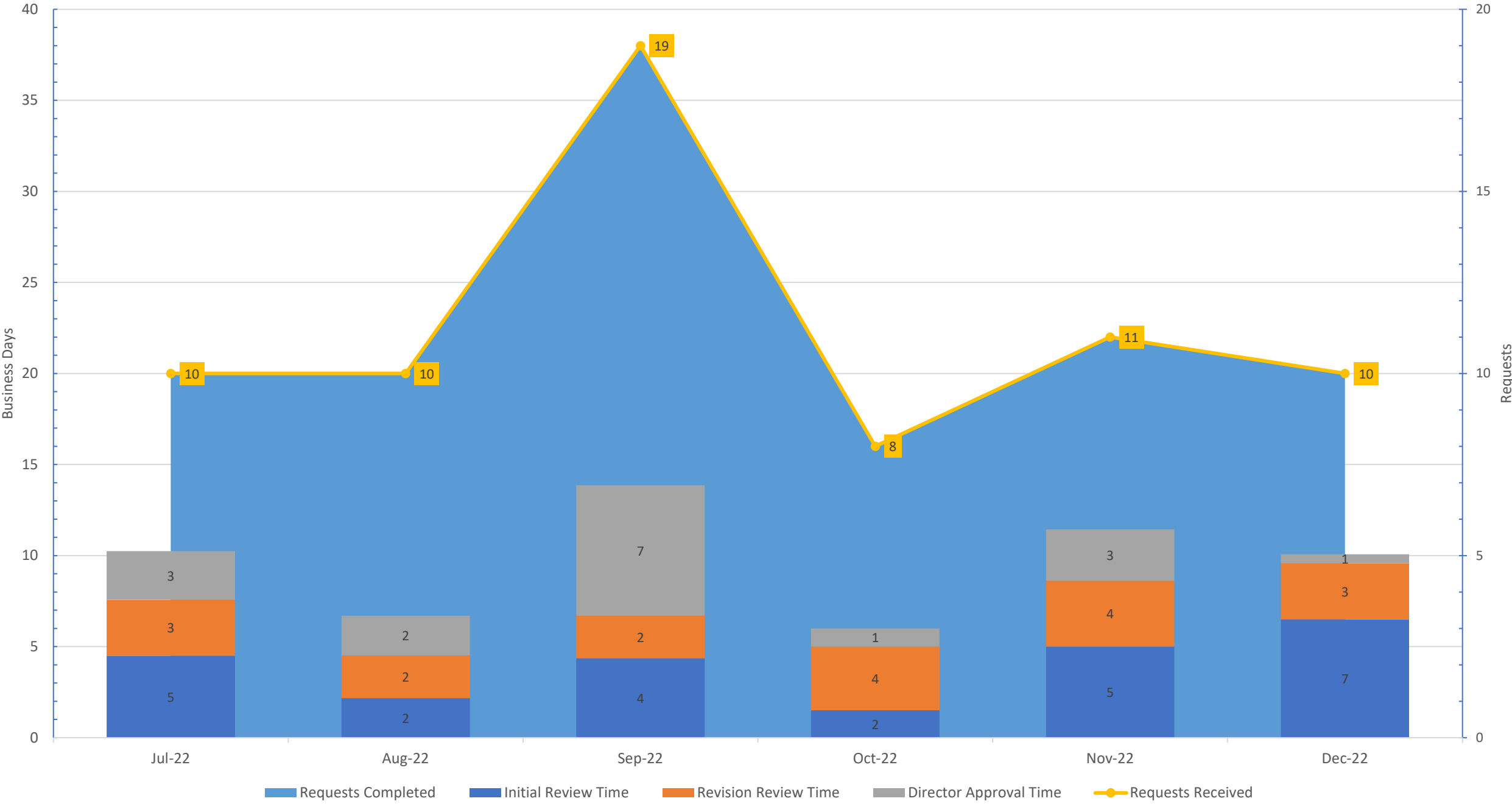
Response Time - Letters of Availability



Response Time - Utility Deviations



Response Time - FDEP Permits



Memorandum

To: Development Services Advisory Committee (DSAC)
From: Eric Johnson, AICP, CFM, LDC Planning Manager
Date: January 20, 2023
Re: PL20200002400 – CBIIZO and PL20220008172 - NIM Rules of Decorum

Please be advised that DSAC-LDR Subcommittee reviewed the above referenced LDC amendments at their hearing on January 17, 2023. The highlighted text in the attached shows the changes that were made to each since the DSAC-LDR Subcommittee meeting.

Both LDC amendments were recommended for approval with conditions. Please see my responses to the conditions.

PL20200002400 – CBIIZO

1. Reword LDC section 4.02.23 C.1.b.i., from “Shall measure a minimum of 15 feet in width,” to “Shall follow the LDC width requirements for a Type “D” Buffer” (page 9, line 46).

Staff Response: Updated text per recommendation.

2. Modify the table in LDC section 4.02.23 F.2., by making sure that there is a definition for maximum building coverage so that it is clear what the intent is in terms of limiting building coverage and provide a definition if there is no definition (page 10 under Maximum Building Coverage).

Staff Response: No updates made. The Zoning Manager, Ray Bellows, has opined that “Maximum Building Coverage” means buildings only and excludes off-street parking areas and the like.

