



Development Services Advisory Committee Meeting

**Wednesday, June 7, 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
Julie Chardon at 252-2413**



Development Services Advisory Committee

Agenda

Wednesday, June 7, 2023

3:00 pm

2800 N. Horseshoe Dr., Naples, FL 34104 Growth Management Community Development,
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 – May 3, 2023
4. Public Speakers
5. Staff Announcements/Updates
 - a. Development Review Division – [Jaime Cook]
 - b. Code Enforcement Division – [Thomas Iandimarino]
 - c. Community Planning & Resiliency Division- [Christopher Mason]
 - d. Public Utilities Department – [Matt McLean]
 - e. Economic Development & Housing Division. - [Sarah Harrington or Cormac Giblin]
 - f. Growth Management Dept. Transportation Engineering Division – [Jay Ahmad or designee]
 - g. Collier County Fire Review – [Shar Beddow or Shawn Hanson, Assistant Chief, Fire Marshal]

- h. North Collier Fire Review – [**Chief Sean Lintz or Deputy Director Daniel Zunzunegui**]
 - i. Operations & Regulatory Mgmt. Division – [**Michael Stark**]
 - j. Zoning Division – [**Mike Bosi**]
- 6. New Business
 - a. LDC amendment – PL20210001291 Community Housing Plan
 - 7. Old Business
 - 8. Committee Member Comments
 - 9. Adjourn

FUTURE MEETING DATES:

July 5, 2023– 3:00 pm

August 2, 2023- 3:00 pm

September 6, 2023- 3:00 pm

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING

Naples, Florida, May 3, 2023

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
James E. Boughton
Clay Brooker
Jeff Curl
David Dunnavant
John English
Marco Espinar
Norman Gentry (excused)
Mark McLean
Chris Mitchell
Robert Mulhere (excused)
Laura Spurgeon-DeJohn
Jeremy Sterk
Mario Valle

ALSO PRESENT: Jaime Cook, Director, Development Review
Tom Iandimarino, Director, Code Enforcement
Chris Mason, Director, Community Planning & Resiliency
Matt McLean, Dir., Utilities Engineering & Project Mgt.
Jay Ahmad, Director, Transportation Engineering Division
Mike Stark, Director, Operations & Regulatory Mgt. Division
Timothy Crotts, Contractor Licensing Supervisor, GMD
Mike Bosi, Director, Zoning Division
Jamie French, Department Head, GMD
Diane Lynch, Management Analyst 1/Staff Liaison GMD
Julie Chardon, Ops Support Specialist II/Staff Liaison GMD

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 Varian called the meeting to order at 3:01 p.m. A quorum of 13 members was convened.

2. Approval of Agenda

Chairman Varian said Matt McLean will be joining us on Zoom and asked if we could move C, under New Business, to D, under Staff Announcements.

Mr. Curl moved to approve the agenda, as amended. It was seconded by Mr. Espinar. The motion passed unanimously, 13-0.

3. Approval of Minutes

a. DSAC Meeting – April 5, 2023

Mr. Curl made a motion to approve the April 5, 2023, DSAC meeting minutes. It was seconded by Mr. McLean. The motion passed unanimously, 13-0.

b. DSAC-LDR Meeting – March 21, 2023

Mr. Brooker said this was a matter where a lot of us had conflicts, but he didn't think approving the minutes would be a conflict.

Mr. Valle made a motion to approve the March 21, 2023, DSAC-LDR Subcommittee meeting minutes. It was seconded by Chairman Varian. The motion passed unanimously, 5-0.

4. Public Speakers

Chairman Varian noted that the public speakers are here for the U.S. 41 EZO and said they could speak when that item comes up later in the meeting, if the public is OK with that. (No one objected.)

5. Staff Announcements/Updates

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

Ms. Cook reported that:

- We're extremely busy.
- Conservation Collier is transitioning over to Growth Management and will be part of the Development Review team. That change occurred paperwork-wise on Monday, but it will take some time to get through everything and officially transition the group over.
- Our out-take staff is working on some updates to CityView processes to hopefully make permit extensions for wells and for rights-of-way easier for contractors and users. Right now, we're trying to build in a condition to both of those permit types to allow for a permit extension request to be uploaded to a condition so that it doesn't get lost in transition somewhere in the building permits, which expire, and then we have issues.

b. Code Enforcement Division – [Tom Iandimarino, Director]

Mr. Iandimarino submitted monthly statistics from March 22-April 21 and reported that:

- He's been on the job less than a month, so he's still learning a lot.
- Since last month, there's been an uptick in cases in the Estates and various other places with RVs in backyards. There have been about a dozen new cases since last month. Most of them have been founded, so we are working those cases and assume that activity won't slow down anytime soon.

- He's been a resident of Collier County since 1997 and has been with the National Park Service for 30-plus years, working out of Everglades National Park, Dry Tortugas National Park, Big Cypress National Preserve and various other parks as a ranger in his early days.

Mr. Curl noted that there's been an increase in non-permitted business signs. Not all have been reported and some are in the public domain or within barbed wire. There's a slew of things going on and we're starting to get like the Wild West in the Estates. If you're already out there inspecting trailers, maybe you can check that. If you're already out there on staff time, you could put the kibosh on that.

Mr. Iandimarino said that today he talked to Sherry Patterson, one of our investigators, who's well versed in signs and she's giving him a one-minute tutorial, along with many others. If you have questions about that afterward, he'd be happy to address that some more.

Mr. Sterk said he was at a friend's house on the weekend and there were four businesses operating on their street, a plumbing business, a trucking business, a commercial storage business and another. It was creating a lot of havoc on their street. They've had power lines taken off by a full-size crane. The plumbing business has 15 employees coming in and out in the morning, leaving vehicles there and getting into plumbing vehicles. What's frustrating is that they're business owners. He also noticed that some neighbors in the industrial park have sold their industrial lots to allow a business to operate. The plumbing business bought two adjacent parcels. Code Enforcement may have a limited ability to go through properties, but it's visible. You can see the transition of these neighborhoods on aerial photos.

Mr. Iandimarino encouraged the neighbors to fill out a code complaint through the service desk, 311 or through a county commissioner, if they wish to remain anonymous. We can't do much in a discussion at DSAC without a complaint. If they have a complaint, they will investigate.

Mr. Curl said he's suggesting you work together while investigating other complaints. They're operating a business that's not authorized to operate out there.

Mr. Iandimarino said that without Code Enforcement getting phone calls, we can't go out and respond and just search for those types of activities because there are all kinds of other activities there, but we'll try. We'll do our best if you want to make complaints or calls. We will investigate each one.

Mr. Curl asked why they were out investigating illegal campers in backyards. Was that a commissioner edict?

Mr. Iandimarino said they received many calls about homeowners renting out campers on their property.

Varian asked if it's people living in them, not just people parking them?

Mr. Iandimarino said that was correct.

Mr. Brooker noted that for the home-occupations or businesses working out of residential areas, there's a new law on the books that allows certain home occupations in residential districts. There are limitations and you can't bring in trucks and employees.

Mr. Sterk said someone could do a home-office type business, but the minute you start bringing employees to your property or have three long-haul truckers operating out of there and living in RVs when they're not running ...

Mr. Iandimarino said he understands there's more than one violation there. And you're saying let's not just go there and look for one and ignore the 25 others. He understands their point is for efficiency of time, that Code Enforcement should check it out.

Mr. Brooker welcomed Mr. Iandimarino, saying they look forward to hearing from him every month.

c. Community Planning & Resiliency Division [Chris Mason, Director]

Mr. Mason provided an update on Preliminary Coastal Study Flood Maps:

- This process has been a very long one. It started in late 2019 and now we're almost into the third quarter of 2023.
- We still haven't heard about the acceptance and adoption of the maps. He checked with FEMA today.
- FEMA is scheduled through October 19 for Letters of Final Determination to communities with revisions in process. We're still not scheduled and the schedule goes through October 19.
- One reason for the delay is that Marco Island put in a scientific panel to dispute some of the Base-Flood Elevations within the interior of the island. That's probably what's causing the slowdown.
- We expect to hear by the end of the year or the beginning of 2024.

Mr. Brooker said so we're good right now with what we're using?

Mr. Mason said they were.

d. Public Utilities Department [Matt McLean, Director, Engineering & Project Mgt.]

Mr. McLean reported that:

- There were questions that came up at the last DSAC meeting, so he wanted to provide additional insight on those, as well as detail the overall utility report.
- We are continuing to try to bring on additional staff members to help with our level of service. We're still strained a bit when it comes to working through Letters of Availability, DEP permits and DEP Deviations. We recently got approval and have now posted a position for a temporary staffing person to join the utility planning team to add additional help relative to those specific items he just mentioned.
- We also have a new team member that we've outsourced for contract support to help with DEP permits. We're doing OK, but we're trying to do better from a timeliness perspective and we appreciate patience as we bring on new team members. You'll be exposed to additional utility planning team staff members so we can continue the level of service.
- A portion of the report we provided in the packet today was conducted by Tetra Tech in 2019 for Public Utilities. It was a utility-conveyance policies and procedures benchmarking study. There were questions last month about utility conveyance, so that was provided to you as an informational piece to provide an overview of how Collier County Public Utilities works compared with other utilities.
- The Tetra Tech study showed we had extra steps in our process that others didn't. We also have sections that we approve and allow certain folks to do private utilities while other utility companies don't do that. They require everybody to follow all their standards and turn everything over. We can answer any questions you have on that.
- Another thing discussed last month was the Release of Liens, particularly when it comes to private infrastructure. That's a requirement provided so that the underground subcontractor provides documentation to county staff as part of the overall conveyance review. As the water and sewer district signs off on DEP applications for placement into service, that gives us regulatory liability, regardless of whether it's private or public infrastructure. All that same infrastructure, regardless of whether it's private or public, is attached to our overall infrastructure network, which provides a level of liability to us.
- We experienced some of that same liability when we went through Hurricane Ian last fall and previous hurricanes and other emergencies where we had to go in multiple times into private systems and conduct work to continue to keep those systems moving forward and operational. We do not operate and maintain the private systems if they're set up that way. However, we

still maintain a level of liability when it comes to overall DEP regulations and DEP providing sign-off replacement into service. We want to ensure there are no liens affiliated with underground infrastructure being installed, whether it's private or public. That's the purpose and rationale behind the release-of-lien requirement.

- Another item that came up involved the timing of bacteriological testing. Prior to 2003, the FDEP did not have a time limit associated with valid bacteriological samples. At that time, Collier County was maintaining a standard of 30 days to ensure that the health of the distribution system would be maintained because there were no regulations established by the DEP or the Florida Administrative Code. After that time frame, under state statutes, a 60-day requirement was established, which DEP acknowledges. Collier County Public Utilities currently does not have a 60-day requirement on all its infrastructure. As we went through the utility conveyance update, which was a combination of a seven-year process that was fully vetted and incorporated through the utilities subcommittee and had the full support of the full DSAC, it was unanimously approved by the BCC, eliminating a step of the conveyance so there was no preliminary. It was more straightforward to final. We also updated the bacteriological time frames from 30 days to 45 days for mains that are greater than 8 inches, and 60 days for any water distribution systems that are 8 inches or less. What that means is that for 8-inch pipes and less, the water and sewer district standards mirror state statute standards. At that time, we still had significant concern with our larger mains, so we enacted a 45-day time frame on the expiration of those Bac-Ts. There is a life, health and safety issue for the utility when we get into situations where there are bacteriological challenges within our network system, particularly when we get into larger mains and we're approaching part of our transmission main systems. It's extremely difficult for us to get the bacteria out of the system. It takes extensive additional flushing and extensive additional chlorination to get the lines cleared. That is the rationale and reason why we established a 45-day time frame for mains greater than 8 inches.
- The majority of the infrastructure that's currently being developed within our water and sewer district are mostly 8 inches and under, so those Bac-Ts are good for 60 days. That's what needs to be submitted to DEP to get clearance.
- There was another item brought up about site acceptances, which Jamie Cook addressed.
- He's available for any questions they may have.

Mr. Brooker noted that it was one of Dave's items.

Mr. Dunnivant said he's trying to digest it, but he thinks the process is flawed. They can cut off the extension of the system at the private property. They're not going to because the problem is they're asking for us to pay people before projects are finished. The contractors often have additional work to do on the project. They're asking for them to be paid in full and they won't sign until then. They can disconnect that connection from the public system at any location at any time. That's their prerogative. The fact that it's part of that main, whether that particular subcontractor has been paid in full, is problematic at that point, so that troubles him.

A discussion ensued and the following points were made:

- They do not accept partials. It's an unconditional release and won't be issued until they're paid in full.
- Engineers haven't been providing it and it hasn't been enforced.
- This never made sense and has been intermittent.
- Those items of site work don't need to be involved in this.
- The site acceptance doesn't get approved until the utility acceptance is approved.
- Pavement is necessary for a release of lien only in utilities. That usually involves a conversation with (Landscape Operations Manager) Pam Lulich about the DEP time frame.
- The county allows extensions between 45-60 days, but they don't publicize that.

- There's an inventory of the costs that must be presented with the Release of Liens (form). If a valve gets added and didn't make it into the inventory, it has to be redone later so the project matches up.
- This was brought up six months ago and part of the problem is Jaime Cooke and her department has asked for three additional FTEs for inspection, so we have a limit on what can be done. That negates what you can do on a utility conveyance sheet. They look at everything, publicly and privately.
- Something like a valve may come up later and it negates anything you've done on your Utility Conveyance Sheet. They look at everything, the conveyance publicly and privately, and it's a line item and labor and cost. It can be very intensive as far as the number of items on the spreadsheet.
- In the past two weeks, Joe Bianchi has been out due to surgery and there's no one to cover his job and they're already short.
- We need to help Jaime get FTEs for inspections on the site and the utilities, because that's a roadblock. She's doing a fantastic job juggling, but you can only fit so many hours into the day. It's not a matter of overtime, it's a matter of personnel being needed.
- If you have several thousand homes, that's a lot of infrastructure.

Mr. Dunnivant said he'll review the information and will get back to him with questions.

e. GMD Transportation Engineering Division [Jay Ahmad, Director]

Mr. Ahmad provided updates on transportation projects:

- The TIGER (Transportation Investment Generating Economic Growth) Grant is offered by the federal Highway Administration and is given very selectively throughout the country. We were lucky to get one for Immokalee. The project encompasses about 20 miles of sidewalks, a transit station, bike lanes and stormwater improvements. The project was awarded as a design-build and Quality Enterprises was awarded the contract. We started March 16 as a design-build and at the first six months to a year it's a design. We divided the design process into five areas because the project is large. Construction has begun on Area 1. It's intended for final completion in May or June 2024 at 800 days of design and construction.
- The Whippoorwill Extension project's intent is to connect with Marbella Lakes. The project has been going on for some time and is approaching completion. The completion date, with the change orders and added days due to delays from the hurricane and equipment, etc., is the end of July. Just as we have in traffic control, the contractor is facing equipment delays. The new intersection signal at Livingston and Marbella will not be in until October, so they'll finish the project, but we won't open it to traffic until the signal at the intersection is operational.
- Veterans Memorial Extension is a project that extends a new roadway that used to serve only the elementary school and Secoya Reserve. It will extend to serve the new high school, which is supposed to open this September. There's also a Phase 2 that eventually will connect to U.S. 41. The project is approaching completion. The only thing left is resurfacing the last lift of asphalt. Under the contract, they're supposed to complete the project by July, and they will be ahead of schedule because they expect to be done by the end of this month. We took a portion of this project, a noise barrier wall on the south side for Imperial Golf Estates, as a design-build project because the cost of the change order was excessive. We took it out of the project and designed it ourselves. We sent it out to bid and it came in exactly the same as the low bid. The second bid was \$3.2 million. Our engineers estimated \$1.2 million, but the costs are outrageous, so we're going to award it. The change order was \$1.9 million and the bid came in at \$1.9 million – and it's not the same contractor.
- Vanderbilt Beach Road Extension is a seven-mile project extending from Collier Boulevard east to Wilson, six lanes, and from Wilson to 16th Street NE, two lanes. If you've driven on Wilson Boulevard and looked right and left between 10 a.m. and noon, it's massive. They've done the clearing and grubbing and started the embankment from 16th Street going east.

- They're starting the bridges. There are three bridges as part of this \$153 million project, which has a three-year duration. We expect completion later in 2025. It started in September 2022.
- Golden Gate Parkway Bridge Replacement over the Santa Barbara Canal. He was very nervous about the project because we narrowed the traffic to one lane in each direction from two lanes and we have a great contractor, Thomas Marine, and the design-build team. They're trying to switch traffic. Half of the bridge is going to switch traffic to the south side to complete half of the project and completion will be by November, which is incredible. Somehow, traffic found other ways to access the area and we didn't see major congestion and thought there would be tremendous congestion.

Mr. Curl said they discussed TIGER Grants on the Productivity Committee and there was a specific grant that required your inspectors to be onsite for "hand-holding," observing every point of construction. Is this one of those grants?

Mr. Ahmad said it's like that but more on steroids. This is a federal project. What you're talking about is a lab project. This one is more extensive than the one described to you in the lab.

Mr. Curl asked if they had a dedicated person on site.

Mr. Ahmad said they have a dedicated firm, a dedicated grant compliance firm and a dedicated peer-review firm.

Mr. Curl said he only mentioned it because they said Jaime needed inspectors.

Mr. Ahmad said we have firms that we subcontract with, our consultants. They're struggling like the rest of us.

Mr. McLean said on Whippoorwill, it seems they held the east curve. That was an existing two-lane highway and he understands they're trying to slow down traffic because people got through, but when they poured the new west curve, they narrowed that two-lane road by two feet. Was that the intent? It is extraordinary.

Mr. Ahmad said it was.

Mr. McLean said it seems dangerously narrow.

Mr. Ahmad said he wouldn't call it "dangerously narrow," but if you had kept up with the history of this project, it had nice 12-foot lanes, shoulders and sidewalks and the neighbors around it directed different things, so we ended up with four roundabouts, choking traffic. We have what we call a median in the middle where the narrowed lanes were tightened to 10 feet, in some places 11 feet. The neighbors wanted minimal volumes and probably will get that because nobody in their right mind would drive through that. It's going to be a great roadway serving these communities. They'll have access to Pine Ridge and Livingston. It will probably be like Orange Blossom, or roadways like that.

Mr. McLean asked if that was the intent. It just seemed very narrow coming from a two-lane road to one.

Mr. Ahmad said it was intentionally done.

f. Collier County Fire Review [Shar Beddow, Assistant Chief]

Asst. Chief Beddow provided an update:

- We need a new inspector and are seeking new talent.
- The county is going to the new Knox eKey electronic program as of May 1. We're transitioning, with the exception of padlocks and gates. If any of your vendors have a lock box, that will be changing.

Chairman Varian said he remembered that they were retrofitting older buildings, as well.

Asst. Chief Beddow said not in this phase. This is just all new construction. It's an eKey that can be shut off immediately by an administrator.

Asst. Chief Beddow continued her report:

- We are working on new software, going into a new program called EPR, which will be across our entire department. It looks like what we're beta testing right now will be much easier for you to get your reports because it's more user-friendly.

Chairman Varian said that should eliminate the yellow tickets.

Asst. Chief Beddow said we're working on that now. It should be shortly. We can take payments by credit cards now. We will be announcing that you'll be able to pay them online. The board has provided direction to look at the feasibility study of plan review, so nothing is set in stone, not even a date, just the feasibility.

Mr. Curl thanked her for resolving the Paradise Coast Sports Complex issue that he brought up six months ago. It was scary to watch that boy with a back injury and firefighters trying to navigate through the crowd to get on the field to take care of him. He appreciates that you followed through with staff and made the facility more responsive in emergencies.

Assistant Chief Beddow said she couldn't have done it without the team.

Chairman Varian asked how inspections were doing.

Assistant Chief Beddow said there were six for plan review and 68 site plan reviews. She didn't have a total. We've had to use overtime multiple times over the last month to try to keep up with demand. We have a pretty good staffing level, but you're all going much faster than we are.

Mr. Espinar asked about the forest fire on Wilson Boulevard. It was a pretty significant fire and it's going to Golden Gate Estates, which is a huge powder keg with the amount of fuel out there. Has there ever been any conversation or coordination with local fire department or the Division of Forestry to do some prescribed burns, like a patchwork in Golden Gate Estates, to help control massive fires out there?

Asst. Chief Beddow said yes sir. The Division of Forestry cuts lines and those types of things. They've also aggressively had meetings with areas of concern. She was at one at a Golden Gate fire station to try to discuss with property owners about doing a 25-foot setback to help keep their property safe. Unfortunately, either due to lack of advertising or interest, we didn't get a lot of response when they had those meetings. Another problem is that the Division of Forestry is also having the same hiring problem that everybody else has getting tractor drivers and pilots, etc. One of the CFO's responsibilities is fire for the Forest Service. He has a true love of that. He's trying to gear everyone up for the Forest Service. But they're one of the lowest paid fire services in the entire state.

Mr. Boughton asked her to expand upon the feasibility study and permit review.

Mr. Valle asked if they're looking to take that over from the county.

Asst. Chief Beddow said yes, it was at the BCC's direction.

Mr. Boughton asked if they were looking to take that over from the county.

Assistant Chief Beddow said she was not at the BCC meeting, but it was discussed. She doesn't know what components will be looked at.

Mr. Boughton asked if they're doing prescribed burns.

Asst. Chief Beddow said yes, they do prescribed burns in Golden Gate Estates. If you call Florida Forest Services, they issue all the burn permits. They do prescribed burns.

Mr. Espinar asked if there's been a master plan or something like that to go out there. There are scattered homes on 4- to 5-acre tracts, a 20-acre area that maybe could be burned. If nothing else, it's a stopgap for neighboring areas so the fires don't get out of control out there. Has there been a management plan for that area?

Asst. Chief Beddow said she didn't know. She'd have to ask the Florida Forest Service. He can get her email, so she could tell him.

Mr. Espinar said he's curious because with the amount of vegetative fuel out there is exploding. On top of that are cars, boats, diesel fuel tanks, dump trucks and cranes. It's going to be a powder keg. We're going to see one of those California fires out there.

Asst. Chief Beddow said in real life, people are good about setbacks around houses, but not the out-structures. If you have setbacks, you will minimize damage. She's seen people turn on sprinklers when fires come and that's been effective.

[The following is from a related discussion that ensued during item 5.i.]

Chairman Varian said Shar sent him a note to clarify the fire fee on the fire review. She's working with the CBIA on a task force. He believes the Greater Naples Fire Board is looking into the possibility of taking fire-plan review out of Collier County to do it themselves. Remember, the agreement now is Greater Naples allowed Collier County to have plan review staff here on fire review.

Mr. Boughton said if it improves the problem that he sees happening, where things are approved at the county permit level and they get out in the field and then they get rejected, he'd consider it. But he thought we'd been through this whole process before. It used to be that way and was so disjointed. Everyone went in different directions and had their hot buttons and not so hot buttons. He doesn't see going back to that.

Chairman Varian said this is the Greater Naples Fire Board. That's a separate body and that's what they're looking at, the feasibility of taking fire review away from Collier County and back into their realm. Jamie would like to speak. That board, which is elected officials, their own entity, was involved with crafting this agreement.

Mr. French told the DSAC:

- He's had extremely limited conversations with them.
- They engaged with county staff for guidance on what they can expect an outcome to be if they take it over again. They've had no conversations and have received no information from him.
- They are the authority having jurisdiction. The staff that provides this service to you is county staff. Through this interlocal agreement that exists, we fund and shoulder the costs of supplying staff. We assume liability if they've got insurance claims, sick days, etc. But providing the service falls on us. That's our commitment.
- We averaged three days for both Site Development Plans and Building Plan Review. It may not be comparable to North Collier based on the volume and technicality of the work, but the average timeline was three days.
- We have no position, except that they are the authority with jurisdiction. They have the right and the ability to either renegotiate or to cancel the agreement. That means the funding revenue that comes in here would leave and go back to the Greater Naples Fire District.
- He's received calls this week from Assistant Chief (Shawn) Hanson. That was the first call to set up a meeting with him. He also has a meeting with the chief and a board member. That was the first call, although he knows this was discussed at their last board meeting and we weren't invited, so there's no visibility.
- He brought it to the DSAC chairman after they already approached our staff because the county would lose that revenue and the four FTEs who do that work could leave or we could deploy them in other areas here. We wouldn't compete for them, wherever they wanted to go. They will not lose their positions here because we've got plenty of work for them.

- The way the agreement is written is that we pay half the Fire Marshal's salary. If they want to renegotiate that, we're open to renegotiations and in the event that they want to take it back, OK.
- We've been able to provide a great level of service. If there have been communication differences between what plan reviewers have done and what's been in the field, it's been *de minimis* at best and hasn't been brought to his attention. On rare occasions, it happens, but we are mindful that as costs go up, they may be looking at this as a funding opportunity, as well as an opportunity to improve service. He's unsure because they haven't met with us. That's simply speculation.

Chairman Varian thanked him for explaining.

Mr. Boughton asked about the inter-regional agreement and if it can be terminated by either party. **Mr. French** said by either party, upon notice, yes. Not for cause.

Chairman Varian said their governing board has the authority as far as fire goes and that was granted through the agreement.

Mr. French said they still work under Shawn Hanson's license, and it is her license and the chief's license, so they are the authority with jurisdiction. Any staff member that comes before you from either our building inspection staff or our plan review staff or even me, we work under the authority of Fred Klum's license as the building official. He qualifies this county as much as Assistant Chief Shawn Hanson and Chief (J. Nolan) Sapp qualify the Fire District.

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

Mr. Zunzunegui detailed his April report:

- We did 515 reviews; 490 of those were building; 25 were in development.
- For planning, we have 206 active plans in our work group queue now, with 261 reviews.
- There has been an amendment, House Bill 327, involving fire-sprinkler systems. It's similar to the past legislation he discussed a few months ago about fire-alarm projects. It will take effect on July 1 for sprinkler systems with 20 components or less, allowing it to be pulled as a self-issuing permit. There will be no plan review as long as it meets criteria. It's limited to the same class, similar or better components. We're going to be working closely with Growth Management on that.

Chairman Varian asked if lanai enclosures on high rises would fall under that because it's usually one to two heads.

Mr. Zunzunegui said it would definitely meet that criteria.

Mr. Zunzunegui continued his April report:

- We have a vacancy for an additional reviewer. We get a lot of complex and high-volume permits with our team and they're working as fast as they can. We have a lot of demand for meetings lately and calls. We're trying to get to everybody to provide good customer service.
- We have another vacancy posted on our website to hire another reviewer.

h. Operations & Regulatory Management Division – [Michael Stark, Director]

Mr. Stark detailed the April monthly report:

- We maintain active hours at our main Horseshoe Drive location and four satellite locations, Orange Blossom, Heritage Bay, Immokalee and Everglades City, to continue to ensure compliance with regulations is maintained.
- Last month, the Horseshoe Drive business center, which handles zoning and intake, assisted about 1,140 walk-in customers; the satellite offices handled 162 more.

- The call center received 5,301 calls to the main number, 252-2400, a decrease from last month, which was about 6,500. The average call lasted less than three minutes. Business Center staff led by Kirsten Wilkie, as well as Tommy Thompson, Michelle Ramkissoo and Connie Thomas, continue to observe, evaluate and act upon data and trends to effectively manage staff, as well as coordinating with customers.
- There were 4,339 permit applications received in April, with a running annual total of 28,627. Hurricane Ian-related permits totaled 466.
- Staff continues to coordinate with Building Review, Contractor Licensing, FEMA and the CityView team regarding post-working recovery permits.
- Staff processed 28-short term vacation rentals, with a total of 107 for the year.
- We currently have 28 open positions. There's a total of 308 total FTEs in GMD. There also are 69 temporary contracted-staff members working at this location. That doesn't include the Nova Inspection team. The majority of openings are due to internal promotions.
- We continue to work diligently to address open positions and coordination of resources.
- Tim Crotts, our Contracting Licensing Supervisor, has updates on House and Senate bills.

Mr. Crotts provided an update on pending state legislation:

- On July 29, 2021, House Bill 735 was signed by Governor DeSantis and took away the majority of specialty contractor licenses for every county statewide. We were going to lose 31 of our specialty contractor licenses on July 1, 2023. There were 13 that were questionable and 25 that we were going to keep. Most of the ones we were going to keep were considered Division 1 and Division 2 licenses. We were going to lose a large majority of specialty licenses.
- Since the bill passed, the House and the Senate reconsidered what's occurring and there are two bills now, Senate Bill 1570 and companion House Bill 1383, that are putting back the majority of those licenses for the counties. We were losing 31, but it looks like we may lose 13. Those are minor specialty licenses, such as painting, flooring, tile and marble. But the majority of those are going to come back.
- When House Bill 735 was passed in 2021, it was basically passed almost along party lines. This time, it has been a unanimous vote in favor by both parties moving forward.
- House Bill 735 was going into effect on July 1 of this year. Under the new pending bills, that will push everything back to July 1, 2024, when they'd take effect.
- That means the licenses we have now will stay through July 1, 2024, and we may lose an additional 12, unless something happens in between.
- This is in the works to correct what was going to be a major problem for homeowners and business owners in the county.

Mr. Boughton asked if you are a handyman and you do some painting and drywall, does that require two licenses?

Mr. Crotts said if you're doing painting and drywall, that would be two licenses. A handyman license, with the handyman exemption, which is through the state, says that if the work is minor, inconsequential and under \$2,500, then a handyman can do it. If it requires a permit, which depends on the amount of sheetrock being put back, it's going to require a permit and the handyman would not be able to do it. If a handyman is painting one wall of somebody's house, that's handyman work. If he's painting the whole house, it's no longer minor or inconsequential and requires a license.

Chairman Varian said he was looking at the stats and noticed a huge fall in single-family homes. We haven't been that low in a long time for that one month. It's kind of interesting.

Mr. Stark said that's where he, Kirsten and the rest of the team were doing a lot of analysis on this, as well. You're correct. That is the one of the lowest numbers that he's seen. Page 4.

Chairman Varian said he can't remember when it was ever that low.

Mr. Stark noted it was down to 168. We'll bring back more information on that analysis, as well.

i. Zoning Division – [Mike Bosi, Director]

Mr. Bosi detailed the April report and noted that:

- We continue to have two vacancies. We used to have a hard time attracting employees and being able to get them into the county to work and talk about this position and we'll continue to do so.
- He, Jamie French and the County Manager's Office are working on an evolving process related to land-use petitions in the summer. It's always been restrictive in terms of what types of petitions have public opposition and whether to allow them to move forward in the summer. As of now, as a tentative approach, we're going to allow petitions with opposition at the two meetings in June, but for July and August, unless it's on the summary agenda, we're going to push those forward to the second meeting in September and into fall. It's continuing to evolve. One of the things we are clarifying with our applicant community is that if they've got a strong argument or reasons why, we're not asking to go through the County Manager. Placing any items on the agenda will first have to get clearance from Mr. French, who will communicate with the County Manager's Office.
- What further complicates it is that between the next four meetings, we've got 18 land-use petitions for May 10 and five scheduled for July 11, so that's 23 petitions. We're not sure how it's going to shake out after until we get to the Planning Commission. That will determine which ones can be summary eligible, which will have opposition, and which will have major opposition. That's going to affect not only the timing of some projects moving forward in the summer, but it's going to create a potential backlog for us into the fall and we only have one meeting in December. So we're going to have some difficulties and backlog. We're going to continue to work through it and communicate early and often with applicants and their teams to make sure they're available and try to get there as quickly as possible. There's no intention to delay. We're just trying to manage the assigned workload.
- He noticed that the next item on the agenda is an update on Senate Bill 250. That will have a direct relationship to the EZO you're hearing. He thanked Mr. Booker for bringing it to his attention. When he first learned of it, the bill proposed that a county and municipality that were declared emergency disaster areas could not adopt more restrictive or burdensome procedures to their comprehensive plan or land-development regulations concerning review, approval or issuing a site development plan, development permits or development orders, as defined by Florida statutes.
- Fast forward a month and that bill has been passed by the House and Senate and only four members of the legislature spoke against it. The overwhelming odds are that this is going to be signed by the governor and will take effect July 1. It says you cannot adopt more restrictive provisions retroactive to September 29, 2022, when Hurricane Ian hit, and they cannot be adopted before October 1, 2024. Amendments to the bills have put it even further. It's not only adopt. A locality cannot *propose* restrictions that are more burdensome than what currently is proposed within our LDC.
- Our County Attorney's Office is reviewing this. We just had a brief meeting with (Assistant County Attorney Derek) Perry and we're meeting collectively together so they can provide us with a bit more insight on how that affects the status of the EZO because there are criteria in the EZO that are more burdensome, that are heavier, more of an ask related to auto-oriented types of land uses, so there will be more to provide. Not to detract you from your discussion today in terms of the specifics, but there is a probability that this may be tabled and it may be tabled moving forward until October 1, 2024. That's just a reality.
- He continues to receive a tremendous amount of interest from the private development community due to Senate Bill 102, the Live Local Act, on how their applications will move forward, so there are a lot of interested parties looking to see if they're going to be able to take advantage of it and the opportunities that's created.

