



Collier County

Growth Management Community Development

Development Services Advisory Committee Meeting

**Wednesday, August 7, 2024
3:00 pm**

**2800 N. Horseshoe Dr.
Naples, FL 34104**

**Growth Management Community Development
Department
Conference Room 609/610**

**If you have any questions or wish to meet with staff,
please contact,**

Rey Torres Fuentes at (239) 252-5727

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Development Services Advisory Committee

Agenda

Wednesday, August 7, 2024

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 – June 5, 2024 Page 5
 - b. ~~DSAC LDR Meeting – May 21, 2024~~ ~~Page 17~~
4. Public Speakers

Committee voted approved a modified Agenda. Item 3b was removed and push to next month's meeting.

Collier County

5. Staff Announcements/Updates

- a. Development Review Division – [Jaime Cook]
- b. Code Enforcement Division – [Thomas Iandimarino]
- c. Community Planning & Resiliency Division- [Christopher Mason]
- d. Building Review & Permitting Division- [Richard Long]
- e. Public Utilities Department – [Matt McLean or designee]
- f. Housing Policy & Economic Development Division. - [Cormac Giblin]
- g. Transportation Management Services
Transportation Engineering Division – [Jay Ahmad or designee]
- h. Collier County Fire Review – [Michael Cruz, Assistant Chief, Fire Marshal]
- i. North Collier Fire Review – [Chief Sean Lintz]
- j. Operations & Regulatory Mgmt. Division – [Michael Stark]
- k. Zoning Division – [Mike Bosi]

6. New Business

- a. LDCA – PL20230012905 – Golf Course Conversions – [Mike Bosi] Page 49
- b. LDCA – PL20240008157 –
Updated Approval of Residential Building Permits – [Richard Henderlong] Page 103
- c. LDCA – PL20240005299 – Major Transportation Hub – [Eric Johnson] Page 165

7. Old Business

8. Committee Member Comments

9. Adjourn

FUTURE MEETING DATES:

September 4, – 3:00 PM

October 2, 2024 – 3:00 PM

November 6, 2024 – 3:00 PM

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING
Naples, Florida
June 5, 2024

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 Community Department Building, Conference Room #609/610, 2800 Horseshoe Drive North, Naples, Florida, with the following members present:

Chairman: William J. Varian (excused)
Vice Chairman: Blair Foley (Active Chair)
James E. Boughton
Clay Brooker (excused)
Jeff Curl
David Dunnivant
John English
Marco Espinar (excused)
Norman Gentry
Mark McLean
Chris Mitchell
Robert Mulhere
Laura Spurgeon-DeJohn
Jeremy Sterk
Mario Valle
Hannah Roberts–AHAC non-voting

ALSO PRESENT:

James French, Department Head, GMCD
Thomas Iandimarino, Director, Code Enforcement Division, GMCD
Christopher Mason, Community Planning & Resiliency Division, GMCD
Richard Long, Director, Building Review & Permitting Division, GMCD
Drew Cody, Supervisor – Project Management, PUD
Cormac Giblin, Housing Policy & Economic Development Division, GMCD
Jay Ahmad, Director – Transportation Engineering, Transportation Management Services
Captain Brian Horbal, North Collier Fire Review
Michael Stark, Director – Operations & Regulatory Management, GMCD
Mike Bosi, Director – Zoning, GMCD
Diane Lynch, Management Analyst II/Staff Liaison, GMCD
Rey Torres Fuentes, Ops Support Specialist I, GMCD

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

1. Call to Order – Vice Chairman (Acting Chair)

Vice Chair Foley called the meeting to order at 3 p.m.

A quorum of 12 was present in the boardroom; two members joined later.

2. Approval of Agenda

The motion to approve the agenda passed unanimously, 11-0.

3. Approval of Minutes

a. DSAC Meeting – May 1, 2024

The motion to approve the minutes was passed unanimously, 11-0

b. DSAC–ROW Meeting – April 29, 2024

Vice Chair Foley has a correction at the bottom of page 3 of the minutes, where it has: Further discussion ensued, Bullet Point: Different permitting if it is an STP or PPL – Mr. Foley sites correction to make it SDP

The motion to approve the minutes passed unanimously, 11-0

4. Public Speakers

(None)

5. Staff Announcements/Updates

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

Vice Chair Foley states that maybe we'll come back to her later

[Mr. Gentry joined the meeting at 3:07] [Ms. Spurgeon-DeJohn joined the meeting at 3:08]

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

Mr. Iandimarino told the board:

- This is going to be a double renewal season. So please, those of you who need to renew your licenses, make sure you get that in place. The Governor passed a bill to keep the licenses in the county for one more year, up until next year. It was supposed to be last year. He re-signed it. So, the licenses are going to be back in place again this year as well.

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

Mr. Mason addressed the board about variances, specifically flood variances:

- A lot of information regarding variances, two things to consider: Number 1, the National Flood Insurance Program. Number 2, the Florida Building Code. The variance often goes against the Florida Building code. So, within our flood ordinance,

we have a section that's about 4 or 5 pages that explains everything about variances as it applies to our operation.

- What I would say regarding Variances, is for one to be issued for elevation purposes. That is generally what folks are looking for in a variance, but we have not seen in my tenure here. I have not been posed with such an issue looking for a variance to elevate, or not to elevate, a single-family home or commercial structure.
- Through my dedicated research through FEMA's documentation, because they do have documentation; it's not codified, or they're basically desk references: A property owner would have to demonstrate that there is some unique characteristic on that property that would not allow them to elevate to the required base flood elevation, which would be in our ordinance as well as in the Florida Building Code. There would have to be something very specific, and very unique for that to even come into conversation.
- On the other hand, regarding Historic Structure Variances, you're not going to be looking at elevating structures. You're looking at the 50% rule, to bypass the 50% rule, if a structure is eligible to be on that National Historic Register.

d. Building Review & Permitting Division [Richard Long, Director]

Mr. Long addressed the Board:

- A couple of things that aren't on the DSAC report: There are 2,400 total reviews pending in the system right now. And that includes all reviews: trades, planning, zoning.
- Last month, we finalized 4,258 permits and issued 60 TCOs on top of that.
- For the last 12 months, we've had 50,187 permits applied for. So that average is about 4,182 per month.
- There are 1,200 permits that haven't been routed yet, so they're working on that, in addition to the 2,400 reviews pending.
- Other than that, everything else is in the report.

Mr. Mulhere asked if you get your final inspection, whatever the kind of permit is, and it's approved; is it automatic that a certificate of occupancy is issued?

Mr. Long said on some of the smaller permits where there's nothing else going on with them; Yes, the system will recognize, and they'll go ahead and auto.

Mr. Mulhere asked so otherwise you have to ask for them?

Mr. Long said otherwise, it goes into a queue. So, it's kind of automated. Once that last inspection is approved or passed. Then the system turns it into inspections completed, creates an activity, and then goes into the queue for Donna's group to go in after it and start the CO process.

e. Public Utilities Department [Drew Cody, Supervisor-Project Management]

Mr. Cody addressed the Board:

- Nothing too exciting on the operation stuff. You guys have the charts. We're generally meeting our targets right there.

- Potentially, before the next meeting, because you guys are right up against the 4th of July, we may be reaching out to the Utility Subcommittee to start scheduling a first look at updates to Utility Standards Manual.
- We're expecting our first look to start the internal staff reviews from the engineering consultant in the next week or so here. That could push us out towards the end of July, or early August. And we'd want to schedule that before you guys have the August meeting.

f. Housing Policy & Economic Development [Cormac Giblin, Director]

Mr. Giblin acknowledged himself before the Board and noted that there was nothing formal to report this month.

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

Mr. Ahmad provided an update on a few projects in design and construction:

- Tonight, we have a public information meeting for Vanderbilt Beach Road Extension, Phase Two. As you know, Phase One is from Collier to 16th. Phase Two starts from 16th and goes for two miles east, to east of Everglades Blvd.
- The roadway itself is at 30% design stage, and the public information is being held at IFAS by the Fairground off Immokalee Road.
- About the project: We're similarly from east of Wilson. Two lanes to be constructed from east of Wilson to 16th. And we're continuing that all the way to Everglades Blvd. But we're buying the right of way for four lanes suburban high speed, kind of rural, section. In that footprint, in the future say 50 years from now, hopefully, it can go from four lanes to six lanes. So, we're buying the ultimate right of way for that project. The final design we're hoping to complete by later in 2025, sometime this Spring. And beginning construction almost at the completion of Phase One. Hopefully that construction is seamless and continues east further to 16th.
- A second project to update you on is we are taking an item to the Board early this summer to approve the design of four bridges in Golden Gate Estates that basically connects one on Wilson, just South of Golden Gate Blvd: the other, 10th Ave SE between Everglades Blvd. and DeSoto. 62nd Ave between Everglades and 40th St NE. And 13th St NW, Golden Gate, and the future VBRX right of way, that short distance there. Of course, the 5th was approved by the Board a while ago. 47th Ave. which was a part of the Project Development and Environmental Assessment that FDOT did a few years back. That is a grant project, and why we separated the four from the rest. The design contract we negotiated with 5.4 million to do the design of the four bridges with Atkins. The design should start shortly after the Board's approval. We anticipate the construction will be in stages as funding allows between 2026 and 2028. Currently, I think there's \$26 million in the budget for all these projects. So, it's not going to do all these five bridges. Most likely, we'll do possibly one or two bridges with that fund. And the Board will have to identify other funding.
- We are getting ready to bid the Vanderbilt Beach Road again, West of Airport (or, by Pelican Marsh), W to U.S. 41, and currently its four lanes will be six lanes. There's a major crossing; Box Culvert, just west of Goodlette, that will narrow the traffic lanes

- from currently four to two during construction. So, please avoid that area when we're in construction. We put in the specs that it should be done in two months, and it should start after season. And we'll advertise it with the media and so forth when the time comes.
- **Vanderbilt Construction:** It's going Vanderbilt Extension from Collier to 16th, including Massey. There are eight crews doing drainage. Construction throughout the bridges is pretty much done. There are three bridges within the project over canals: Curry Canal, Corkscrew, and Orange Tree Canal. We are on track. It's on time, about 45% complete in construction. We're on track to complete by end of 2025 or later in that year.
 - **The Logan Roundabout:** Logan just north of Immokalee Roundabout by Olde Cypress, it's almost complete. Traffic is using it and they seem to be getting used to it. So far, so good.
 - **Tiger Grant Project:** Project in the city of Immokalee. It includes 20 miles of sidewalks, bike lanes, and trails. There's a transfer station for CAT. And so far, we've built about half of it. Out of the 22 miles of sidewalks, we've built about 11 miles. And the Transfer Station is done. It's a design-build: Quality, Q. Grady Minor is doing the design. They're almost done 100% with the design, and construction of the rest is continuing. It should be done by the grant requirement before March 2025. It's a little bit behind schedule, and hopefully Quality can catch up with additional crews that they're promising.

Mr. Curl comments on the stretch of 16 between Everglades and DeSoto. The speed limit drops. It's normally 45 throughout the Estates. But that one, with the two schools there, is 30. So, that will be the oddball as you go down Vanderbilt---all the way through, I guess Rural Lands West, eventually that's going to be one of their main entrances too. Is the County planning to keep that 30 mph, or eventually it'll be 45 like it is everywhere else?

Mr. Ahmad asks are you talking Everglades Blvd. itself?

Mr. Curl says no, on 16th, itself. Where the schools basically access 16.

Mr. Ahmad says I will look into that. I don't have the answer to that.

Mr. Curl states that's the only pushback you're going to get out there because I know about a year ago, they were already complaining about speeders on that road. Maybe, just give them a hat tip that eventually a speed limit is coming.