3. Modify the table in LDC section 4.02.23 F.2., by providing an incentive of increased building height to allow for up to two floors of underbuilding parking, not subject to the 50-foot building height for “all other areas” (page 10 under Maximum Building Height).

Staff Response: No updates made. The Zoning Manager, Ray Bellows, has opined that the existing provision of LDC section 4.02.01 D.2. will be applicable to the CBIIZO and that changing the text in the CBIIZO would be redundant.

4. Modify the table in LDC section 4.03.23 F.2., by increasing the maximum building height from 35 feet to 40 feet for buildings on lots abutting residential only tracts/districts in PUDs or residential districts (page 10 under Maximum Building Height).

Staff Response: Updated text per recommendation.

5. Modify the table in LDC section 4.02.23 F.2., by decreasing the minimum distance between buildings, from 50 percent to 30 percent of the sum of the heights of the buildings but not less than the separation required by the Florida Building Code (page 10 under Minimum Distance Between Buildings).

Staff Response: Updated text per recommendation.

6. Reword footnote #2 in LDC section 2.03.07 K.3.b., from “Any outside storage and display shall require conditional use approval,” to “Any outside storage and display shall require conditional use approval, unless already permitted in an existing PUD” (page 7, line 2).

Staff Response: Updated text per recommendation.

PL20220008172 – NIM Rules of Decorum

1. Reword LDC section 10.03.05 A.3., from “The purpose of intent of a NIM is provide the public with notice of an impending land use petition and to foster communication and collaboration between the petition and the public” by deleting “and collaboration” from the sentence (page 3, line 18).

Staff Response: Updated text per recommendation.

2. Modify the first paragraph of Conduct of Meeting and Decorum in the Administrative Code to indicate the following: The applicant is required to record the NIM proceedings and provide an audio or audio/video copy to the Zoning Division, including a written summary.

Staff Response: Updated text per recommendation.

3. The BCC should consider some type of punitive action to those disrupt the NIM and cause it to cancel.

Staff Response: No updates made.

Please contact me at (239) 252-2931 or Eric.Johnson@colliercountyfl.gov if you have any questions.

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20200002400

ORIGIN

Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

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).

HEARING DATES

BCC	TBD
CCPC	TBD
DSAC	<u>02/01/2023</u>
DSAC-LDR	01/17/2023 12/15/2020

LDC SECTION TO BE AMENDED

1.08.01	Abbreviations
2.03.07	Overlay Zoning Districts
4.02.23	Same—Development in the Activity Center #9 Zoning District
5.05.08	Architectural and Site Design Standards

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

Approval with recommendations
Approved

DSAC

TBD

CCPC

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

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 Boulevard 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. The CBIIZO will support the Board's goal of economic growth in the targeted area. It 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.

On January 17, 2023, the DSAC-LDR Subcommittee recommended approval with conditions, which are summarized in Exhibit E.

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.~~

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.

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; **and E) DSAC-LDR Subcommittee Recommendations**

DRAFT

Text underlined is new text to be added

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

Amend the LDC as follows:

1.08.01 – Abbreviations

* * * * *

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

#

2.03.07 – Overlay Zoning Districts

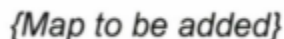
* * * * *

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.



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.

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.

- 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 Uses¹</u>		
<u>1)</u>	<u>Apparel and other finished products (2311-2399)</u>	<u>P²</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>P²</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>P²</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>P²</u>
<u>9)</u>	<u>Engineering, accounting, research, management, and related services (8711-8748)</u>	<u>P²</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>P²</u>
<u>12)</u>	<u>Furniture and fixtures (2511-2599)</u>	<u>P²</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>P²</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>P²</u>
<u>20)</u>	<u>Legal services (8111)</u>	<u>P²</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>P²</u>
<u>23)</u>	<u>Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks manufacturing (3812-3873)</u>	<u>P²</u>
<u>24)</u>	<u>Medical and dental laboratories (8071, 8072)</u>	<u>P²</u>

<u>25)</u>	<u>Medicinal chemicals and botanical products (2833 vitamins only)</u>	<u>P²</u>
<u>26)</u>	<u>Miscellaneous manufacturing industries (3911-3996, 3999 including “additive manufacturing,” as defined in ISO ASTM 52900)</u>	<u>P²</u>
<u>27)</u>	<u>Miscellaneous services (8999)</u>	<u>CU</u>
<u>28)</u>	<u>Motion pictures (7812-7829)</u>	<u>P²</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>P²</u>
<u>31)</u>	<u>Paper and allied products (2652-2679)</u>	<u>P²</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>P²</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>P²</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>P²</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>P²</u>
<u>46)</u>	<u>Vocational schools (8243-8249)</u>	<u>P²</u>
<u>47)</u>	<u>Wholesale trade-Durable goods (5012-5014, 5021-5049, 5063-5092, 5094, 5099)</u>	<u>P²</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>P²</u>

¹ See LDC section 4.02.23 F. for design standards specific to Economic Development uses.

² Any outside storage and display shall require conditional use approval, unless already permitted in an existing PUD.

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.~~

#

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.

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.

4
5 3. Freestanding clock towers shall be permitted subject to the following conditions:

- 6
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;
9
10 b. The clock tower shall have no more than one clock face per side and digital
11 clocks shall not be allowed;
12
13 c. The clock tower shall not contain any signage of any nature; and
14
15 d. Only one clock tower per BP-zoned property or PUD shall be permitted.