Mr. Brooker asked about the summer agenda schedule, noting that he's on the June BCC agenda. He asked if he would be pushed back if there was opposition before the Planning Commission.

Mr. Bosi said he couldn't promise that he will not be pushed. The guidance is if there is overwhelming opposition, which is a nebulous term, then there's a chance that you can be pushed beyond the summer months to the fall. It's not set in stone, but that's the discussion we're having with the County Manager's Office and Mr. French is the gatekeeper in terms of getting it onto an agenda or not. We understand the pressure that it puts on your owners and ...

Booker said that's a four-month delay for his client.

Mr. French told the DSAC:

- The BCC chairman and the board, but especially the chairman, have made it very clear that high opposition (items) will not be heard over the summer.
- That has never been allowed in Collier County, so if there are high-opposition items, they will not be heard over the summer. The County Manager and the BCC chairman set the schedule.
- Responding to questions, he confirmed June is considered summer.
- We have not taken any high-opposition items to the board over the summer. One example might be the Isle of Capri project that was purposely pushed off until after January because of that exact thing. Even though they're not full-time residents, they are property owners and they want to participate.
- We're trying to look at both sides of this and we recognize that the board still allows us to offer a virtual-hearing opportunity to participate, as we have done since COVID. The board has elected to offer summer meetings and has allowed us to be able to take land-use items on summary forward for consideration. Beyond that, if it's high opposition, we have defined that to be 10 or more members of the public. That's the schedule that we put out.

Mr. Curl asked if he said 10 people is considered high opposition.

Mr. French said yes, 10.

Mr. Sterk asked if that was really considered large opposition.

Mr. French noted that this meeting is being recorded and 10 people is considered high opposition and the BCC chairman and County Manager set that.

Mr. Curl said that's unbelievable.

A discussion ensued over the 10 being considered high opposition and who set that.

Mr. Mitchell said he's consistently noted during his time on the DSAC that we are getting further and further away from property rights and owners' rights. It seems like on the development side, we acquiesce, and we give. Has there been any consideration by the board to then have a double schedule in November and December? As Clay stated, there is a real possibility that it could push things two to four months into January and then you only have five months, so we've effectively taken a year and put it in nine months, so every time there's a delay, it costs everybody money on the development side. He's been a county resident since 1984 and if it's important, they should show up. If it's inconvenient because it's the summer, that's on them because we conduct business 12 months a year. This is our job, this is our profession and he doesn't understand why we acquiesce to people who just don't want something next to them but aren't involved in it. It is really difficult. Ten people is not a lot of people. Input from boards like ours and input from staff need to be considered.

Mr. Curl said he agrees.

Mr. Mitchell said there needs to be a compromise. If you want to take no applications in the summer, then let's have a double schedule in November and December.

Mr. Brooker said the appropriate number of people (for high opposition) should be a case-by-case determination and taken to the board.

Mr. French said that's why he's the gatekeeper. He'll be happy to meet with them individually or as a subcommittee. Their comments will be noted.

Chairman Varian said Shar just asked him to clarify something she mentioned. [See 5.f. for the discussion.]

[A discussion about 10 people being high opposition and summer agendas resumed after 5.f.]

Mr. French told the DSAC:

- We recognize property rights and property owners seeking the highest and best use for their property. We do this every day.
- We're an enterprise fund and we know that we are constantly balancing community need against property owner rates.
- The bottom line is that we're doing our best to balance that demand.
- If you'd consider either an industry subcommittee meeting or something else, he'd be happy to sit down with them.
- This is not set in concrete, but we've got to take a more rational approach because some projects are unique, such as the one he worked on with Clay. He noted that we've supported you throughout the process.

[Laughter]

Mr. Brooker said setting an arbitrary number like 10 invites abuse.

Mr. French said he understands. It allows them to go higher. He's been in this for about 20 years and grew up here.

6. New Business

a. Provide an update on the county's view of Senate Bill 250 and the House companion bill (Detailed under 5.i.)

Kathy Curatolo, consulting legislative liaison for the CBIA, told the DSAC:

- She wants to be transparent and share that we met with Shawn Hanson and attended the board meeting.
- Two criteria that were very important to the CBIA was that the process continue through CityView and that there's an improvement between the reviewer and the field. That would be great.
- We will follow that specifically and share what we do with everyone at DSAC so we can ensure we don't through the same thing we went through years ago, that many of us worked on together.

b. U.S. 41 East Zoning Overlay (EZO) Land Development Code Amendment (LDCA)

Chairman Varian noted that there were many speakers and the committee will allow them to speak first.

Six members said they're abstaining from the vote and handing in a Form 8B (Memorandum of a Voting Conflict).

- **Ms. DeJohn** said she'll be abstaining from the vote because she's working on the EZO as a consultant for the county. She filed a Form 8B.
- **Mr. Brooker** said he already filed his Form 8B.
- **Mr. McLean**

- **Mr. Mitchell** said he has current projects in the corridor and clients with future projects in the corridor.
- **Mr. Dunnivant**
- **Mr. English**

Public Speakers

Jacob Winge, president of East Naples Civic and Commerce, told the DSAC:

- He sent an e-mail yesterday to highlight some comments, so he won't go into much more detail.
- This has been a long time coming in the grand scope of things for a lot of different issues that we faced in East Naples for decades.
- This plan comes a little too late in many ways, but we want to continue to move forward as a community and bring things to the table that we've really worked on, like attracting mixed-use, looking at density, height, stormwater, transportation and other different elements that we've worked on with dozens of conditional-use plans, storage units and uses and things we want to bring to the table. This is probably one of the most unique master plans that has been brought forward.
- He served on the GMAC Advisory Committee and worked intensely with Golden Gate and Immokalee's master plans and he's never seen an incentive base that's so concrete and easy to understand.
- This is an amazing plan and really provides the incentives to do good work and give developers tools they need to accomplish things.
- When he sits down with developers to talk about conditional uses and different things that we want to see in East Naples and he brings up mixed-use, they tell him they can't do it. It can't be done anywhere. He doesn't understand that, so he's hoping that the incentives we're talking about and the Activity Centers will help rectify that and give developers the tools they need to accomplish the job.
- The community was intensely involved. This was not a one-time, 30-minute town-hall meeting where five people spoke. This was a variety of professions, organizations, businesses, homeowner associations, etc., that have been involved in this plan, as well as our 200-member organization, which was involved from the onset.
- He hopes they can send a recommendation to the Planning Commission with whatever notes, tweaks, elements or questions the DSAC might have, but that the process continues. This has been delayed far too long. It's taken us way too long to get here and he'd hate to see things get kicked down the road further.
- Regardless of their decision and their discussion, he's available for any questions or comments.

Lisa McGarity, president of Lely Golf Estates, told the DSAC:

- Lely Golf Estates is next to the U.S. 41 corridor.
- This is a unique opportunity to allow the community to get involved in property rights.
- She's lived here 30 years and we've never had an opportunity to give our opinion.
- She's an athlete, a half-marathon runner who runs along U.S. 41 once or twice a week.
- She's heard a storage unit called wine storage and then it's considered mixed use because it has wine storage and self-storage. That's not what we mean. We need more life, we need more activity, not car washes, self-storage or gas stations. Life includes landscaping. Palm trees are not trees.
- She's an environmental chemist. The U.S. 41 corridor is full of traffic. You don't breathe clean air when you're running along U.S. 41. People walking on the sidewalk aren't falling due to exhaust poisoning, but palm trees are not trees. Trees and proper landscaping absorbs an incredible amount of exhaust and also makes the promenade much more pleasant.

- When she spoke to the subcommittee last month, she told them when you pull into a parking lot, everyone looks for a shady spot. You don't get shady spots from palm trees.
- The big take away she heard from her community of almost 500 homes is they want activity, meaning mixed-use, not self-storage or car washes, but Activity Centers where people gather, where there's outdoor seating, landscaping and better sidewalks.
- That's what the community wants and that's what she brought forward during stakeholder meetings.
- It's a rare opportunity that any government takes into consideration input from a community and ideas about something as big as a U.S. highway, so we appreciate this.

Mr. Brooker noted that Mr. Winge mentioned an email and asked if it was received. (It was sent to staff.) He hasn't seen it personally.

Dr. Gordon Brumwall, biologist and Crown Pointe resident, told the DSAC:

- He represents family and neighbors and the Lely Country Club POA, which has 709 homes.
- The community supports his views and they haven't changed since last month's DSAC subcommittee meeting.
- It's not just trees down, dead sea grass and dead manatees. People want change.
- Dr. McGarity was the only person in the public EZO meetings who received applause. That carries some weight.
- 77% of Collier voters wanted a land acquisition tax. We feel like we're starting to lose something and we're reacting against that. The East Naples Community Development Plan (ENC DP) reflects this concern over the loss of our natural look and function.
- Although the overlay should reflect the ENC DP and it largely does, there are a few disconnects. The bonus height system should be adjusted because the ENC DP states that we do not want to overwhelm existing nature and natural spaces should be built into what we build. There are levels of this.
- Canopy trees actively reduce stormwater, improve aesthetics, etc., for the larger community. They reach out from the project site and that does work.
- Environmental signage really doesn't do much if it's not being read, so there are some problems with the bonus system. A builder can get 100% of their density increase without choosing one active option. This does not jibe with the ENC DP.
- Perhaps adding sun blocking architectural elements should be considered to cool buildings and reflect what the LDC says: architecture should reflect climate.
- The list includes minimums for green roofs, gathering places and similar items. Green stormwater infrastructure has no minimums. Like the others, it should.
- The 8-foot minimum planting zone along 41 might need tweaking. Silver Cells look promising, but costly. A builder can choose nine feet and circumvent this cost. But there are no appropriate shade trees, native shade trees, that fit in nine feet without buckling, so there's a donut-hole type thing there.
- The multi-use path: Walkers, wheelchairs, runners, bicyclists, e-scooters and e-bikes. Maybe the two paths that the subcommittee thought was a negative may not be such a bad idea.
- Maybe consider a mini-bonus system for the corridors? We feel the *a la carte* system might work and wonder if a scaled-down version might be appropriate for the corridors.
- These concerns only affect about two pages, most of which is optional, of the 31-page overlay, and represent alignment with the ENC DP or LDC, not major overhauls.
- We'd prefer not to hold things up, but to work with staff on proposals for some of these and present them to the Planning Commission.

Mr. Johnson told the DSAC:

- This is the Land Development Code Amendment for the U.S. 41 EZO. It's proposed along the U.S. 41 East Corridor, Tamiami Trail East.
- The overall purpose is to implement the general concepts, development and design standards, as well as the recommendations derived from community input and the East Naples Community Development Plan (ENCDP).
- The Land Development Code Amendment seeks to update three different sections of the code and create a new section. The first section would be LDC section 1.08.02, the definitions. LDC Section 2.03.07, the Overlay Zoning Districts, and a new section, which would be 0.4.02.43 and then 10.03.06. This amendment went through the DSAC-LDR subcommittee.
- He thanked James, Mario and William for coming to those hearings, which would not have reached a quorum due to voting conflicts.
- The DSAC-LDR recommended approval. There were a lot of discussion points, some of which included, but were not limited to, the proposed density, landscaping, building setbacks, glazing, roll-up doors, ground elevations, the Live Local Act, the deviation process and others.
- He provided two memorandums. In one dated April. 28, he mentioned that Dr. Brumwell provided staff with four pages. That's actually two pages in your PDF, pages 50 and 53.
- Staff is seeking your recommendation. The subcommittee made six points in their recommendation of approval.
- Michele Mosca is here to present a very short PowerPoint presentation, if you desire.

Chairman Varian asked her to present it.

Mr. Curl asked about the six points the subcommittee made.

Mr. Brooker suggested that after Michele makes her presentation, she can summarize the six points, the recommendations, and the staff reaction to them.

Ms. Mosca told the DSAC that Christine Fisher from Johnson Engineering is here, along with Al Key on Zoom. He's vice president of DeepRoot Green Infrastructure LLC. There were several comments regarding structural cells, so he agreed to be with us today in case there are some in-depth comments. She has only a few slides, not a presentation, and asked if they wanted to hear those or go into discussion since it's getting late.

Chairman Varian said he wanted to check if the committee members who weren't involved in the subcommittee wanted a presentation as an overview, or just dive into what we worked on for two meetings.

[The consensus was to move to a discussion.]

Mr. Brooker (the subcommittee chair) said the DSAC-LDR subcommittee met twice in March and April and spent about four or five hours going through it. It was pretty comprehensive. Overall, the subcommittee recommended approval unanimously. For the record, he has a voting conflict and cannot vote, but he can participate. The non-conflicted subcommittee members voted unanimously to recommend approval with the six points that were highlighted in this memo. Michele can go over that.

Ms. Mosca detailed the six EZO points cited by the DSAC-LDR:

- Glazing requirements for non-residential. Some subcommittee members felt that 60% glazing on non-residential buildings was too much, so we talked about 40 or 50% and agreed to change it or reduce it to 40%, so that has changed.
- She will skip over their discussion about structural cells for the moment.
- Metal roll-up garage doors specific to self-storage facilities. Currently, what it states is that if it's visible from a public right-of-way, then metal doors are prohibited. That's what the community recommended and that's what we'd like to move forward with.
- U.S. 41 Streetscape/Zone. Dr. Brumwell, one of the speakers, brought up the double sidewalks transitioning. The community would like to see what we call the double sidewalks in some cases – with the Community Center subdistrict and two nodes, the Community Center Subdistrict, where we will have increased density, additional uses, and the other is a Regional Center Subdistrict. Same thing with those two subdistricts. We have a requirement for our streetscape that would include a buffered area, 8 feet or larger. The minimum is 8 feet. There's also a requirement for a 10-foot multi-use path. There are some options to expand that area.
- If someone has questions about that, we can talk about it further.

Mr. Brooker said he wanted to explain that to the full DSAC. On the U.S. 41 right-of-way, a sidewalk exists in some places. If this is adopted, what that means is where your private property starts, you have to create a minimum 8-foot buffer zone, then a multi-use path and then the development. What happens is in those situations – and it's not everywhere, only in the Community and Regional Centers – it may result in a sidewalk that's already on the platted U.S. 41 right-of-way and another multi-use pathway. That was the issue we were looking at as a subcommittee, whether that was reasonable, required and so forth.

Ms. Mosca said she sees that in the city. Currently, in the City of Naples, around Central Avenue, there are some properties that are instituting a move off the sidewalk. Along U.S. 41, that's somewhat dangerous. People don't like to walk directly on U.S. 41, and that's going to be the case in this area and over time with redevelopment. The community would like to see that activity on the site, so we have interconnectivity throughout the site with that additional multi-use path and it will connect to adjacent properties.

Mr. Curl told the DSAC:

- He didn't know where to start. The 8-foot requirement is the same width as a median in a parking lot and he can't even tell you how many tree-removal permits he's done, oaks in particular, in a parking lot, so 8 feet is underwhelming as a space.
- When the solution presented was structural cells, he believes the roots can expand and it's a different situation in a parking lot. He sent a map to Eric and Julie, a heat map that Jamie French provided after Hurricane Ian, that showed where flooding happened. One was the intersection of U.S. 41 near Airport Road, so when you have a structural cell underneath a tree, the floodwaters are going to invade the space both from below and above. It's no different than a canal. Any engineer here will tell you that once the static pressure builds, the canal is the easy path of least resistance. That's what structural cells are going to do and in this location that we're talking about without benefit of soil, you're just creating an aquarium.
- For the longevity of a live oak, you're setting this up to fail. He doesn't know the cost of what a structural cell would be or how it would be inspected. We could probably work around that, but he's glad the CBIA is still in the room because this is setting itself up to fail.
- He's not sure what the cost to a developer is to implement structural cells. He's heard they're used in Georgia and that's wonderful, but our water table is completely different from Georgia.

Ms. Mosca said that's the technology we've introduced. A minimum of 8 feet would require the structural cells, but if you do 10 feet, you don't have to use structural cells. We do have an expert online if you want to ask him those questions.

Mr. Curl said he had no questions. You would have to implement a sump-pump or some form of evacuating water from that pit. It's that simple. When he does a site plan, the minimum is the target. You are pushing the building to 8 feet – unless there's some flexibility there to get around. The other thing he brought up is that the power lines on U.S. 41 and canopy trees will directly conflict. If there's anybody here from FPL, he'd love them to tell him their answer to that because they brutalize the trees.

Ms. Mosca said she appreciated his comments and input. It's very important. Staff and a team talked about introducing "Right Tree, Right Place" based on FPL standards, so we could probably include that language within the overlay if there is an issue. We also work with (a county planner) Mark Templeton. Maybe smaller trees would be appropriate. What we're trying to do is to get the canopy trees requested by the community on private property along the U.S. 41 corridor, so palm trees and some of the other trees are still allowed within the site.

Mr. Curl noted that it just references canopy trees.

Ms. Mosca said you can use other tree species.

Mr. Curl responded that:

- What's allowable on U.S. 41 are trees like silver buttonwoods and tiny trees that you can't walk under. You're talking about a pedestrian throughway. Unless a silver buttonwood was 20 years old, you can't walk under the tree, but that's allowable under "Right Tree, Right Place," so you're setting yourself up now for a totally different standard for a canopy tree.
- He's talking about logistics. He works with Mark Templeton all the time.
- As for palm trees, the reason he brought that up is that economically in a space, they work much better. They have a smaller root footprint. If the community doesn't want that, that's fine. He won't stand in their way.
- But when you go farther down U.S. 41 to Davis Boulevard, for instance, the gateway to the City of Naples is all royal palms, almost exclusively. He'll go with what the community wants, but if there's flexibility to go with palms, you have to do it.

Mr. Valle noted that he lived in Windermere and Mr. Curl does a lot of work there. That's a very heavy canopy tree community. What are your recollections in there, in terms of what you're seeing.

Chairman Varian said he was just telling Jeff that he was in Collier's Reserve earlier today, another community that's been there 25-30 years now and they don't have structural cells. But when you drive down that roadway, it's beautiful. The canopies are awesome, but the curbs, roadways and sidewalks are all buckling. He's not sure what a structural cell does. We have some pictures. But his question is that, he remembered that in the subcommittee ...

Mr. Curl (explaining slides on the projector) said there's the impact from Hurricane Ian, the second slide is the current map and the third is a hybrid of the two maps, essentially overlaid on top of each other. There's the target he's talking about. Underground, you can imagine what the water table is doing. If you talk to anybody in botany, they'll tell you that one of the reasons trees fail is because of the high-water table, the roots went out of that condition, so they end up with a shallow root system and that's when they fall over in a hurricane. If somebody wants to use structural cells, he believes there will be wind failure in the future.

Chairman Varian said everybody who spoke from the community wanted canopy trees. If you drive up Goodlette-Frank Road and look on the east side, there are big Vs cut through all trees. That may happen.

Mr. Curl said it's a safer bet to allow the trees in soil. He's not on board (with structural cells) but is thankful the expert is on the line. (Structural cells) raise costs and that's where the water is going to go and collect without a sump pump to evacuate that water. He doesn't know what the solution can be.

Chairman Varian said they'd think about that. It's a good point. We can move on.

Ms. Mosca detailed storage-type measurements and a community member's request:

- It's existing grade. Based on the recommendation by the DSAC-LDR subcommittee, we're now looking at changing that language to read "finished grade," which is consistent with the Land Development Code. That's for outside storage for boats limited to 17 feet. She believes that was adopted within the Bayshore Gateway, so it's the same language.
- A member of the community asked to be included within the Community Center, so we added that additional property. It made sense. The staff and team looked at it, so we added that property to Map 1.
- Those were the items of discussion, as well as the conditions.
- We ask for your recommendation, with any conditions to move it forward to the Collier County Planning Commission. We're proposing a July date.

Mr. Boughton questioned the glazing requirement, noting:

- It says windows. The ground floor of non-residential buildings shall have 40% of its façade...
- Does this mean you looked at the facade at the ground level and it's 40% glazing, or you take the entire facade of the building in the case of a multi-story building? If it's 40%, then you have to put it all on the ground floor, so it's not really clear.
- He doesn't see any glazing requirements for any other floors. It refers to a "tint of not more than 25%." That sounds like a lot, but when we look at the glazing data, they don't talk in those terms. They talk in light transmittance and so forth.
- He doesn't think it's a lot but isn't sure it would meet the energy code. Has anyone looked at it in terms of whether it can be done under energy code requirements?

Ms. Fisher said the first part of this section relates to building façades that face U.S. 41, so it would be the whole façade, all the way up. For the second question, we'd have to look a little deeper into that. This language is similar to language in the Golden Gate PUD, so we'll look into energy efficiency a little more.

A discussion ensued and the following points were made:

- This is a standalone document, so you don't look at the architectural standards.
- This is the limit to the glazing requirements. If you have a three-story building, you take 40% of that area and then you try to put it all on the ground level.
- Fisher said the standard is not for the entire façade, the entire height, just the first level.
- Mr. Boughton noted that that's not very clear.
- Ms. DeJohn noted that the purpose of the glazing requirement is to have interactivity with people because these are more urbanized areas, the centers. These are the areas where you want to see the activity inside and make it a more walkable environment.
- There are no glazing requirements for the second and third floors. That would be in the architectural standards.
- Certain sections of the code are excluded because these would supersede them.

A discussion ensued over pathways and the following points were made:

- **Mr. McLean** said he stood pretty hard on the surfaces of the 10-foot multi-use pathway in the two nodes in the subcommittee.
- **Ms. Mosca** noted that to be consistent with the LDC, it must be concrete or asphalt. That's what's listed in the LDC pathway section, the 10-foot multi-use path within the two nodes.
- **Mr. Curl** said you can take credit for building and foundation planting areas. Up to 30% of that can qualify as building-foundation planting, but it's more decorative.

- **Mr. McLean** asked about the 8-foot planter. In a 35-foot setback, we'll put 18 feet of concrete sidewalk in. The mandate he keeps hearing is they want more green space, but we're going to run two parallel sidewalks at 10 feet and 8 feet. We fight this in the city constantly. It's problematic when you're running 25-foot sidewalks with a 5-foot planter. They do it all the time in the city because it's the way they're written. He's not a voting member on this, but this is a problem.
- **Mr. Boughton** agreed.
- **Mr. McLean** said it doesn't meet the mandate of the people who came to the subcommittee meeting and who stood here today to say they wanted more green space. What we're going to fight over is what a tree is and we're going to define "existing building," the existing code criteria. But we're just going to go ahead and put 18 feet of concrete sidewalks in what we're trying to designate as a green zone? It makes zero sense.

Ms. Mosca said those sidewalks are applicable to those two nodes, the Community Center and the Regional Center nodes. There are sidewalks right up against the traveling public. In that case, especially in the Community Centers, it's appropriate to have a multi-use path on that site so you have interconnection, activity on that site itself. You have to remember there is some existing development that needs to occur and redevelopment still needs to occur over time. The connectivity that the community wants to see is moving pedestrian traffic off a dangerous situation and onto those sites. That is the objective long term.

Mr. Brooker asked if the overlay is 17 miles long and the nodes with the Community and Regional Centers make up about seven miles or less of that.

Chairman Varian said U.S. 41, Rattlesnake-Hammock and 951.

Ms. DeJohn said you subtract the intersection areas.

Mr. Brooker said the multi-use path would not apply to everything you see in blue.

Ms. Mosca said that's correct. The boxes in green are the Community Centers and the maroon boxes are the Regional Centers, so it would be applicable to those areas.

Mr. Curl said the Naples Pathway Coalition had a discussion about an overall U.S. 41 connector. Was this discussed with them?

Ms. Mosca said we had several meetings and a decision was made not to go down that segment of U.S. 41. Instead, it's going to go down County Barn Road to Rattlesnake Boulevard to U.S. 41 and down. We tried working with the Naples Pathways Coalition.

Chairman Varian said there was one other item on our approval. It had to do with the rights-of-way and whether an alleyway is a right-of-way and could that be affected.

Mr. Brooker said that involved the roll-up garage doors. As written, a metal roll-up garage door on a self-storage facility is not permitted if it faces any public right-of-way, not just U.S. 41. So what happens when you go behind it and you have a small road or an alley. The subcommittee was debating whether that restriction or prohibition of metal roof or roll-up shutters should apply to the backs of buildings when you have relatively small roads. Staff is not agreeing to the subcommittee's concern in that regard and is maintaining the restriction, the prohibition on any metal roll-up shutter that faces any right-of-way, regardless of the width of that right-of-way.

Ms. Mosca said that doesn't preclude someone from doing a different type of door. That is just the metal roll-up door. We appreciate the comment. That's what the community wants when it comes to storage facilities, so we're moving forward with that community recommendation.

Mr. Curl asked if it applied to restaurants, such as Tacos & Tequila.

Ms. DeJohn said this section of the code is under the heading of self-storage facilities. No metal roll-up doors facing the right-of-way is only under self-storage facilities. It's specifically for self-storage facilities.

Mr. Brooker said he'd asked a question at the past meeting about the applicability for applicants who are already in the pipeline before the EZO is potentially adopted. Right now, you can have an application pending and if this gets adopted, you have to revise to comply. He thought they could make it apply only to those applications filed afterward. He didn't think that was accepted by staff.

Mr. McLean said there should be an effective date in the future and it should not apply retroactively.

Mr. Curl asked if they were saying you're entitled, but then at the SDP process you get held up by this?

Mr. McLean said if you're in the process right now and it passes, do they retroactively go back into projects that are submitted already or are they going to make an effective date in the future if you're already in the queue?

Mr. Brooker said it's more applicable to Site-Development Plans, where you're actually designing the site versus a rezone.

Mr. Valle said what you're looking for is certainty in the process. You're going through your upfront entitlements and you're going to rely on documents you're looking at to see whether the site conforms or not.

Mr. Brooker said clients have asked him about property in this area, that if they apply and this gets adopted. They can't figure out whether to purchase the property.

Ms. Mosca said she didn't realize she hadn't addressed that question. She thought that was discussed at the subcommittee.

Mr. Brooker noted that Jeff has more landscaping expertise than everyone in this room, or at least himself, so what would his recommendation be about shade trees? He has no issue with shade trees and loves them. He has two in his front yard and loves them, although they're buckling his driveway. But what we're asking a private property owner to do is carve out property and plant trees in an area and he's hearing you say they're going to die.

Mr. Curl said that's only with the structural cells. His recommendation would be to delete structural cells for the entire code for the reasons already mentioned, the high-water table.

Mr. Brooker asked what the rationale was.

Mr. Key (structural cell company expert) said he'd like to respond to that:

- The gentlemen's characterization about structural cells was incorrect in many ways, including the low-lying water tables. Canals are filled with soil.
- He was burning up during the presentation when you said these are used in Georgia. We have many projects in Florida, including FDOT, to resolve one of their principal design concerns for tree soil.
- Speak to the FDOT to see if it was approved. It's approved statewide on multiple state roads in Miami, Fort Lauderdale, Pompano Beach, the FDOT parking lot at Zone 6 Headquarters in Orlando, throughout Tampa, you name it.
- You're worried about wind flow? The best thing you can do for wind flow is to provide soil for trees.
- All the places he mentioned are in areas of high-water tables, so he'd love to have a discussion off-line about why you're thinking this way. He had a presentation teed up and didn't know what was going on here.
- Another thing he'd like to leave the committee with is that if you want to have shade trees along the U.S. 41 East Zoning Overlay, the shade trees occupy the same space above ground and below ground, so what that means is that if you want to have an overarching canopy from tree to tree in certain areas, you're going to have to provide soil in those areas, no matter what.
- He'd encourage the speaker who is against shade trees to look at the successes we've had in the past to understand our engineering better, as well as our stormwater engineering. He'd love to answer questions.

Chairman Varian said they're not against shade trees, but they see a lot of sidewalk and asphalt damage here and want that to be on the record, that it tears parking lots apart. Structural cells are a new technology for us.

Mr. Curl noted that they trees tear up parking lots.

Mr. Key responded and noted:

- You can plan for the size of trees by knowing what the structural rooting distances are. There's a well-known University of Georgia document that sets out structural rooting distances and the figure is 10 to 1, so if you have a 1 foot DBH tree (diameter at breast height), the structural rooting distance will be 10 feet across, so 8 feet is a bit narrow if you wanted to prevent sidewalk buckling.
- There are ways to prevent that. One of the benefits of using structural cells is that the engineering is such that we try to prevent that as best we can, but that doesn't mean you throw out all the good rules of thumb while planting trees.

Chairman Varian asked Jeff what the average-sized tree on a new planting is, 6 inches 8 inches?

Mr. Curl said 1¾ per code.

Chairman Varian said he just mentioned 10 feet for one inch.

Mr. Key said 10 feet for 1 foot.

Chairman Varian said he's trying to figure out the math to save the average tree if we're going to redevelop a property.

Mr. Curl asked how large a structural cell are we going to need? What he suggests is that there's no way to make this sustainable. You'll get into tree removal permits, just like a parking lot that's 8 feet wide. He doesn't believe in FDOT projects. He asked if Mr. Key was a manufacturer's representative.

Mr. Key said he owns the company.

Mr. Curl said he has a vested interest in his product.

Mr. Key said correct, but he's not selling them Silver Cells. He hasn't mentioned those. He's talking about that at all. He's talking about tree physiology, which is basic science.

Mr. Curl said we heard it was adopted last year, so he has little faith in government, unfortunately. His recommendation moving forward is to not adopt structural cells as part of this. We don't do it now in parking lots. He doesn't care how many structural cells they put in, over time they will have to do tree removals. There's absolutely no way to stop that.

Mr. Key said they'll find that tree removals will decrease because of increased tree health.

Mr. Brooker asked if there's any appetite by staff to adjust the minimum widths of the two components. We have a buffer and we have a multi-use path. Can we keep the same total, a minimum of 8 feet and then a minimum of 10, so it's 18 feet that we're working with? Now you do a minimum of 10 feet and then a buffer and a minimum of 8 feet for a multi-use path.

Mr. Valle asked if that's good for Mr. Brooker.

Mr. Brooker said that would give us more width, more survivability theoretically.

Mr. Curl said if we're at a *de minimis* length. From what he heard before the overall project, it's an unfortunate pill he has to swallow. Parking lot islands are 8 feet wide. They function, but they have an expiration date, for lack of a better term.

Mr. Brooker said he's saying they should increase the width to 10 feet from 8 feet. Would that help?