Mr. Ahmad says Okay, I'll get back to you. We do have a project: 16th Street, from Randall to Golden Gate Blvd - Building a bridge, adding shoulders and sidewalk to that roadway. And that is also the speed there, 30 mph. It's similar to 8th St – Even though we put a bridge there, people are flying through it.

Mr. Curl agrees, saying yeah, the Sheriff department gets some good revenue on that road.

h. Collier County Fire Review [Michael Cruz, Assistant Chief, Fire Marshall]

(No Report)

i. North Collier Fire Review [Bryan Horbal, Captain]

Captain Horbal makes a few announcements to the Board:

- Chief Coxwell retired. He was our Assistant Chief of Life Safety. So, Sean (Lintz) the Fire Marshall, is kind of doing both roles now.
- May Building Reviews: We had 664 reviews, with a four-day average for the month of May. And we had about 1,400 new construction inspections. That's just new construction, not any existing buildings.
- For our Plan Review and Planning Permits: We had 40 planning meetings and planning permits with a two-day average.

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

Mr. Stark provided the May report:

- The Department received 5,088 permit applications with a fiscal year date total of 32,997 permit applications. 278 of these permits were related to Hurricane Ian. And we continue to hover right around the average turnaround time of 1.3 days.
- We welcomed 1,111 customers to our business center and satellite offices. And the staff answered 6,465 calls in our call center.
- Our Team and the Vendors continue to test the texting function that we talked about the last time. We faced a couple of different delays as far as the testing. We want to make sure before we roll this out to the public, that it's correct. We are looking at more of an August 2024 for full roll-out and deployment.
- At the last Board meeting, the Fire Fee Interlocal Agreements were approved, and I wanted to thank Cheryl Soder and Jason Badge on my Team for their participation in that project that as well. This was to align Fire Fees across the board to make sure we worked with the Fire Department on that as well.
- We continue to work through the fiscal year 2025 budget process. Last year, we hovered right around a \$96 million operating budget. And with taking on several new divisions, including Conservation Collier, we're somewhere in the range of about \$210 million now. So, it's increased with the same staff that we had from last year as well. So, we may be coming back for more people.
- We have a Fee Schedule update that I'm going to turn over to Mr. French very quickly here. We have the Executive Summary, and we're planning on going to the Board meeting on June 25th. He (Mr. French) is going to say a few words on that for us.

Mr. French addresses the Board regarding fee increases:

- We're trying to think about strategy and how this goes with the Board. I didn't want to put this in front of the Board until after they had a chance to review the budget. But I did tell you I'd come back with the numbers with regards to fee increases.
- The goal here is that we would use Raftelis to come in and do a fee study after this fee increase that we would be requesting; start with Fund 113 on the Building Side, and then once that's completed, we'll enter into another fee study to look at the planning and engineering fees. So, at least we know how we measure up against what the cost is to actually provide the service. Again, the reason why we're focused on 113 vs. 131; it is the one in most dire need. I don't want to say crisis. But we recognize that this will be the end of our Carry Forward as well as our Reserve Fund balance.

- Carry Forward: it's just the dollars you were allotted that you did not use that year. It's not additional money you made, because when we make money in one year, we can't book it for use in the same year. It's carried onto the next year, and that establishes your budget for next year.
- To go over the fee very quickly, the FEMA Review fee (we do thousands of these; we charge nothing for those) was a requirement of the 2017 updates to the Florida Building Code. We've never had a line on our fee schedule, so we can't charge for that review. Now, these are not Building Plan reviewers. They are certified Flood Plain Managers that are required to perform this review.
- The alternative is that we would have to incentivize and make it a requirement for our Building Plan reviewers to go get this certification, so we meet the conditions set forth by either the State model or FEMA.
- At this point, we're just going to charge the exact same fee that we charge for a typical review, which is currently \$50. Yes, it's a new fee. But that's going to offset the cost. Right now, you have about six or seven people in there that are paid for by Fund 113, but they are generating zero revenue. There's no revenue on that.
- The Permit Extension fee right now is 10% of the original Building Permit or \$100. We would take that to \$150. Ever since Hurricane Ian and Rick Scott introduced the economic downturn, the Governor signed an executive order called Tolling Ordinance or Tolling Provision. It covers all development orders, which includes Building Permits. So, any of these permits, I still have an obligation. The State law will never change. They still expire in the system after six months of the last passing action. I have to go back and review them. Now, I have to go and stand them back up. There's a great deal of staff time involved with those that will not have an immediate impact on many of the permits that are still sitting in the queue. But the Governor gives a time period, and that time period continues to be extended. Now, we're well beyond the two years. Even though the Storm has not been quite two years, it had a claw back for any permits from a particular date because of the effect of Hurricane Ian. So, no matter what, I can't charge a fee for any of these permits. What's happening is many of these Contractors are done. They just haven't called in their final inspection. Many Contractors may have gone out of business. So, we're dealing predominantly with Closing or Title Companies and Realtors more than we are with Contractors. It creates a little bit of a dilemma because some of those Contractors weren't from here. They may have just come here and got a state license to respond to the Storm, and they're gone. So now, the Property Owner is stuck with it. They can't get a closing on the house. Even though we're alerting the Property Owner as well as the Contractor on the permit, we're getting very little response. Now, Evelyn Trevino in our shop, and Mike's group has focused on some of the collection of these fees, closing them out. But we also have until the last Board meeting. The Board had reduced the fee for anyone who could demonstrate that they had Homestead Exemption and suffered damage from the Hurricane. They got 50% off. On top of which, they never have to close out the Permit. No Offense, but they're very savvy business people that have learned to game the system: if they don't have to close out the Permit, no one's putting pressure on them, and they're still under the protection of the Tolling Ordinance, it doesn't matter. The house never lost its CO. It's just that I never got a certificate of completion on the work. So, I've got no enforcement ability to make them close. I can only try to incentivize them to close. Ultimately, it will be the Property Owners to get stuck with this, or you, as an industry,

paying for all the staff time to close these out; because eventually, these homes will sell, they'll try to refinance, and the titles will all be clouded.

- The alternative is that the General Fund pay for staff time because I've got to pay the staff to do work; they've got to be trained and licensed. Or it would be put on the backs of the Developers or those who pull permits. And that's pretty much been our model.

Director French questions if the Board would support him getting General Fund dollars to offset this, predominantly because You and Your Clients pay these permit and development fees.

- The Permit Inspection Fee was originally \$65 and was lowered over time to \$45. Our current cost to provide inspection is \$64.80. So, this is a break even. As well as with the reinspection fees, (time-specific) which is currently \$120. That fee would go to \$130. And the reason why is that Time Specifics are predominantly for concrete work. So, that's where I've taken an inspection and inspector off route and lost the efficiency of that person for a period of time until that inspection can be completed. We still want to offer that.
- The Private Provider Fee: We're not allowed to call that an inspection. But there's a great deal of work that goes into the Private Provider. Again, the local authority having jurisdiction, whether it's a city, county, or town, they are responsible for issuing permits. Private Providers cannot do that; they are responsible for ensuring the Florida Building Code standards are followed, and Issuing a Certificate of Completion or Certificate of Occupancy. That is not the Private Provider's role. It says that I must offer that service at a discounted rate. So rather than charging \$65, it's \$58 per review. We've maintained that 10%. But it just barely covers the cost of staff.
- These are the reviews and inspection fees. I promised you that I'd bring the numbers, and these are the only ones that will be on there.

Mr. Mulhere said this is just the fees that will be increased because you can do that now, you can immediately collect fees for things that you're unable to collect. But aren't you also looking at everything else?

Mr. French said this is what I'm able to defend and measure without any second thought. I can defend these numbers all day. We are going to move forward with Raftelis. We need to look at everything. With larger buildings, on the Commercial side, it's a percentage of the cost of construction based off of the International Building Code; their table. We found a way to find reductions there. I don't know that we need to touch that one. But I'm telling you where we're losing is on the individual inspection, or on this FEMA review. All of these fees that I've mentioned here, other than the FEMA review, are all associated with an inspection.

Mr. Mulhere said not that I'm not a proponent of significantly increased fees, but you have said a couple thousand FEMA reviews.

Mr. French responds your biggest holdup on your time delay is FEMA.

Mr. Mulhere said what I'm asking is how many is that? \$50 – If you did 2,000 that's \$100,000.

Mr. French says every structure needs a FEMA review, so it's thousands.

Mr. Mulhere asks so this fee, would likely pay for the cost of those?

Mr. French replies yeah, absolutely. This is consistent with what we're charging for other users.

Mr. Mulhere said my only reason for asking was if there was a differential – Is a single family \$50, but a commercial structure \$100? That was my only question. I trust your judgment.

Mr. French says so with FEMA, it's a little different. We look at the envelope of the building versus the individual units in order to justify the value. I don't want to say it's easier, but if we can get an applicant to better participate with us versus just relying on property appraiser data, it makes the review go by faster.

Mr. Mulhere says it's a little more complicated if you're talking about the 50% rule. This has nothing to do with that, right? That's somebody in the Building Department.

Mr. French said so it does, the 50% rule is always in effect. It's your SISD, your substantial improvement because of substantial damage. That's where it gets much more difficult because although we can use the FEMA calculator to estimate your construction value; to put a structure back together that's been impacted by a storm, I have to take in account everything from cabinets, tile, baseboard. So, for those things that you wouldn't typically have to identify with in your plans, With SISD, you have to identify much more.

Mr. Mulhere says again, my only reason for asking is there a bright line – is there a line where this is more complicated? Therefore, it takes more time. Therefore, it should have a more reasonable fee or, a better fee, or stronger fee, as opposed to something that is typically an hour of somebody's time.

Mr. French said so the differential in the pay here is that although we do have a licensed professional engineer, so we're paying that engineering cost. It's the review staff underneath; it would not be typically higher than an entry-level employee, somebody we can train, we can qualify them for the test. But it still does take some time, there's still a cost associated with those.

Mr. Mulhere asked so you think 50 is appropriate?

Mr. French replied I think it is more than reasonable, and I will make the number work the best we can.

Mr. Gentry said the Private Provider fee: I just want to make sure I understood that \$58 review. Is that an inspection fee – for every inspection, it's a discounted fee?

Mr. French replied by State Law I am not allowed to say it's an inspection fee. So, under the definition of the Statute, No.

Mr. Gentry asked it's not a one-time per permit fee?

Mr. French said it is for every time they result in inspection. I am required to audit that, and I may have to go out to the field to see why you cut a hole and high-tension concrete.

Mr. Gentry said I just want to understand the actual overall impact to a permit because I just didn't know. The actual inspection fees, if you hire a Private Provider, a client is not necessarily paying that initial \$65 inspection fee.

Mr. French said they're paying the private provider fee plus they're paying our fee because we're still responsible

Mr. Gentry said I just want to understand that they're paying the private provider fee plus the \$58.

Mr. French responded we still have an obligation to do that.

Mr. Gentry said honestly, going back to the timed inspection fee, you got to keep that because that is valuable.

Mr. French responded its only concrete pours. On occasion, it might be electrical, but it's very rare.

Mr. Gentry said it's mainly in the structural phase and that's a very big benefit.