16
17 C. Landscaping standards.

18
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:

22
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;

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

27
28 ii. The required number of trees shall be supplemented by an
29 additional palm tree planting in the amount of 25 percent.

30
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.

34
35 iv. All required trees shall be a minimum of 12 feet in height at time of
36 installation.

37
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.

43
44 b. Landscape buffers adjacent to all other public streets:

45
46 i. Shall follow the LDC width requirements for a Type "D" Buffer
47 measure a minimum of 15 feet in width.
48

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

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

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

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

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

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

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>40 35 feet when the subject lot is abutting residential-only tracts/districts in PUDs or residential zoning districts; 50 feet in all other areas</u>
<u>Minimum Distance Between Buildings</u>	<u>30 50% of the sum of the heights of the buildings but not less than the minimum separation required by the Florida Building Code 15 feet</u>
<u>Minimum Distance of Buildings 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>

3. Operations.

a. All activity associated with the uses in this category shall be conducted within a fully enclosed building, except for when approved as a conditional

1 use in conjunction with LDC section 4.02.23 F.3.c. Activity includes but is
2 not limited to the following:

3
4 i. The use or storage of any fixed or movable business equipment;

5
6 ii. The use, storage, display, sale, delivery, offering for sale,
7 production, or consumption in any business, or by any business
8 invitee on the premises of the business, of any goods, wares,
9 merchandise, products, or foods; or

10
11 iii. The performance of any work or services.

12
13 b. All use operations and equipment, including accessory process equipment,
14 such as compressors and air handlers, shall be contained in an enclosed
15 structure.

16
17 c. Any outside storage and display may be permitted by conditional use or
18 when approved as part of a temporary/special event in accordance with
19 LDC section 5.04.05.

20
21 4. Environmental.

22
23 a. Noise. No use shall produce noise exceeding the sound level limits for
24 Commercial or Tourist uses as set forth in the Collier County Noise Control
25 Ordinance No. 90-17, as amended.

26
27 b. Odors. No use shall cause or allow the emission of odor.

28
29 c. Vibrations. No use shall operate to produce ground vibration noticeable by
30 a reasonable person with normal sensitivity, outside the building for single-
31 use buildings or outside the use space inside mixed use and multi-tenant
32 buildings.

33
34 d. Smoke and particulate matter. No use shall discharge outside the building
35 for single-use buildings or outside the use space inside mixed use and
36 multi-tenant building any toxic or noxious matter in such a concentration
37 that will endanger the public health, safety, comfort, or general welfare.

38
39 e. Electrical disturbance. No use shall create any electrical disturbance which
40 interferes unduly with the normal operation of equipment or instruments or
41 which is reasonably likely to cause injury to any person located inside or
42 outside building.

43
44 f. Secondary containment. Secondary containment such as double walled
45 tanks, leak-proof trays, floor curbing or other containment systems which
46 provide secondary liquid containment shall be installed for facilities that
47 use, store, or handle, regulated substances in a single container of 55-
48 gallons or more. The containment structure shall be capable of containing
49 110% of the volume of the largest container located within, be composed
50 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 accidental release. Containment structures shall be sheltered so that the intrusion of precipitation is effectively prevented. These requirements shall apply to all areas of storage use, handling, and production, loading and off-loading areas, and to aboveground and underground storage areas.

5. Architectural and site design standards.

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

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

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

d. The following shall apply to all exterior lighting:

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

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

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

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

~~C. In addition to the requirements of 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 1 or more of the following design elements listed below:~~

1 ~~a. Porch.~~

2 ~~b. Portico.~~

3 ~~c. Elevated first floor or elevated entry.~~
4 ~~d. Any other treatment which the~~
5 ~~County Manager or designee determines to represent the character~~
6 ~~themes of this overlay district.~~

7 ~~2. Roof treatment.~~

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

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

13 ~~ii. Flat roof with mansard edge treatment.~~

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

18 ~~c. Industrial use buildings shall have 1 or more of the following roof~~
19 ~~treatments:~~

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

21 ~~ii. Flat roof with mansard edge treatment.~~

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

26 ~~d. Roof material shall be tile or metal.~~

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

29 ~~f. To create articulation, roofs shall include a minimum of 1 of the following~~
30 ~~architectural elements:~~