Mr. Curl said that gets you more into the standard width in our Land Development Code, but it's still not sustainable. Oak trees are a prime example. Everyone has seen massive wide oaks. Imagine a drip line, which is where the roots reach out, sometimes 60-80 feet. That's impossible to do on any site here in terms of green space.

Mr. Brooker said he's not sure an 8-foot-wide multi-use path would be desired by the community.

Ms. Mosca pointed out that those are the minimums. If you're at 18 or 25 feet for the front setback on those areas within the nodes, you can adjust them accordingly, so you still have roughly 5 feet. Even if you want to extend the buffer area to a greater amount, whether it's at 8 feet, 10 feet or 15 feet. If you have a recommendation that you want to either have a narrower pathway or just work within that 25 foot setback for the front-yard setback ...

Mr. Brooker said normal is a bad word. What's the typical setback in a typical Community or Regional Center?

Ms. Mosca said it depends on the zoning. Typically a frontyard setback is 25 feet. If you get up to C4 and C5, it's 25-plus, plus, a foot or whatever it is.

Mr. McLean said it's 25 plus, so additional feet for each can push you back.

Mr. Brooker said this would be, imposing these requirements would not theoretically be imposed upon your building area because this is already encompassed within an existing front-back requirement, but it does crunch you on other aspects of your site design, parking and stormwater.

Mr. McLean agreed and said that's something they didn't get into at the subcommittee meeting. This context requires you to push your building forward, but as you're getting it taller, building that setback is increasing, are you pushing this 10-foot sidewalk?

Ms. Mosca said yes. But you're not ...

Mr. McLean said so then this may not align from project to project, if the buildings get taller. If he has a building in one site that's 25 feet tall and on the setback, he has a building adjacent to it that's 62 feet tall and 12 feet back, those ...

Ms. Mosca said to remember it can meander and they will have that connectivity.

Mr. Curl said that's kind of cool, the variety of it.

A discussion ensued and the following points were made:

- Trees were removed from parking lots due to damage or visibility. It's damage related.
- In the old days, you could stick a light pole in a landscape island, but people were accosted in parking lots and Bruce L. Scheiner and Morgan & Morgan have commercials that say they're getting lawsuits for that, in addition to trip-and-falls.
- Trip-and-fall lawsuits are huge.
- Engineers in the room don't appreciate the roots redirecting their stormwater design, so many times you end up with flooding in parking lots and that's another trip and fall.
- Trees are cut for visibility. Golden Gate Parkway is a prime example, where you'll see what looks like a 12-foot oak that's now 5 feet tall. They just buzz them down so they can see a sign.
- For civil engineers, the pathways increase impervious surface, so it probably will increase water management.
- You design the site to accommodate whatever the plan is. Any additional impervious area has some effect. It's probably marginal because we're just talking about decreasing it from 10 to 8 feet. It depends on how much frontage you have.

Ms. Mosca said that in the overlay, there's also the ability to reduce the number of parking spaces, so that also would lessen the stormwater onsite.

Mr. Mitchell told the DSAC:

- The answer is that on Marco Island you're required to provide one-inch dry pre-treatment so that doesn't go away, no matter what. It's the site and then you have to provide water management based on the impervious criteria or a volume over the site, whichever is greater.
- He agrees with John. You just plan. You figure out what that number is, and you figure it out.
- What the additional pathway does is complicates where you put your utilities and stormwater, as it relates to landscape, and Jeff is right on that. The more oaks and the more canopy spread you have, the

more difficult it is to develop the site with the infrastructure because you're always worried about utilities being wrapped and the distance off the center line of the pipe and the drip line.

- If you're talking about a tree growing for 60 years, you're going to have conflict. He doesn't know how well root barriers work, but a root barrier is installed if you have a certain distance off the center line of the pipe that you can't achieve. It just sends the root down and then back up. That's what the standard is, so it gets more difficult the more criteria you put on a site.

Mr. McLean said let's assume this goes to the BCC and gets approved before Senate Bill 250 goes into effect. Would this automatically go back into effect in October 2024? Would it then get reinitiated? This was a lot of tough and difficult work. This is going to be challenging. We begged everyone to come to the subcommittee and we bring things here from the subcommittee all the time. We talked about it for an hour today. Please vote on it. We're all good with it and this needs more work. He can't vote, but that would be his comment.

Mr. Brooker said his understanding of Senate Bill 250 is you're not permitted to propose or adopt. It's been passed by the legislature and is presumably sitting on the governor's desk. If it gets signed by the governor, it becomes law. He doesn't know how the county could even take it to the BCC.

Vice Chair Foley said he's familiar with new language on the latest version that was signed. They added legalese that basically says that if any of these codes amendments and land development codes are more restrictive, they can't just be shelved. They have to be completely removed, so the process may have to completely be reinitiated when and if it gets there. The expiration date is (October 2024).

Ms. DeJohn asked if they could take a moment to consider what is restrictive about the language, because if incentives are being given to go higher with density and higher with heights and doing certain aesthetic improvements to the site in exchange for higher density and height, that is not necessarily restrictive.

Mr. Brooker said that's a good question because you have an ordinance that has incentives, relaxations, if you want to describe it that way, and more restrictive and burdensome requirements, so how is this going to apply? We don't know if the bill is going to get signed into law and move forward.

Chairman Varian said they have to do their duty today. He noted that former county commissioner Donna Fiala asked to speak.

Former Commissioner Donna Fiala said we've been working with Michele for years now. She knows our wishes. She knows how hard we tried to get into a better position than we were given so many years ago and we're working at it and it's looking pretty darn good. We need your help to support us. When she tells you something, this is what we want. You've been wonderful to us, Michele. She just wanted the DSAC to know we're trying to climb out of this hole that we've been sequestered in for a while, but we're doing pretty good. Don't we look good? It feels good and we're coming along.

Chairman Varian said wonderful, thank you.

Mr. Brooker said he doesn't think anyone on this committee has an issue or objection to the vision. But what we're looking at is that everyone in this room has practical experience with the real-life application of these things on their property and we're identifying problems and whether there are solutions. We're asking private property owners, for example, to plant a shade tree and a structural cell. All this comes at a cost when we're hearing that it has a limited lifespan, so we're going to have to do it again.

Ms. Mosca said we've had stakeholders with the development community and community representatives.

Ms. DeJohn said she was sorry to interrupt. The hold-up here is structural cells. It only applies if someone develops a strip that's 8 feet wide. That was a county-initiated solution. If you're going to do something at 8-foot-wide, we'd better have structural cells. It sounds like that's a no-go. The 8-foot measurement triggered the structural cell. If 9 feet or 10 feet is OK without a structural cell, then let's move on with that scenario.

Ms. Mosca said staff has had that discussion, so we'd be looking more at the 10-foot-wide buffer requirement if the 8 feet isn't going to work. Ten feet would be a minimum.

Mr. Curl said the other thing is that you have to somehow certify the structural cells. He's not interested in accepting that liability. With all due respect to the gentleman and FDOT, he's not a huge fan.

Chairman Varian asked if there were other questions or comments. Do we want to vote?

Mr. Key said you're talking about setbacks. Soils are volumetric. He suggests they do what many cities did, including Miami Beach, Pompano and Fort Lauderdale. They have a sliding scale on requirements for developers. If you have a small tree, you get a certain amount of tree volume. If you get a medium-sized tree, there's another tree volume and size. If you want shade trees, you get another size and volume. This is outside the question of structural cells but has been done nationwide and internationally.

Chairman Varian said OK and asked if anyone wanted to make a motion.

Mr. Valle made a motion to recommend moving the U.S. 41 East Zoning Overlay LDC Amendment forward to the Planning Commission with approval for the vast majority and to notate the concerns we have about the 8-foot buffer and structural-cell components (Change them to 9-10 feet strips, which work without structural cells). Mr. Brooker seconded the motion. The motion passed 6-1; Mr. Espinar objected; and Ms. DeJohn, Mr. Brooker, Mr. McLean, Mr. Mitchell, Mr. Dunnivant and Mr. English abstained.

a. Utility Conveyance Policies and Procedures Case Study
(Moved to 5.d, Staff Announcements.)

7. Old Business
None

8. Committee Member Comments
None

9. Adjourn
Future Meeting Dates:
3 p.m. June 7, 2023
3 p.m. July 5, 2023

Mr. Espinar made a motion to adjourn. It was seconded by Mr. Mitchell. 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 5:25 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 _____.

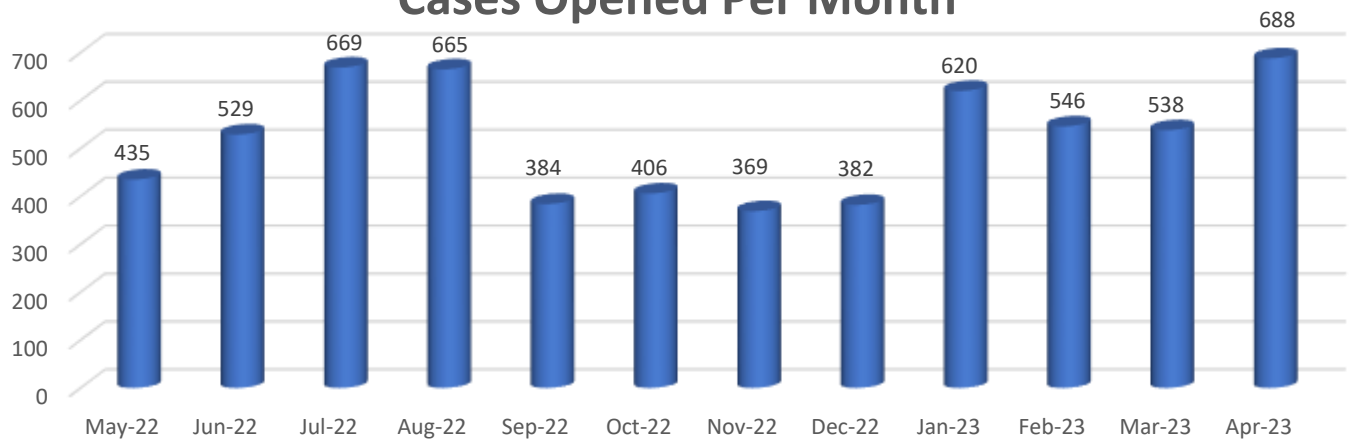
Code Enforcement Division Monthly Report

April 22, 2023 – May 21, 2023 Highlights

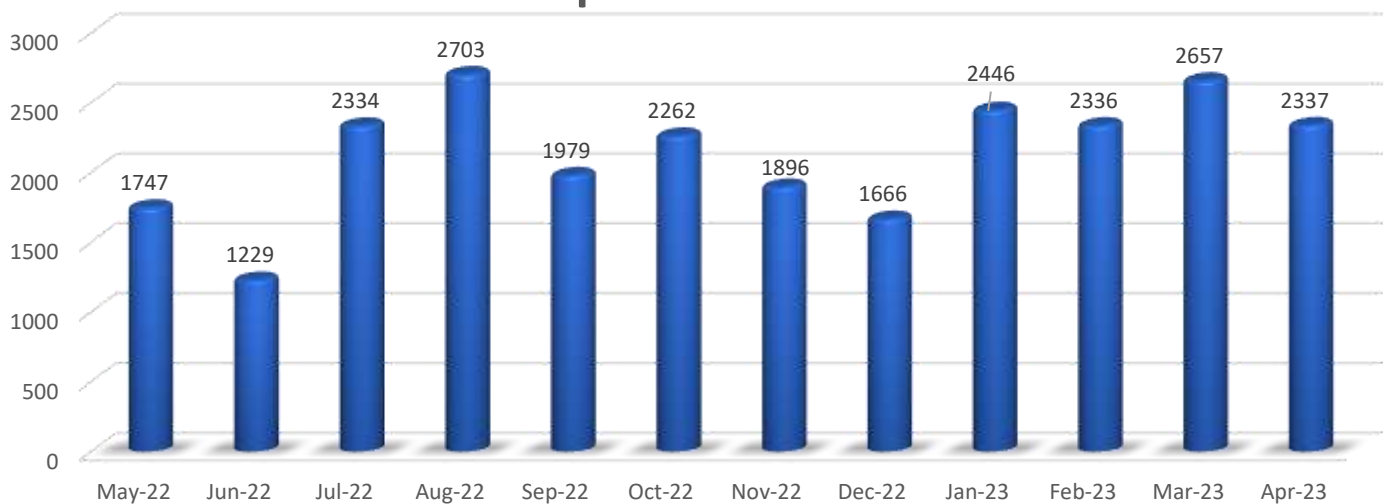
- Cases opened: 688
- Cases closed due to voluntary compliance: 241
- Property inspections: 2337
- Lien searches requested: 1111

Trends

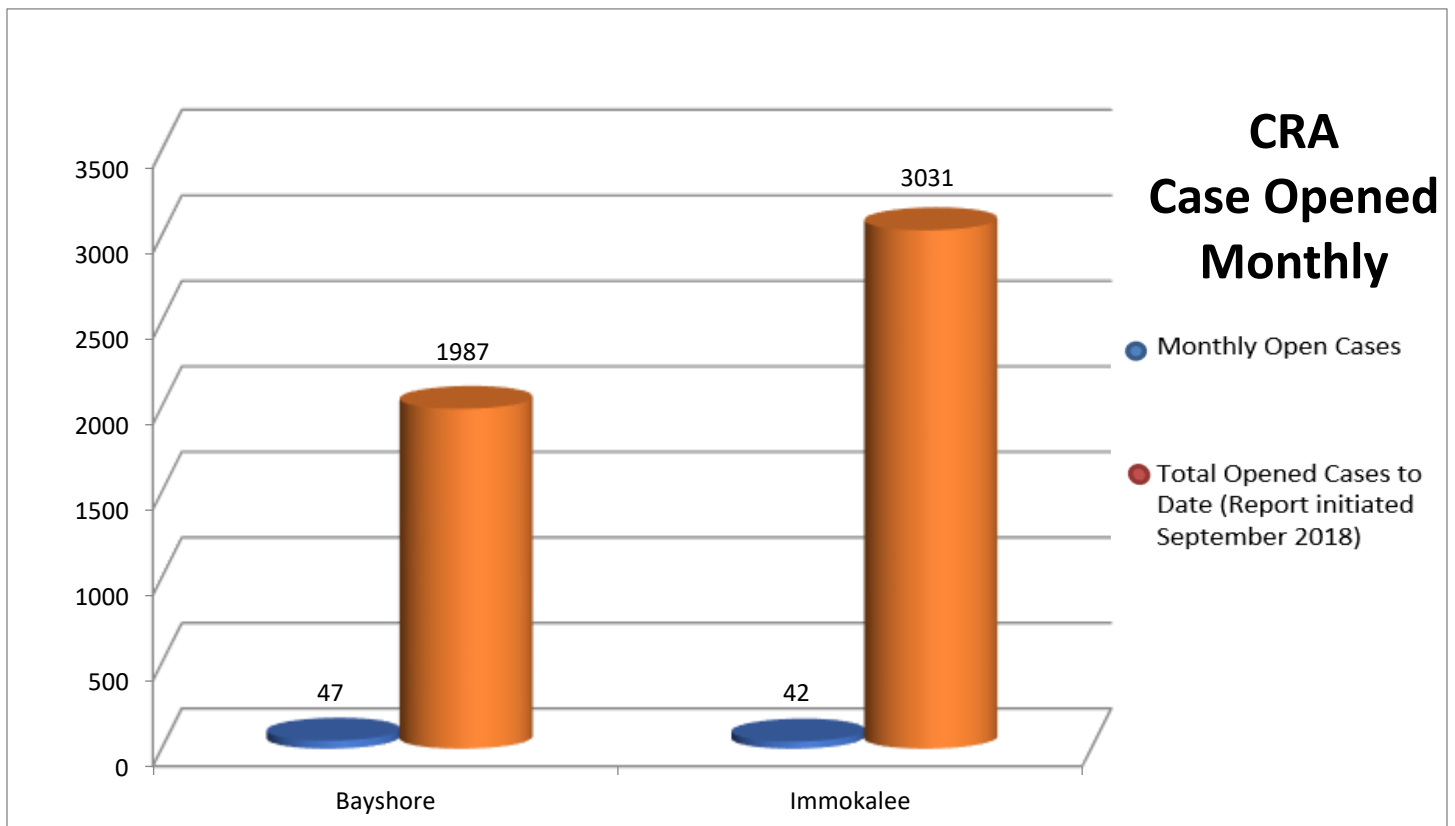
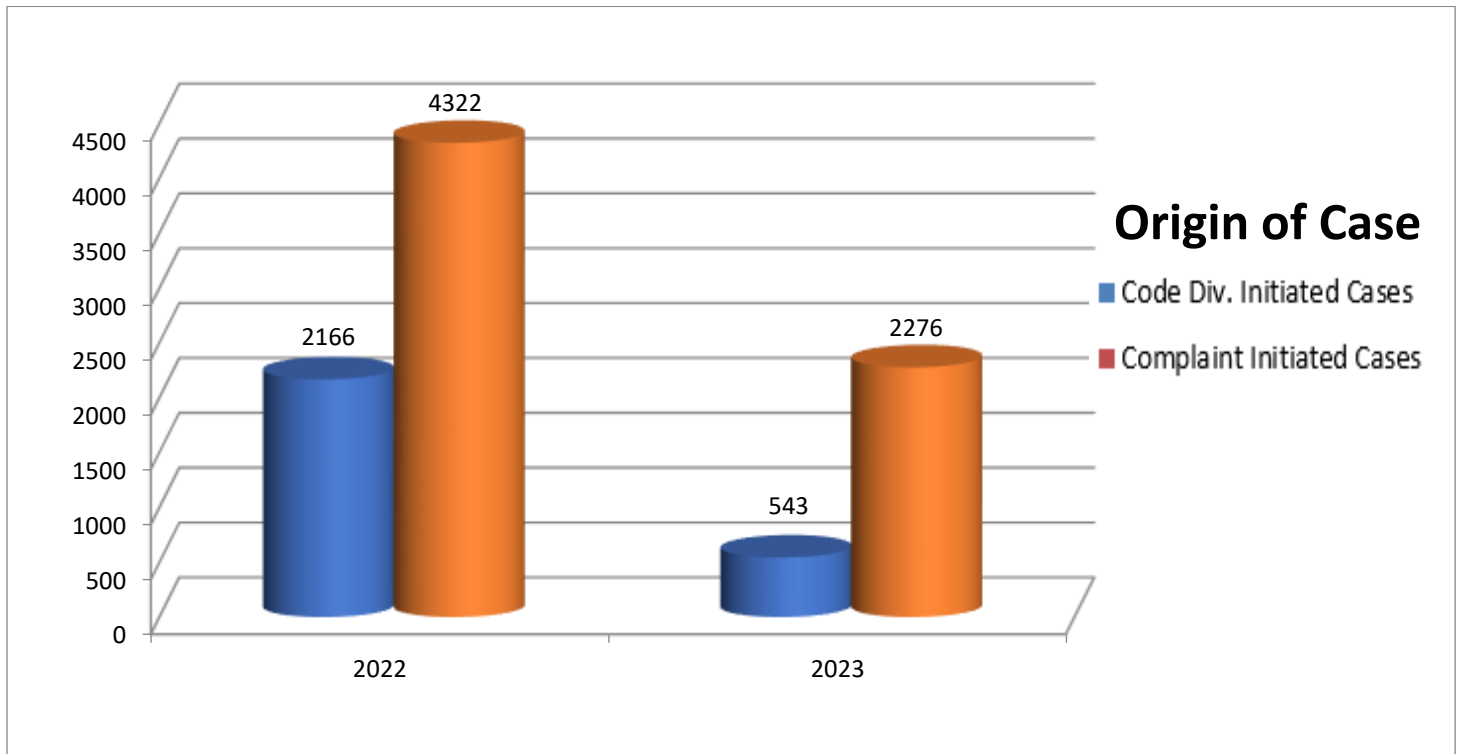
Cases Opened Per Month



Code Inspections Per Month

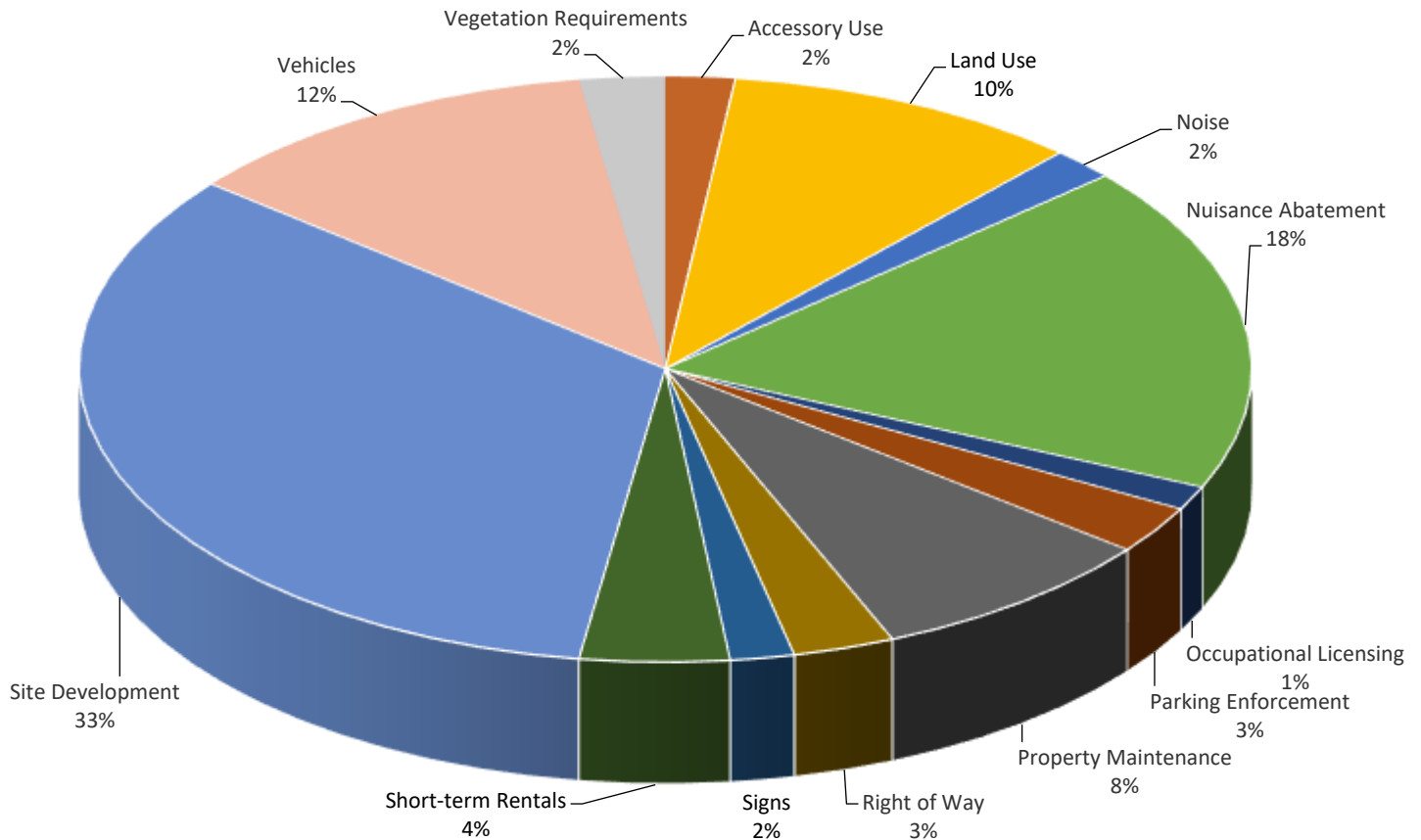


April 22, 2023 – May 21, 2023 Code Cases by Category



This report reflects monthly data from April 22, 2023 – May 21, 2023

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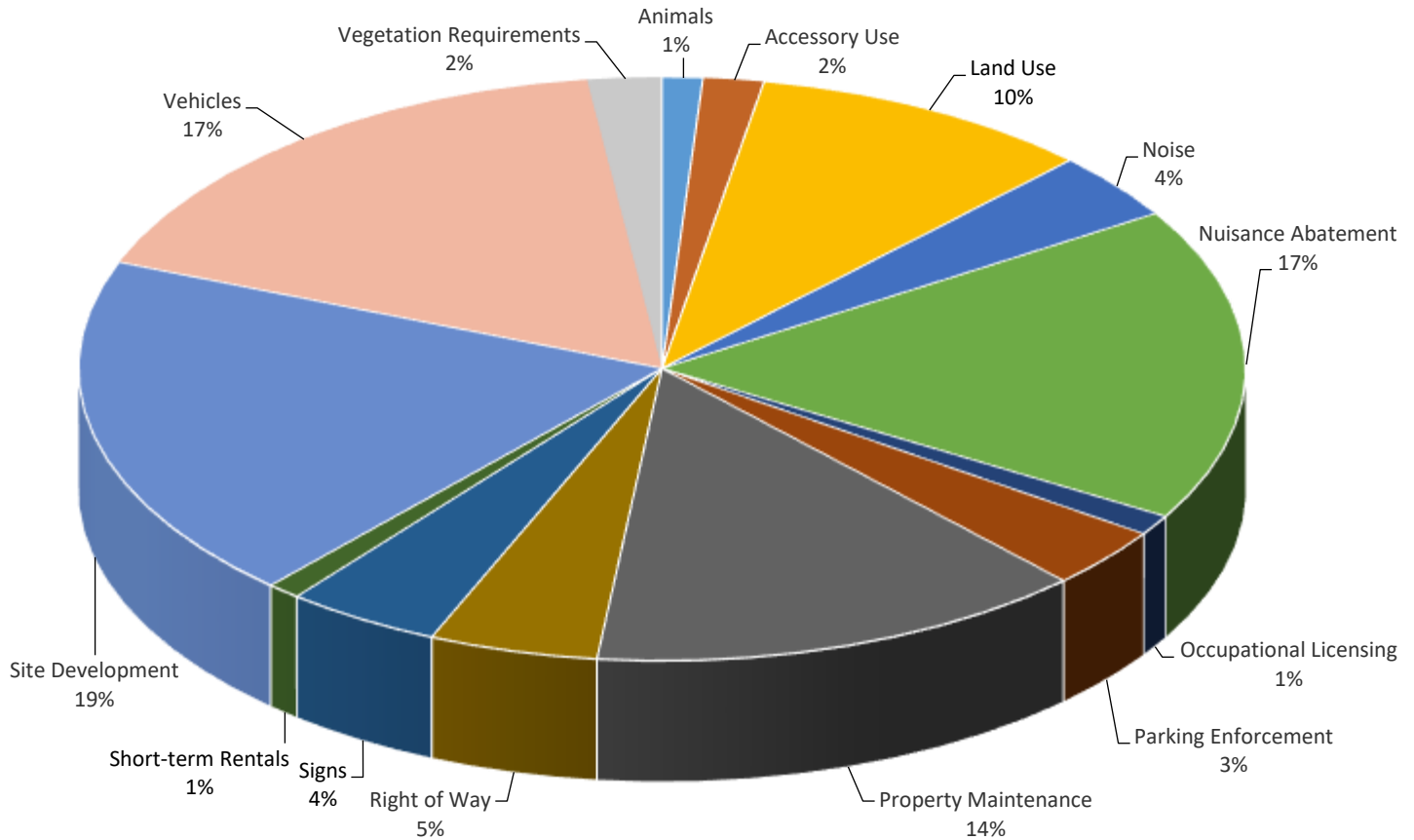


Case Type

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

March 22, 2023 – April 21, 2023 Code Cases by Category

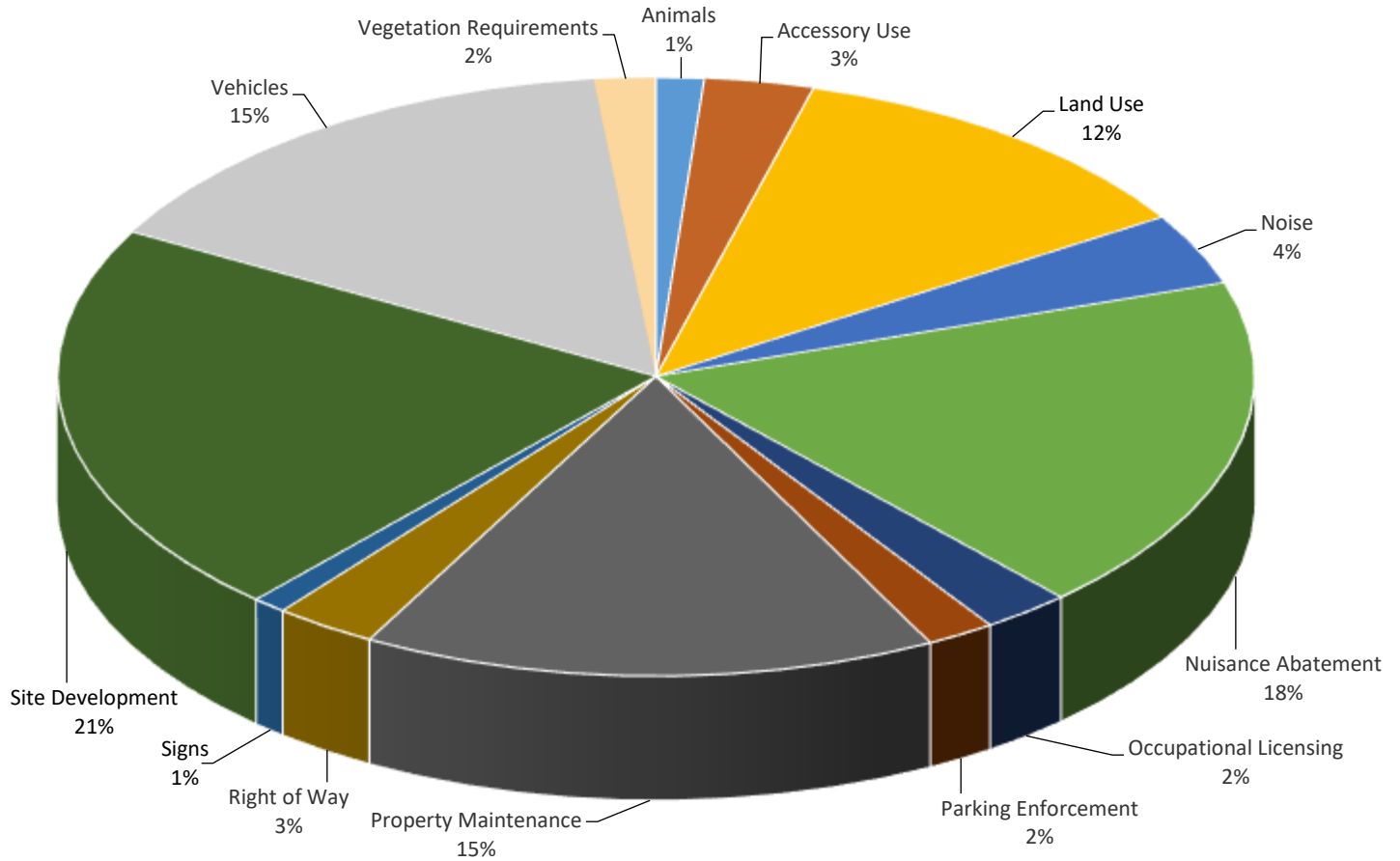


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February 22, 2023 – March 21, 2023 Code Cases by Category