Mr. French addresses the Board about his work over the past month at Domestic Animal Services:

- Conditions there are pretty tough.
- He and a Team of Others walked the site and had to put it on fire watch.
- A number of rodents in the building had chewed the wires to the life safety system, in addition to its being disconnected. Due to this, we are redefining how we look at these things with regard to maintenance permits because our own facilities management team worked a little bit out of their scope.
- We recognized for every night that a dog or cat is there, it's in the upward sum of somewhere between \$30 and \$50 a night to keep an animal. And to maintain a No-Kill status, you have to have a 90% or better live-release rate. And that's monitored and reported to the University of Florida.
- We are doing everything we can to promote the conditions. Growth Management answered the call. The County Manager initiated a program to allow employees to foster some of the pets and bring them to work because they are much better acclimated amongst people and introducing them makes them more likely to get adopted.
- We're not in crisis, but we're treating this like a Hurricane. So, every day, myself or Mr. Stark are trying to get their money and their systems right.
- And the compliment goes to the Board for holding us to a level of accountability that has set the standard for this County.
- We have some amazing partners, like Hannah and Cormac who have reached out to others for help like Pat McDowell with McDowell Housing Partners. A consideration that we may want to bring forward is that Pat offered to waive all the pet deposit fees for animals under 35 pounds that was adopted from County DAS, for not just the properties where he occupies space on County-owned lands, but for all of his projects in Collier County.
- Other Partners like Randy Johns and Tommy Houchin have walked the DAS property because these guys understand big steel buildings with concrete. Jack Mulvena came out and toured the facility. He reached out to our veterinarian staff to figure out what our needs are.
- We're cleaning DAS up, it's not critical, it's just taking a lot of work. I really want to be done in three months.

k. Zoning Division [Mike Bosi, Planning Zoning Director]

Mr. Bosi reported:

- Good News: We're filling our two Planner 3, which is our highest staff level planner. One applicant has accepted, and we're hoping the second one will do so as well. So, we'll be staffed in that regard.
- The Planning Commission has a little hiatus. The two meetings that were originally scheduled for the Planning Commission have been taken by the Board for budgetary workshops, so we had to cancel both of our June meetings. The first meeting in July is cancelled as well due to it being on the 4th of July. So, we have a hiatus on the

- Planning Commission until the 18th. We're going to pick back up with Fiddler's Creek, the third full day. Hopefully, we're going to get done with that.
- There are probably four other petitions that we have on it. But I'm saying this because we're getting into a little bit of a backlog on the Planning Commission that is eventually going to lead to a backlog of the Board of County Commissioners.
 - We have restrictions in terms of what types of petitions we are allowed to take June, July, August, and September. So, we are going to have to backload it with some more of our controversial items within October and November.
 - Some of our petitioners, especially for some of our affordable housing projects, have put those on indefinite hold until the end of the election season. So, we're probably going to have some backlog again within the early fall.
 - And then after election, we're probably going to have a pretty heavy press. November and December only have one Board of County Commissioners meeting. It's going to be a difficult December, but we'll work through it. So, January is going to hit and we're going to have a backlog again.
 - We have a pretty steady request in terms of the entitlement side of shop, for at least pre-application meetings and the number of petitions our individual planners are holding within our zoning division.
 - Our zoning division planners have been stable in terms of staffing. We haven't had a lot of turnover. So, hopefully, Bob and his development partners aren't too displeased with the turnaround that we are providing for.
 - We're getting ready to kick off the AUIR-CIE. We have our population numbers done. From Bieber's perspective, more of the same from the last two years. They expected about a 1.45% annual increase over the five- and ten-year period. We're about 1.47% for this iteration. No real great departures which is good in terms of the Capital Improvement Program. That steady stream is easy to account for.
 - We expect another year where we're going to continue to put forward. AUIR-CIE's going to meet the needs of the growth we expect over the next 5 and 10 years.
 - Finally, a couple of meetings ago, The Board of County Commissioners asked us to pick up the Golden Gate Area Master Plan (the rural Estates, not the full urban and Golden Gate City, just the rural Estates) to take advantage of the East and 951 version 2 Committee. Parker Klopff from our comp planning team has been staffing that Committee trying to identify issues that are important to the rural Estates folks. They, and I believe Commissioner McDaniel, this next meeting are going to bring another request to extend that for another year. And then what we envision, once they have finalized their individual meetings on subjects and have their list of priorities, we're going to start intertwining the Golden Gate Area Master Plan. Issue Policies and bring those to that Committee. They'll help guide us as we move forward in the public planning process.

Ms. Roberts asked who maintains the planning and zoning GIS maps for your department, or is general?

Mr. Bosi said Jason Regula and his team are the ones who maintain it.

Ms. Roberts said I thought at AHAC we had talked about, I don't know if it was through Live Local or if it's a revision to the Affordable Housing code, but proximity to a CAT bus stop might get you relief on some parking requirements now, or did I make this up?

Mr. Bosi said that has changed. The original one in State Bill 102, which was the first Live Local, said that if you're within ¼ mile or ½ mile of a major transit stop, the county must consider it. Now, the change has been, you have to be considered if you're near a transit stop, any transit stop. There's no qualification to it. But there is a requirement, if you're within ½ mile of a major transportation hub, then you get an automatic 20% reduction of the parking required.

Ms. Roberts asked is there a way to get those Hubs

Mr. Bosi said his LDC team was interacting with your DSAC LDR subcommittee to bring the definition of what a major transportation hub is to the Board of County Commissioners. And the way they've defined that was those three facilities within Immokalee, within the main government facility, and the other one on Davis Blvd., the transfer station. Those are the three that are going to qualify for the major 20%.

Mr. Bosi said I think I provided an update. You know the Board of County Commissioners did provide us more clarity in terms of the application of Live Local, in terms of the Major, the way they restricted it. It has created a little bit more anguish within some of the developers trying to utilize Live Local because 67-70% of the urbanized areas is PUD. And if you exclude PUD's, you've excluded a good portion of the area from being that opportunity. But we'll work through that. That's Board policy, and we implement Board policy.

6. New Business

(None)

7. Old Business

(None)

8. Committee Member Comments

Mr. Mulhere said what a wonderful job as Chair you've done.

9. Adjourn

The motion to adjourn passed unanimously, 13-0.

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 3:52 p.m.

**COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE**



William Varian, Chairman

These minutes were approved by the Committee/Chairman on 8/7/24, as presented (choose one) , or as amended _____.

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE

2024 LAND DEVELOPMENT CODE AMENDMENTS
SPECIAL PUBLIC MEETING

Naples, Florida, May 21, 2024

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 3:00 p.m. in REGULAR SESSION at the Collier County Growth Management Community Department Building, Conference Room #609/610, 2800 Horseshoe Drive North, Naples, Florida, with the following members present:

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

ALSO PRESENT: James Boughton, DSAC
Eric Johnson, LDC Planning Manager
Richard Henderlong, Planner III
Marissa Fewell, Planner III
Brian Wells, Director, PTNE
Rey Torres Fuentes, Ops Support Specialist I
Alexandra Casanova, Management Analyst I

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 Community Department.

1. Call to Order

The meeting was called to order at 3:00 p.m.

2. Approval of Agenda

Mr. Curl made a motion to approve the agenda as written. Seconded by Mr. Mulhere. The motion was approved unanimously, 6-0.

3. Old Business

(None)

4. New Business

a. PL20210002602 – Rural Architectural Standards

Ms. Fewell detailed a PowerPoint presentation:

- In September 2019, the Board of County Commissioners approved an amended version of the Golden Gate Area Master Plan.
- The plan created the three sub-elements, Golden Gate City, Urban Estates, and the Rural Estates in both the urban and rural sub-elements as a policy related to initiating rural architectural standard requirements for commercial uses, conditional uses, and essential service facilities.
- The intent was to reflect the rural character of the Estates and to provide coherence.
- The standards are only for commercial conditional use and essential service facilities and she wants to show the subcommittee existing or potential commercial sites in the Estates. Not shown on these maps are additional conditional-use sites that already have been approved as part of the Golden Gate Area Master Plan.
- Essential service facilities can be located throughout the Estates.
- Staff determined that architectural features in rural areas of the county and other areas of Southwest Florida include features of Low Country, Old Florida, Key West, and the Florida vernacular architectural styles. Staff drove around and took photos (Exhibits C and D) of existing sites of buildings that reflect these architectural elements. These photos show sites already located within the Estates.
- Another slide shows buildings located outside the Estates, with similar architectural features.

Mr. Johnson said staff had to drive around to figure out the best examples to effectuate that. Through this process, we hope to hear your expertise and from the public. There wasn't much guidance on what constitutes rural architecture because Florida vernacular is subjective.

Ms. Fewell said the amendment introduces design standards for new commercial, conditional-use, and essential service facilities in the Rural and Urban Estates, including design standards related to roof-type material and decorative elements, entry features, exterior-wall materials, window designs, lighting fixture heights, fences, and walls. We are asking for the

subcommittee's recommendation of approval, or approval with conditions, and welcome any feedback.

A discussion ensued and the following points were made:

- **Mr. McLean:** When we were working through the architectural element of the LDC, the standard section that we deal with SDPs, etc., there were limitations on sizes. If you were under 4,500 square feet, you didn't have to address any of the architectural elements.
- **Ms. Fewell:** This will change Section 5.05.08(d) and will add a new subsection under that, 16.
- **Mr. Mulhere:** There is some relevant information in that section.
- **Mr. Boughton:** The question is about land standards and whether they are in addition to the architectural standards we have now. That's a big difference.
- **Mr. Boughton:** In the architectural standards section, there are a couple of categories for special-use buildings, such as warehouses, where standards in some cases take the place of others and in other cases supersede or reduce requirements. There is nothing in this language that speaks to that issue, which is a major one.
- **Mr. Mulhere:** Applicability would apply to commercial and conditional uses, which is a bit different from that because conditional uses are not covered by that. That's one difference.
- **Mr. Mulhere:** There are projects when at least one of the following conditions exist for the purpose of this section, arterial and collector roads. The conditions are the project site is located within 300 feet of an arterial road or collector road, including all right-of-way, and in a non-industrial zoning district. If you are a non-residential building and you are within 300 feet of an arterial or collector that's when it applies.
- **Mr. Mulhere:** The project site is located on an arterial and is in an industrial district, so even if you are industrial, if you are on an arterial, this applies.
- **Mr. Johnson:** This would be applicable to a very large area. D1 through D16 are design standards for specific buildings. The category being referred to has different groups of uses of buildings, and they have special exceptions or add-ons.
- **Mr. Mulhere:** There's a separation under 5.05.08. There are site design standards, in addition to architectural standards, site design standards. If I'm building a public shopping center, presumably they apply.
- **Mr. Johnson:** The way we envisioned it is that you have 5.05.08 and we're adding more. Whatever would be applicable to subject 5.05.08, all systems go, including No. 16.
- **Mr. McLean:** If I have a client on Randall or on White Boulevard who wants to build a retail strip mall, I will have to apply this Old Florida, Key West, and Low Country architectural style because of where it's located. That's because of the policy in the Golden Gate Area Master Plan.
- **Mr. Curl** said it's something he's been petitioning for almost 10 years. What we are creating here is the reverse of what Estero did.
- **Mr. Mulhere:** The language you are proposing is not because of the policy. The policy requires staff or the county to initiate architectural standard requirements in the Land Development Code for conditional uses, essential services, and commercial uses. It does not say that is what it needs to be, so it's not a result of that policy.

- **Mr. Mulhere:** The effort may be a result of the policy, and the staff recommendation after doing research and they feel these are appropriate architectural standards. It's reasonable to disagree if you want to disagree with those recommendations for standards.
- **Mr. Mulhere:** There are a lot of concerns. It states that you must create architectural standards for essential services. Does a sheriff's substation have to follow this design? The library already does. That's where staff are going with this.
- **Mr. McLean:** In the Village of Estero, architecture must be Mediterranean. You must meet what your neighbor does next door. They don't like it. They are at a point now where they are rewriting this. We are doing the exact same thing. We say in this area you must do this type of architecture. Why doesn't the standard 5.05.08 apply there? Why do we need to add a section saying in this area it's only this architecture?
- **Mr. McLean** isn't fighting this type of architecture because that's what his firm does.
- **Mr. Curl:** A building at the northwest corner of Golden Gate and Everglades boulevards is probably the ugliest monstrosity, and it follows the Land Development Code.
- **Mr. Mulhere:** You must start with the fact that this is a GMP policy and staff do not have a lot of leeway. We can argue with the text, or we can come up with different suggestions. This is going to occur. It specifically says it is going to apply to commercial, conditional use and essential service facilities and it's going to reflect the rural character of the Estates area.
- **Mr. Mulhere:** There are two kinds of estate areas: Urban Estates and Rural Estates. They are treating it for this purpose as the same, Urban and Rural. This policy is in both the Urban and the Rural Estates sub-elements.