31 ~~i. Clearstory windows.~~

32 ~~ii. Cupolas.~~

33 ~~iii. Dormers.~~

- iv. ~~Attached clock towers.~~
 - v. ~~Any other treatment which the County Manager or designee determines to represent the character themes of this overlay district.~~
3. ~~Freestanding clock towers shall be permitted in non-residential and mixed use planned unit developments (PUDs) within Activity Center No. 9 subject to the following conditions:~~
- a. ~~The clock tower shall not exceed an actual height of 35 feet, measured from the highest point of the crown of the road adjoining the tower site;~~
 - b. ~~The clock tower shall be designed to complement the architectural themes of this overlay district pursuant to subsection 4.02.23 B.;~~
 - c. ~~The clock tower shall have no more than one clock face per side and digital clocks shall not be allowed;~~
 - d. ~~The clock tower shall not contain any signage of any nature; and e. Only one clock tower per business park or PUD shall be permitted.~~
- D. ~~Landscape buffers adjacent to road rights-of-way. In addition to the requirements for a Type D buffer, the following requirements shall apply:~~
1. ~~Landscape buffers adjacent to Collier Boulevard, S.R. 84. (Davis Boulevard and Beck Boulevard) and within 400 linear feet of I-75 right-of-way line:~~
 - a. ~~Shall measure a minimum of 25 feet in width.~~
 - b. ~~The required number of trees shall be supplemented by an additional palm tree planting in the amount of 25 percent.~~
 - c. ~~Undulating beds of ornamental grasses and/or ground cover beds shall be incorporated for at least 30 percent of the required buffer strip area.~~
 - d. ~~All required trees shall be a minimum of 12 feet in height.~~
 - e. ~~Where industrial land uses abut I-75, an eight foot high unified, opaque, masonry wall is required. Landscape buffers shall be placed along the street side of said wall. The wall shall be located at the edge of the landscape buffer farthest from the property line.~~
 2. ~~Landscape buffers adjacent to all other public streets:~~
 - a. ~~Shall measure a minimum of 15 feet in width.~~
 - b. ~~Undulating beds of ornamental grasses and ground cover beds shall be incorporated for a least 25 percent of the required buffer strip area.~~