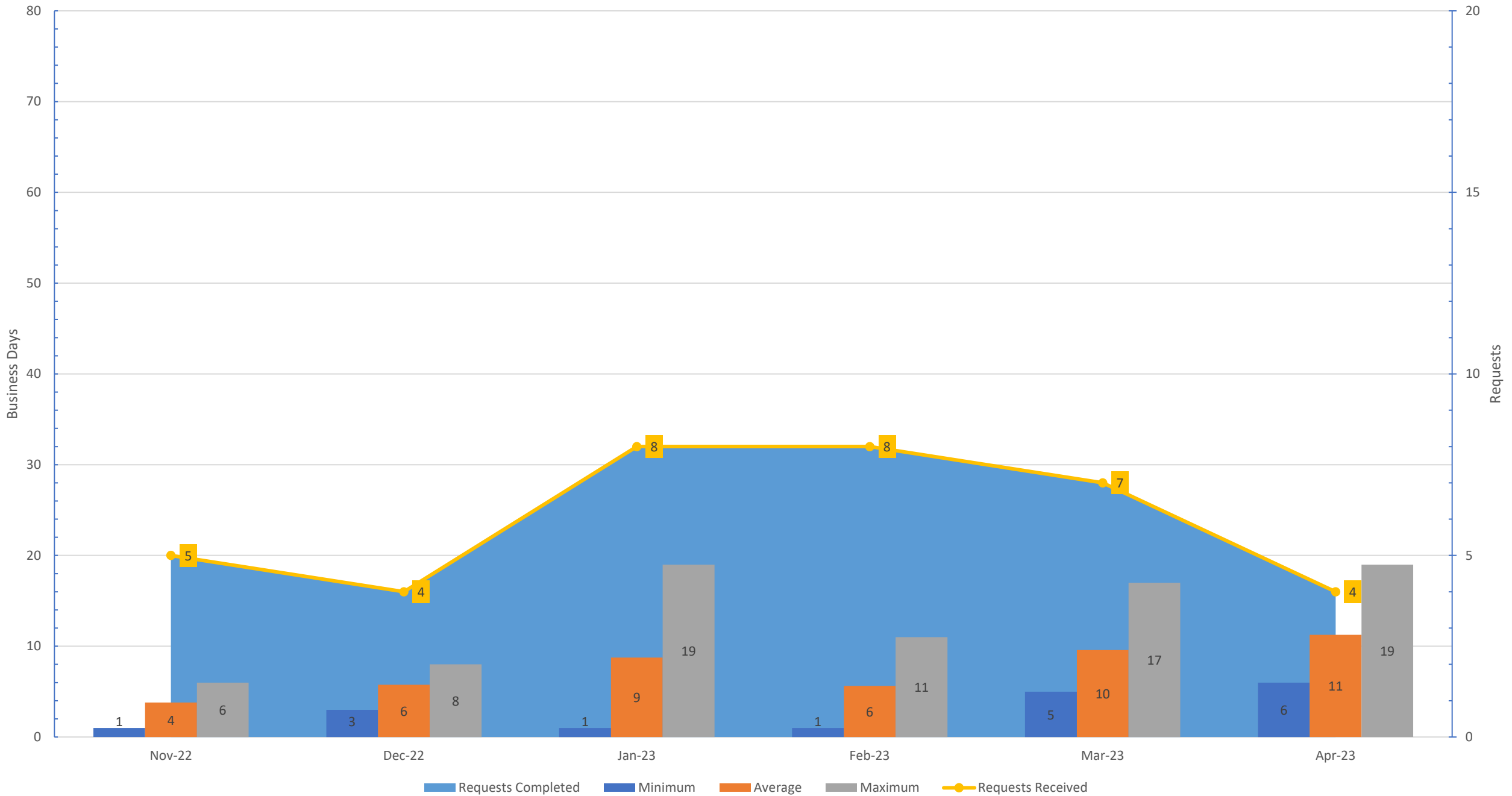


Case Type

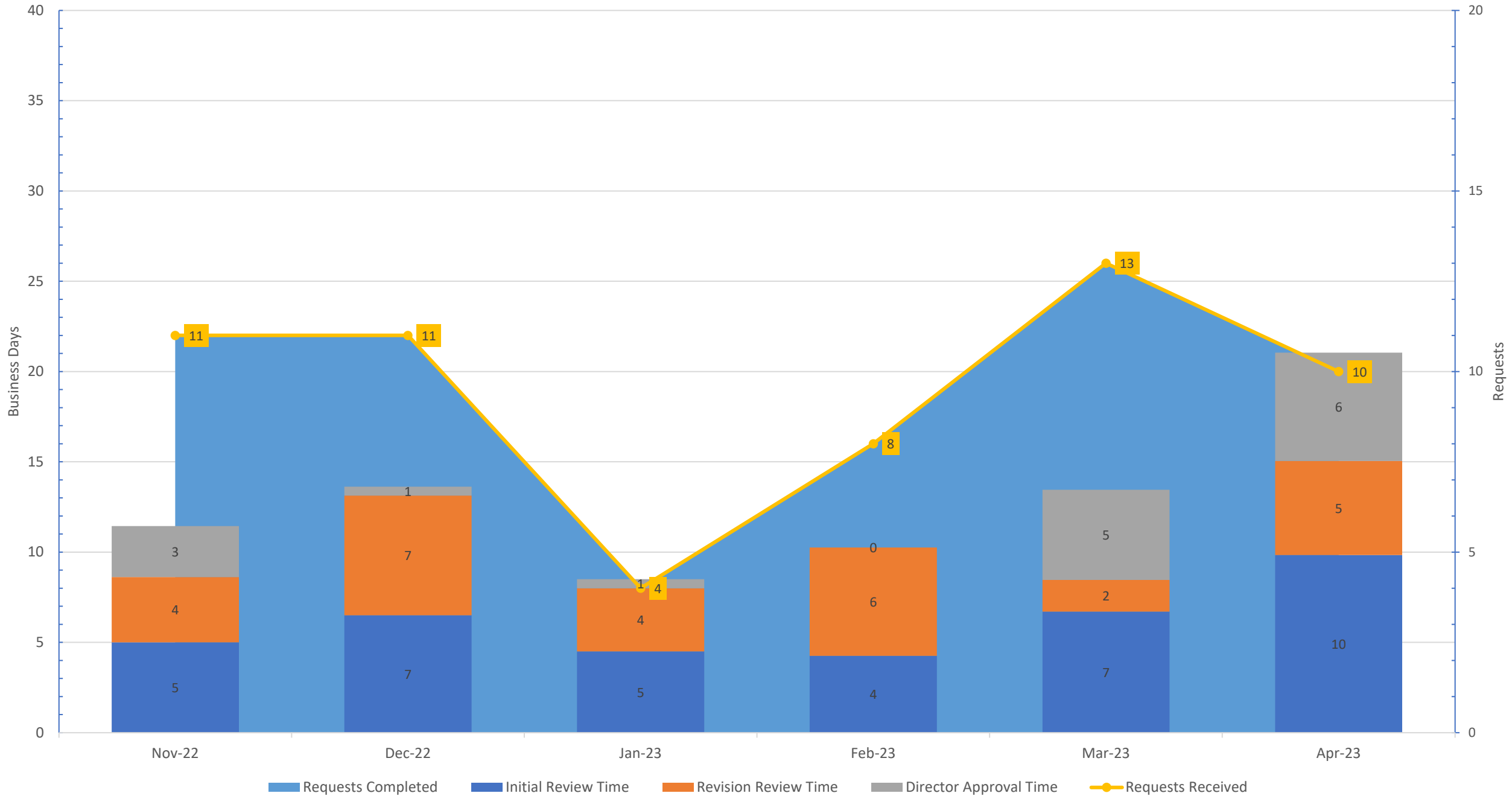
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Response Time - Letters of Availability



Response Time - FDEP Permits



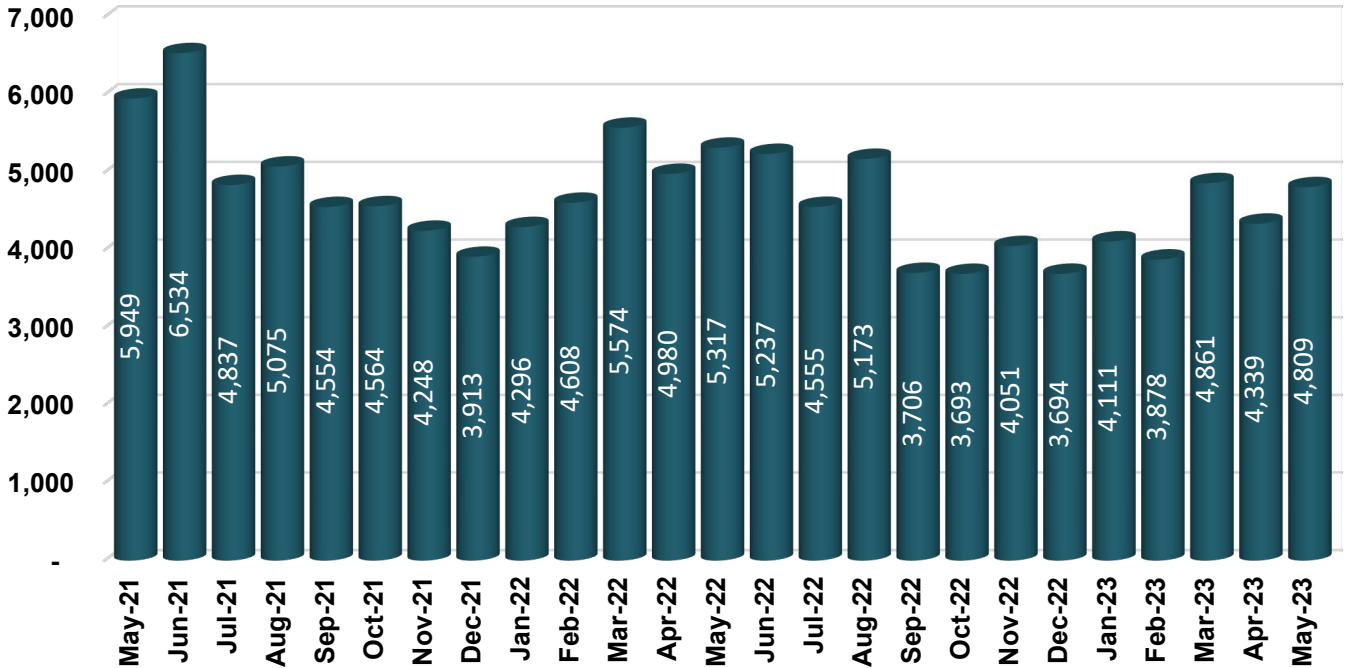


May 2023
Monthly Statistics

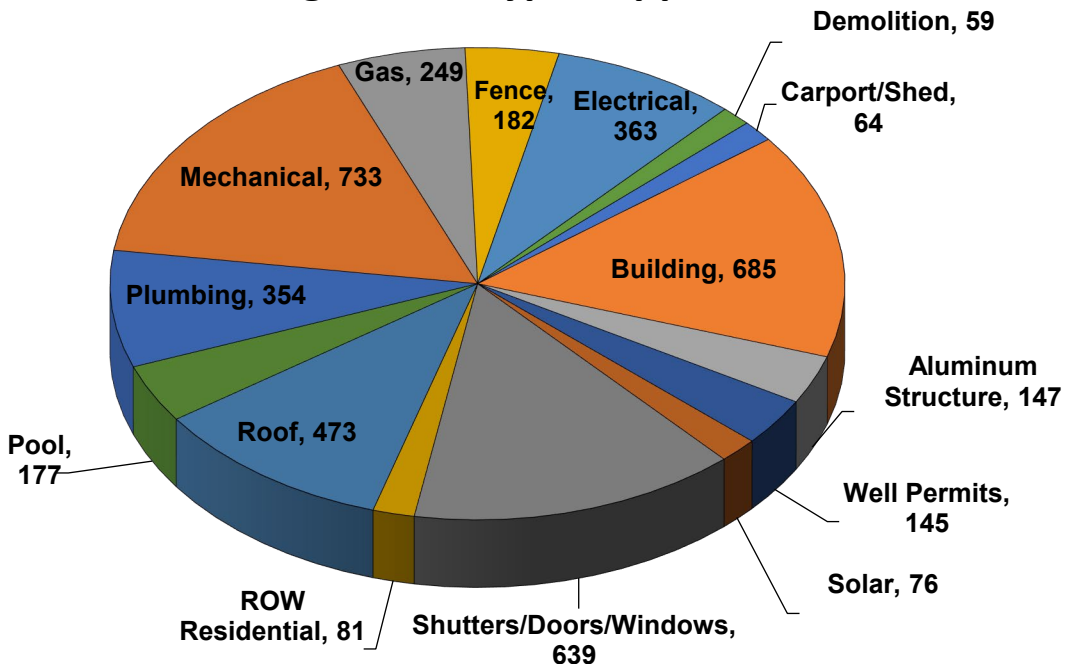


Building Plan Review Statistics

All Permits Applied by Month

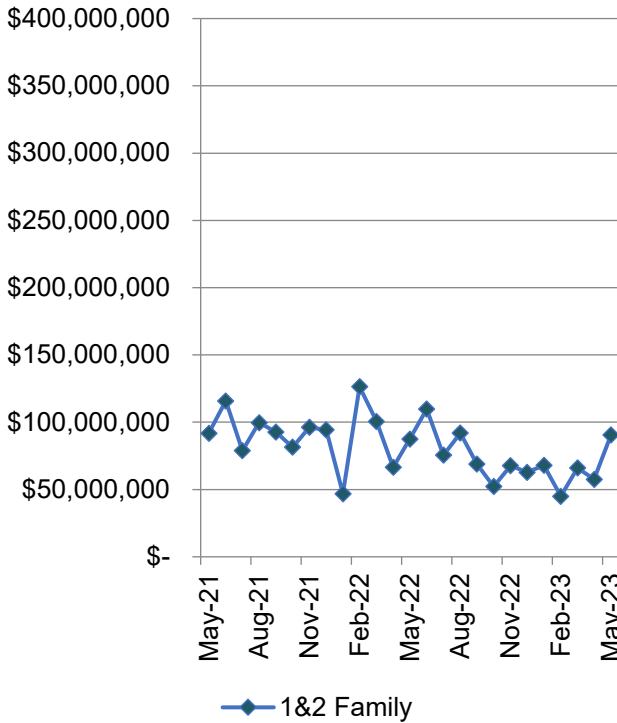


Top 15 of 35 Building Permit Types Applied

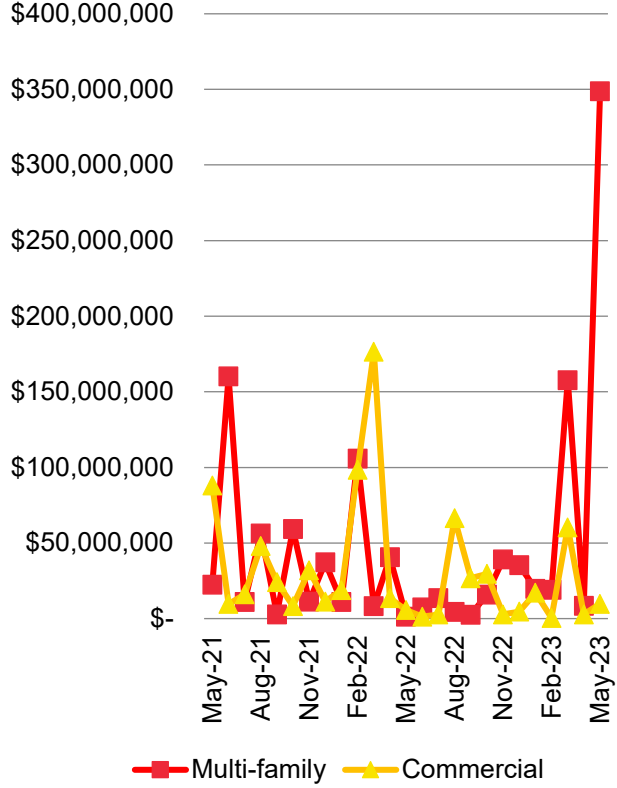


Building Plan Review Statistics

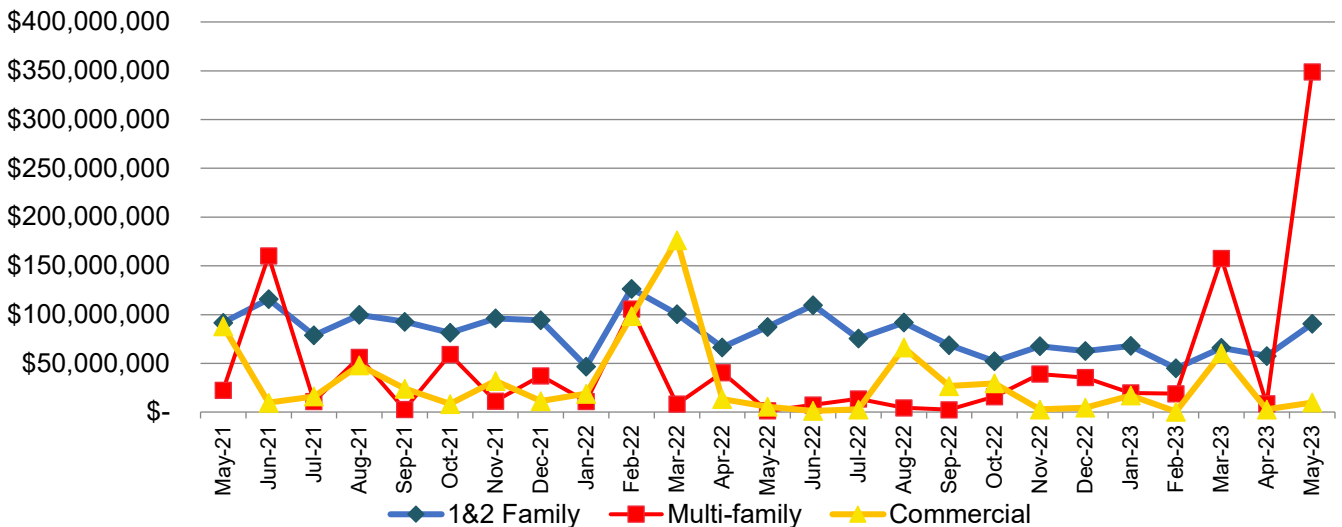
Monthly 1 & 2 Family Total Construction Value by Applied Date



Monthly Multi-family & Commercial Total Construction Value by Applied Date

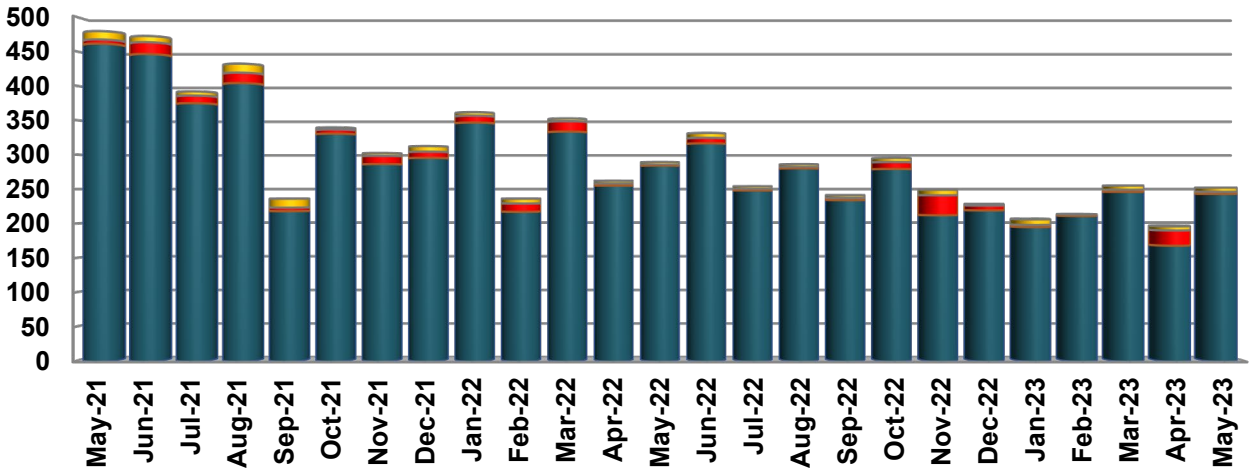


Monthly Total Construction Value by Applied Date



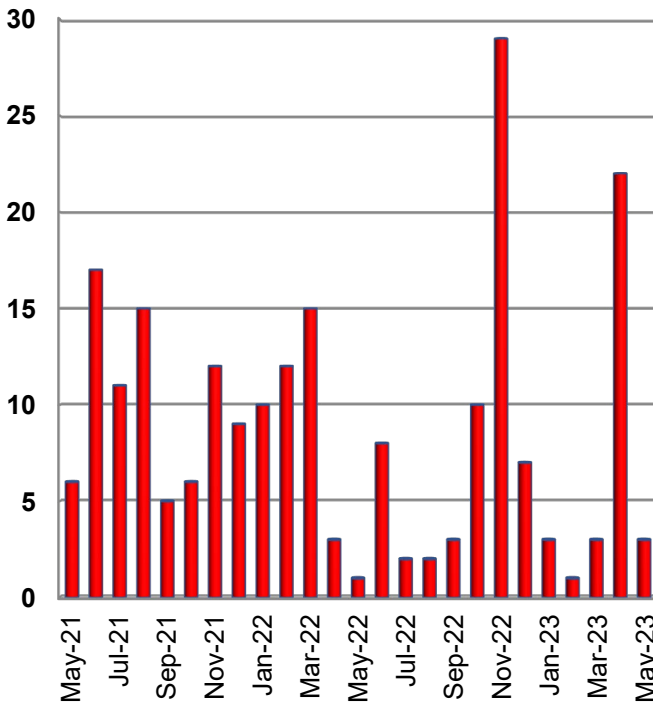
Building Plan Review Statistics

New Construction Building Permits Issued by Month

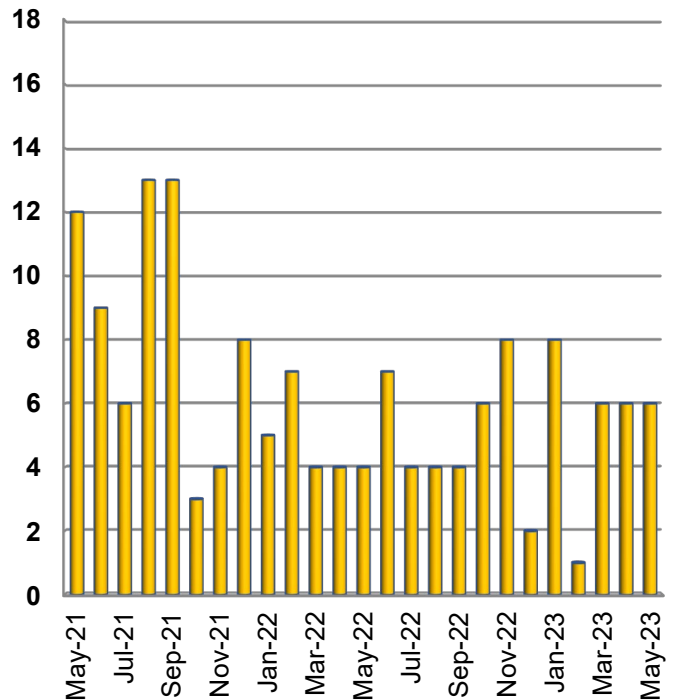


	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23
Commercial	12	9	6	13	13	3	4	8	5	7	4	4	4	7	4	4	4	6	8	2	8	1	6	6	6
Multi-family	6	17	11	15	5	6	12	9	10	12	15	3	1	8	2	2	3	10	29	7	3	1	3	22	3
1&2 Family	460	445	374	403	218	330	286	295	346	217	333	255	284	316	248	280	234	279	212	219	195	211	246	168	243