A discussion ensued over the staff's attempts at trying to address the standard and the following points were made:

- **Mr. Mulhere:** We need to have the ability to ask for an exception and we have that in the other standards. You can provide an alternative architectural design and we need to have that here, whether it's approved by the staff or the board.
- **Mr. Mulhere:** Right now, we would look at what the exception section says to determine whether it applies. How is that structured? If it's at the end of the section and it says exceptions may be granted as follows, then that would apply to everything above it depends on how it is written.
- **Mr. McLean:** Item 4 is a variation in massing, which is what creates our biggest difficulties in designing.
- **Mr. McLean:** From the list in Section 5, the primary facade must include four of these 16 elements, but porches will have at least two of these elements. These are design challenges in the county. We do not have a design review board like the City of Naples does.
- **Mr. McLean:** Architectural reviewer Peter Shawinsky should have been at this meeting. Why is concrete tile eliminated? We are forcing something here and need to take more time to clean this up.
- **Mr. Mulhere:** Under applicability, there needs to be a section that says these standards shall supersede the requirements of sections xxx because this is to replace the architectural standards that otherwise apply in the Urban area. There will be mass

confusion if we don't simply state that. They have different architectural design requirements. They become restrictions to the bottom.

- **Mr. Boughton:** There are still conflicts here. In the body of the of the code regulation, you must pick four of 16 elements, and now this one talks about picking two of five.
- **Mr. Johnson:** The spirit of it was that it's in addition to and if there was a conflict, this would supersede what's in conflict.
- **Mr. Johnson:** We need to figure out what that GMP policy means by looking at Rural Architecture around the county, taking photos of what we think is Florida vernacular or Key West, and ask Peter Shawinsky to help us come up with regulations that will work.
- **Mr. Mulhere:** The policy says commercial use, conditional uses, and essential services. Maybe we need to look at essential services because it's fine if you want it to cost astronomically more money to get utilities and cell service, whereas everywhere else we're not really applying these standards – unless maybe the essential service structure is very visible.
- **Mr. Mulhere:** Paragraph G in the LDC would apply. Deviations and alternate compliance, the following alternative compliance process is established to allow deviations from the requirements of this section as approved by the county manager. There is some flexibility because G applies to everything above.
- **Mr. Mulhere:** The sentence above says, "The following types of building uses qualify for administrative determination of deviations from the LDC – assembly, educational, institutional, mixed-use buildings, any other non-commercial building that is not listed under LDC design standards, etc. Buildings with a gross building area of 10,000 square feet or more on the ground for buildings, multi-story buildings with 20,000 square feet or more." There are exceptions here.
- **Mr. McLean:** This code is good and by working with Peter, you can hit most of this to ensure this funnel of the design code doesn't get too narrow. We can continue with the staff's intent but not make it so restrictive that it limits the architecture.

We need further discussion of the types of buildings in the area that are good and bad examples of architecture and whether they follow 5.05.08.

A discussion ensued over the next steps:

- **Mr. Brooker:** Are we sending this back to staff or are we going to have a sub-committee of the architects who meet with staff?
- **Mr. Johnson:** Staff are not looking for a vote today. They just need to start the process. Maybe you can discuss it line by line.
- **Mr. Brooker:** Three issues have been highlighted.
- **Mr. Brooker:** The first is overall applicability. There are exceptions at the beginning of 5.05.08 that may carve out what we're trying to cover. We need to clean up internal consistency within 5.05.08 overall. There's also the deviation section that applies.
- **Mr. Brooker:** The second issue is what we want architecturally. Is this what we want it to look like? Are there problems with the substance of it?
- **Mr. Brooker:** This is supposed to apply to commercial, conditional uses, and essential services. The comprehensive plan says they don't have to be the same for all three.

Maybe essential services should have their own set of architectural standards, so we're not building the Taj Mahal utility shed.

Mr. Johnson said those are excellent observations. We could disagree 100% with Rural architectural standards. It's within the purview of this group to either agree, disagree, change, modify, dream, or not dream.

Item .4a was placed on a temporary hold.

b. PL20240005299 – Major Transit Stop Definition

Mr. Mulhere said we need to create a definition of a term used in the Live Local Act. It probably will be used now as the county moves forward with its own set of amendments or new bonus provisions for affordable housing that will create the opportunity for higher bonus units within certain proximity of either a transit stop, major or transit core. There is no such thing as a major transit stop any more in the Florida Statute. It's a major transportation hub.

Ms. Fewell said that's correct and told the subcommittee:

- We created the major transit stop definition based on an April Board of County Commissioners meeting when they wanted it to be defined a certain way.
- We created the definition and started the process, but in the meantime, Senate Bill 328 was approved by the Senate and the House, and it was approved by the governor last week, so we will not be moving forward on the major transit stop definition.
- The new Senate bill could offer an opportunity for us to define what a transit stop is.
- We have a very preliminary definition: The proposed definition for a transit stop is a designated area along a fixed local public transit route where Collier Area Transit buses stop to load and unload passengers.

Mr. Brooker outlined the statute for the subcommittee:

- The statute as amended eliminates the word "major" and just says "transit stop," as defined in the Land Development Code.
- It distinguishes a transit stop from a major transportation hub.
- The county *may* consider reducing parking requirements under the Live Local Act.
- Under a major transportation hub, the county *shall* reduce public ...
- We need to define transit stop within that context.
- The statute says, "as defined in the county Land Development Code." We must give it a definition.
- Is Collier Area Transit the only county transit program in operation? Maybe we shouldn't specify CAT because maybe it will change names five years from now.

Mr. Henderlong said he spoke with a couple of the planners and engineers regarding that. It's very important to understand it's not just one item, CAT itself, but other transportation options. You must have two or more to be a hub, like the Greyhound Bus hub.

Mr. Mulhere said that for purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus or train or light rail.

Mr. Johnson said Mike Bosi plans to approach the Board of County Commissioners with his idea of what a major transportation hub is based on what the BCC already determined when they wanted it to be a major transit stop.

Mr. Mulhere said his opinion is there are two and they only have one form of transit, a CAT bus, which is at the government center, where routes converge in a singular location for transfer to other routes. There's another one at Davis Boulevard and Radio Road.

Further discussion included transit; CAT, Lee Tran, Greyhound/FLIX; transportation hubs or stops at major employment centers, for instance, Arthrex; serving affordable workforce; publicly funded; not too narrow with a definition; and the following motion was made:

Mr. Foley made a motion to accept a change to define a major transportation hub as "The designated area along a fixed local public transit route where publicly funded buses stop to load and unload passengers." Seconded by Mr. Curl. The motion was approved unanimously, 6-0.

Mr. Mulhere: I don't think it really needs to be a motion; it could be a consensus. There is no reason for you to go further on a major transportation Hub.

Mr. Brooker said that the overall objective of Live Local is to incentivize affordable housing and one way you do that is to reduce parking requirements, which can be onerous. So why not define major transportation hubs more broadly to implement the intent of Live Local?

Mr. Johnson said there is a way that you could think of it as very liberal, all reaching, very far-reaching definition or a very kind of conservative definition. It's very subjective.

Mr. Brooker: Does staff have enough to go back to staff and then ultimately to the County Commission? I would not be in favor of voting for any motion on this right now for a major transportation Hub. I just don't have enough to go on. But I think you're hearing ideas, some consensus, and those are the ideas you can share and then formulate amongst yourselves and talk to the County Commission.

Mr. Brooker said we are finished with 4b and asked the subcommittee to **return to 4a**.

Mr. Boughton: I believe the architectural code in general has used commercial zoning as the basis for what is commercial. And then when it comes to conditional use, I haven't done a whole lot of conditional uses. The ones I have worked on are usually churches. But are there other building types that could fit in that category that we don't necessarily want to bring in or vice versa?

Mr. Johnson: Let me go to the estate zoning district and see what is listed as permitted and conditional uses. The estate zoning is a type of agricultural zoning district; the permitted uses; a non-residential use.

Mr. Boughton: Residential is excluded from the architectural standards? (Correct.)

Mr. Johnson said the way it's worded is commercial, conditional uses, and essential services. This is not the granting of an essential service; that relies on the zoning district to do. This is if you are an essential service and are in the Rural or Urban sub-element of the Golden Gate Area Master Plan, then No. 16 applies.

Mr. Brooker said we're looking at the pure estate zoning district. What are the conditional uses to figure out what these architectural standards would apply to – churches, social and fraternal organizations, childcare centers, private schools, and group care facilities?

Further discussion ensued and the following points were made:

Mr. Johnson: A reminder that this is the policy that we are trying to implement – the county shall initiate architectural standard requirements and land development code.

Mr. McLean: Define different characters for different regions and we may have to write a 16 for urban and a 17 for rural because this would fit the rural area. I think this architectural style fits the rural area but does not fit the urban area.

Mr. Henderlong: That would be up to the pleasure of the committee to make a recommendation and that is why we are here, to get input and receive your advice on that.

Mr. Brooker: We should have an urban set of architectural standards and a rural set of architectural standards because they are different in character.

Mr. Brooker: I think what the County Commission said is they adopted these two provisions back in 2019. And a lot of time has passed, and a lot of development has occurred since then. But they are looking to maintain the rural character in the Urban Golden Gate Estates. And just simply saying to follow 5.05.08 might not suffice.

Mr. Foley: I think we need to address both, but you could keep it in one if you just expanded it or loosen the requirements. Don't make them so stringent. Add a few other architectural styles that would fit and then you could keep it as it's listed. But have it not as narrow as it shows today.

Mr. McLean: When you get into designating architectural styles like this it hurts the community. It doesn't help the community. There must be a better way than saying this.

Mr. Johnson: We said these are the architectural styles. We are trying to initiate architectural standard requirements. That does not necessarily have to mean in a particular style or styles.

Mr. McLean made a motion that we table Urban and make it a separate set of criteria. It was seconded by Mr. Boughton and a discussion ensued.

Mr. Henderlong: When I look at 5.05.08 D and I see 16, it's applicable to both Urban and Rural, but we can sub-break that out and rewrite subsets within that same umbrella of 16 and deal with the applicability in the Urban and applicability with the Rural.

Mr. Brooker: One way we can do it is you start off dealing with Rural and then your next subsection under 16 would be Urban, and in addition to the above for rule you can add those styles too as an option.

The motion was rescinded by Mr. McLean before a subcommittee vote.

Mr. Brooker: I think we have not a consensus, but unanimous approval, that we are going to separate Urban versus Rural in terms of the architectural standards that apply with Urban being whatever rule is, plus some.

Mr. Johnson confirmed with the Subcommittee that Lines 33-34-35, viii, Page 3 of Draft: Rewrite it to say: Fences or walls when used for decoration will be in accordance with the vernacular of the architecture.