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

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

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

#

5.05.08 – Architectural and Site Design Standards

* * * * *

E. Design standards for specific building uses.

* * * * *

7. Industrial/factory buildings.

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

#

Exhibit A – Boundary of CBIIZO in LDC and GMP

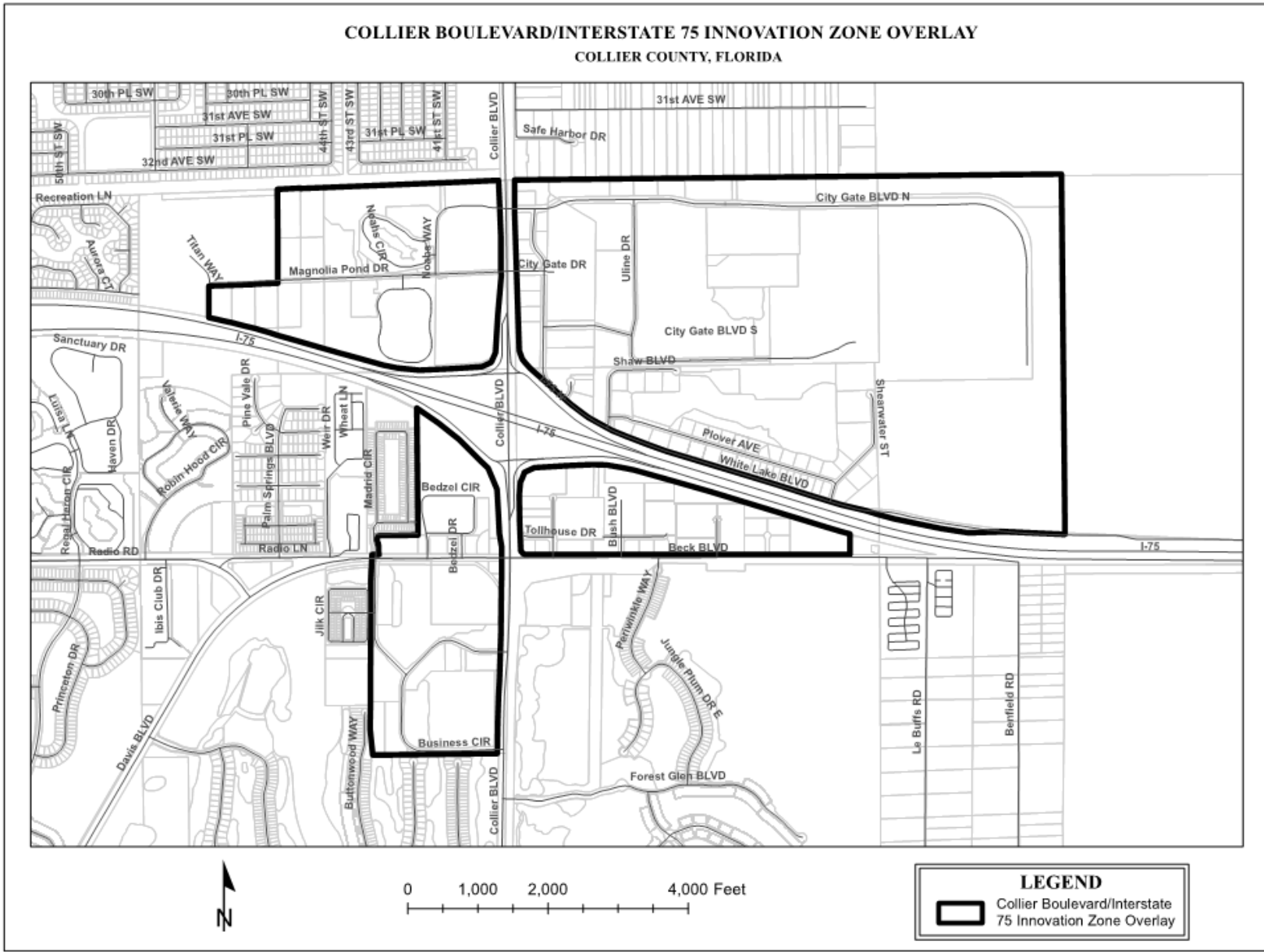


Exhibit B – Interchange Activity Center #9

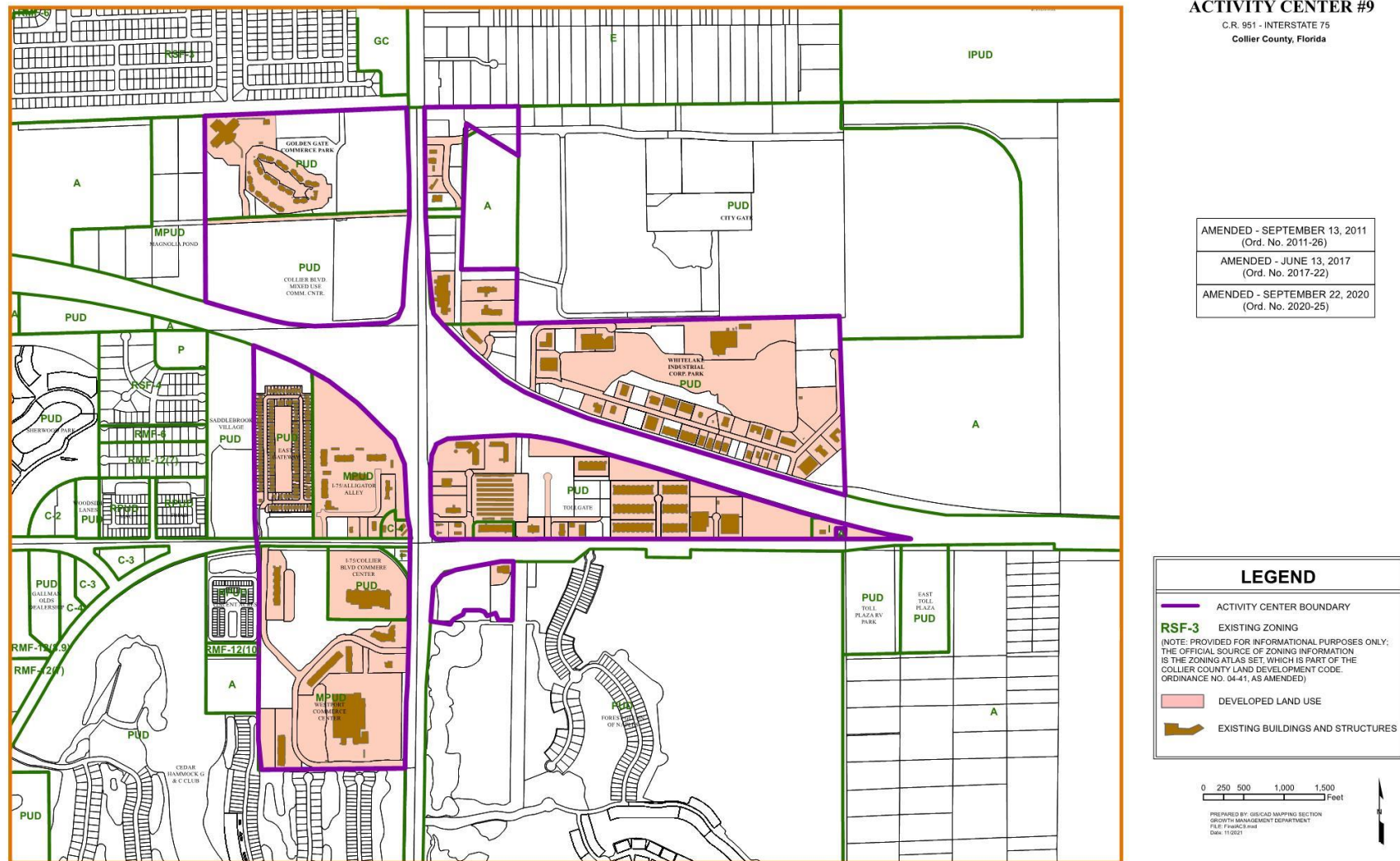


Exhibit C –Activity Center #9 IMP Land Use Map

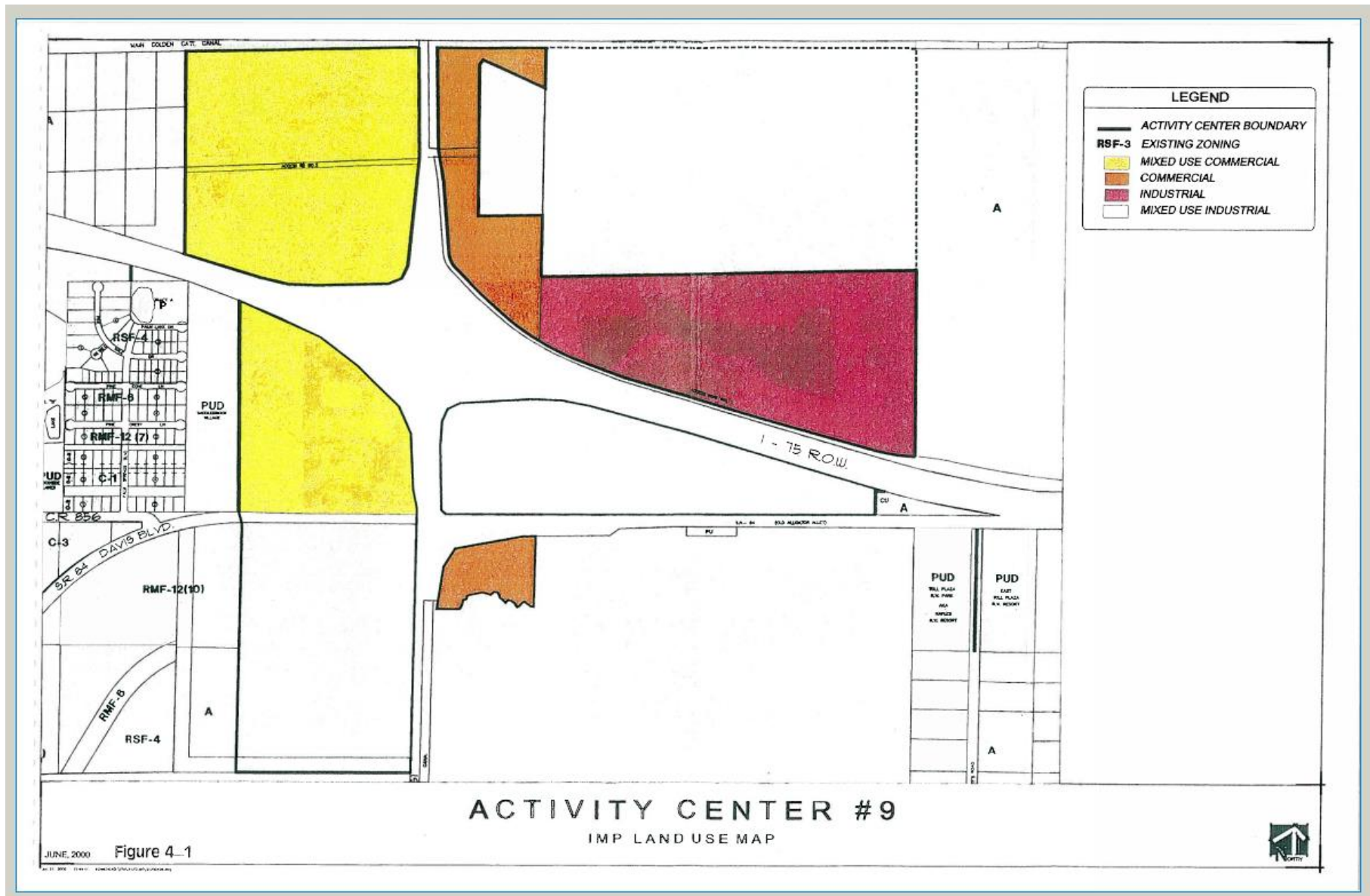


Exhibit D – Map from Ord. 2018-39

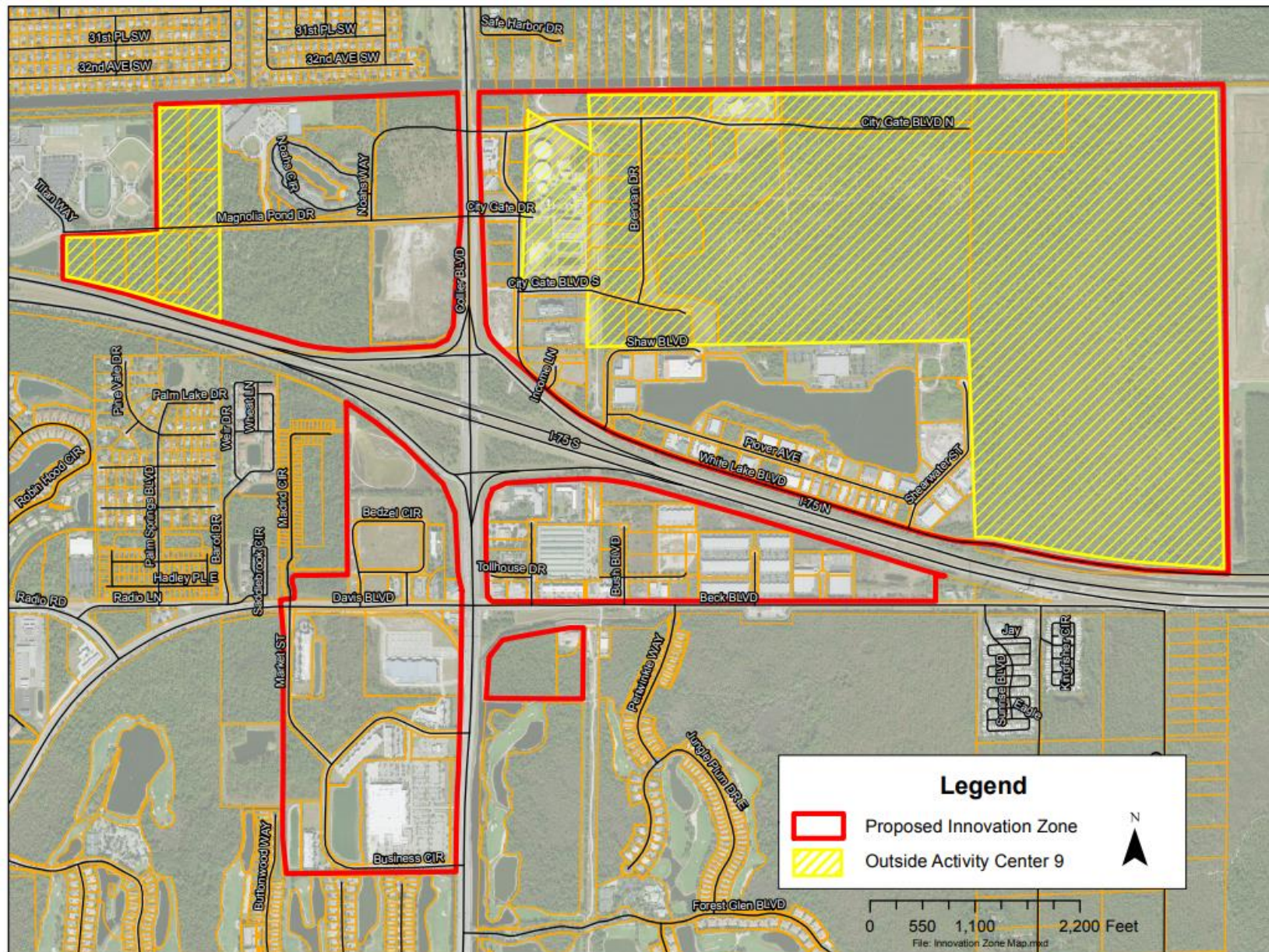


Exhibit E – DSAC-LDR Subcommittee Recommendations

The Development Services Advisory Committee-Land Development Review (DSAC-LDR) Subcommittee recommended approval of the LDC amendment on December 15, 2020. However, substantive changes were made after the meeting, so the item returned to the DSAC-LDR Subcommittee for additional review. On January 17, 2023, the DSAC-LDR Subcommittee recommended approval of the LDC amendment, with the following suggested changes:

1. Reword LDC section 4.02.23 C.1.b.i., from “Shall measure a minimum of 15 feet in width,” to “Shall follow the LDC width requirements for a Type “D” Buffer” (page 9, line 46).
2. Modify the table in LDC section 4.02.23 F.2., by making sure that there is a definition for maximum building coverage so that it is clear what the intent is in terms of limiting building coverage and provide a definition if there is no definition (page 10 under Maximum Building Coverage).
3. Modify the table in LDC section 4.02.23 F.2., by providing an incentive of increased building height to allow for up to two floors of underbuilding parking, not subject to the 50-foot building height for “all other areas” (page 10 under Maximum Building Height).