New Multi-family Building Permits Issued by Month

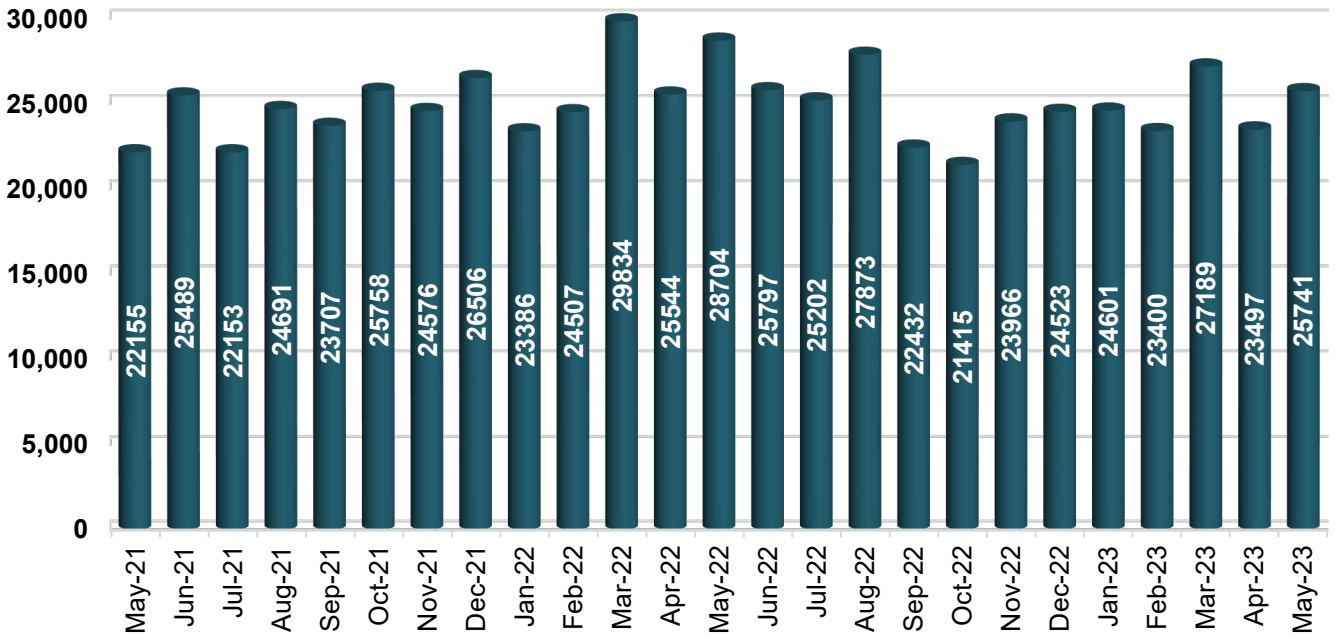


New Commercial Building Permits Issued by Month

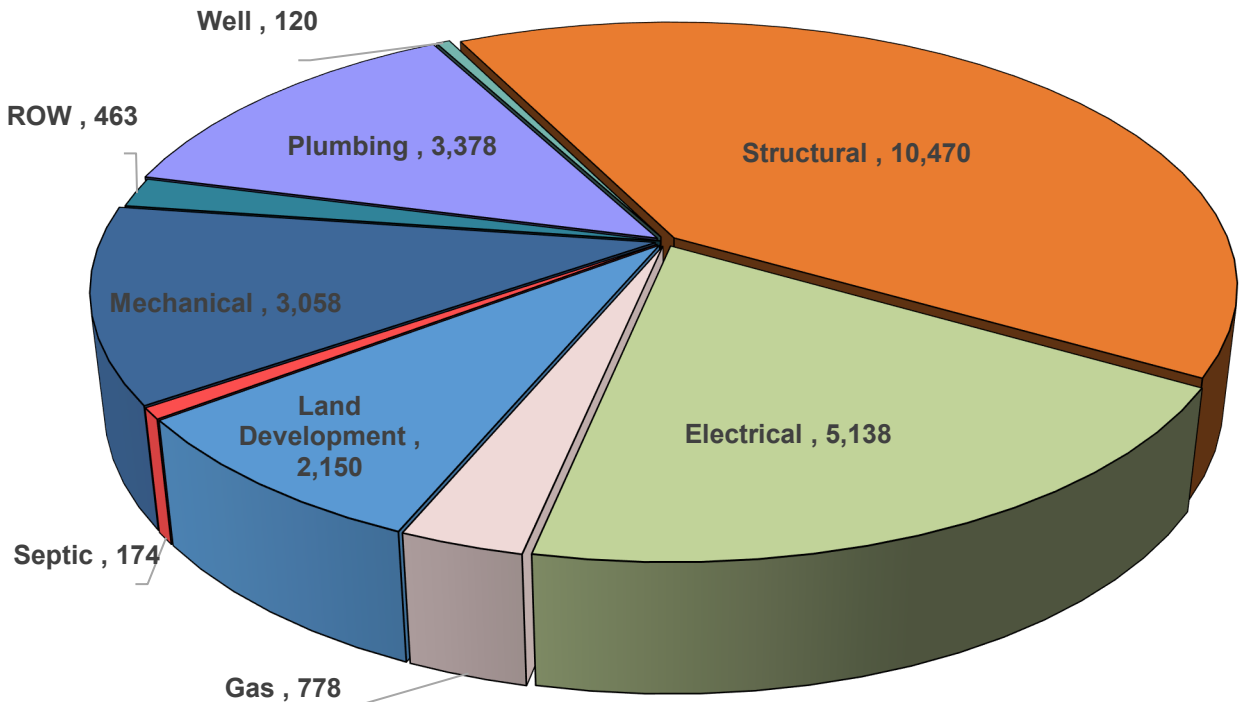


Building Inspections Statistics

Building Inspections

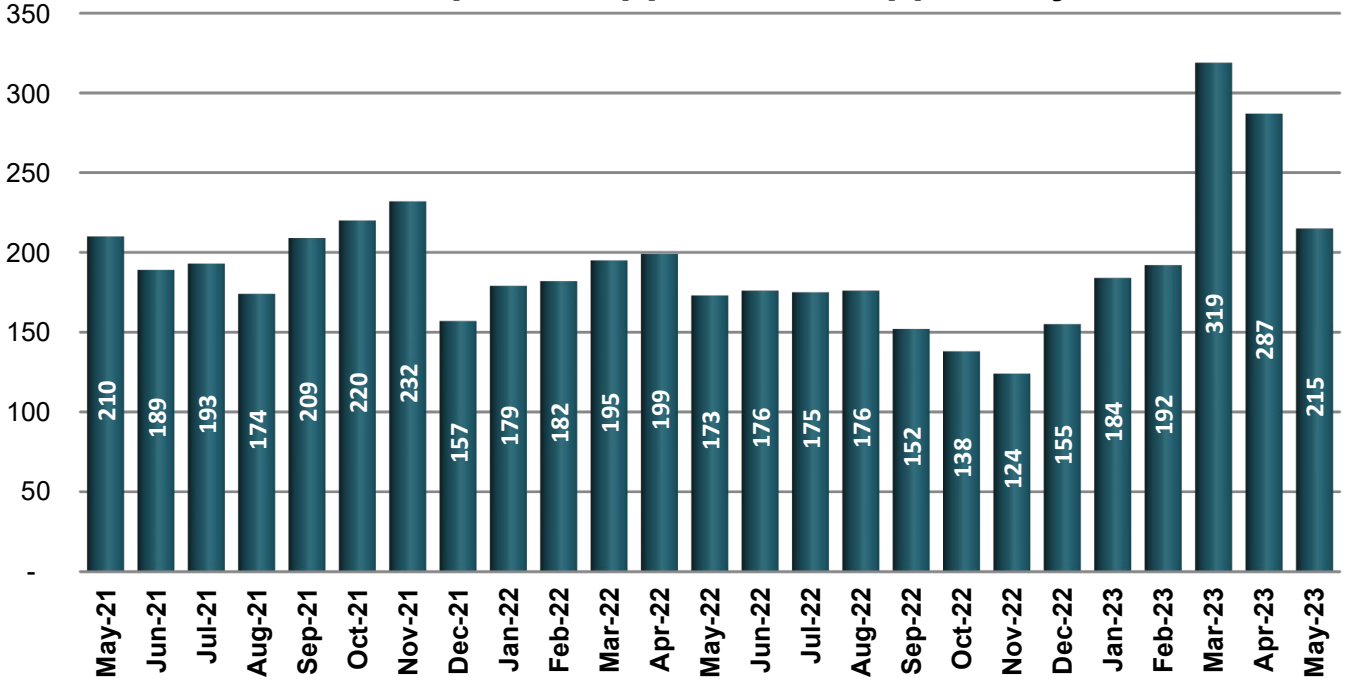


Types of Building Inspections

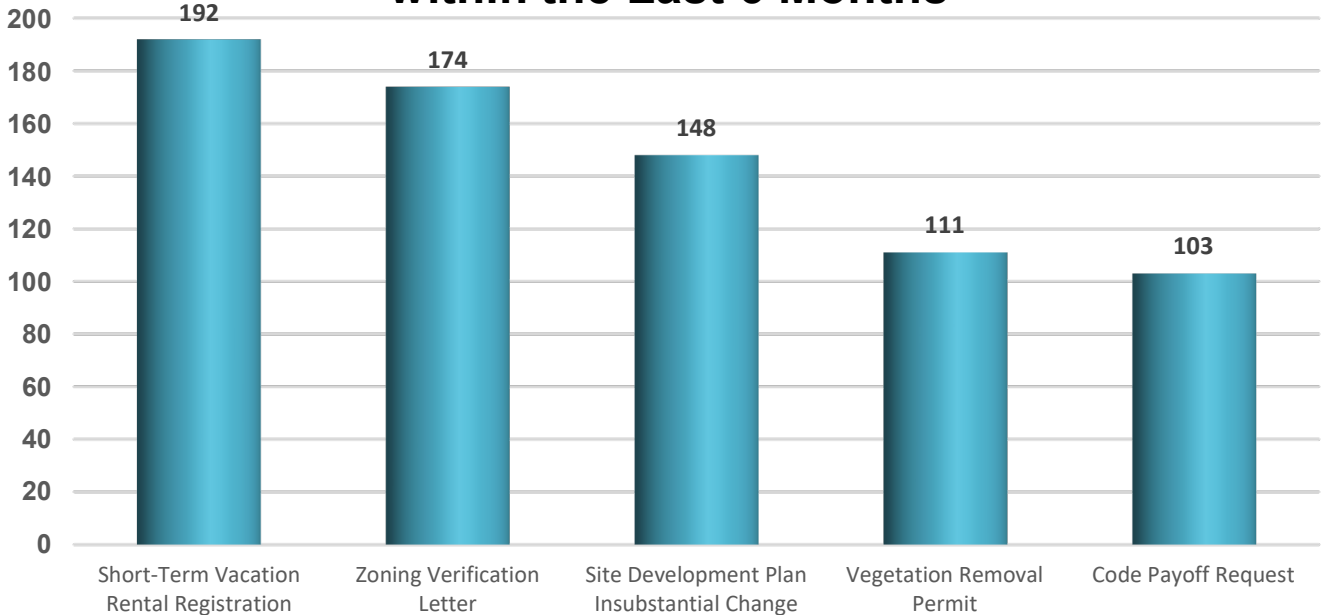


Land Development Services Statistics

All Land Development Applications Applied by Month

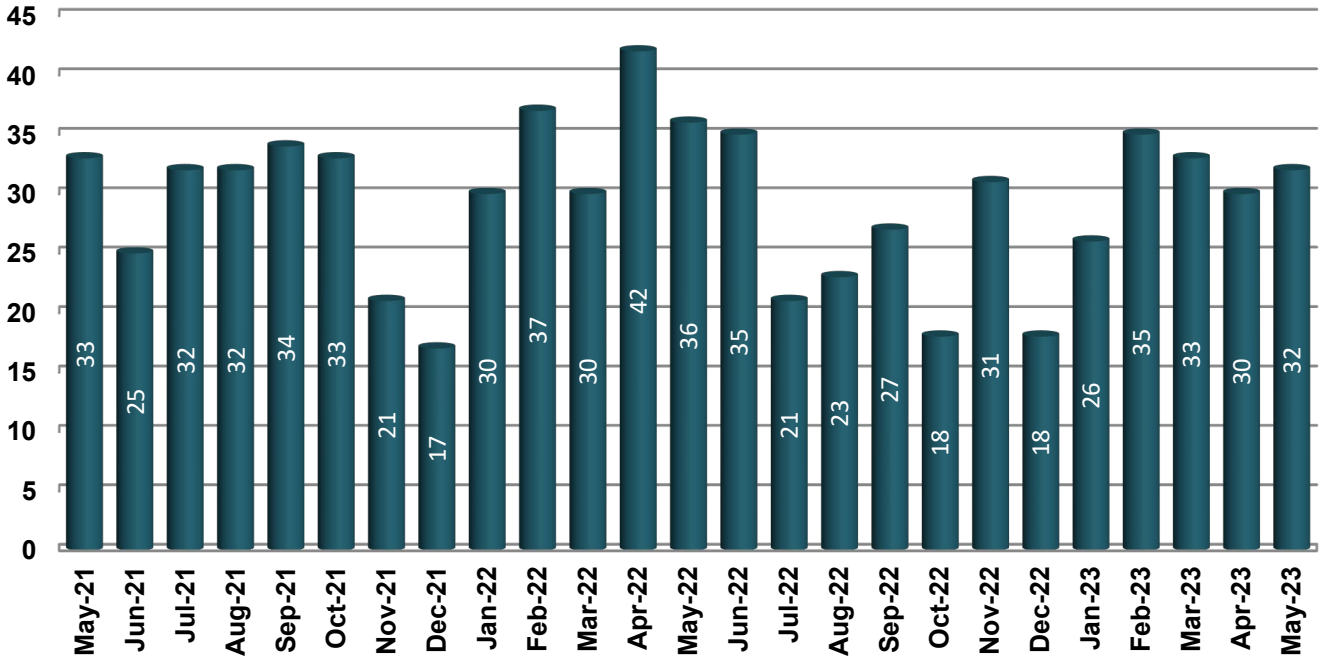


Top 5 Land Development Applications Applied within the Last 6 Months

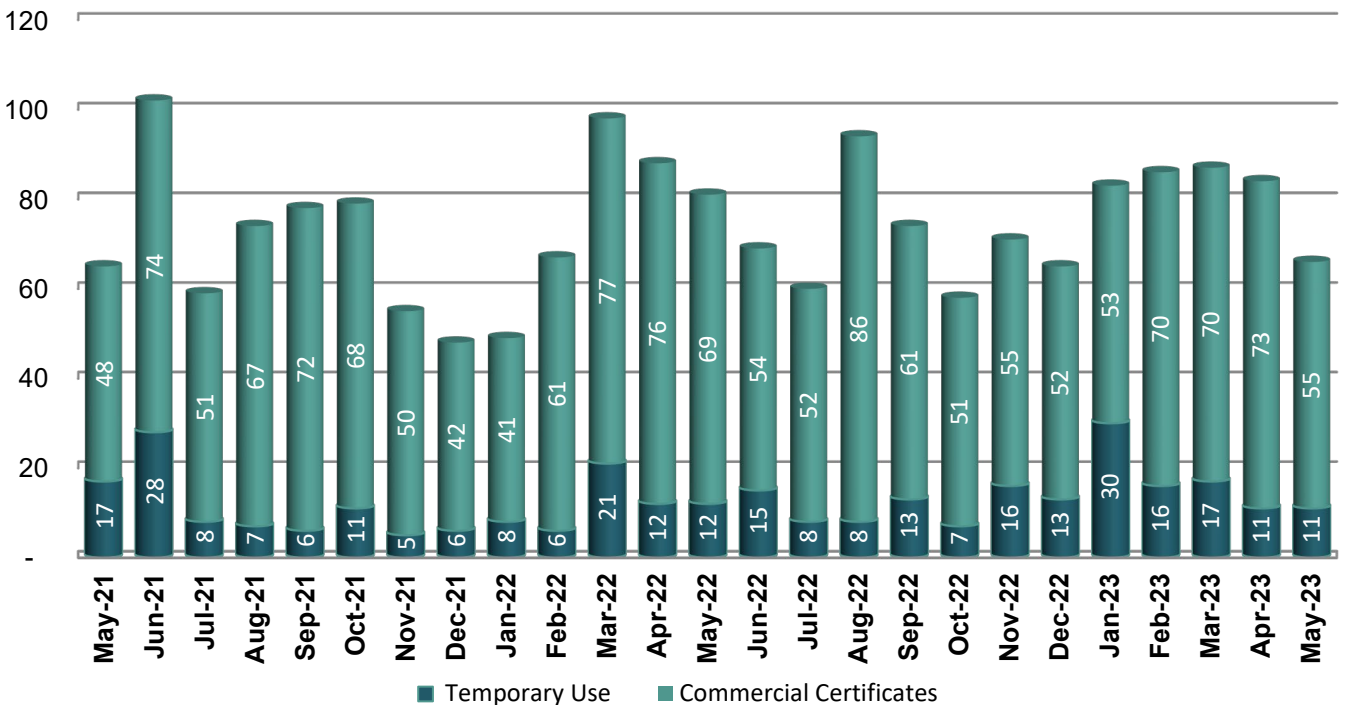


Land Development Services Statistics

Pre-application Meetings by Month

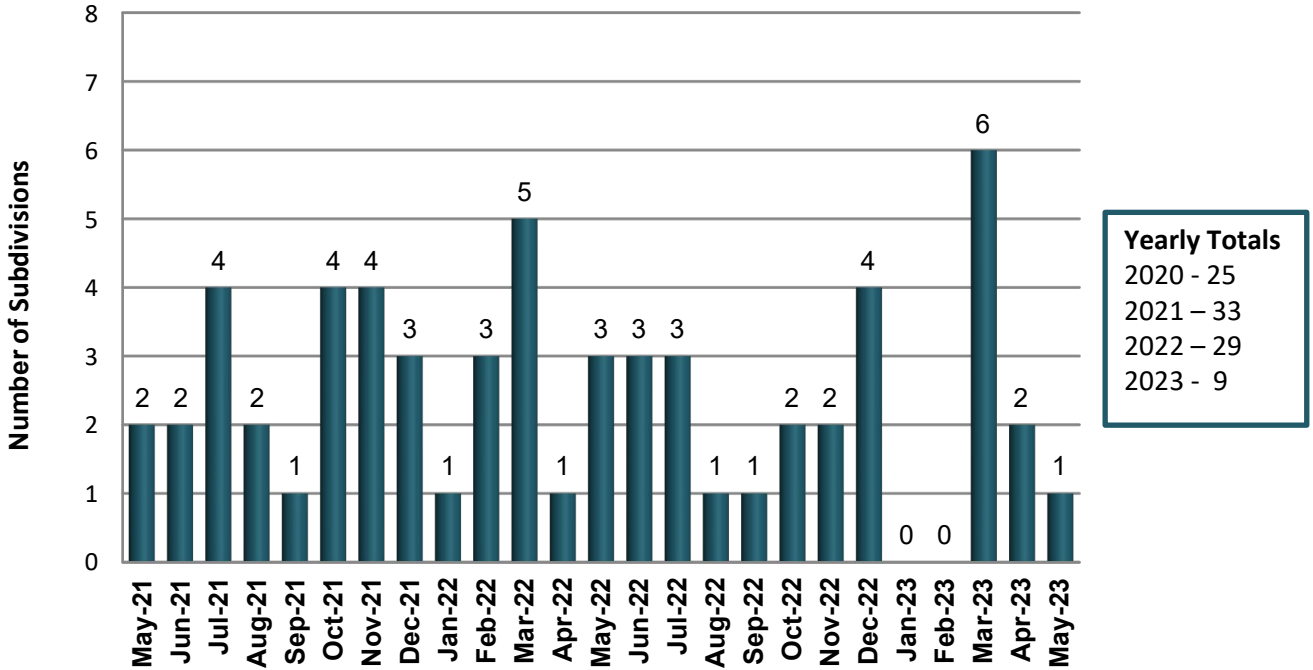


Front Zoning Counter Permits Applied by Month

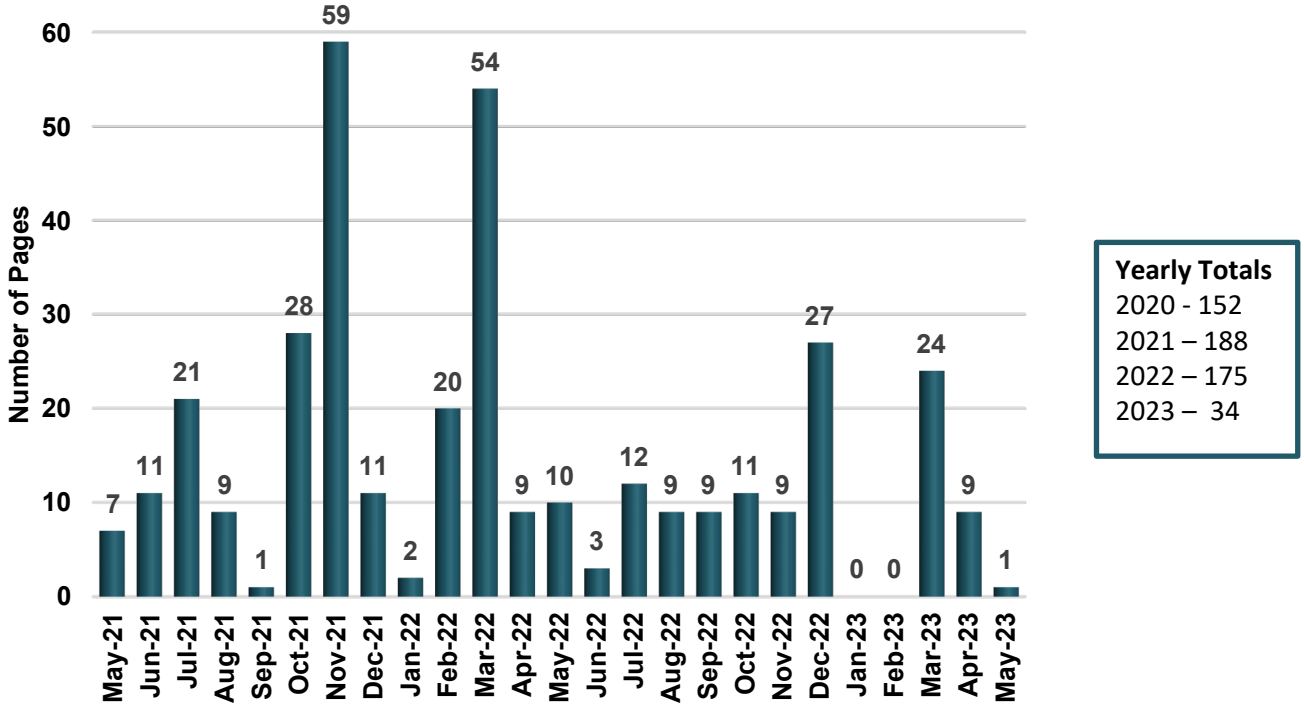


Land Development Services Statistics

Number of New Subdivisions Recorded per Month

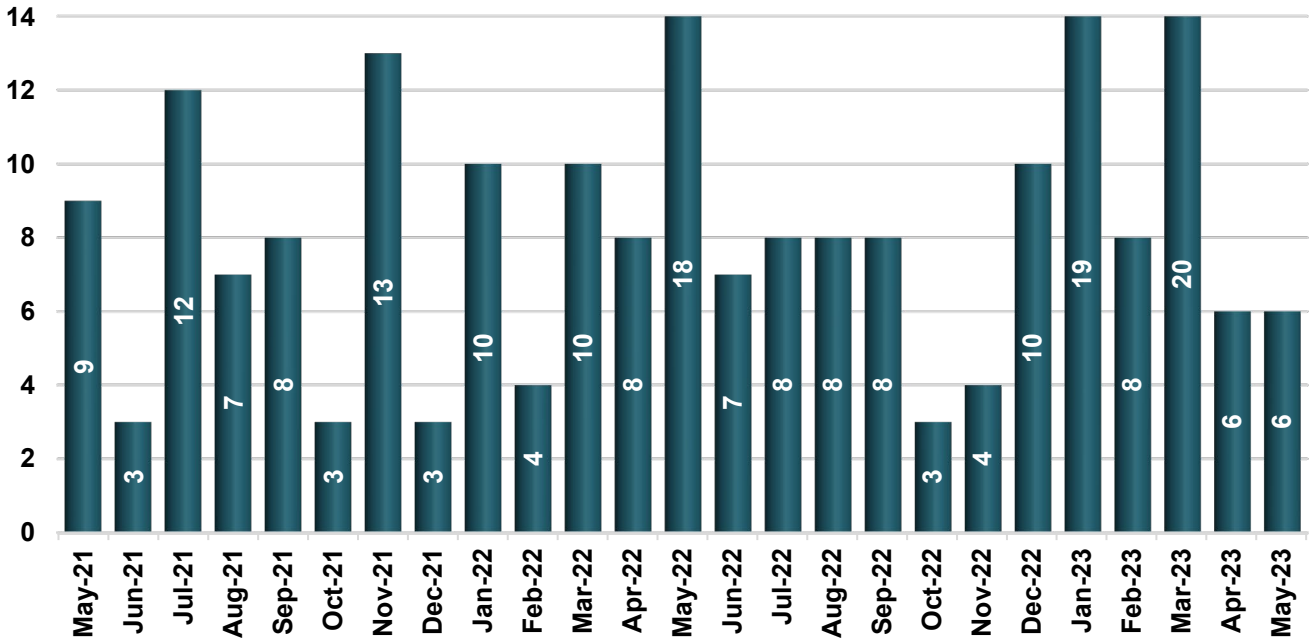


Plat Pages Recorded per Month

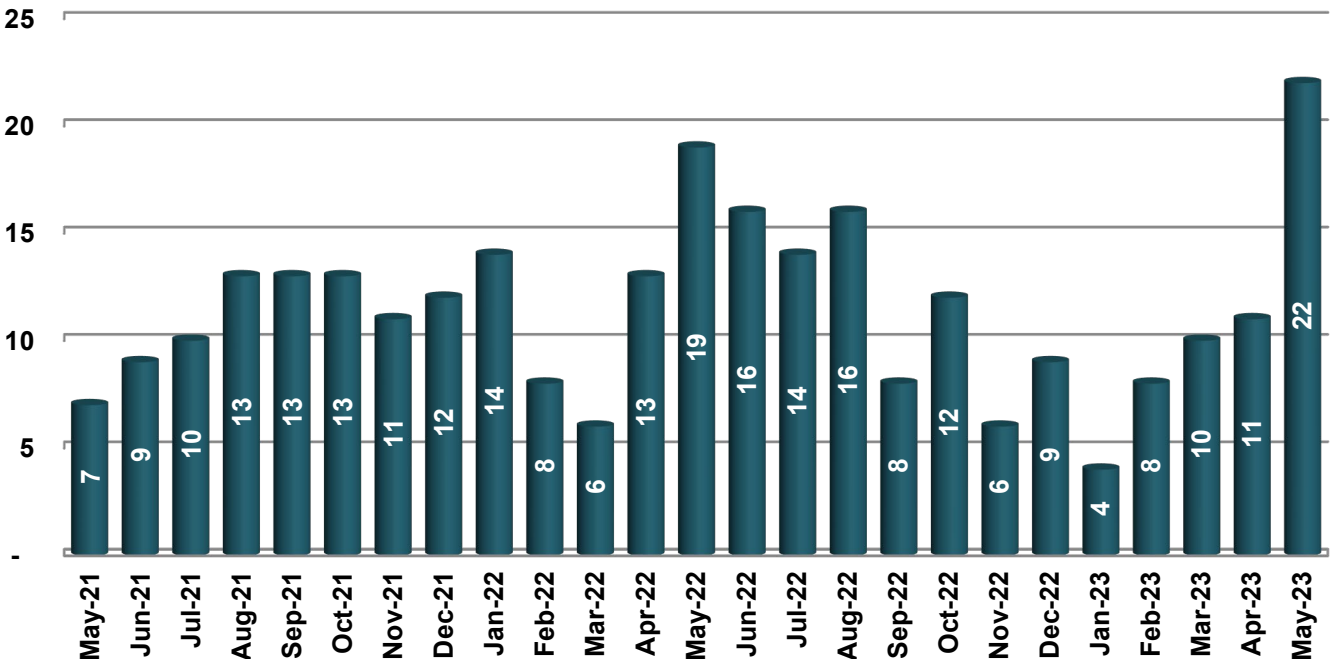


Land Development Services Statistics

**Monthly Total of Subdivision Applications
(PSPA, PSP, PPL, PPLA, ICP, FP, CNST) by Month**

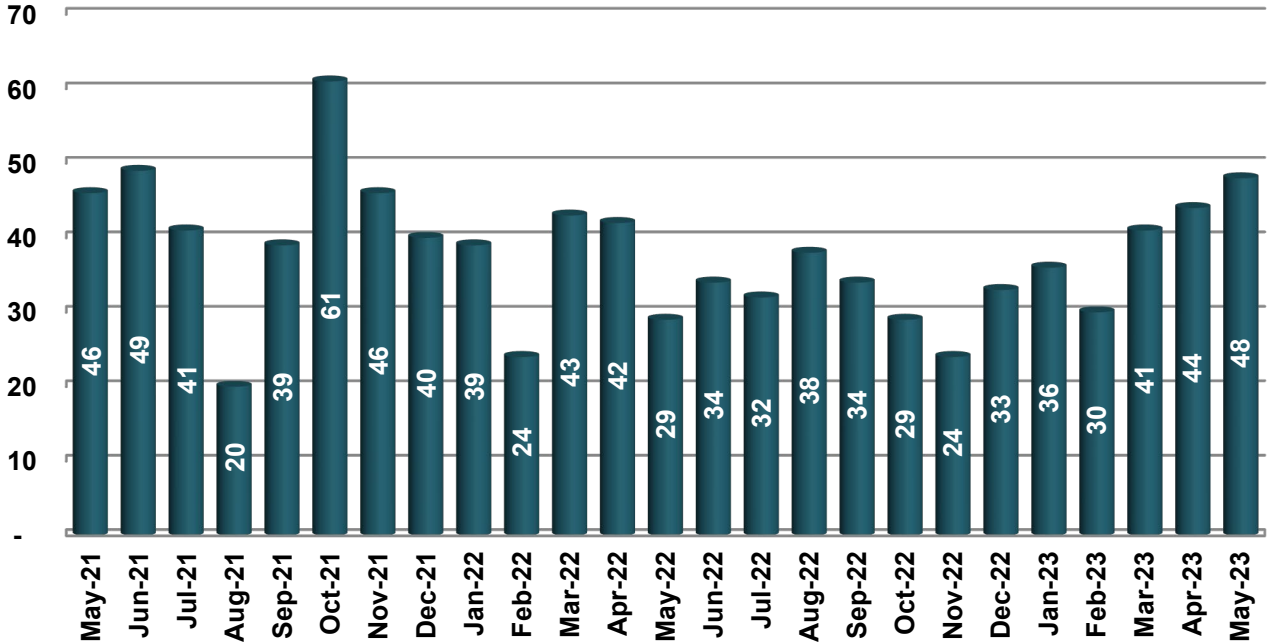


**Monthly Total of Subdivision Re-submittals/Corrections
(PSPA, PSP, PPL, PPLA, ICP, FP, CNST) by Month**

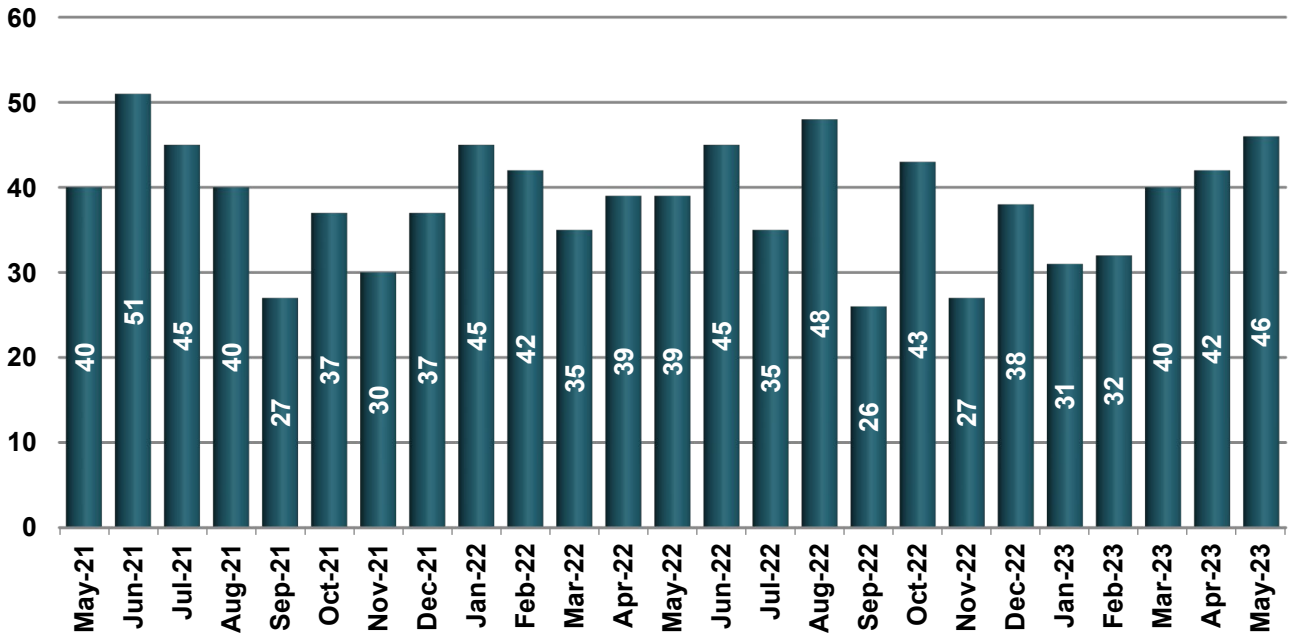


Land Development Services Statistics

**Monthly Total of Site Plan Applications
(SIP, SIPI, SDP, SDPA, SDPI, NAP) by Month**

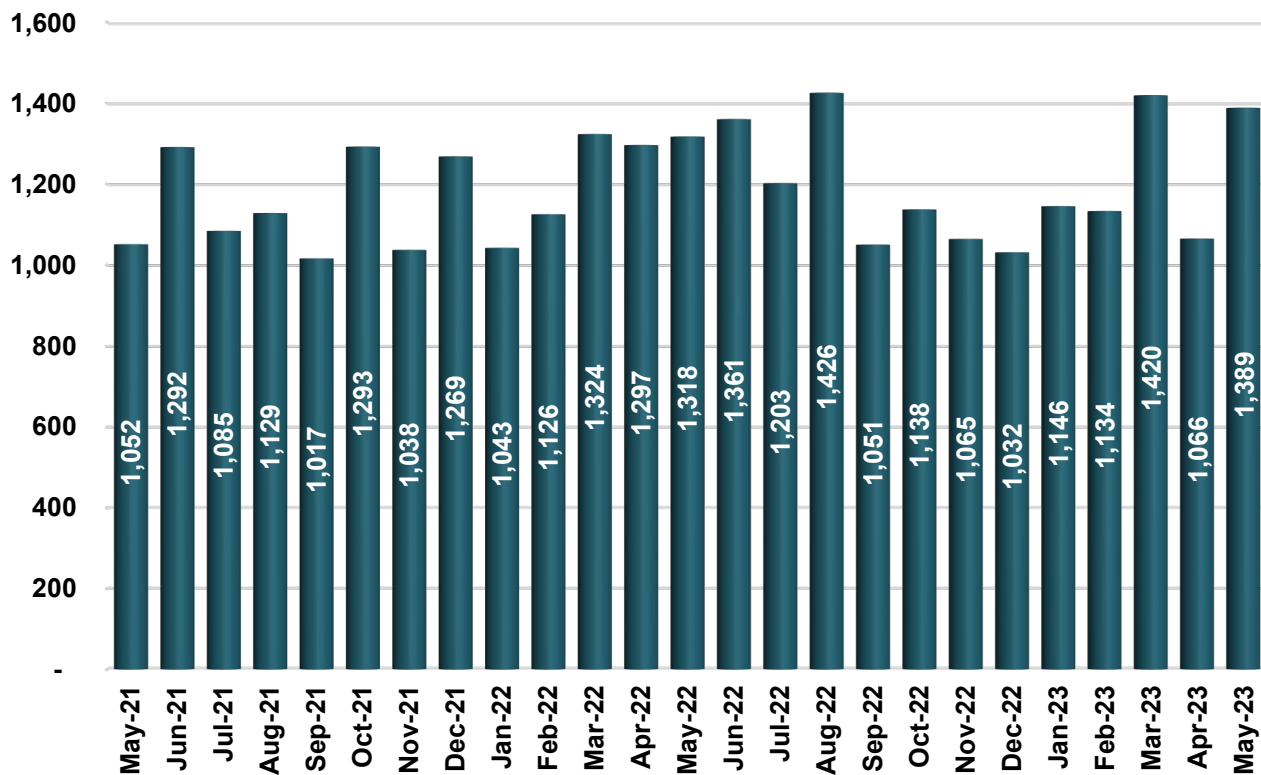


**Monthly Total of Site Plan Re-submittals/Corrections
(SIP, SIPI, SDP, SDPA, SDPI, NAP) by Month**



Reviews for Land Development Services

Number of Land Development Reviews

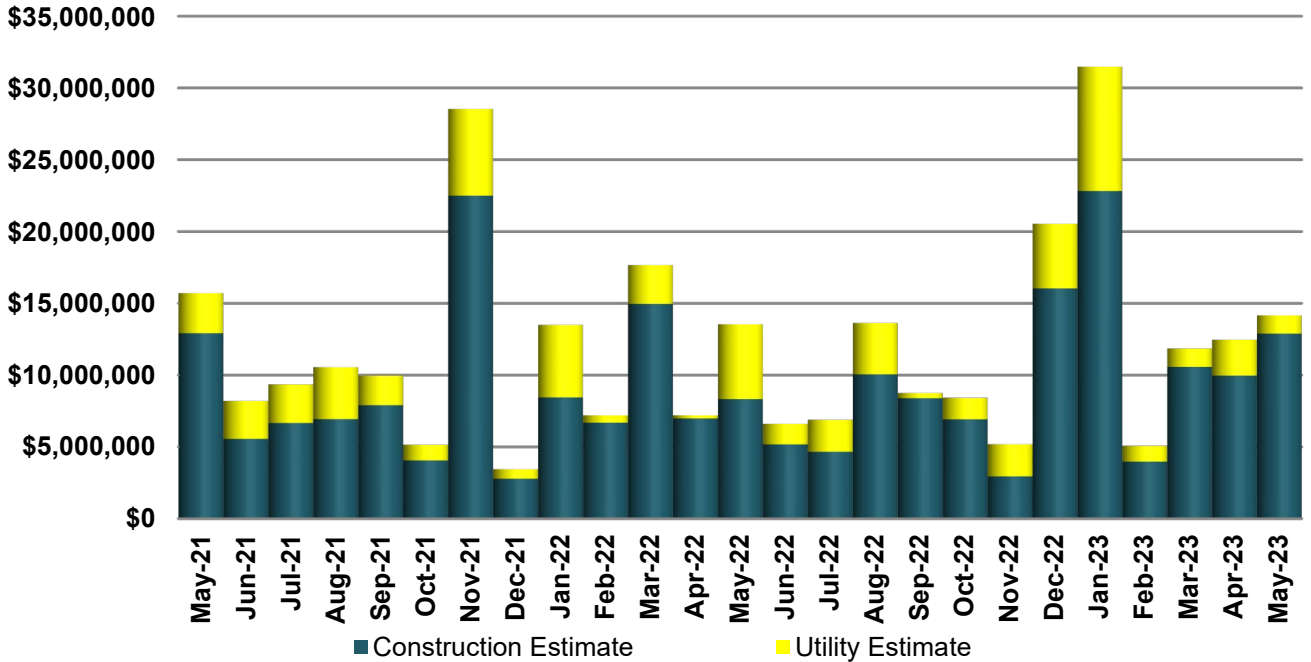


Percentage Ontime for the Month

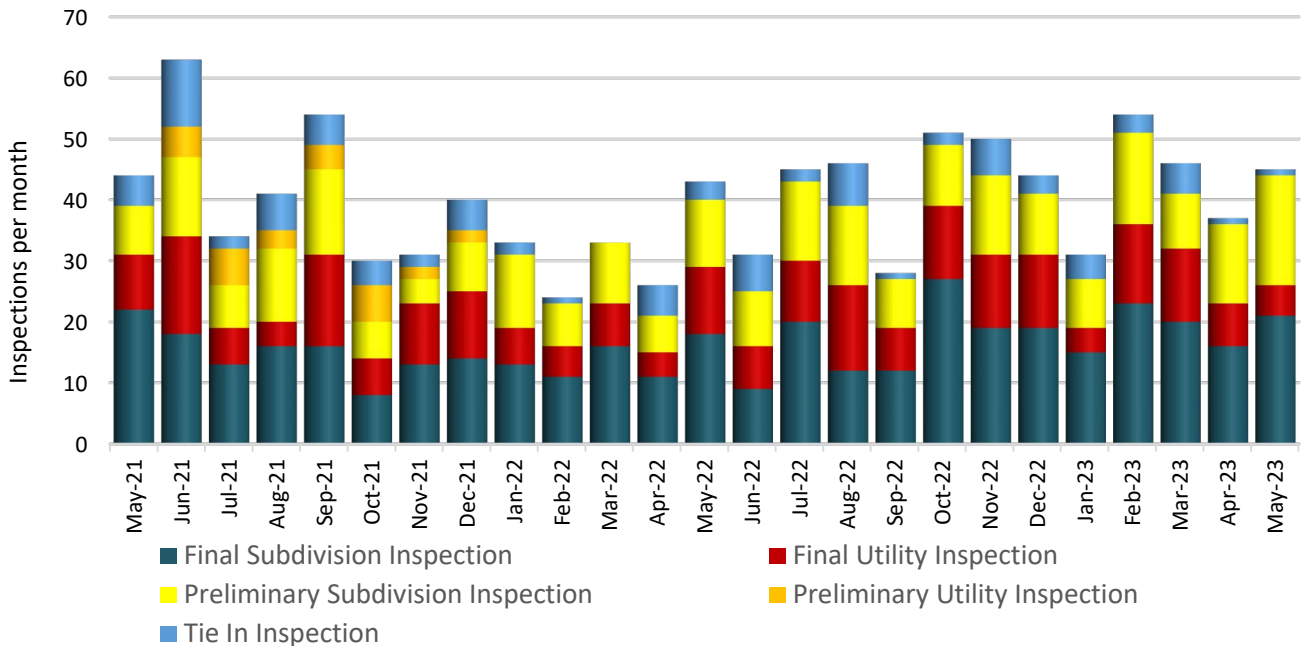


Land Development Services Statistics

Total Applied Construction Valuation Estimate

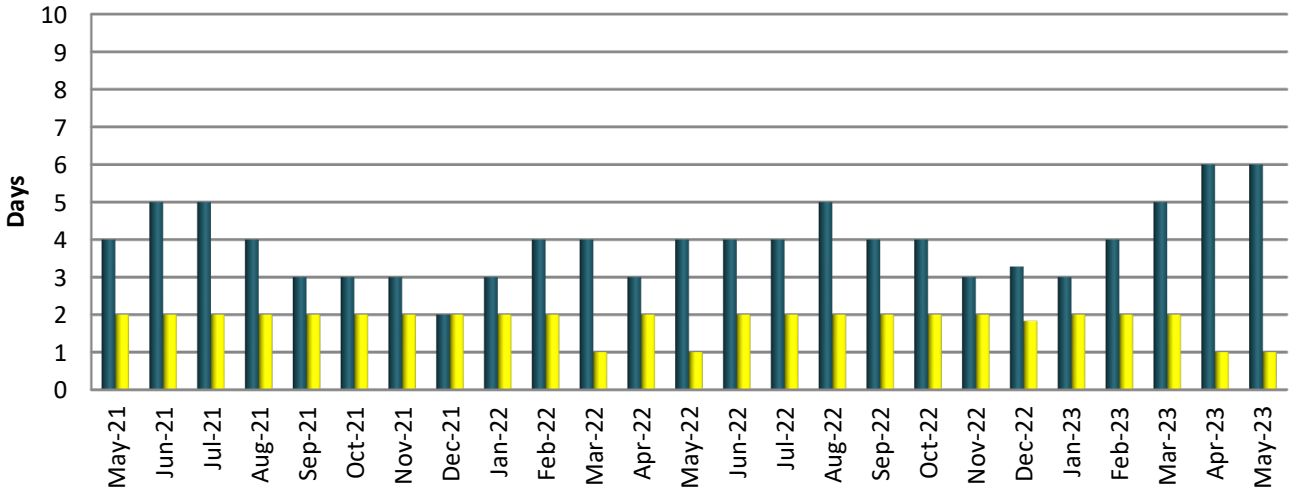


Site & Utility Inspections



Fire Review Statistics

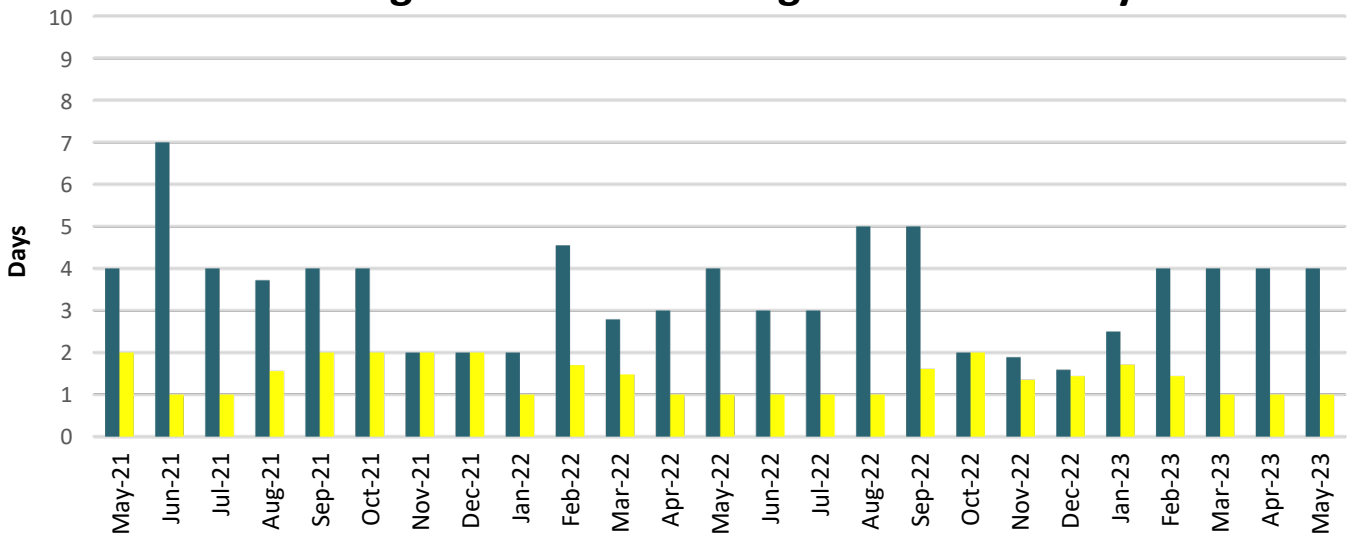
Building Fire Review Average Number of Days



Total Number of Building Fire Reviews by Month

Fire District	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23
North Collier	741	1044	687	775	608	654	504	449	470	503	671	646	777	855	637	800	525	466	449	391	444	450	583	490	692
Collier County (Greater Naples)	456	586	401	480	382	411	409	393	323	503	613	538	576	623	383	481	350	422	317	374	347	448	539	408	500

Planning Fire Review Average Number of Days



Total Number of Planning Fire Reviews by Month

Fire District	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23
North Collier	39	55	32	43	23	48	41	49	29	31	29	49	43	48	36	31	29	55	27	41	42	28	46	25	47
Collier County (Greater Naples)	60	74	61	39	53	80	70	68	56	56	62	69	59	56	65	73	41	57	46	62	56	68	70	63	82

Memorandum

To: Development Services Advisory Committee (DSAC)
From: Eric Johnson, LDC Planning Manager
Date: May 26, 2023
Re: PL20210001291 - Community Housing Plan Initiatives

This LDC amendment was reviewed by the DSAC-LDR Subcommittee (Subcommittee) on January 19, 2022. The Subcommittee discussed numerous topics and recommended as follows:

Mr. Mulhere made a motion to forward the amendments and subcommittee changes to the full DSAC, with a recommendation to review and approve the changes the subcommittee suggested, most of which are for clarification, and to look at requiring a vegetative buffer when a mixed-use project or residential project, in commercial, is adjacent to a single-family development. Mr. Curl seconded it. The motion carried unanimously, 3-0.

Chairman Brooker requested that staff include the concerns and comments of the DSAC-LDR and whether or how they were incorporated into the amendment.

Mr. Mulhere recommended including the entire sections of the existing LDC and proposed text sections (for ease of reading) for when it is reviewed by the CCPC and BCC. For clarity, staff agreed to add the existing LDC section's text.

Staff made changes to the LDC amendment since the Subcommittee meeting, which are now highlighted in the enclosed material. To avoid confusion, staff removed any proposed text (from the January version) that has been reworded or deleted in its entirety.

In deference to Mr. Mulhere's comment, staff added the existing text from the LDC in strategic locations throughout the document, to provide the reader with greater context when assessing the proposed changes.

Below is what staff determined to be the main discussion points from the members of the Subcommittee:

1. Considered changing footnote #1 in Table 2 of LDC section 4.02.01 in the C-3 zoning district, so that it references the Fire Prevention Code, by indicating "For Housing that Is Affordable by Right in Commercial Zoning Districts, minimum distance between structures of 10 feet is required per LDC section 4.02.40 A.4 or ["as otherwise may be required by the Florida Fire Prevention Code."](#)

Staff did not implement this comment (to reference the Florida Fire Prevention Code), as it would be redundant to include references to external

Codes within the LDC. It should be noted that footnote #1 has since been replaced with footnote “E.” Footnote E will simply reference LDC section 4.02.40 A.4., the section of the code that stipulates the 10-foot minimum distance between buildings for Housing that is Affordable by Right in Commercial Zoning Districts. Footnote E will be applied to the C-3 district (as was the case for the former footnote); however, the applicability of the minimum separation will be expanded to also include projects within the C-1, C-2, C-4, and C-5 zoning districts. When the Subcommittee reviewed this amendment in January 2022, the minimum building separation distance was only applicable to the C-3 district.

The Subcommittee asked for clarity regarding the existing footnote “A,” which is applicable to C-1 through C-5 zoning. Footnote “A” represents the minimum distance between buildings within a project shall equal 50% of the sum of the heights of (all) buildings within the lot—or 15 feet—whichever requires more. However, by modifying the existing footnote “A” by adding “or E” into the table, an affordable housing project will be required to simply comply with the 10-foot separation in LDC section 4.02.40. All buildings, however, remain subject to the minimum separation requirements of the Florida Building Code.

2. Considered increasing the buffer requirements where the Affordable by Right in Commercial Zoning Districts is adjacent to a single-family dwelling (in LDC section 4.02.40 A.4.b.). The increased buffer could be in the form of a 6-foot tall prefabricated or masonry wall or it could be more substantial plantings (e.g., 14-foot tall trees, larger shrub size, etc.). The Subcommittee recommended approval of the LDC amendment, contingent upon requiring a vegetative buffer when a mixed-use or residential project, in commercial, is adjacent to a single-family development.

Staff did not implement this recommendation; however, the maximum height for all projects consisting of Affordable by Right in Commercial Zoning Districts shall be restricted to 50 feet.

3. Recommended changing the term “dwelling” to the plural (i.e., “dwellings”) in the list of permitted uses for the C-1 zoning district. This change should be extended throughout the document, so that it reads “dwelling units.”

Staff partially implemented this recommendation by indicating “Dwellings” within the C-1 through C-5 zoning districts.

4. Considered changing the Density Standards and Housing Types table in LDC section 2.05.01, to indicate (the underlined blue [text](#)): Where residential uses are allowable, the following density standards and housing type criteria shall apply [as set forth in the Growth Management Plan or as provided in the Future Land Use Element](#).

Staff did not implement this consideration. Staff was not tasked with updating this table, except for the necessary modifications to the C-1 through C-5 zoning districts that are in connection with this LDC amendment. If it is the will of the DSAC to direct staff to insert this new text, staff suggests rewording it as follows: “as set forth in the Future Land Use Element of the Growth Management Plan.” Either way, staff does not believe the requested text causes a material change.

5. Questioned the use of capital letters in the term “Housing that is Affordable” when there is no proposal to define it. The concern was having capitalized but undefined text may be unclear and confusing.

Staff implemented this suggestion by eliminating all instances of the use of capital letters in the term “housing that is affordable.”

6. Questioned the use of the initialism “DO,” as opposed to spelling out the term, “Development Order.”

Staff implemented this preference. The initialism “DO” was deleted and is now spelled out as “Development Order” in LDC section 2.07.02 and LDC section 4.02.40.

7. Considered reducing the 30-year commitment period in the Mixed-Income Housing Commitment of LDC section 2.07.02 B.

Staff did not implement any changes, as the 30-year timeframe was directed by the Board of County Commissioners during the implementation of the Community Housing Plan. The Board of County Commissioners did not want to see the benefits of their incentive to expire shortly after the units were built.

8. Questioned why the C-1, C-2, and C-3 zoning districts are being removed from the Commercial Mixed Use Design Criteria in LDC section 4.02.38 C.

Staff is proposing to delete the text for clean up purposes, but its removal does not cause any material change to the intent of the provisions.



9. Recommended showing the existing text of each affected section of the LDC, to provide greater context and make it easier to read for the Collier County Planning Commission and the Board of County Commissioners, when they review the LDC amendment.

Staff implemented this request.

10. Reevaluate the vegetative buffer when a project consisting of Housing that is Affordable is adjacent to a single-family development.

Staff is not proposing any changes.

In addition to the above, staff made changes to the LDC amendment since the Subcommittee met in January 2022. The more noteworthy changes are as follows:

11. Updated the definition of “approved affordable housing” in LDC section 1.08.02, to reference LDC section 2.06.00 and 2.07.00.
12. Updated the purpose and intent paragraph in each of the C-1 through C-5 zoning districts in LDC section 2.03.03, to reference the Future Land Use Element of the Growth Management Plan. Also, in each of these districts, mixed commercial and residential projects containing affordable housing will be permitted by right instead of requiring conditional use approval.
13. Updated the table in LDC section 2.05.01 A. to indicate the maximum density of 16 dwelling units per acre for Townhouse and Multi-family use in C-1 through C-5 with revisions to footnote “10.” Footnote “10”, cross-referencing the applicable provisions.
14. Updated Table A of LDC section 2.06.03 (Affordable Housing Density Bonus Rating System), including footnote #4, so that Gap Housing (120-140 median income) will no longer be restricted to “Owner Occupied Only.”
15. Updated LDC section 2.07.02 A.3., to clarify that in mixed income residential projects, the number of bedrooms in each unit (for affordable housing) shall be equal to or greater than the number of bedrooms in each unit (for market rate housing).
16. Updated LDC section 2.07.02 B.2. by including the County Manager or designee to review each Mixed-Income Housing Commitment.



17. Updated Table 2 of LDC section 4.02.01, by inserting footnote “F” into the C-4 zoning district, thereby decreasing the maximum height of an affordable housing project from 75 feet to 50 feet. This restriction was also made in LDC section 4.02.40.A.5, to be consistent with recent revisions made to the companion GMPA.
18. Updated Table 2.1 in LDC section 4.02.01, by inserting footnote “g” into the minimum required side and rear yard setbacks for projects containing affordable housing. This footnote references LDC section 4.02.40, which requires that affordable housing projects in commercial zoning districts have the same setback as their height when abutting single-family residential.
19. Updated LDC section 4.02.38 C., by eliminating the reference to mixed use development within the Urban Residential Fringe Subdistrict and also restricting the area of residential uses within a mixed use project in C-1, C-2, or C-3 district to a maximum of 70% of the gross building area. However, the percentage may be increased to 75% if the residential portion of the mixed use project is dedicated to the Mixed Income Housing Program.
20. Updated LDC section 4.02.38 K., to exempt mixed use affordable housing projects from the requirement that off-street parking areas be located to the rear of building(s).
21. Updated LDC section 4.02.40, to exclude properties located within the US 41 East Overlay of the FLUE. In addition, this section was updated by listing the required components of a public facility impact comparative analysis when converting commercial lands to housing that is affordable by right in commercial zoning districts.
22. Updated LDC section 4.02.41, to clarify that in Activity Centers, no affordable housing commitments are required for one-third of the units in projects requesting additional density, beyond the 16 dwelling units per acre.
23. Updated LDC section 4.02.42 B., to exclude Transit Oriented Development projects located in the Urban Coastal Fringe Subdistrict, Urban Residential Fringe Subdistrict, Downtown Center Commercial Subdistrict, Commercial Mixed Use Subdistrict (C-MU) and Recreational-Tourist Subdistrict (RT) from being eligible for a maximum base density of 13 dwelling units per acre. This change to the LDC ensures consistency with recent revisions that were made to the companion GMP amendment.
24. Updated LDC section 4.02.42 C., to eliminate duplicate language in the *transit core* that is already proposed to be defined in LDC section 1.08.02.



25. Updated the minimum side and rear yard setbacks for affordable housing in Activity Centers, Interchange Activity Centers, and Transit Oriented Development (i.e., LDC sections 4.02.41 and 4.02.42), so that the setbacks are applicable when the subject property abuts single-family dwellings, rather than adjacent to.
26. Updated the design standards for affordable housing in TODs, so that the required setback is no longer 50% of the actual building height but rather 50% of the zoned building height. If the word *actual* is removed, the measurement defaults to the *zoned* height. This makes it consistent with LDC section 4.02.40 and LDC section 4.02.41.

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

G:\LDC Amendments\Current Work\CHP Implementation\Initiatives 2 thru 5 (PL20210001291)\Drafts\DSAC\DSAC Memo (05-26-2023).docx



LAND DEVELOPMENT CODE AMENDMENT

PETITION		SUMMARY OF AMENDMENT	
PL20210001291		This Land Development Code (LDC) amendment implements several initiatives from Collier County Community Housing Plan (CHP). The new provisions are intended to streamline the process for converting commercial zoning to residential zoning, increase density within Activity Centers and along bus/transit lines in connection with Transit Oriented Development (TOD), and to create Strategic Opportunity Sites.	
ORIGIN		LDC SECTION TO BE AMENDED	
Board of County Commissioners (Board)		1.08.01	Abbreviations
		1.08.02	Definitions
		2.03.03	Commercial Zoning Districts
		2.05.01	Density Standards and Housing Types
		2.06.03	AHDB Rating System
		2.07.00	Mixed-Income Housing Program for Housing that is Affordable (NEW)
		2.07.01	Purpose and Intent (NEW)
		2.07.02	Program Criteria (NEW)