Mr. McLean, on behalf of the subcommittee, stated the following changes were to be made:

- Line 21, v, Page 3 of Draft: Discussion of shutters, in particular, mullions; in addition, placement of signs or signage; colors of signage. (Mr. McLean offered to come up with a solution to this section. Determination was made by the subcommittee to come back later to discuss 'signage').
- **Lines 4-5, b, Page 3 of Draft:** Rewrite it to say: A front porch must encompass an area no less than 25 percent of the primary façade(s).
- **Lines 39-40, i, Page 2 of Draft:** Rewrite it to say: Standing-seam or V-crimp metal material, or shake-style or asphalt shingle roof or flat concrete tile.
- **Line 47, b, Page 2 of Draft:** Rewrite it to say: Flat roofs, when used as a primary element, shall be adorned with decorative cornices.
- **Line 31-32, i, Page 2 of Draft:** Strike out lines 31-32.
- **Line 23, a, Page 2 of Draft:** Rewrite it to say: siding, and color that is appropriate to the architectural style.
- **Line 21, a, Page 2 of Draft:** Rewrite it to say: expressed connectors/bracing, porches, balustrades, rectangular or
- **Lines 36-37, a, Page 2 of Draft:** No changes made
- **Lines 42-45, ii, Page 2 of Draft:** Strike out lines 42-45.
- **Lines 18-19, iv, Page 3 of Draft:** Rewrite it to say: vergeboards, bargeboards, clapboard, board/batten siding, stucco, or brick.
- **Line 30, vii, Page 3 of Draft:** Rewrite it to say: Freestanding outdoor lighting fixtures to follow architectural code requirements; or leave that section out.

A discussion ensued regarding deviations of churches and the following points were made:

Mr. Henderlong: 5.05.08 deviations – they have been coming through as deviations from the county manager.

Mr. Johnson: Staff does not have the authority to exclude churches if they are a conditional use, but the subcommittee can make that a recommendation.

Mr. Johnson: Do not confuse this with PUD deviations.

Action item: Staff will bring back the discussion of deviations and churches to the subcommittee at its next meeting.

Mr. Johnson said he wanted to ensure the subcommittee agreed that if there is a conflict between this and the greater portion of 5.05.08, this would supersede that portion in this region. Do you agree or disagree?

Mr. Brooker said he believes yes because we need to do an analysis of internal consistency throughout 5.05.08 because there are all sorts of exclusions upfront. We're looking at all the consequences.

Mr. Brooker stated to Mr. Johnson's question above: I think the answer is yes to your question. These would supersede in the event of any conflict, and hopefully, the subcommittee will analyze that before our next meeting.

Mr. Henderlong outlined the applicability for deviations in 5.05.08:

- The following types of buildings and uses qualify for administrative deviation from 5.05.08 development standards.
- An assembly building, such as a church.
- Educational.
- Institutional.
- Mixed-use buildings, such as commercial, residential, office.
- Any other commercial building or use that is not listed under LDC Section 5.05.08(e), design standards for specific building types of this section. Due to its function, it has specific requirements making LDC 5.05.08 standards unfeasible.
- Buildings located in a property with a commercial zoning designation when submitted for an SDP review, except for the following: 1) it has a threshold of 10,000 square feet or more on the ground floor; 2) multifamily multi-story building with the total gross building area of 20,000 square feet or more; 3) project sites with more than one building where the aggregate gross building area is 20,000 square feet or more. Individual buildings within a project site that have been previously granted deviations where additional development causes an aggregation of the building area, 20,000 square feet or greater, must bring existing buildings up to the requirement of the code.

Mr. Johnson said we received a lot of feedback. Thank you for indulging us. It was worthwhile and we're going to go back to the drawing board and take into consideration your suggestions.

Action Item: Mr. McLean will provide staff with additional input in writing regarding architectural styles that blend with this.

5. **Public Speakers**
(None)
6. **Upcoming DSAC-LDR Subcommittee Meeting Dates**
Tuesday, July 16, 2024
Tuesday, October 15, 2024
7. **Adjourn**

There being no further business for the good of the County, the meeting was adjourned by the order of the Chairman at 5:05 p.m.

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

Clay Brooker, Chairman

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

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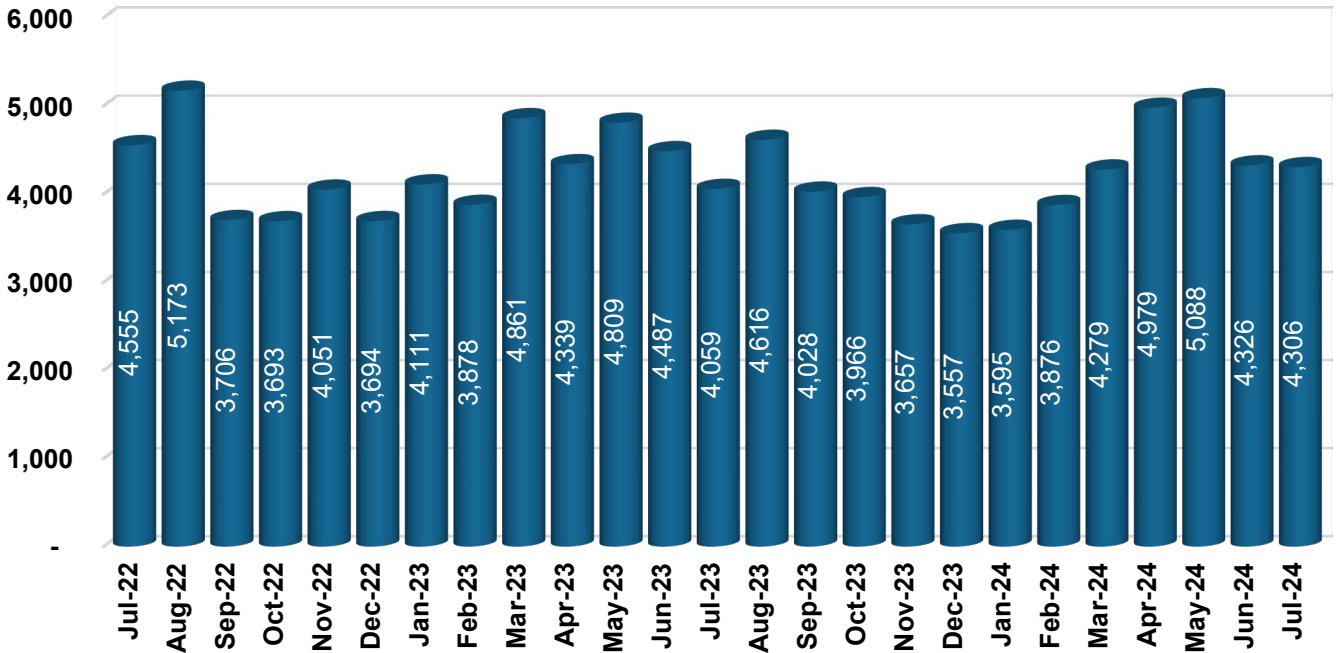
Collier County