4. Modify the table in LDC section 4.03.23 F.2., by increasing the maximum building height from 35 feet to 40 feet for buildings on lots abutting residential only tracts/districts in PUDs or residential districts (page 10 under Maximum Building Height).
5. Modify the table in LDC section 4.02.23 F.2., by decreasing the minimum distance between buildings, from 50 percent to 30 percent of the sum of the heights of the buildings but not less than the separation required by the Florida Building Code (page 10 under Minimum Distance Between Buildings).
6. Reword footnote #2 in LDC section 2.03.07 K.3.b., from “Any outside storage and display shall require conditional use approval,” to “Any outside storage and display shall require conditional use approval, unless already permitted in an existing PUD” (page 7, line 2).

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	<u>02/01/2023</u>
DSAC-LDR	01/17/2022

LDC SECTION TO BE AMENDED

10.03.05 Required Methods of Providing Public Notice

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

Approval with recommendations
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

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.

DSAC-LDR Subcommittee Recommendation:

On January 17, 2023, the DSAC-LDR Subcommittee recommended approval of the LDC amendment and companion amendment to the Administrative Code, contingent upon the following:

1. Reword LDC section 10.03.05 A.3., from "The purpose of intent of a NIM is provide the public with notice of an impending land use petition and to foster communication and collaboration between the petition and the public" by deleting "and collaboration" from the sentence (page 3, line 18).

2. Modify the first paragraph of Conduct of Meeting and Decorum in the Administrative Code to indicate the following: The applicant is required to record the NIM proceedings and provide an audio or audio/video copy to the Zoning Division, including a written summary.

3. The BCC should consider some type of punitive action to those disrupt the NIM and cause it to cancel.

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.

GMP CONSISTENCY

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