		4.02.01	Dimensional Standards for Principal Uses in Base Zoning Districts
		4.02.38	Specific Design Criteria for Mixed Use Development within C-1 through C-3 Zoning Districts
		4.02.40	Housing that is Affordable by Right in Commercial Zoning Districts (NEW)
		4.02.41	Housing that is Affordable within Activity Centers or Interchange Activity Centers (NEW)
		4.02.42	Transit Oriented development (TOD) Design Standards (NEW)

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
Approval with condition	TBD	TBD

BACKGROUND: After much public discussion regarding the housing situation in Collier County (see Exhibit A), an Urban Land Use Institute Panel Report in 2017 concluded that Collier County has a “housing affordability problem,” and its recommendation centered upon six core strategies (see Exhibit B). On October 25, 2017, the Board accepted a Community Housing Plan (CHP) and authorized staff on February 27, 2018, to begin its implementation. As a follow up to that item, the Board reviewed an LDC amendment (PL20180002172) on February 12, 2019. Ordinance 2019-02 approved new affordable housing definitions and the Affordable Housing Density Bonus Program (AHDB Program), which increased the affordable housing density bonus from eight extra units per acre to up to 12 extra units per acre.

At an earlier meeting, on October 9, 2018, the Board directed staff to move forward with the final recommendations of the CHP. Staff was tasked with preparing Growth Management Plan (GMP) and LDC amendments to address five initiatives identified in the CHP. Those initiatives are identified in Exhibit C.



Initiative 1 was addressed when staff presented an LDC amendment (PL20200001703) to the Board on February 9, 2021. The Board adopted Ordinance 2021-05, providing relief from specified processes, to better ensure cost certainty and savings for projects containing housing that is affordable.

The proposed LDC amendment addresses Initiative 2 through 5. The proposed provisions include the following: (2) streamlining conversion of commercial zoning to residential zoning when providing for housing that is affordable; (3) increasing density within Activity Centers from 16 units per acre to 25 units per acre when providing for housing that is affordable; (4) creation of Strategic Opportunity Sites as an identified subdistrict within the GMP to allow for mixed use development that provides for residential density up to 25 units per acre which is integrated with non-residential land uses with a high degree of employment opportunities, such as corporate headquarters or business campuses; and (5) increasing density opportunities along bus/transit lines. In developing these initiatives, staff has worked with consultants, stakeholders, the development industry, non-profit agencies, and various other interested parties over the course of the last 18 months. This LDC amendment represents the implementing regulations and companion item to a GMP amendment to incorporate Initiative 2 through 5 within the GMP to advance opportunities for housing that is affordable. The purpose and intent of the Mixed-Income Program for Housing that is Affordable is to incentivize affordable housing and implement the GMP, § 163.3161 et seq. Florida Statutes; and the Florida Administrative Code.

One change that has occurred since DSAC-LDR is that staff added a minimum size to Table 2. Building Dimension Standards for Principal Uses in Base Zoning Districts in LDC .02.01, to account for the residential units that are now proposed throughout the C-1, C-2, C-3, C-4, and C-5 zoning districts. The sizes are consistent with the minimum sizes required in the RMF-12 and RMF-16 zoning districts.

DSAC-LDR Subcommittee Recommendation: **On June 15, 2021, the** DSAC-LDR Subcommittee discussed deleting the word “inner” from the definition of Transit Core. The DSAC-LDR recommended approval of the LDC amendment with the following changes, which have been incorporated into the amendment:

- The provision for mixed use development (residential with housing that is affordable and commercial) that is currently proposed in the C-1, C-2, and C-3 zoning districts should also be carried forward to the C-4 and C-5 zoning districts as well with edits made to LDC section 4.02.38 accordingly.

The LDC amendment returned to the Subcommittee on January 19, 2022, because numerous changes had been made since their last review in 2021. The Subcommittee recommended approval with a request that staff review and approve their suggested changes, including requiring a vegetative buffer when a residential or mixed-use project is adjacent to a single-family development.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts to the County’s stakeholders. There is a slight increase in the maintenance cost to Collier Area Transit for new bus stops associated with the TOD provisions, but they are anticipated to be minimal.

GMP CONSISTENCY

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

EXHIBITS: A) Background; B) ULI Advisory Services Panel Report; and C) CHP Initiatives

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

* * * * *

TND	Transitional Neighborhood Design
<u>TOD</u>	<u>Transit Oriented Development</u>
TP	Turtle Permit

* * * * *
#

1.08.02 – Definitions

Approved affordable housing: Affordable housing that includes a long-term affordability restriction wherein the cost of housing and income of the household are known and monitored, for a specific period of time. This includes housing that meets the criteria of LDC section 2.06.00 Affordable Housing Density Bonus and LDC section 2.07.00 Mixed-Income Housing Program for Housing that is Affordable.

Transit Core: The area within a quarter-mile radius around a Collier Area Transit stop, shelter, or station. This is measured as a radial distance from the perimeter of the building or structure footprint of the transit stop, shelter, or station.

Transit Oriented Development (TOD): A project or projects, in areas identified in the GMP, that is or will be served by existing or planned Collier Area Transit service. TODs are subject to standards that require the development to be compact, interconnected with other land uses, and pedestrian oriented, and dwelling units are required to be multi-family.

* * * * *
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2.03.03 – Commercial Zoning Districts

A. Commercial Professional and General Office District (C-1). The purpose and intent of the commercial professional and general office district C-1 is to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most C-1 commercial, professional, and general office districts are contiguous to, or when within a PUD, will be placed in close proximity to residential areas, and, therefore, serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a

convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building. Housing may also be a component of this district as provided for through conditional use approval or as a permitted use as housing that is affordable in accordance with the Mixed-Income Housing Program. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system as provided in the Future Land Use Element of the Collier County Growth Management Plan (FLUE).

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the C-1 commercial professional and general office district.

a. Permitted uses.

1. Accounting (8721).

* * * * *

16. Direct mail advertising services (7331).

17. Dwellings (i.e., multi-family, single family attached, or townhouse), provided such use contains housing that is affordable by right in accordance with LDC section 4.02.40. If mixed use, see 28. below.

~~1817.~~ Educational plants and public schools subject to LDC section 5.05.14.

~~1918.~~ Engineering services (8711).

~~2049.~~ Essential services, subject to LDC section 2.01.03.

~~2120.~~ Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § 429.02 F.S. and ch. 59A-36 F.A.C.; and continuing care retirement communities pursuant to ch. 651 F.S. and ch. 69O-193 F.A.C.; all subject to LDC section 5.05.04.

~~2224.~~ Health services, offices and clinics (8011—8049).

~~2322.~~ Insurance carriers, agents and brokers (6311—6399, 6411).

~~2423.~~ Landscape architects, consulting and planning (0781).

~~2524.~~ Legal services (8111).

~~2625.~~ Loan brokers (6163).

~~2726.~~ Management services (8741 and 8742).

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28. Mixed residential and commercial uses, provided that such residential use (i.e., multi-family, single-family attached, or townhouse) contains housing that is affordable by right in accordance with LDC section 4.02.40 and complies with the design criteria contained in LDC section 4.02.38.

~~2927.~~ Mortgage bankers and loan correspondents (6162).

- Remainder of list to be renumbered accordingly -

~~4341.~~ Any other commercial use or professional service which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business and are associated purely with activities conducted in an office, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

* * * * *

B. Commercial Convenience District (C-2). The purpose and intent of the commercial convenience district (C-2) is to provide lands where commercial establishments may be located to provide the small-scale shopping and personal needs of the surrounding residential land uses within convenient travel distance except to the extent that office uses carried forward from the C-1 district will expand the traditional neighborhood size. However, the intent of this district is that retail and service uses be of a nature that can be economically supported by the immediate residential environs. Therefore, the uses should allow for goods and services that households require on a daily basis, as opposed to those goods and services that households seek for the most favorable economic price and, therefore, require much larger trade areas. It is intended that the C-2 district implements the Collier County GMP within those areas designated agricultural/rural; estates neighborhood center district of the Golden Gate Master Plan; the neighborhood center district of the Immokalee Master Plan; and the urban mixed use district of the future land use element permitted in accordance with the locational criteria for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. Housing may also be a component of this district as provided for through conditional use approval or as a permitted use as housing that is affordable by right in accordance with the Mixed-Income Housing Program. The maximum density permissible in the C-2 district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County GMP. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system as provided in the FLUE.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the C-2 commercial convenience district.

a. Permitted uses.

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- 1. Accounting (8721).
- * * * * *
- 23. Direct mail advertising services (7331).
- 24. Dwellings (i.e., multi-family, single-family attached, or townhouse), provided such use contains housing that is affordable by right in accordance with LDC section 4.02.40. If mixed use, see 47. below.
- ~~25~~24. Eating places (5812, except contract feeding, dinner theaters, institutional food service, and industrial feeding) with 2,800 square feet or less of gross floor area in the principal structure).
- ~~26~~25. Educational plants and public schools subject to LDC section 5.05.14.
- ~~27~~26. Engineering services (8711).
- ~~28~~27. Essential services, subject to section 2.01.03.
- ~~29~~28. Food stores (groups 5411 - except supermarkets, 5421—5499) with 2,800 square feet or less of gross floor area in the principal structure.
- ~~30~~29. Funeral services (7261, except crematories).
- ~~31~~30. Garment pressing, and agents for laundries and drycleaners (7212).
- ~~32~~31. Gasoline service stations (5541, subject to section 5.05.05).
- ~~33~~32. General merchandise stores (5331—5399) with 1,800 square feet or less of gross floor area in the principal structure.
- ~~34~~33. Glass stores (5231) with 1,800 square feet or less of gross floor area in the principal structure.
- ~~35~~34. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § 429.02 F.S. and ch. 59A-36 F.A.C.; and continuing care retirement communities pursuant to ch. 651 F.S. and ch. 69O-193 F.A.C.; all subject to LDC section 5.05.04.
- ~~36~~35. Hardware stores (5251) with 1,800 square feet or less of gross floor area in the principal structure.
- ~~37~~36. Health services, offices and clinics (8011—8049).

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~~3837~~. Home furniture and furnishings stores (5713—5719) with 1,800 square feet or less of gross floor area in the principal structure.

~~3938~~. Home health care services (8082).

~~4039~~. Insurance carriers, agents and brokers (6311—6399, 6411).

~~4140~~. Landscape architects, consulting and planning (0781).

~~4241~~. Laundries and drycleaning, coin operated — self service (7215).

~~4342~~. Legal services (8111).

~~4443~~. Libraries (8231, except regional libraries).

~~4544~~. Loan brokers (6163).

~~4645~~. Management services (8741 and 8742).

47. Mixed residential and commercial uses, provided that such residential use (i.e., multi-family, single-family attached, or townhouse) contains housing that is affordable by right in accordance with LDC section 4.02.40 and complies with the design criteria contained in LDC section 4.02.38.

~~4846~~. Mortgage bankers and loan correspondents (6162).

- Remainder of list to be renumbered accordingly -

~~7775~~. An existing lawful structure over 1,800 sq. ft. as of July 14, 2014 may be occupied by any C-2 permitted use with a 1,800 sq. ft. or greater limitation.

* * * * *

C. Commercial Intermediate District (C-3). The purpose and intent of the commercial intermediate district (C-3) is to provide for a wider variety of goods and services intended for areas expected to receive a higher degree of automobile traffic. The type and variety of goods and services are those that provide an opportunity for comparison shopping, have a trade area consisting of several neighborhoods, and are preferably located at the intersection of two-arterial level streets. Most activity centers meet this standard. This district is also intended to allow all of the uses permitted in the C-1 and C-2 zoning districts typically aggregated in planned shopping centers. This district is not intended to permit wholesaling type of uses, or land uses that have associated with them the need for outdoor storage of equipment and merchandise. A mixed-use project containing a residential component is permitted in this district subject to the criteria established herein. The C-3 district is permitted in accordance with the locational criteria for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. Housing may also be a component of this district as provided for through conditional use approval or as a permitted use as housing that is affordable by right in accordance

1 with the Mixed-Income Housing Program. The maximum density permissible in the C-3
2 district and the urban mixed use land use designation shall be guided, in part, by the
3 density rating system contained in the future land use element of the Collier County GMP.
4 The maximum density permissible or permitted in the C-3 district shall not exceed the
5 density permissible under the density rating system as provided in the FLUE.
6

7 1. The following uses, as identified with a number from the Standard Industrial
8 Classification Manual (1987), or as otherwise provided for within this section are
9 permissible by right, or as accessory or conditional uses within the commercial
10 intermediate district (C-3).
11

12 a. Permitted uses.