July 2024
Monthly Statistics

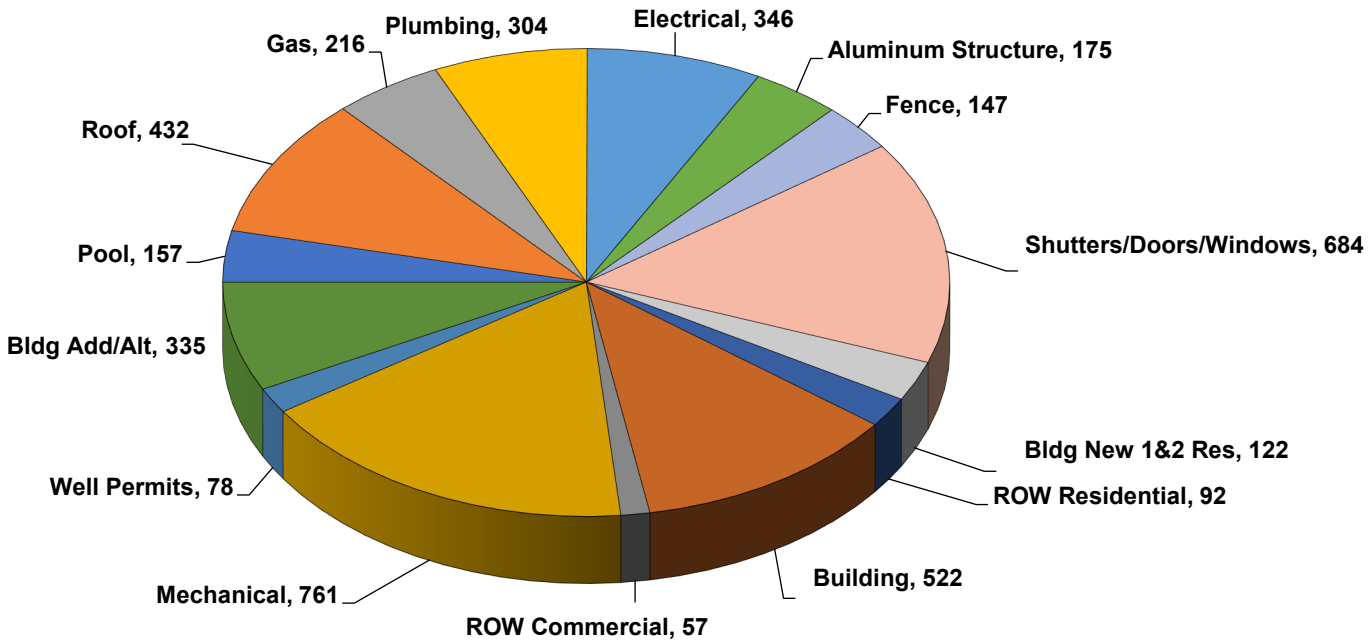


Building Plan Review Statistics

All Permits Applied by Month

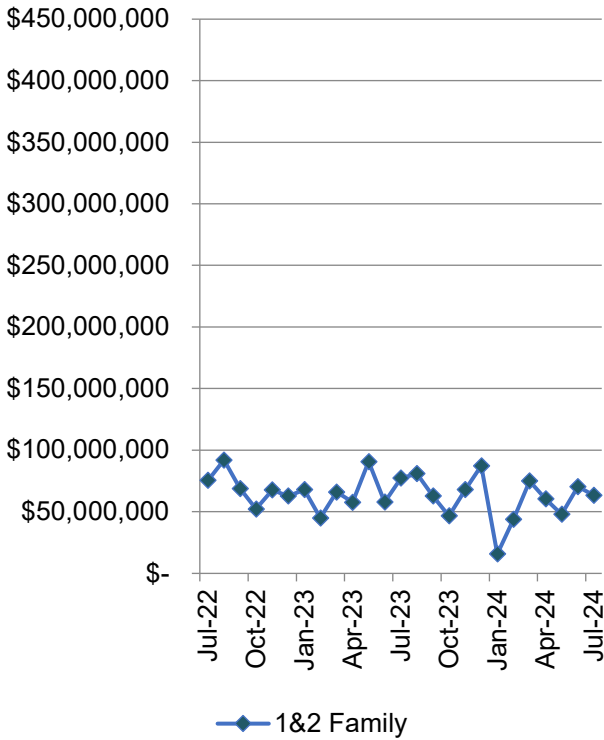


Top 15 of 35 Building Permit Types Applied

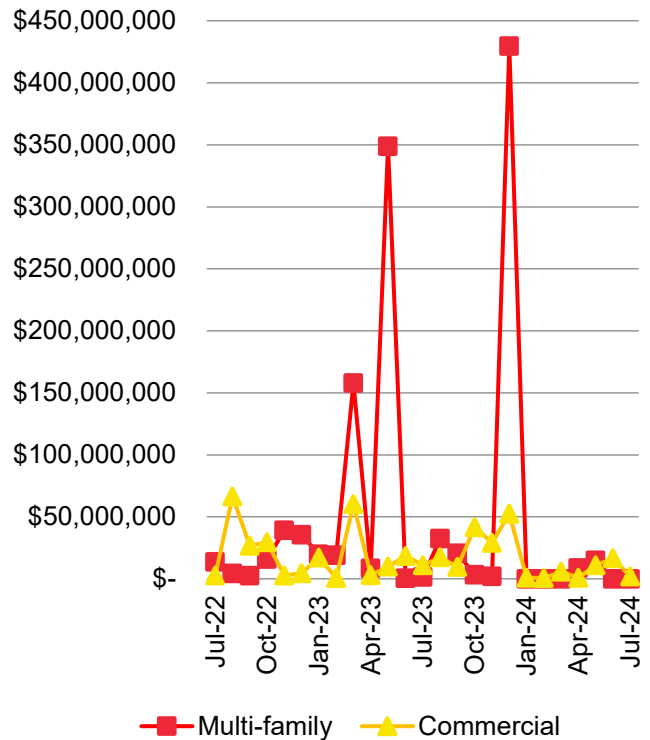


Building Plan Review Statistics

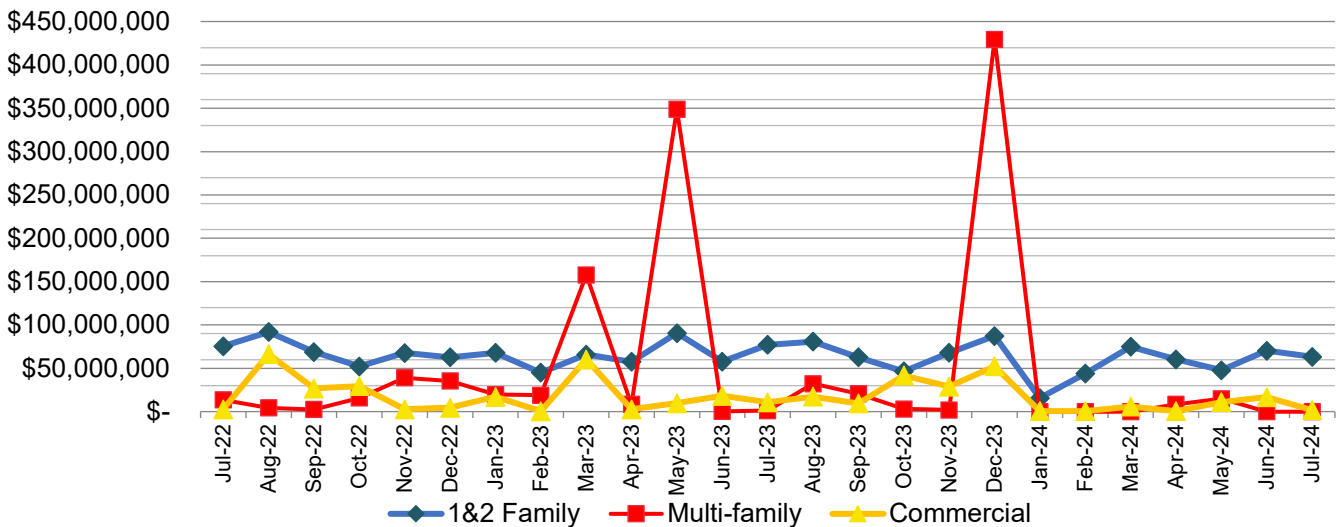
Monthly 1 & 2 Family Total
Construction Value by Applied Date



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

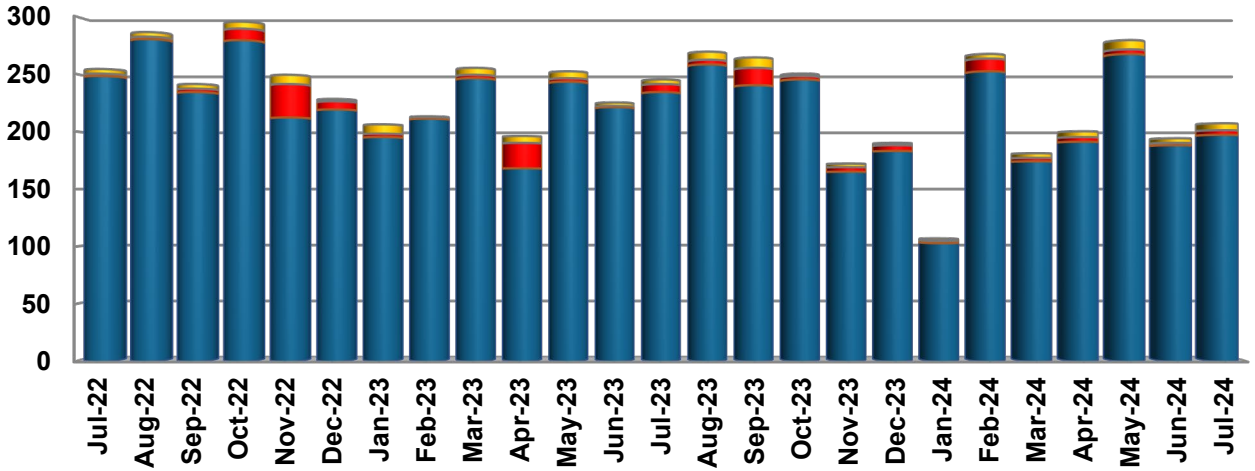


Monthly Total Construction Value by Applied Date



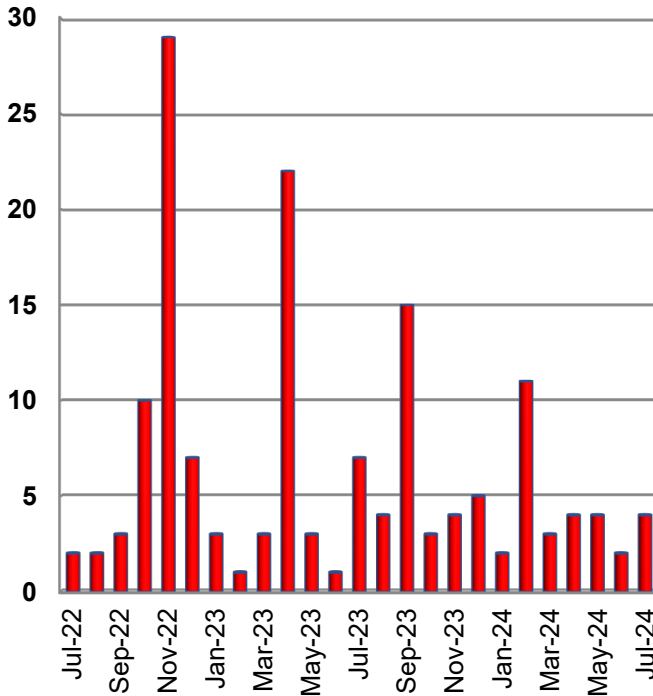
Building Plan Review Statistics

New Construction Building Permits Issued by Month

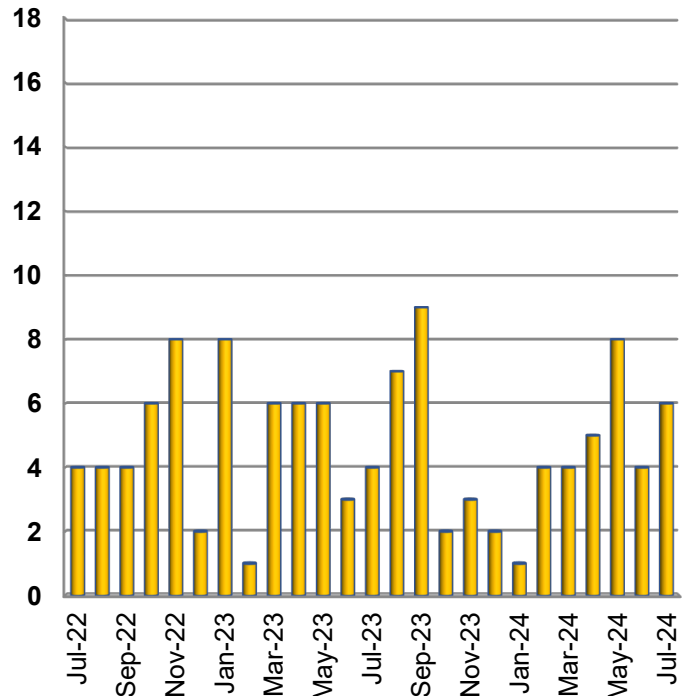


	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24
Commercial	4	4	4	6	8	2	8	1	6	6	6	3	4	7	9	2	3	2	1	4	4	5	8	4	6
Multi-family	2	2	3	10	29	7	3	1	3	22	3	1	7	4	15	3	4	5	2	11	3	4	4	2	4
1&2 Family	248	280	234	279	212	219	195	211	246	168	243	221	234	258	240	245	165	183	103	252	174	191	267	188	197