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~~s~~ (NIM). Neighborhood Information Meetings, when ~~where~~ required, shall be held prior to the first public hearing, ~~and~~ 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 to 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~~

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

Collier County Land Development Code | *Administrative Procedures Manual* Chapter 11 | Contact Information

B. Neighborhood Information Meeting

Purpose and Intent	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>
Applicability	<p>2. A Neighborhood Information Meeting ("NIM") shall be conducted when:</p> <ul style="list-style-type: none"> <u>a.</u> The initial staff review and comment on the application has been completed; and <u>b.</u> At least 15 days before the first public hearing is held, whether it is the Planning Commission, Hearing Examiner, the BCC, or the BZA. <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"> <u>a.</u> The NIM is required before the Planning Commission transmittal hearing. <u>b.</u> 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. <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>
Notice Requirements	<p>The NIM shall be noticed as follows:</p> <p>1. Mailed Notice: Written notice shall be sent to property owners in notification area at least 15 days before the NIM meeting.</p> <p>The applicant shall also provide written notice of the NIM to property owners, condominium, and civic associations whose members may be affected by the proposed land use change and who have formally requested the county to be notified. <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. Newspaper Advertisement: 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"> <u>a.</u> Date, time, and location of the NIM meeting; <u>b.</u> Petition name, number and applicant contact info; <u>c.</u> Purpose of the NIM meeting; <u>d.</u> Description of the proposed land uses; and <u>e.</u> 2 in. x 3 in. map of the project location.