13 1. Accounting (8721).
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17 30. Drug stores (5912).
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19 31. Dwellings (i.e., multi-family, single-family attached, or townhouse),
20 provided such use contains housing that is affordable by right in
21 accordance with LDC section 4.02.40. If mixed use, see 60. below.
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23 ~~32~~31. Eating places (5812 only) with 6,000 square feet or less in gross
24 floor area in the principal structure. All establishments engaged in
25 the retail sale of alcoholic beverages for on-premise consumption
26 are subject to locational requirements of section 5.05.01.
27

28 ~~33~~32. Educational plants and public schools subject to LDC section
29 5.05.14.
30

31 ~~34~~33. Engineering services (8711).
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33 ~~35~~34. Essential services, subject to section 2.01.03.
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35 ~~36~~35. Federal and federally-sponsored credit agencies (6111).
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37 ~~37~~36. Food stores (groups 5411—5499) with 5,000 square feet or less of
38 gross floor area in the principal structure.
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40 ~~38~~37. Funeral services (7261, except crematories).
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42 ~~39~~38. Garment pressing, and agents for laundries and drycleaners
43 (7212).
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45 ~~40~~39. Gasoline service stations (5541, subject to section 5.05.05).
46

47 ~~41~~40. General merchandise stores (5331—5399) with 5,000 square feet
48 or less of gross floor area in the principal structure.
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- 1 ~~4241.~~ Glass stores (5231) with 5,000 square feet or less of gross floor
- 2 area in the principal structure.
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- 4 ~~4342.~~ Group care facilities (category I and II, except for homeless
- 5 shelters); care units, except for homeless shelters; nursing homes;
- 6 assisted living facilities pursuant to § 429.02 F.S. and ch. 589A-36
- 7 F.A.C.; and continuing care retirement communities pursuant to ch.
- 8 651 F.S. and ch. 69O-193 F.A.C.; all subject to LDC section
- 9 5.05.04.
- 10
- 11 ~~4443.~~ Hardware stores (5251) with 1,800 square feet or less of gross floor
- 12 area in the principal structure.
- 13
- 14 ~~4544.~~ Health services, offices and clinics (8011—8049).
- 15
- 16 ~~4645.~~ Home furniture and furnishings stores (5712—5719) with 5,000
- 17 square feet or less of gross floor area in the principal structure.
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- 19 ~~4746.~~ Home health care services (8082).
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- 21 ~~4847.~~ Household appliance stores (5722) with 5,000 square feet or less
- 22 of gross floor area in the principal structure.
- 23
- 24 ~~4948.~~ Insurance carriers, agents and brokers (6311—6399, 6411).
- 25
- 26 ~~5049.~~ Labor unions (8631).
- 27
- 28 ~~5150.~~ Landscape architects, consulting and planning (0781).
- 29
- 30 ~~5251.~~ Laundries and drycleaning, coin operated — self service (7215).
- 31
- 32 ~~5352.~~ Laundries, family and commercial (7211).
- 33
- 34 ~~5453.~~ Legal services (8111).
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- 36 ~~5554.~~ Libraries (8231).
- 37
- 38 ~~5655.~~ Loan brokers (6163).
- 39
- 40 ~~5756.~~ Management services (8741 and 8742).
- 41
- 42 ~~5857.~~ Marinas (4493), subject to section 5.05.02.58.Membership
- 43 organizations, miscellaneous (8699).
- 44
- 45 ~~5958.~~ Membership organizations, miscellaneous (8699).
- 46
- 47 60. Mixed residential and commercial uses, provided that such
- 48 residential use (i.e., multi-family, single-family attached, or
- 49 townhouse) contains housing that is affordable by right in

accordance with LDC section 4.02.40 and **complies with the design criteria contained in LDC section 4.02.38.**

~~6159.~~ Mortgage bankers and loan correspondents (6162).

- Remainder of list to be renumbered accordingly -

~~9997.~~ An existing lawful structure over 5,000 sq. ft. as of July 14, 2014 may be occupied by any C-3 permitted use with a 5,000 sq. ft. or greater limitation.

* * * * *

D. General Commercial District (C-4). The general commercial district (C-4) is intended to provide for those types of land uses that attract large segments of the population at the same time by virtue of scale, coupled with the type of activity. The purpose and intent of the C-4 district is to provide the opportunity for the most diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions, at a larger scale than the C-1 through C-3 districts. As such, all of the uses permitted in the C-1 through C-3 districts are also permitted in the C-4 district. The outside storage of merchandise and equipment is prohibited, except to the extent that it is associated with the commercial activity conducted on-site such as, but not limited to, automobile sales, marine vessels, and the renting and leasing of equipment. Activity centers are suitable locations for the uses permitted by the C-4 district because most activity centers are located at the intersection of arterial roads. Therefore the uses in the C-4 district can most be sustained by the transportation network of major roads. The C-4 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. Housing may also be a component of this district as a permitted use provided for through provisions for housing that is affordable by right in accordance with the Mixed-Income Housing Program. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system as provided in the FLUE.

1. The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the general commercial district (C-4).

a. Permitted uses.

1. Accounting (8721).

* * * * *

47. Drug stores (5912).

48. Dwellings (i.e., multi-family, single-family attached, or townhouse), provided such use contains house that is affordable by right in accordance with LDC section 4.02.40. If mixed use, see 88. below.

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~~4948.~~ Eating and drinking establishments (5812 and 5813) excluding bottle clubs. All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of LDC section 5.05.01.

- Remainder of list to be renumbered accordingly -

87. Membership sports and recreation clubs, indoor (7997).

88. Mixed residential and commercial uses, provided that such residential use (i.e., multi-family, single-family attached, or townhouse) contains housing that is affordable by right in accordance with LDC section 4.02.40 and the design criteria contained in LDC section 4.02.38.

- Remainder of list to be renumbered accordingly -

~~1442.~~ Any other general commercial use which is comparable in nature with the list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

* * * * *

E. Heavy Commercial District (C-5). In addition to the uses provided in the C-4 zoning district, the heavy commercial district (C-5) allows a range of more intensive commercial uses and services which are generally those uses that tend to utilize outdoor space in the conduct of the business. The C-5 district permits heavy commercial services such as full-service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services, and similar uses that typically have a need to store construction associated equipment and supplies within an enclosed structure or have showrooms displaying the building material for which they specialize. Outdoor storage yards are permitted with the requirement that such yards are completely enclosed or opaquely screened. The C-5 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. Housing may also be a component of this district as a permitted use as provided for through provisions for housing that is affordable by right in accordance with the Mixed-Use Income Housing Program. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system as provided in the FLUE.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the heavy commercial district (C-5).

a. Permitted uses.

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1. Accounting (8721).

* * * * *

55. Drug stores (5912).

56. Dwellings (i.e., multi-family, single-family attached, or townhouse), provided such use contains housing that is affordable by right in accordance with LDC section 4.02.40. If mixed use, see 109. below.

~~57~~56. Eating and drinking establishments (5812 and 5813) excluding bottle clubs. All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of LDC section 5.05.01.

- Remainder of list to be renumbered accordingly -

~~108~~107. Membership sports and recreation clubs, indoor (7997).

109. Mixed residential and commercial uses, provided that such residential use (i.e., multi-family, single-family attached, or townhouse) contains housing that is affordable by right in accordance with LDC section 4.02.40 and complies with the design criteria contained in LDC section 4.02.38.

- Remainder of list to be renumbered accordingly -

1853. Any other heavy commercial use which is comparable in nature with the list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

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2.05.01 - Density Standards and Housing Types

A. Where residential uses are allowable, the following density standards and housing type criteria shall apply.

Housing Type: Zoning District:	Single-family	Duplex	Townhouse	Multifamily	Mobile Home	Cluster	Guest House	Caretaker Units (number allowed)	Timeshare	Recreational vehicles ¹	Maximum Density ^{2, 17} (units per gross acre)
GC								Two			
A	✓				S		✓				0.2 (1 unit per 5 acres)

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Text underlined is new text to be added

Text strikethrough is current text to be deleted

E	✓						✓				0.44 (1 unit per 2.25 acres)
RSF-1	✓					✓	✓				1
RSF-2	✓					✓	✓				2
RSF-3	✓					✓	✓				3
RSF-4	✓					✓	✓				4
RSF-5	✓					✓	✓				5
RSF-6	✓					✓	✓				6
RMF-6	✓	✓	✓	✓		✓	✓				6
RMF-12	S	✓	✓	✓							12
RMF-16			✓	✓							16
RT ^{3,17}									✓		26
RT ^{4,17}			✓	✓					✓		16
RT ^{5,17}			✓	✓					✓		16
VR ⁶	✓				✓	✓					7.26
VR ⁷		✓				✓					8.71
VR ⁸				✓		✓					14.52
MH ⁹					✓			One			7.26
TTRVC								One	✓		12
C-1 ¹⁰			✓	✓				One			16
C-2 ¹⁰			✓	✓				One			16
C-3 ¹⁰			✓	✓				One			16
C-4 ¹⁰			✓	✓				One		<u>16</u>	
C-5 ¹⁰			✓	✓				One		<u>16</u>	
I								One			
BP								One			
CON ¹¹	✓										0.2 (1 unit per 5 acres) 0.33 (1 unit per 3 acres) Big Cypress
BMUD ¹²	S	S	S	S							12
GTMUD ¹²	S	S	S	S							12
R-1	✓	✓	✓	✓							
R-2	✓	✓	✓	✓							
GZO	Per underlying zoning district										
VB-RTO ¹⁷			✓	✓					✓		16 for timeshare mf & twnhses; 26 for hotels and motels
GGPOD			✓	✓							Per the GMP
RFMU ¹³	✓				✓ ¹⁶						0.025 (1 unit per 40 acres)

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Text underlined is new text to be added

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

RFMU ¹⁴	✓	✓	✓	✓	✓ ¹⁶	✓	✓	✓			0.2 (1 unit per 5 acres)
RFMU ¹⁵	✓	✓	✓	✓	✓ ¹⁶	✓	✓	✓		✓	0.2 (1 unit per 5 acres)
MHO					✓						0.2 (1 unit per 5 acres)

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Legend:

S = permitted subject to supplemental standards

¹ Recreational vehicles include travel trailers, park models, pickup coaches, and motor homes.

² Density is calculated as the number of residential dwelling units per gross acre (see definition of density, residential). Generally, in all zoning districts except for A, E and CON, this indicates the maximum allowable density, including any applicable density bonuses per the density rating system in the growth management plan, and density allocated for housing that is affordable by right through the Mixed-Income Housing Program as provided in the Future Land Use Element of the Collier County Growth Management Plan (FLUE) and LDC section 4.02.40. Density may be restricted by the board of county commissioners at the time of rezoning to something less than the maximum, as indicated parenthetically on the official zoning atlas maps. For example, "RMF-6(4)" allows all uses and development standards of the RMF-6 zoning district but density is limited to 4 dwelling units per acre.

³ A maximum of 26 dwelling units per acre are allowed for hotels and motels. A hotel or motel in Port of the Islands may offer timeshare units and retain the density of 26 units per acre. Outside of Port of the Islands, a hotel or motel or multi-family structure including a condominium which offers timeshare units is permitted a density of up to 16 units per acre.

⁴ For RT zoning located inside Activity Centers as designated on the Growth Management Plan's Future Land Use Map, residential units (including those for timeshares and multifamily uses) are allowed at a maximum of 16 dwelling units per acre. Similarly for RT zoning not located within Activity Centers but in existence at the time of adoption of the LDC (October 30, 1991), residential units are allowed at a maximum of 16 units per acre.

⁵ For RT zoning not located within Activity Centers and not in existence at the time of adoption of this LDC (October 30, 1991), allowed density is per the density rating system up to 16 dwelling units per acre. The calculation of density shall be based on the land area defined by a lot(s) of record.

⁶ Density for single-family and mobile home, with or without clustering.

⁷ Density for duplex, with or without clustering.

⁸ Density for multi-family, with or without clustering.

⁹ In the MH district, modular homes are allowable.

10 Properties zoned C-1 through C-3 may have associated residential densities, through
11 conditional use approval, in instances of mixed-use development pursuant to the Future
12 Land Use Element of the Growth Management Plan. In addition, properties zoned C-1
13 through C-5 that have been found to be “Consistent by Policy” through the Collier County
14 Zoning Re-evaluation Program may contain housing that is affordable by right as a
15 permitted use (i.e., multi-family, single-family attached, or townhouse) pursuant to the
16 FLUE and LDC section 4.02.40. Mixed use developments are subject to the applicable
17 standards in LDC section 4.02.38.

11 The density of 1 dwelling unit per 3 gross acres only applies to private in-holdings within
12 the Big Cypress National Preserve that were in existence prior to October 14, 1974.

12 Maximum allowable density in the BMUD and GTMUD overlays is attained through the
13 Mixed Use Project (MUP). Approval Process pursuant to the regulations in the Overlays.

13 One dwelling unit per 40 acres is the maximum density permitted in RFMU Sending Lands
14 (see LDC section 2.03.08).

14 One dwelling unit per 5 acres is the maximum density permitted in RFMU Neutral Lands
15 (see LDC section 2.03.08).

15 One dwelling unit per acre is the maximum density permitted in RFMU Receiving Lands
16 located outside of a Rural Village with redemption of Transfer of Development Rights
17 (TDR) credits; 0.2 units per acre is the maximum density permitted in RFMU Receiving
18 Lands without redemption of TDR credits; 3 dwelling units per acre is the maximum density
19 per acre in RFMU Receiving Lands located within a Rural Village with the redemption of
20 TDR credits (see LDC section 2.03.08).

16 Only if Mobile Home Overlay exists.

17 Lock-off unit: Where the floor area of a timeshare unit or hotel room contains lock-off
18 accommodations, which can be occupied separately from the main living unit, each lock-
19 off accommodation shall be counted as a full timeshare unit when computing the allowable
20 density.

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23 **2.06.03 - AHDB Rating System**

24 A. The AHDB rating system shall be used to determine the amount of the AHDB which may
25 be granted for a development, based on household income level, type of affordable
26 housing units (owner-occupied or rental, single-family or multi-family), and percentage of
27 affordable housing units in the development. To use the AHDB rating system, Table A
28 below, shall be used. Table A shall be reviewed and updated, if necessary, on an annual
29 basis by the BCC or its designee.

30 Table A. Affordable Housing Density Bonus
31 (Additional Available Dwelling Units Per Gross Acre)

Maximum Allowable Density Bonus by Percent of Development Designated as Affordable Housing ^{1,2,3}										
Product (% of MI)	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Gap (>120—≤140) ^{4,5}	1	2	3	4	5	6	7	8	n/a	n/a
Moderate (>80—≤120) ⁴	2	4	5	6	7	8	9	10	11	12
Low (>50—≤80)	3	6	7	8	9	10	11	12	12	12
Very-Low (≤50)	7	8	9	10	11	12	12	12	12	12

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- 1 Total Allowable Density = Base Density + Affordable Housing Density Bonus. In no event shall the maximum gross density exceed that which is allowed pursuant to the GMP.
- 2 Developments with percentages of affordable housing units which fall in between the percentages shown on Table A shall receive an AHDB equal to the lower of the two percentages it lies between, plus 1/10 of a residential dwelling unit per gross acre for each additional percentage of affordable housing units in the development.
- 3 Where more than one type of affordable housing unit (based on level of income shown above) is proposed for a development, the AHDB for each type shall be calculated separately. After the AHDB calculations for each type of affordable housing unit have been completed, the AHDB for each type of unit shall be added to those for the other type(s) to determine the maximum AHDB available for the development. In no event shall the AHDB exceed 12 dwelling units per gross acre.

4 May only be used in conjunction with at least 20% at or below 120% MI. ~~Owner-occupied only.~~
~~5 ——— May only be used in conjunction with at least 20% at or below 120% MI.~~

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2.07.00 –Mixed-Income Housing Program for Housing that is Affordable

2.07.01 – Purpose and Intent

- A. This section is intended to incentivize developments that provide a mix of housing affordability, including units that are affordable to gap-, moderate-, low-, or very-low-income levels through the use of density bonuses, which allows for an increase in the number of residential dwelling units per acre on property proposed for development, thereby decreasing the per unit cost of land and development.
- B. This objective is accomplished by implementing a Mixed-Income Housing Program, which consists of a commitment by an agreement or ordinance to provide for **housing that is affordable.** The purpose of the Program is to provide increased residential densities to developers who guarantee that a portion of their housing development will provide units that are affordable at gap-, moderate-, low-, or very-low-income levels, thus expanding housing opportunities for households throughout the county, as specified in LDC section 4.02.40, LDC section 4.02.41, and LDC section 4.02.42.

1
2 2.07.02 – Program Criteria
3

4 The following conditions shall apply to all developments associated with the Mixed-Income
5 Housing Program.
6

7 A. Mixed-Income Housing Program Eligibility.
8

9 1. The rental price or sales price for all units designated as housing that is affordable
10 within the project must be affordable to households at income levels identified in
11 the below chart to qualify for the allowable density bonuses outlined in LDC section
12 4.02.40, LDC section 4.02.41, and LDC section 4.02.42:
13

<u>Income Level as a percent of Median Income</u>	
<u>Gap</u>	<u>(>120 to ≤140)</u>
<u>Moderate</u>	<u>(>80 to ≤120)</u>
<u>Low</u>	<u>(>50 to ≤80)</u>
<u>Very Low</u>	<u>(≤50)</u>

14
15 2. At the time of application for the Development Order, the developer must identify
16 the total number of housing units within the development and the total number of
17 units that are affordable, categorized by level of income, type of unit (i.e., single-
18 family or multifamily, owner-occupied or rental), and number of bedrooms per unit.
19

20 3. The ratio of the number of bedrooms per unit for housing that is affordable shall be
21 equal to or greater than the number of bedrooms per unit for the market rate
22 housing within an entire project.
23

24 4. The units that are affordable shall be intermixed with, and not segregated from, the
25 market rate units in the development.
26

27 5. In order to qualify for the density bonus through the Mixed-Income Housing
28 Program, the developer must comply with the provisions of this section and record
29 a Mixed-Income Housing Commitment by agreement or ordinance.
30

31 B. Mixed-Income Housing Commitment. The commitment to provide Housing that is
32 Affordable through the Mixed-Income Housing Program will be by agreement or ordinance
33 approved by the County Manager or designee and County Attorney and shall include at a
34 minimum, the following provisions:
35

36 1. Units committed as affordable through the Mixed-Income Housing Program shall
37 be affordable for 30 years from the initial date of sale or rent.
38

39 2. The conditions contained in the agreement or ordinance shall constitute
40 covenants, restrictions, and conditions which shall run with the land and shall be
41 binding upon the property and the owner’s successors and assigns. This
42 commitment must be agreed to by the owner for an owner-occupied unit or by the
43 developer for renter-occupied units, in a lien instrument to be recorded with the
44 Clerk of the Circuit Court of Collier County, Florida.
45

1 3. No unit that is committed as affordable through the Mixed-Income Housing
2 Program shall be rented to a tenant whose household income has not been verified
3 and certified in accordance with this section. Such verification shall be the
4 responsibility of the developer and shall be submitted to the County Manager or
5 designee for certification.

6
7 4. No unit that is committed as affordable through the Mixed-Income Housing
8 Program shall be sold, leased with option to purchase, or otherwise conveyed to a
9 buyer whose household income has not been verified and certified in accordance
10 with this section. Such verification shall be the responsibility of the developer and
11 shall be submitted to the County Manager or designee for certification. It is the
12 intent of this section to keep housing affordable; therefore, any person who buys
13 a Mixed-Income Housing Program unit must agree, in a lien instrument to be
14 recorded with the Clerk of the Circuit Court of Collier County, Florida, that if the
15 property is sold (to a non-income qualified buyer, including the land and/or the unit)
16 within 30 years after the original purchase at a sales price in excess of five percent
17 per year of the original purchase price that he/she will pay to the Collier County
18 Affordable Housing Trust Fund an amount equal to one-half of the sales price in
19 excess of the five percent increase per year. The lien instrument may be
20 subordinated to a qualifying first mortgage.

21
22 C. Income Verification and Certification. Evidence of income must be verified and certified
23 by the County Manager or designee on a form approved by the County Attorney prior to
24 issuance of certificate of occupancy for each unit that is committed as affordable through
25 the Mixed-Income Housing Program.

26
27 1. For owner-occupied units, an income verification form must be submitted by the
28 developer, and a certification letter must be obtained from the County Manager or
29 designee stating that the household income meets the applicable income level
30 threshold required for the unit prior to issuance of certificate of occupancy for that
31 unit.

32
33 2. For rental units, an income verification form must be submitted by the developer
34 or its successor once prior to the issuance of the certificate of occupancy for the
35 unit and at year six (6) and year eleven (11) following the initial certificate of
36 occupancy. A certification letter must be obtained from the County Manager or
37 designee stating that the household income meets the applicable income level
38 threshold required for the unit in order for the certificate of occupancy to be issued
39 and to remain in effect at time of re-certification for that unit.

40
41 D. Violations and Enforcement.

42
43 1. It is a violation of LDC section 2.07.00 to rent, sell or occupy, or attempt to rent,
44 sell or occupy, a unit that is committed as affordable through the Mixed-Income
45 Housing Program except as specifically permitted by the terms of LDC section
46 2.07.00, or to knowingly give false or misleading information with respect to any
47 information required or requested by the County Manager or designee or by other
48 persons pursuant to the authority which is delegated to them by LDC section
49 2.07.00.

50

2. The County Manager or designee shall have full power to enforce the terms of this section and any developer agreements, rezoning conditions or stipulations, and PUD conditions and stipulations, pursuant to this section and the rights, privileges, and conditions described herein, by action at law or equity. In the event that it is determined that a violation has occurred and has not or will not be corrected within 60 days, the CO for the unit subject to the violation shall be withdrawn and the sanctions or penalties provided in the Mixed-Income Housing Program affordability commitment shall be pursued to the fullest extent allowed by law.

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4.02.01 – Dimensional Standards for Principal Uses in Base Zoning Districts

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Table 2. Building Dimension Standards for Principal Uses in Base Zoning Districts.

* * * * *

Zoning District	Maximum Building Height (feet)	Minimum Distance Between Buildings	Minimum Floor Area of Buildings (square feet)	Floor Area Ratio (%)
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* * * * *

C-1	35	None <u>or E</u>	<u>Efficiency: 450</u> <u>1 Bedroom: 600</u> <u>2+ Bedroom: 750</u> <u>For all other uses: 1,000 (ground floor)</u>	None
C-2	35	A <u>or E</u>	<u>Efficiency: 450</u> <u>1 Bedroom: 600</u> <u>2+ Bedroom: 750</u> <u>For all other uses: 1,000 (ground floor)</u>	None
C-3	50	None <u>or E</u>	<u>Efficiency: 450</u> <u>1 Bedroom: 600</u> <u>2+ Bedroom: 750</u> <u>For all other uses: 700 (ground floor)</u>	None
C-4	75 <u>or E</u>	A <u>or E</u>	<u>Efficiency: 450</u> <u>1 Bedroom: 600</u> <u>2+ Bedroom: 750</u> <u>For all other uses: 700 (ground floor)</u>	Hotels .60 Destination resort .80
C-5	35	A <u>or E</u>	<u>Efficiency: 450</u> <u>1 Bedroom: 600</u> <u>2+ Bedroom: 750</u> <u>For all other uses: 700 (ground floor)</u>	Hotels .60 Destination resort .80

* * * * *

Overlay Districts	See table of special design requirements applicable to overlay districts.
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A = 50% of the sum of the heights of the buildings, but not less than 15 feet.

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- B = 50% of the sum of the heights of the buildings.
- C = Buildings within 100 feet of an adjoining district are limited to the height of the most restrictive of an adjoining district.
- D = 50% of the sum of the heights of the buildings, but not less than 25 feet.
- E = The minimum distance between structures for housing that is affordable by right in commercial districts shall be in accordance with LDC section 4.02.40.
- F = The maximum height shall be restricted to 50 feet for housing that is affordable by right in the C-4 district.

1. Principal Structure Minimum Yard (Setback) Requirements: Table 2.1, below, provides the minimum yard requirements for principal structures on conforming lots of record in base zoning districts. The following shall apply for all other lots:
 - a. Corner Lots: Corner lots shall have front yards along each street frontage. The other yards shall be considered side yards. See LDC section 2.03.01 for Estates setbacks.
 - b. Nonconforming Lots of Record: Minimum yard requirements for nonconforming lots of record are provided in LDC section 9.03.03 A.

Table 2.1 - TABLE OF MINIMUM YARD REQUIREMENTS (SETBACKS) FOR BASE ZONING DISTRICTS

Note as to setback line measurement: minimum setback lines are typically measured from the legal boundary of a lot, regardless of all easements burdening a lot, with the exception of easements that comprise a road right-of-way where the minimum setback line is to be measured from the road right-of-way easement line.

Zoning district	Minimum Front Yard (feet)	Minimum Side Yard (feet)				Minimum Rear Yard (feet)	Public School Requirements
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C-1	25	Residential 25 <u>or g</u>	Non-residential 15	Residential 25 <u>or g</u>	Non-Residential 15	x
C-2	25	25 <u>or g</u>	15	25 <u>or g</u>	15	x
C-3 ³	c	25 <u>or g</u>	a	25 <u>or g</u>	a	x
C-4 ⁴	d	25 <u>or g</u>	a	25 <u>or g</u>	a	x
C-5 ⁴	25	25 <u>or g</u>	15	25 <u>or g</u>	15	x

* * * * *

- 1 MH District - additional yard requirements: side yard setback from a public road that is external to the boundary of the park = 50 ft.; the minimum setback on any side from the exterior boundary of the park = 15 ft.

DRAFT

Text underlined is new text to be added

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1 2 TTRVC District - additional yard requirements: setback from exterior boundary of
2 park = 50 ft.; setback from an external street = 50 ft., setback from an internal street
3 = 25 ft.; setback from any building or other structure = 10 ft.

4
5 3 C-3 District - minimum setback on any side that is waterfront = 25 ft.; setback for
6 marinas = none.

7
8 4 C-4, C-5 and I Districts - minimum setback on any side that is waterfront = 25 ft.;
9 setback for marinas = none; setback on any side adjacent to a railroad right-of-
10 way = none

11
12 5 Any non-conforming platted lot of record in the CON District that existed before
13 November 13, 1991, will be subject to the following standards:

14
15 Front yard: 40 feet.

16
17 Side yard: ten percent of the lot width, but no more than 20 feet on each side.

18
19 Rear Yard: 30 feet.

20
21 a = 50% of the building height, but not less than 15 feet.

22
23 b = 50% of the building height, but not less than 30 feet.

24
25 c = 50% of the building height, but not less than 25 feet.

26
27 d = 50% of the building height, but not less than 25 feet. Structures 50 feet or more in
28 height = 25 feet plus one additional foot of setback for each foot of building height over 50
29 feet.

30
31 e = the total of all side yard setbacks shall equal 20% of the lot width, with a maximum of
32 50 feet. No side yard shall be less than 10 feet. Alternative dimensions may be possible
33 when approved through a unified plan of development involving one or more lots under
34 common ownership where the yard requirements are met for the unified site but not
35 necessarily for each parcel within the unified site.

36
37 f = the yard requirements shall be equal to the most restrictive adjoining district.

38
39 g = The minimum setback for housing that is affordable by right in commercial districts
40 where abutting any property occupied by or zoned to allow a single family dwelling unit
41 shall be in accordance with LDC section 4.02.40.

42
43 x = for principal structures: 50 feet from all property lines; for accessory structures: 25 feet
44 from all property lines.

45
46 # # # # # # # # # # # # #

4.02.38 - Specific Design Criteria for Mixed Use Development within C-1 through C-5~~C-3~~
Zoning Districts

A. Purpose and Scope. The Commercial Mixed Use design criteria are to encourage the development and the redevelopment of commercially zoned properties with a mix of residential and commercial uses. Such mixed-use projects are intended to be developed at a human-scale with a pedestrian orientation, interconnecting with adjacent project, whether commercial or residential. A Commercial Mixed Use Project is allowed in the Urban Mixed Use District contained within the FLUE and subject to the standards and criteria set forth under the Commercial Mixed Use by Right Subdistrict in the Urban-Commercial District and the regulations contained herein.

B. Applicability.

1. All mixed use development on properties zoned C-1, C-2, ~~or~~ and C-3 that are subject to conditional use approval, excluding where located in the GGPOD, shall be subject to the. ~~These~~ regulations ~~shall apply to all mixed-use projects proposed within these zoning, subject to the~~ and design criteria set forth in this section. The design criteria address the relationship of buildings, parking, vehicular, and pedestrian movement to create a pedestrian oriented experience. Buildings are encouraged to be built close to the vehicular and pedestrian way to create a continuous active and vibrant streetscape utilizing the architecture, landscaping, lighting, signage, and street furnishings. Vehicular travelways support two-way traffic and on street parking. A logical pedestrian pathway system is provided throughout that connects the pedestrian movements from one use to another or within use areas. Building arcades and awnings are allowed to extend over the sidewalk to create shade and encourage pedestrian activity. Signage design shall be carefully integrated with site and building design to create a unified appearance for the project. Creativity in the design of signs is encouraged in order to emphasize the unique character of the project. Projects utilizing these design criteria will be developed in compliance with the LDC, except as specified herein.

2. Projects utilizing the Mixed Income Housing Program with mixed use development by right on properties zoned C-1 through C-5 shall be exempt from LDC sections 4.02.38 D. and E, and other criteria as noted.

C. *Commercial Mixed Use Design Criteria.* ~~Projects utilizing the Commercial Mixed Use option within a C-1, C-2, or C-3 Zoning District shall comply with the following standards and criteria:~~

~~1.~~ ~~These design criteria are applicable to the C-1 through C-3 zoning districts, excluding where located in the GGPOD.~~

12. Commercial uses and development standards shall be in accordance with the commercial zoning district on the subject property, unless modified within these regulations.

23. Residential density is calculated based upon the gross commercial project acreage.

1 a. All mixed use development on properties zoned C-1, C-2, or C-3 that are
2 subject to conditional use approval, excluding where located in the
3 GGPOD, shall be subject to the following density limits:

4 ~~For property in the Urban Residential Fringe Subdistrict, density~~
5 ~~shall be as limited by that subdistrict.~~

6
7
8 i. For property not within the Urban Residential Fringe Subdistrict, but
9 within the Coastal High Hazard Area, density shall be limited to 4
10 dwelling units per acre; density in excess of 3 dwelling units per
11 acre must be comprised of affordable-workforce housing that is
12 affordable in accordance with LDC section Section 2.06.00 of the
13 Land Development Code, Ordinance No. 04-41, as amended.

14
15 ii. For property not within the Urban Residential Fringe Subdistrict and
16 not within the Coastal High Hazard Area, density shall be limited to
17 16 dwelling units per acre; density in excess of 3 dwelling units per
18 acre and up to ~~1544~~ dwelling units per acre must be comprised of
19 affordable-workforce housing that is affordable in accordance with
20 LDC section 2.06.00 of the Land Development Code, Ordinance
21 No. 04-41, as amended. ~~In case of residential uses located within a~~
22 ~~building attached to a commercial building or in the case of a~~
23 ~~freestanding residential building, square footage and acreage~~
24 ~~devoted to residential uses shall not exceed 70 percent of the gross~~
25 ~~building square footage and acreage of the project.~~

26
27 b. The maximum allowable density for projects utilizing the Mixed Income
28 Housing Program with mixed use development by right on properties zoned
29 C-1 through C-5 shall be in accordance with LDC section 4.02.40.