New Multi-family Building Permits Issued by Month

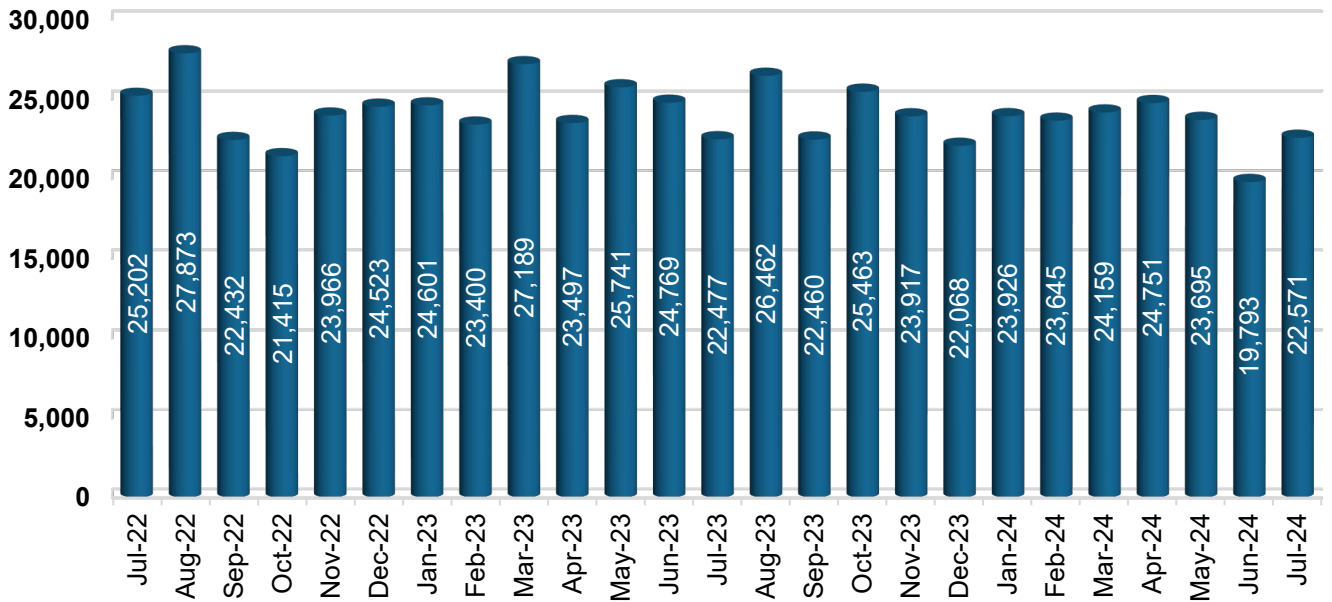


New Commercial Building Permits Issued by Month

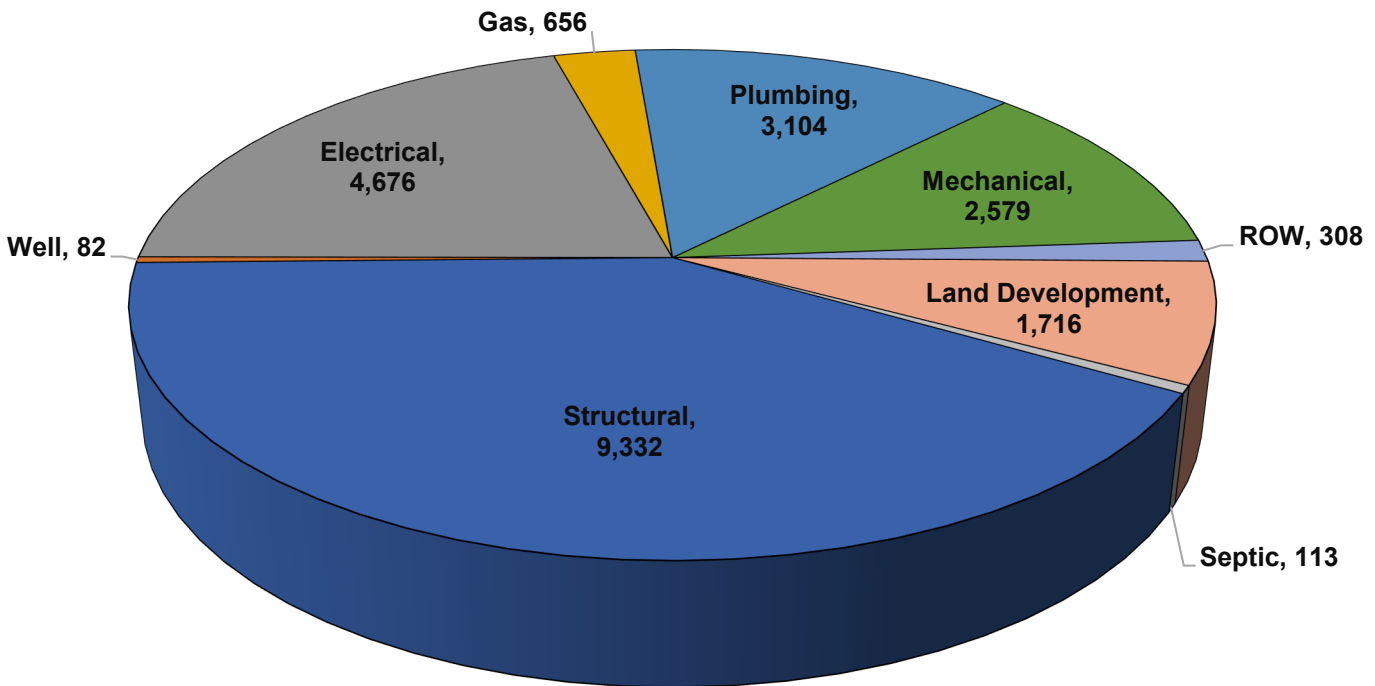


Building Inspections Statistics

Building Inspections

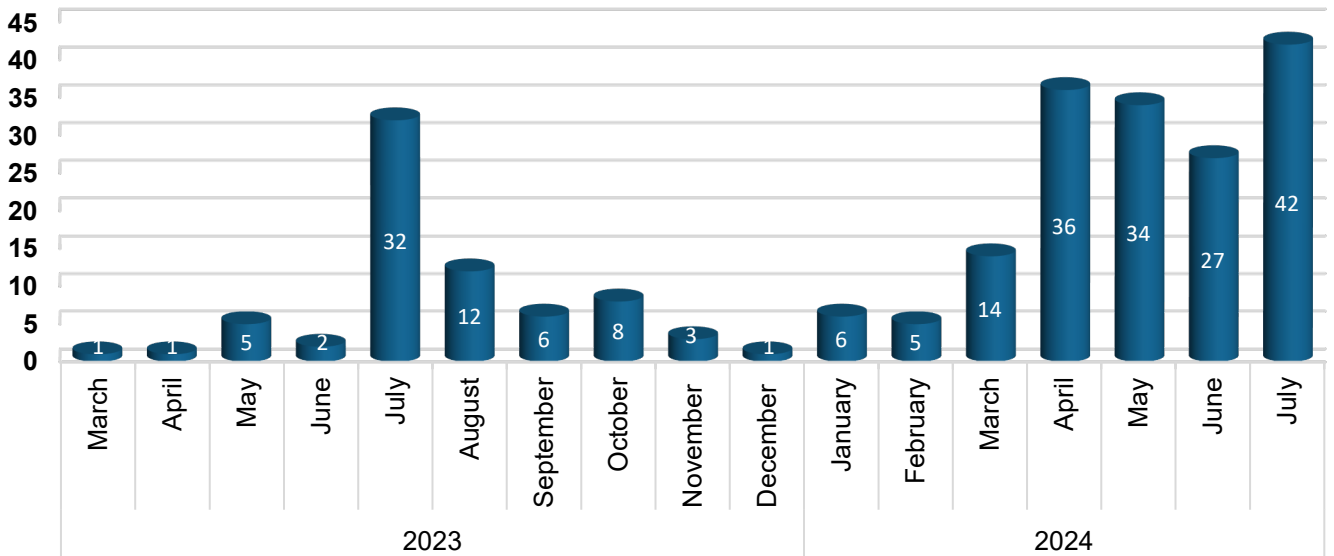


Types of Building Inspections

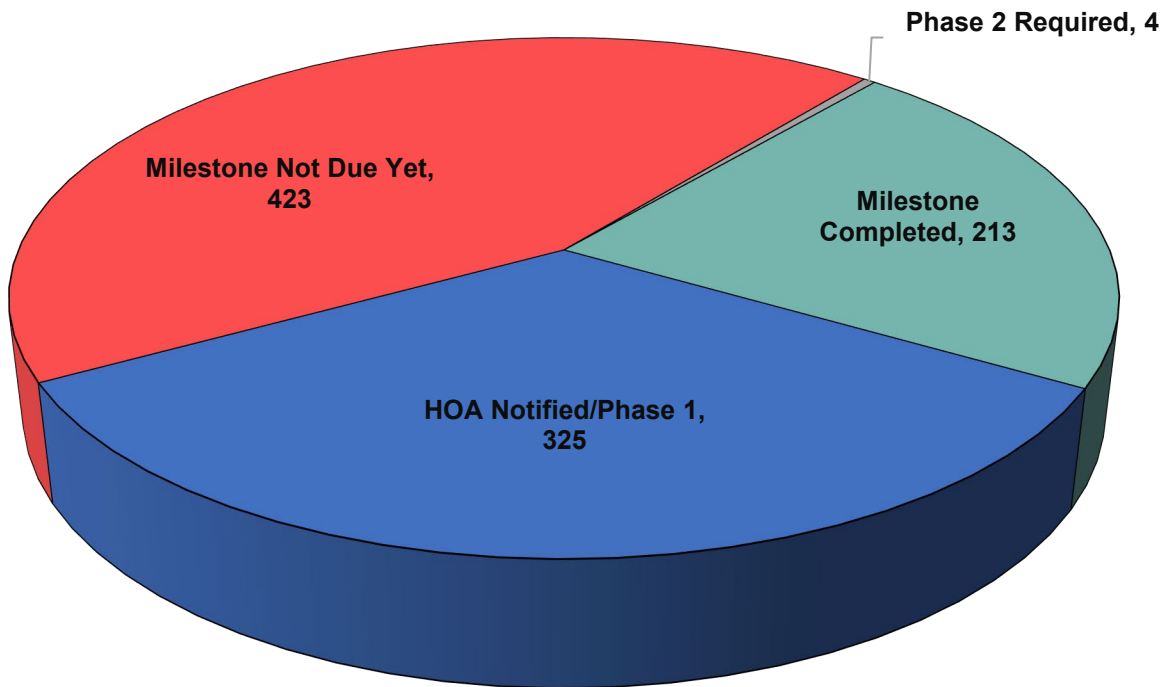


Building Inspections Statistics

Milestones Received by Month



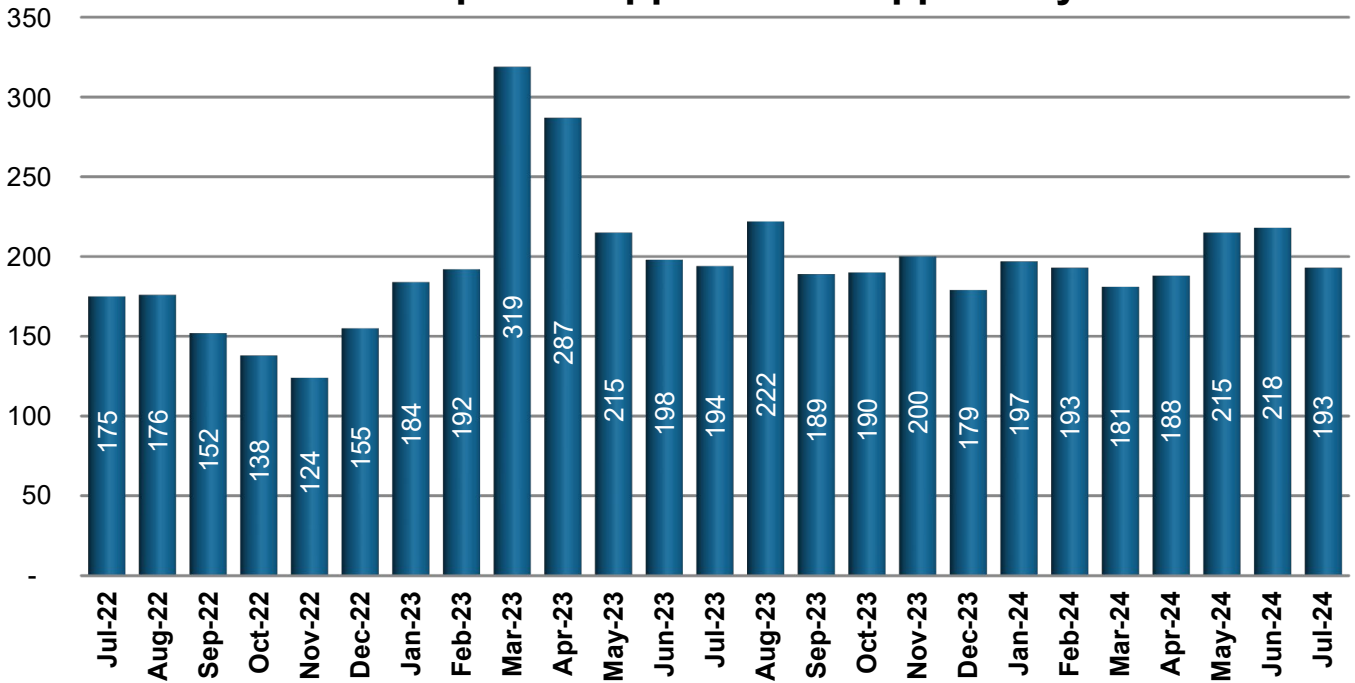
Milestone Inspection Status



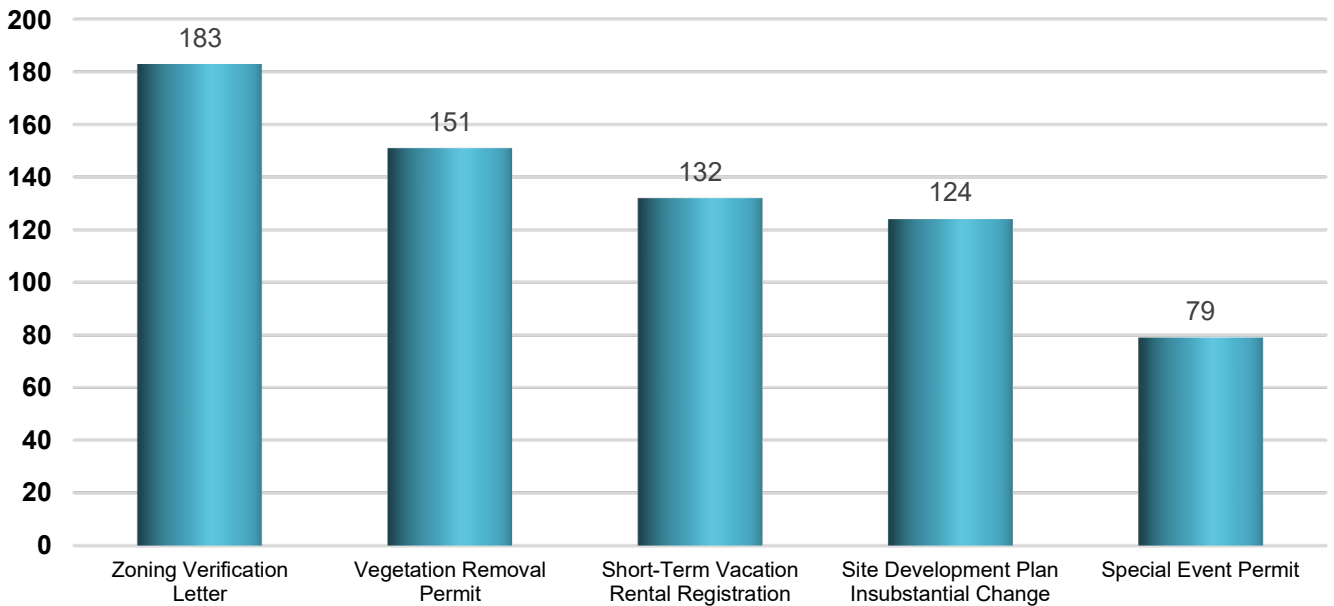