Exhibit A – Changes to Administrative Code

Collier County Land Development Code | *Administrative Procedures Manual* Chapter 11 | Contact Information

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> The A Collier County staff planner assigned to attend the pre-application meeting, or designee, <u>must also shall</u> attend the NIM and will serve as the facilitator of <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> However, the The applicant is expected to <u>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 of the meeting and to provide <u>an audio or audio/video</u> copy to the Planning & Zoning Division Department, including a written summary.</p> <p>The applicant must provide <u>the following</u> at the NIM meeting for review and comment, <u>including but not limited to:</u></p> <ul style="list-style-type: none"> <u>a.</u> The proposed uses and density/<u>intensity</u> of the <u>project</u>; <u>b.</u> The proposed Master Plan, <u>when applicable</u>; and <u>c.</u> The current LDC zoning district uses and development regulations. <p><u>2. Decorum:</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.</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"> <u>a.</u> Become part of the record of the <u>proceedings</u>; <u>b.</u> Be included in the staff report for any subsequent review and approval bodies; and <u>c.</u> Be considered for inclusion in the conditions of approval of any applicable development order. <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 A – Changes to Administrative Code

Chapter 12. Acronyms

A – Rural Agricultural Zoning District
ACOE – Army Corps of Engineers
ACP – Agricultural Clearing Permit
ACSC – Area of Critical State Concern
ADT – Average Daily Trips
ASI – Area of Significant Influence
BCC – Board of Collier County Commissioners
BD – Boat Dock Petition
BZO – Bayshore Zoning Overlay District
BP – Business Park District
BZA – Board of Zoning Appeals
C-1 – Commercial Professional General Office District
C-2 – Commercial Convenience District
C-3 – Commercial Intermediate District
C-4 – General Commercial District
C-5 – Heavy Commercial District
CCME – Conservation and Coastal Management Element
CCPC – Collier County Planning Commission
CCSL(P) – Coastal Construction Setback Line (Permit)
CDD – Community Development District
CEB – Code Enforcement Board
CF – Community Facility
CIE – Capital Improvement Element
CIP – Capital Improvement Program
CMO – Corridor Management Overlay
C.O. – Certificate of Occupancy
CON – Conservation Zoning District
CRD – Compact Rural Development
CSP – Conceptual Site Plan
CU – Conditional Use
DBH – Diameter at Breast Height
DEO – Department of Economic Opportunity
D.O. – Development Order
DRI – Development of Regional Impact
DSWT – Dry Season Water Table
E – Estates Zoning District
EAC – Environmental Advisory Council
EIS – Environmental Impact Statement
EPA – Environmental Protection Agency
EXP – Excavation Permit
FAC – Florida Administrative Code
FDEP – Florida Department of Environmental Protection
FDOT – Florida Department of Transportation
FFWCC – Florida Fish & Wildlife Conservation Commission
FIAM – Financial Impact Analysis Module

FIHS – Florida Interstate Highway System
FLUCFCS – Land Use Cover and Forms Classification System
FLUE – Future Land Use Element
FLUM – Future Land Use Map
FP – Final Plat
FS – Florida Statutes
FSA – Flow way Stewardship Area
GC – Golf Course
GGAMP – Golden Gate Area Master Plan
GGPPOCO – Golden Gate Pkwy Professional Office Commercial Overlay District
GMP – Growth Management Plan
GPCD – Gallons Per Capita per Day
GT – Gopher Tortoise
GTZO – Gateway Triangle Zoning Overlay District
GWP – Ground Water Protection Zone
GZO – Goodland Zoning Overlay
HSA – Habitat Stewardship Area
I – Industrial Zoning District
ICBSD – Immokalee Central Business Subdistrict
LDC – Land Development Code
LOS – Level of Service
LPA – Local Planning Agency
LSPA – Littoral Shelf Planting Area
M/F – Multi-family Use or Zoning
MH – Mobile Home
MHO – Mobile Home Overlay
MLW – Mean Low Water
MPP – Manatee Protection Plan
NBMO – North Belle Meade Overlay
NC – Neighborhood Commercial District
NIM – Neighborhood Information Meeting
NRPA – Natural Resource Protection Area
O.C. – On Center
P – Public Use District
PPL – Plans and Plat
PSI – Pounds Per Square Inch
PSP – Preliminary Subdivision Plat
PUD – Planned Unit Development
RSF – Residential Single-Family Districts
RCW – Red Cockaded Woodpecker
RFMU – Rural Fringe Mixed Use District
RLS – Request for Legal Service
RLSA(O) – Rural Lands Stewardship Area (Overlay)
RMF – Residential Multi-Family Districts
RNC – Residential Neighborhood Commercial Subdistrict
R.O.W. – Right of Way
RSF – Residential Single-Family
SBCO – Santa Barbara Commercial Overlay District
SBR – School Board Review

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 14th and the 28th, 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 (Rezones, Conditional Uses, PUD and PUDA Rezones, 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

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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.

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 13th 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

[22-BCC-00993/1745115/1]

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

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Words underlined are added; words struck through are deleted.