30
31 3. Mix of Uses. Mixed use developments subject to LDC section 4.02.38 shall
32 promote a combination of land uses within a project in accordance with certain
33 land use mix percentages. All mixed use development on properties zoned C-1,
34 C-2, or C-3 that are subject to conditional use approval, excluding where located
35 in the GGPOD, shall be subject to the following mix of use limits:

36
37 a. In the case of residential uses located within a building attached to a
38 commercial building or in the case of a freestanding residential building,
39 square footage and acreage devoted to residential uses shall not exceed
40 70 percent of the gross building square footage and acreage of the project.

41
42 b. For projects utilizing the Mixed Income Housing Program with mixed use
43 development by right on properties zoned C-1 through C-5, the gross
44 building square footage devoted to residential uses shall not exceed 75
45 percent of the total gross building square footage within the development
46 and acreage of the project. This ratio is applicable whether it is vertically
47 mixed (mix of uses contained within the same building) or horizontally
48 mixed (mix of uses within separate buildings).

49

- 1 4. The project shall provide street, pedestrian pathway and bike lane interconnections
- 2 with adjacent properties, where possible and practicable. For projects subject to
- 3 architectural design standards, see LDC section 5.05.08 F. for related provisions.
- 4
- 5 5. The project shall, to the greatest extent possible, use a grid street system, or
- 6 portion thereof, so as to afford maximum opportunity for interconnections with
- 7 surrounding properties and to provide multiple route alternatives.
- 8

D. *Pedestrian Pathways.*

- 10 1. This design criteria is only applicable to streets internal to commercial mixed use
- 11 projects, it is not applicable to project portions fronting on existing collector or
- 12 arterial roadway.
- 13
- 14 2. The pedestrian pathways along the main streets shall be a minimum of 21 feet in
- 15 width. (See diagram below.)
- 16
- 17 3. Pedestrian pathways shall be provided pursuant to Collier County LDC Section
- 18 4.02.38 D. and shall include: street furnishings, a street tree planting zone, and a
- 19 pedestrian travel zone. (This is not applicable to internal parking lots.)
- 20
- 21 4. Overhead arcades, awnings or canopies, may extend over the dining and display
- 22 zone, as well as, the pedestrian travel zone at a minimum height of 8 feet.
- 23 Furnishings or other obstructions shall be kept out of the pedestrian travel zone.
- 24
- 25 5. Outdoor dining at building arcades or outdoor areas may be enclosed by planters,
- 26 decorative fencing, or comparable moveable barriers. The dining area shall not
- 27 encroach into the pedestrian travel zone.
- 28
- 29 6. Building elements in the form of arcades, overhangs, signage, marquees, bay
- 30 windows, and structural supports shall be allowed to extend over the pedestrian
- 31 travel zone. These allowable overhead encroachments shall be have a minimum
- 32 clearance of 8 feet height above the sidewalk.
- 33
- 34

E. *Street Furnishings & Street Plantings.*

- 35 1. This design criteria is only applicable to streets internal to commercial mixed use
- 36 projects, it is not applicable to project portions fronting on existing collector or
- 37 arterial roadways.
- 38
- 39 2. Street furnishings shall be provided in conjunction with the street tree planting
- 40 zone. Street furnishings shall include benches per LDC Section 4.06.03B.8, one
- 41 waste/recycling receptacle per 300 lineal feet of street frontage, and bike racks per
- 42 LDC Section 4.05.08. Street furnishings may also include bus shelters, information
- 43 kiosks, and similar furnishings.
- 44
- 45 3. Site furnishings (not associated with an individual business) shall be coordinated
- 46 and fabricated of compatible materials.
- 47
- 48
- 49

- 1 4. Visual obstructions shall not be allowed within sight triangles/spaces at street
2 intersections pursuant to 4.06.01 D.1 of the LDC.
- 3
- 4 5. The street tree planting zone shall have a minimum width of 5 feet and a minimum
5 length of 10 feet and be located parallel to the curb. Root barriers are required to
6 protect sidewalks and utilities.
- 7
- 8 i. Within the street tree planting zone, street trees shall be spaced at a rate
9 of 40 feet on center and may be clustered. The street tree pattern may be
10 interrupted by overhead arcades, utilities, and pedestrian access. Trees
11 shall have a minimum height at the start of branching of 8 feet and have an
12 overall planting height of 16 feet. Palm trees are allowed as a substitute to
13 canopy trees where building elements (reference LDC 2.03.06.G.3.e, and
14 LDC 2.03.06G.7.b.i. and ii.) are closer to the street and the amount of space
15 for landscaping, the pedestrian travel zone, and street furnishings will not
16 allow canopy trees. Areas for canopy trees should be included at plazas,
17 street intersections, and other areas where buildings are set back and
18 space will allow.
- 19
- 20 ii. Plantings shall include a variety of tree and shrub species with at least 50
21 percent of the required trees and 35 percent of the required shrubs being
22 plants native to Florida.
- 23
- 24 iii. Planting zones at the ground plane shall include turf grass; groundcover,
25 low shrubs or flowering plants.
- 26

27 **F. Landscape.**

- 28
- 29 1. This design criteria is only applicable to streets internal to commercial mixed use
30 projects, it is not applicable to project portions fronting on existing collector or
31 arterial roadway.
- 32
- 33 2. Provide a variety of tree and shrub species with at least 50 percent of the required
34 trees and 35 percent of the required shrubs being plants native to Florida.
- 35
- 36 3. Canopy trees used in open landscape areas (other than street trees) shall be a
37 minimum of 10 feet in height, having a 4-foot diameter spread and a minimum
38 caliper of 1¾ inches.
- 39
- 40 4. Plantings shall be a maximum of 25 percent turf grass. The balance shall be
41 groundcover, low shrubs and/or flowers located in planting areas appropriate to
42 the design.
- 43
- 44 5. Irrigation shall be provided for all planting areas. Irrigation control boxes and
45 appurtenances shall be located away from direct public view.
- 46
- 47 6. Landscape buffers per section 4.06.02 of the Code "buffer requirements" shall only
48 apply to the external boundaries of the mixed use development. Landscape buffers
49 shall not be required internal to the mixed use development project.
- 50

- 1 G. *Parking Lot Landscaping.*
- 2
- 3 1. Up to 30 percent of the landscape islands shall have a minimum width of 5 feet
- 4 inside planting area and may be planted with a palm tree equivalent.
- 5
- 6 2. Minimum tree size shall be 1-3/4" caliper and a minimum of 10 feet in height.
- 7
- 8 3. The perimeter of all parking lots fronting on public rights-of-way shall be screened
- 9 to a minimum height of 24 inches using walls, fences, landscaping or any
- 10 combination thereof.
- 11
- 12 4. Parking lot perimeter landscaping areas shall be a minimum of eight (8) feet in
- 13 width. Shrubs shall be arranged in a staggered pattern with a minimum size of 3
- 14 gallons at the time of planting to provide year-round screening. Trees shall be
- 15 included in the perimeter landscape area at a minimum spacing of one tree/palm
- 16 per 25 feet of linear frontage. Street trees planted within the right-of-way may be
- 17 used to meet this requirement.
- 18

- 19 H. *Building Foundation Plantings.*
- 20
- 21 1. Building foundation plantings shall be required per section 4.06.05 of the Code,
- 22 except as follows. The building regardless of its size, shall provide the equivalent
- 23 of 10 percent of its ground level floor area, in building foundation planting area. A
- 24 continuous building foundation planting width is not required per section 4.06.05
- 25 of the Code. However, the foundation plantings shall be located within 21 feet of
- 26 the building edge in the form of landscaped courtyards and seating area
- 27 landscaping.
- 28

- 29 I. *Building Architectural Standards.*
- 30
- 31 1. The Mixed Use Projects shall include architectural features that provide visually
- 32 interesting building design at a scale appropriate for pedestrian and automobile.
- 33
- 34 a. Building façades shall be designed to reduce the mass and scale of the
- 35 building, by providing arcades, windows, entry features, and other design
- 36 treatments in compliance with section 5.05.08 of the LDC except as follows;
- 37
- 38 b. Covered pathways and arcades shall be constructed with columns a
- 39 minimum width of 12 inches, if masonry and 10 inches wide, if constructed
- 40 of finished steel products.
- 41
- 42 c. For buildings 3 stories or more, pedestrian scale at the street level shall be
- 43 maintained by incorporation of façade variations such as massing, texture,
- 44 color or material on the primary façades between the first and subsequent
- 45 stories.
- 46
- 47 d. The following architectural options are in addition to the list of required
- 48 design features identified in subsection 5.05.08 D.2.:
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 - 15 i. Open arcade or covered walkway with a minimum depth of 8 feet
 - 16 and a total minimum length of 60 percent of the façade.
 - 17
 - 18 ii. A building recess or projection of the first floor with minimum depth
 - 19 of 8 feet and total minimum length of 60 percent of the façade
 - 20 length.
 - 21
 - 22 iii. Architectural elements such as balconies and bay windows with a
 - 23 minimum depth of 3 feet and that cover a minimum of 30 percent of
 - 24 the façade above the first floor. (Storm shutters, hurricane shutters,
 - 25 screen enclosures or any other comparable feature, if applied as
 - 26 part of the structure, must also comply with the required minimum
 - 27 depth).
 - 28
 - 29 J. Sign Types and Definitions shall be as provided for in section 5.06.00 the Collier County
 - 30 Sign Code.
 - 31
 - 32 K. *Parking Requirements.* Mixed-use developments have the opportunity to provide a variety
 - 33 of parking options to residents and patrons. Mixed-use projects reduce vehicular trips, and
 - 34 the number of required parking spaces by utilizing pedestrian-oriented design and
 - 35 reducing the distance between residential and commercial uses.
 - 36
 - 37 1. Definitions.
 - 38
 - 39 a. On-street parking—Parking spaces located adjacent to, and accessed
 - 40 directly from the roadway.
 - 41
 - 42 b. Off-street parking—Parking spaces located within parking lots or parking
 - 43 structures and accessed off the roadway.
 - 44
 - 45 c. Parking lot—A ground-level area utilized for parking spaces accessible
 - 46 from the road and usually adjacent to the use it serves.
 - 47
 - 48 d. Parking structure—A multi-level parking area utilized for parking spaces
 - 49 that serve establishments within walking distance of the structure. The
 - 50 structure may or may not be adjacent to the establishments it serves.
- 1 2. Design Criteria and Dimensional Requirements On-street Parking.
 - 2
 - 3 a. Design criteria only applicable to streets internal to commercial mixed use
 - 4 project, not applicable to project portion fronting on existing collector or
 - 5 arterial roadway.
 - 6
 - 7 b. Parallel parking shall be a minimum of 9 feet wide by 23 feet long. For every
 - 8 4 on-street parking spaces provided a landscape island that is 8 feet wide
 - 9 and 15 feet long and is surrounded by Type D concrete curbing, shall be
 - 10 provided in addition to the pedestrian clear zone landscape requirement.
 - 11 The corners adjacent to the travel lane shall be angled at least 45 degrees
 - 12 away from perpendicular with the curb in order to provide adequate ingress
 - 13 and egress from each parallel parking space. Each island shall be planted

1 with hedges, groundcover and/or grasses less than 36 inches high and
2 shall contain at least one small to medium ornamental tree that is a
3 minimum of 8 feet tall at the time of planting.

4
5 c. Angled parking may be 45 degrees or 60 degrees from the travel lane.
6 Spaces must be a minimum of 9 feet wide and 18 feet long. For every 4
7 on-street parking spaces provided a landscape island that is 12 feet wide
8 and 15 feet long and is surrounded by Type D concrete curbing, shall be
9 provided in addition to the pedestrian clear zone landscape requirement.
10 The island shall be planted with hedges, groundcover, and/or grasses less
11 than 36 inches high and shall contain at least one small to medium
12 ornamental tree that is a minimum of 8 feet tall at the time of planting.

13
14 3. Design Criteria and Dimensional Requirements Off-street Parking.

15
16 a. Location—Parking lots or parking structures shall be located to the rear of
17 buildings located on the main street, or the along the secondary/side
18 streets. Off-street parking shall not occur in front of the primary façade.
19 These standards shall not apply to projects utilizing the Mixed Income
20 Housing Program with mixed use development by right, in accordance with
21 LDC section 4.02.40.

22
23 b. Lots shall be designed to keep all circulation between aisles internal to the
24 lot. Driveways to parking areas shall be a minimum of 24 feet wide.

25
26 c. Ninety degree parking spaces shall have a minimum drive aisle width of 24
27 feet and stall size of 9 feet by 18 feet.

28
29 d. Sixty degree angled parking shall have a minimum drive aisle width of 20
30 feet, if one-way, and 24 feet, if two-way. Parking stall size shall be a
31 minimum of 9 feet x 18 feet.

32
33 4. Handicap Parking. Handicap parking shall be located to facilitate the most direct
34 and safest route to building entries and meet all applicable codes.

35
36 5. Parking Structures.

37
38 a. Parking structure façades shall be designed to screen views of automobiles
39 by the general public from adjacent streets and driveways.

40
41 b. Parking structures without ground floor retail or residential uses along the
42 front façade shall have a minimum 10-foot wide. Building Foundation
43 Landscaping pursuant to section 4.06.00 of the Code. Where the parking
44 structure is attached to the building or adjacent to preserve area, and the
45 preserve area meets the otherwise required landscaping, no additional
46 landscaping is required.

47
48 i. All structures with uncovered parking on the top level shall have
49 rooftop planters around the perimeter that is a minimum of 5 feet
50 wide located around a minimum of 80 percent of the perimeter of

- 1 the parking integral to the structure, or suitable architectural
- 2 features to soften the building edge.
- 3
- 4 ii. Parking structure lighting shall be a maximum of 20 feet in height.
- 5 Lighting shall incorporate full shield cut-offs to contain light to the
- 6 surface of the deck only.
- 7
- 8 iii. Parking structures are also allowed to be located below grade and
- 9 below habitable space. These structures must be accessed from
- 10 the rear of the building.
- 11
- 12 c. General Requirements and Shared Parking Agreements.
- 13
- 14 i. Design criteria only applicable to streets internal to commercial
- 15 mixed use project, not applicable to project portion fronting on
- 16 existing collector or arterial roadway.
- 17
- 18 ii. The total number of parking spaces provided in a mixed-use project
- 19 shall be determined by the intended uses as required by section
- 20 4.05.00 of the Code, Off-street Parking and Loading unless
- 21 modified herein.
- 22
- 23 iii. Commercial areas (with streets internal to the project) must utilize
- 24 on-street parking to meet at least a portion of the parking
- 25 requirement. These standards shall not apply to projects utilizing
- 26 the Mixed Income Housing Program with mixed use development
- 27 by right, in accordance with LDC section 4.02.40.
- 28
- 29 iv. One-half of the on-street parking spaces located within one block
- 30 or 0.125 mile, whichever is less, may contribute toward an individual
- 31 establishment's parking requirement.
- 32
- 33 v. If a commercial area is developed in one phase with one site
- 34 development plan application the on-street parking may be utilized
- 35 to meet parking requirements in a one-to-one (1:1) ratio.vi.The
- 36 overall parking requirement may be reduced at the time of site
- 37 development plan approval by consideration of a shared parking
- 38 analysis. The analysis shall demonstrate the number of parking
- 39 spaces available to more than one use or function, recognizing the
- 40 required parking will vary depending on the multiple functions or
- 41 uses in close proximity which are unlikely to require the spaces at
- 42 the same time. The shared parking analysis methodology will be
- 43 determined and agreed upon by County staff and the applicant
- 44 during the pre-application meeting, or during ongoing discussion,
- 45 during the site development plan review process.
- 46
- 47 vii. Establishments providing valet parking services may not utilize
- 48 parking areas designated for shared use for the storage of vehicles
- 49 parked by this service, unless allowed by a shared parking
- 50 agreement.

1
2 viii. Residential areas that are within a block or 0.125 mile of a
3 commercial area but are not directly accessible by a vehicle due to
4 gating or lack of vehicular interconnection may not utilize on-street
5 parking in the commercial area to meet the residential parking
6 requirement.

7
8 ix. Residential areas may utilize on-street parking that is abutting a
9 residential unit to meet the parking requirement in a one to one (1:1)
10 ratio. If parking spaces are used to meet a residential parking
11 requirement they may not then be utilized to meet any of the
12 commercial requirement.

13
14 L. Service Areas.

15
16 1. Loading docks, solid waste facilities, recycling facilities and other services
17 elements shall be placed to the rear or side yard of the building in visually
18 unobtrusive locations with minimum impacts on view.

19
20 2. Refuse containers and facilities shall be hidden by an opaque wall or fencing of
21 sufficient height to screen the bin and any appurtenances, but not less than 6 feet
22 in height. Chain link fencing, wood fencing and chain link gates are not allowed.
23 Walls shall be constructed of a material compatible with the principal structure it is
24 serving. Landscaping with vines or other plants is encouraged. Enclosures shall
25 include solid, latching gates to avoid blowing refuse.

26
27 3. Service area recesses in the building and/or depressed access ramps should also
28 be used where applicable.

29
30 4. Businesses are encouraged to consolidate and share refuse areas and equipment.

31
32 **4.02.39 - Alternative Design for Housing that is Affordable**

33
34 A. The intent of this section is to provide incentives for housing that is affordable and applies
35 to residential only projects, and residential portions of PUDs. Vertical mixed-use projects
36 are not eligible for the alternative designs identified within this section.

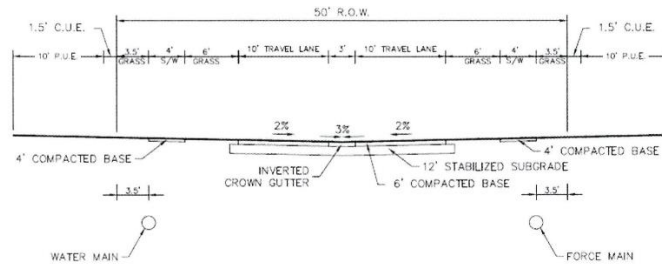
37
38 B. Affordable housing projects may use the following design alternatives, subject to
39 compliance with section 4.02.39 C.

40
41 1. Section 3.07.02 E. - Local/internal roads that are privately maintained may be
42 designed to the elevation required to meet the 5-year, 1-day storm event, and the
43 perimeter berm shall be designed so that surrounding properties will not be
44 adversely impacted by the project's influence on stormwater sheet flow up to the
45 elevation during the 25-year, 3-day design storm.

46
47 2. Section 4.06.05 A.1. - Single-family developments lots which are adjacent to
48 preserve areas or perimeter berms are exempt from providing one canopy tree per
49 3,000 square feet of pervious open space per lot. For all other lots, the required
50 one canopy tree may be relocated to common areas or to a street tree program.

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- 3. Sections 6.06.01 S., 10.02.02 A.11. and Appendix B - For all local/internal roads that are privately owned and maintained, an inverted crown design, shall be allowed.



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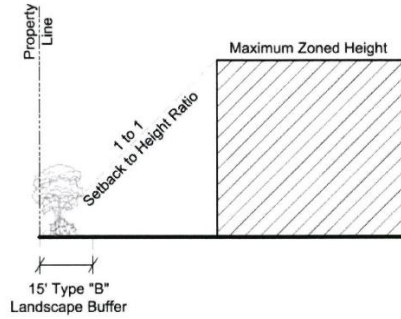
TYPICAL INTERNAL INVERTED CROWN ROADWAY DESIGN

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- 4. Sections 6.06.02 A.2. and 6.06.02 F. - For local/internal sidewalks that are privately maintained, the minimum sidewalk width shall be four feet, which can be of concrete or asphalt material and shall be constructed over a compacted subgrade. Asphalt shall also require a minimum of 4 inches of compacted limerock base, in addition to the compacted subgrade.
- 5. Section 10.02.03 A.3. - Three-family housing structures proposed on a lot(s) of record are exempt from the Site Development Plan provisions of LDC section 10.02.03 A.2.
- 6. Section 10.02.04 C. - For single-family developments, the clubhouse facility may be included within the construction plans and final subdivision plats. The clubhouse facility shall commence construction when fifty percent of the lots have received a Certificate of Occupancy.
- 7. Section 10.02.08 I.2. - The set-aside of land or dedication of land for a public water well at time of rezoning is not required, unless the site is located within a quarter-mile of a future raw water transmission main identified in the latest Board-adopted Collier County 10-Year Water Supply Facilities Work Plan Update and in such a way that the quantity of affordable housing units would not be impacted.

- C. Criteria for design alternatives for housing that is affordable. The alternatives described in section 4.02.39 B. will be allowed when the following criteria are met:

- 1. Compatibility.
 - a. Setbacks from all project boundaries that abut property zoned or developed for single family residential use shall be a minimum of one foot (setback) per one foot maximum zoned height for principal structures.



1 to 1 Setback to Height Ratio

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4.02.40 – Housing that is Affordable by Right in Commercial Zoning Districts

A. To develop housing that is affordable by right as a permitted use within the respective commercial zoning district, the property must have been found to be "Consistent by Policy" through the Collier County Zoning Re-evaluation Program (Ordinance 1990-23) and all units within the project must be affordable, up to a density of 16 units per gross acre. Properties shall be located within the Urban Mixed Use District of the FLUE but not within the boundaries of the US 41 East Overlay of the FLUE and subject to the following requirements that must be satisfied prior to final development order approval:

1. A public facility impacts comparative analysis must be submitted and comply with the adequate public facilities requirements identified in LDC section 6.02.00. The comparative analysis must demonstrate that the proposed affordable housing project would have the same or lesser public facility impact with respect to vehicle trips, water consumption, and wastewater generation compared with the highest

intensity permitted use within the commercial zoning district of the subject property, as approved by staff.

- 2. A School Impact Analysis per LDC section 10.04.09 shall be required.
- 3. An affordability commitment by Agreement or Ordinance pursuant to LDC section 2.07.00 or an agreement pursuant to LDC section 2.06.04 shall be recorded.
 - a. For units that are to be sold, at least one-half of the units must be sold at a price point affordable to either the low- or very-low-income level households identified in LDC section 2.07.02 A. The remaining units can be sold at a price point that is affordable to any income levels identified in LDC section 2.07.02 A.
 - b. For units that are for rent, all units must be at a price points affordable to low- and very-low-income level households.
- 4. Housing that is affordable by right in commercial zoning districts must satisfy the dimensional standards of the underlying commercial zoning district, except that the minimum distance between structures shall be 10 feet. In addition, when the proposed project is abutting any property occupied by, or zoned to allow a single family dwelling unit, the following shall be applicable:
 - a. The minimum setback from the common boundaries shall be equal to the project's proposed zoned building height; and
 - b. A Type "B" buffer shall be provided along the common boundaries.
- 5. Housing that is affordable by right shall be restricted to a maximum height of 50 feet in the C-4 zoning district.

4.02.41 – Housing that is Affordable within Activity Centers or Interchange Activity Centers

- A. Unless otherwise allowed by the LDC or GMP, to increase density beyond 16 units per acre within an Activity Center or an Interchange Activity Center, additional units per acre are required to be affordable for specified income levels, as identified in the chart within LDC section 2.07.02 A. Additionally, the following are required:
 - 1. The project shall be submitted as a Planned Unit Development or Planned Unit Development Amendment; and
 - 2. Affordability commitments by Agreement or Ordinance pursuant to LDC section 2.07.00 or an agreement pursuant to LDC section 2.06.04 shall be recorded.
- B. The following commitments are required for housing that is affordable within Activity Centers, including Interchange Activity Centers.
 - 1. For units that are to be sold, at least two-thirds of the first six units per acre above 16 units per acre (for example, four of six units per acre of bonus density) must be sold at a price point that is affordable to low- and/or very-low-income level

households identified within the chart in LDC section 2.07.02 A. The remaining one-third of this increment shall have no required commitment for housing that is affordable. Two-thirds of the final three units per acre (for example, two of three units per acre of bonus density) shall be sold at a price point affordable to households of any of the income levels identified within the chart in LDC section 2.07.02 A. The remaining one-third of this increment shall have no required commitment for housing that is affordable.

2. If the proposed project is to be a rental community, two-thirds of the bonus density (for example, six of nine units per acre of bonus density) must be made available at a price point that is affordable to low- and/or very-low-income level households as identified within the chart in LDC section 2.07.03 A.1. The remaining one-third of this increment shall have no required commitment for housing that is affordable.

C. When the proposed project is abutting any property occupied by, or zoned to permit, a single family dwelling unit:

- 1. The minimum setback from the common boundaries shall be equal to the project's proposed zoned building height; and
- 2. A Type "B" buffer shall be provided along the common boundaries.

4.02.42 –Transit Oriented Development (TOD) Design Standards

A. As expressed in Policy 12.10 of the Transportation Element and the Density Rating System of the Future Land Use Element within the GMP, higher density multi-family projects are prioritized along Collier Area Transit routes.

B. All proposed multi-family projects that front on an existing Collier Area Transit fixed route or on a proposed route as identified for funding on the Transit Development Plan and designated Urban Mixed Use District and Transit Oriented Development Subdistrict on the FLUM are eligible for a maximum base density of 13 units per acre, subject to compliance with the design standards identified in LDC section 4.02.42 C. This maximum base density, however, shall not be available to properties designated as Urban Coastal Fringe Subdistrict or Urban Residential Fringe Subdistrict on the FLUM, the Downtown Center Commercial Subdistrict on the Golden Gate Area Master Plan, or the Commercial Mixed Use Subdistrict (C-MU) or Recreational-Tourist Subdistrict (RT) of the Immokalee Area Master Plan.

C. Design Standards for TOD.

- 1. The residential component of the project must be multi-family and submitted as a Planned Unit Development or Planned Unit Development Amendment.
- 2. A minimum of 50 percent of all units within the project shall be located within a transit core.
- 3. The requirement for internal interconnection among major project phases, sections, or types of uses as outlined in LDC section 4.04.02 B.2 applies to TOD project phases, sections, or types of uses. During the development or

1 redevelopment of TOD projects, the requirement for shared access and
2 interconnection as outlined in LDC section 4.04.02 B.3 shall also apply.

3
4 4. Setback for Principal Structures to project boundaries and buffer requirement.

5
6 a. Front Yard - Minimum 10 feet, maximum 25 feet.

7
8 b. Side and Rear Yard – The minimum setback shall be 50 percent of the
9 building height, except that when abutting any property occupied by or
10 zoned to permit a single-family dwelling unit, the minimum setback shall be
11 equal to the project’s proposed building height. In these instances, a Type
12 “B” buffer shall be provided along the common boundaries.

13
14 5. Where a TOD is proposed along an existing Collier Area Transit (CAT) fixed route
15 or on a proposed route as identified for funding on the Transit Development Plan
16 and no transit stop, shelter, or station exists, te petitioner must provide a
17 commitment in the PUD to construct a permanent transit stop, shelter, or station in
18 accordance with the Transit Development Plan, prior to or concurrent with the first
19 residential certificate of occupancy, to be eligible for the TOD density. The location
20 shall be approved by CAT staff.

21
22 6. Eligible density.

23
24 a. Baseline TOD: a maximum of 13 units per acre.

25
26 b. Housing that is affordable TOD: a maximum of 25 units per acre.

27
28 D. Additional requirements for a housing that is affordable Transit Oriented Development.

29
30 1. Affordability commitments by Agreement or Ordinance pursuant to LDC section
31 2.07.00 or an agreement pursuant to LDC section 2.06.04 shall be recorded.

32
33 2. For units that are to be sold, at least two-thirds of the first nine units per acre of
34 bonus density (six units per acre) in excess of 13 units per acre must be sold at a
35 price point affordable to low- and/or very-low-income level households identified
36 within the chart in LDC section 2.07.02 A. Two-thirds of the final three units per
37 acre of bonus density (two units per acre) shall be sold at a price point affordable
38 to households at any of the income levels identified within the chart in LDC section
39 2.07.02 A.

40
41 3. For units that are for rent, two-thirds of all units in excess of 13 units per acre must
42 be made available at a price point affordable to low- and/or very- low-income level
43 households as identified in the chart in LDC section 2.07.02 A.

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Exhibit A – Background

After holding two affordable housing workshops, the Board of County Commissioners voted on June 14, 2016, to establish the Collier County Workforce Stakeholder Ad Hoc Committee (Stakeholder Committee) and to develop a short- and long-term housing plan, pursuant to Resolution 2016-135. In early 2017, the Urban Land Institute (ULI) performed a panel review of the housing situation in Collier County, resulting in the creation of a report titled *A ULI Advisory Services Panel Report Collier County, Florida, January 29-February 3, 2017*. The ULI Panel Report concluded “that Collier County absolutely has a housing affordability problem” and its recommendations centered upon six core strategies. Later, the Stakeholder Committee, Affordable Housing Advisory Committee, and staff developed a Community Housing Plan (CHP), which was accepted by the Board on October 25, 2017.

Exhibit B – Excerpt of ULI Advisory Services Panel Report

Implementation

THE PANEL IS IMPRESSED WITH the planning and study that has already been completed regarding housing affordability in Collier County. The panel's recommendations reflect and endorse much of the work that has already been completed. However, *what is abundantly clear to the panel is that action and implementation are crucial to creating sustainable solutions.* Implementation of the panel's recommendations will require sincere action, tremendous political will, and strong leadership. For additional reference, the panel has created a proposed implementation schedule to provide a blueprint for how to move forward on the recommendations described throughout this section in the short, medium, and long term. (See appendix A.)

The panel's major recommendations are organized around the following six core strategies to address housing affordability:

- Increase supply;
- Maintain supply;
- Regulate and govern;
- Enhance transportation options;
- Enhance wages; and
- Engage, market, and educate.

Increase Supply

How can Collier County meet its current and future housing needs? One approach to achieving the goals is by adding housing that is affordable to households with a wide range of income levels. *There is good news to share: several strategies include simply making improvements to existing procedures and vehicles rather than creating new*

programs entirely. There is no need to reinvent the wheel when existing structures already support the development of more affordable housing.

The Housing Trust Fund

The housing trust fund (HTF) is an example of a national best practice that Collier County currently has at its disposal but does not use. More than 700 HTFs exist nationwide, and they are often a critical element of a jurisdiction's overall housing policy.

Collier County's HTF should be sustainable and predictable, given the long planning process involved in housing development. The county should keep in mind that what can make an HTF challenging is finding viable revenue sources. Other jurisdictions have funded their trust funds through sales taxes, real estate transfer taxes, linkage fees as part of the zoning ordinance, inclusionary zoning in-lieu fees, condominium conversion fees or demolition fees, and hotel and motel taxes. The best and most common revenue source for a county HTF is a document recording fee, which is a fee paid upon filing various types of official documents with a state or local government. This fee is one of the few revenue sources that most counties can commit to, and the panel recommends Collier County consider this approach.

Development Incentives

The county's existing developer incentives have clearly failed to transform existing development patterns and allow for greater production of housing that is affordable to a broad range of low- to moderate-income households. Any developer incentives need to be reasonable, be flexible, and allow for creative partnerships to produce new, affordable homes. The panel strongly recommends that the county put increased emphasis on multifamily rental

EXHIBIT C – CHP Initiatives

1. Provide regulatory relief to certain housing applications.
2. Allow for commercial-to-residential conversion via the Hearing Examiner.
3. Develop guidelines to incentivize mixed-income residential housing.
4. Develop a process to designate certain Strategic Opportunity Sites allowing for increased density.
5. Provide an increase in density to the Community Redevelopment Agency areas and along transit corridors.