Land Development Services Statistics



All Land Development Applications Applied by Month

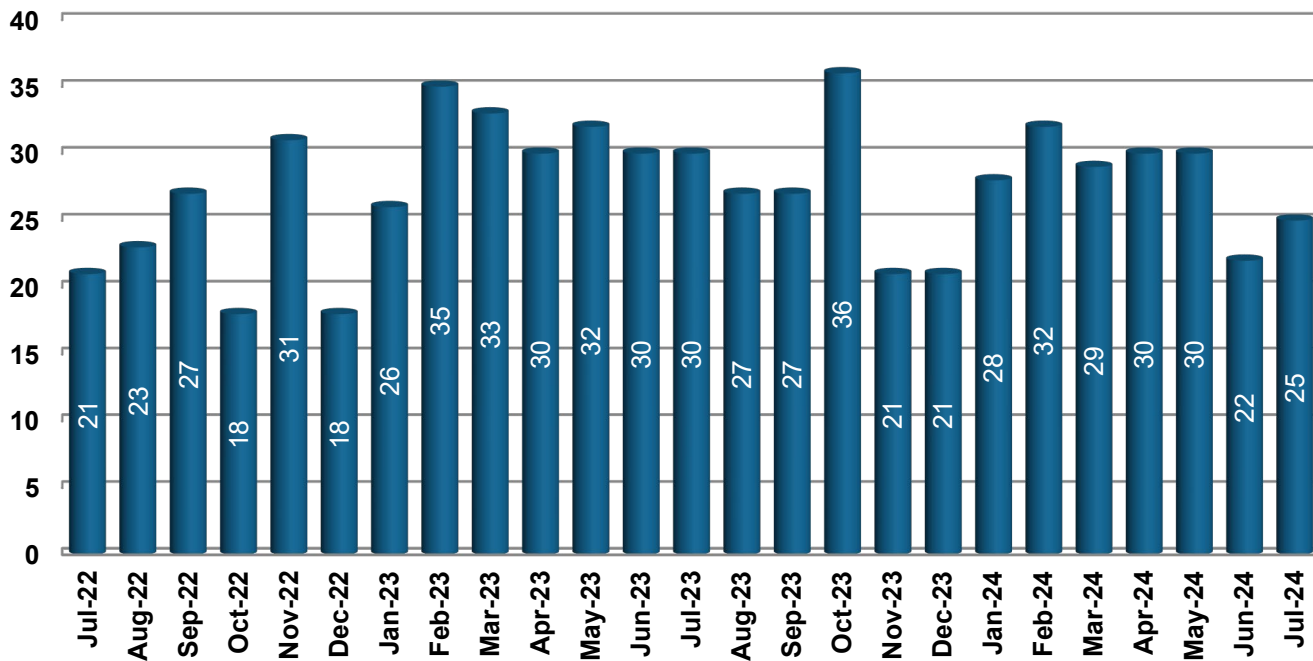


Top 5 Land Development Applications Applied within the Last 6 Months

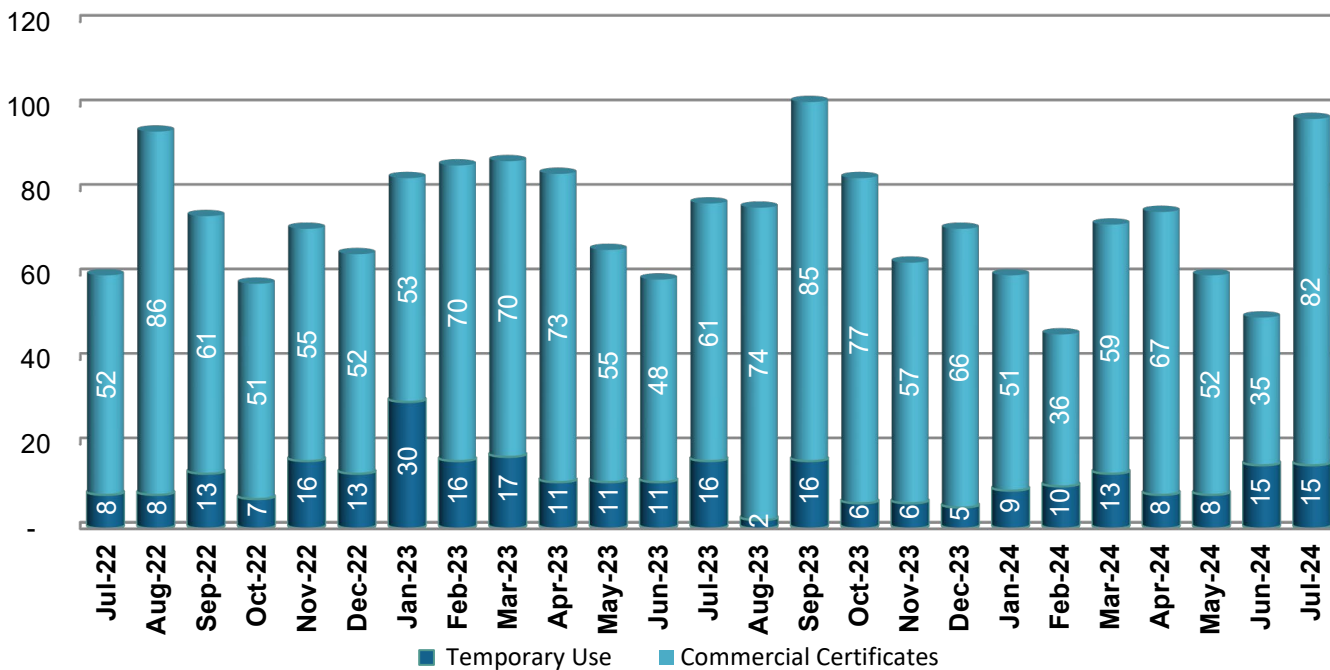


Land Development Services Statistics

Pre-application Meetings by Month

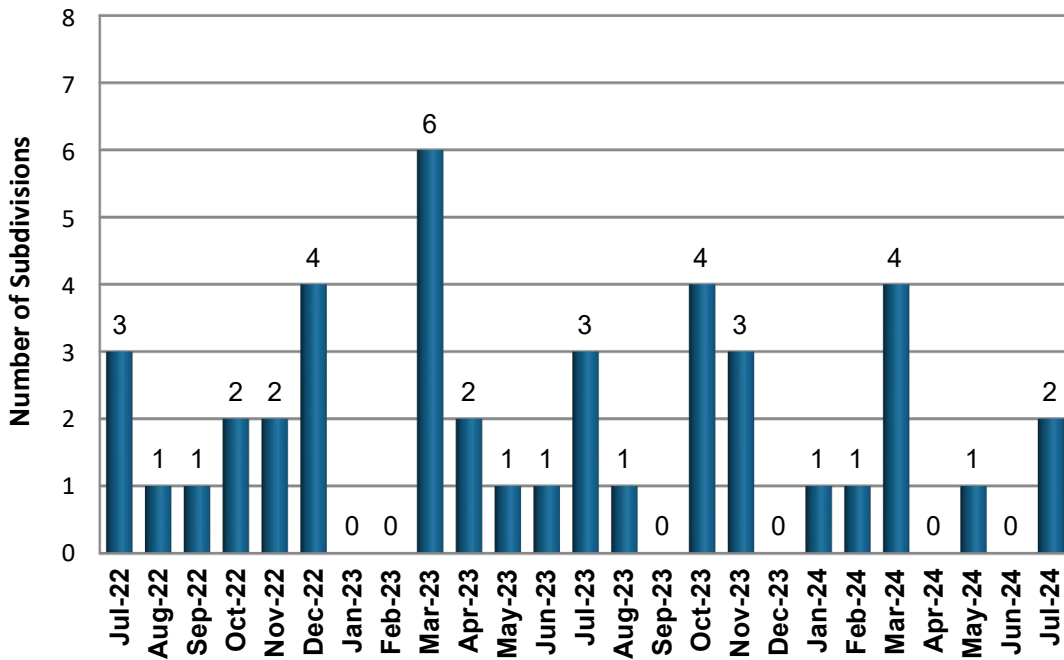


Front Zoning Counter Permits Applied by Month



Land Development Services Statistics

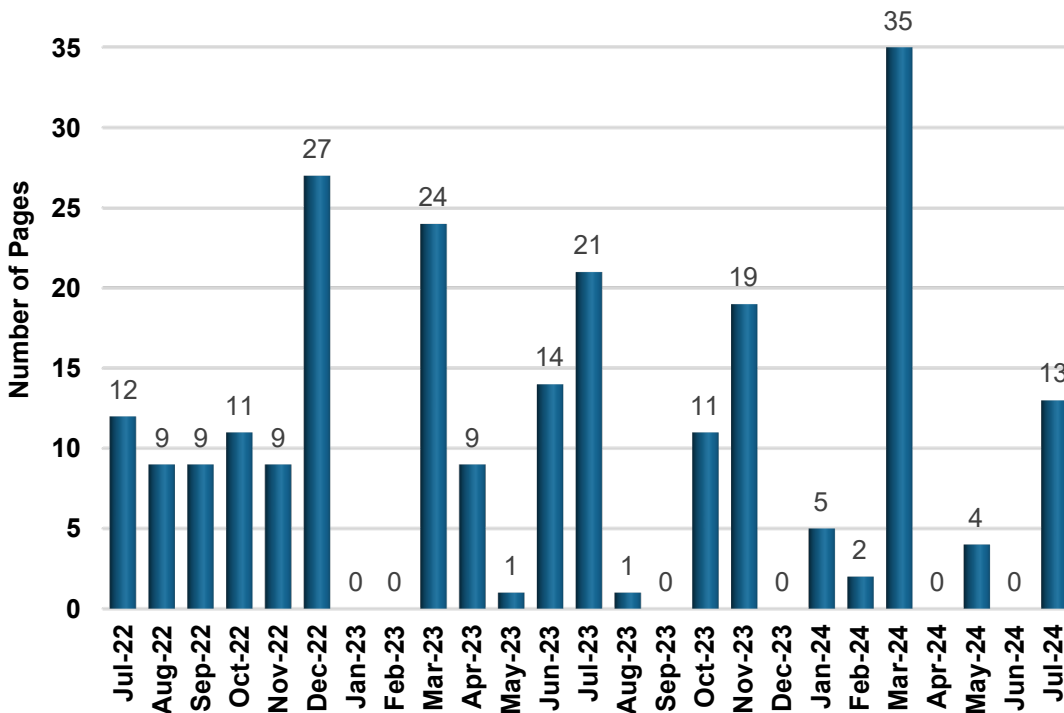
Number of New Subdivisions Recorded per Month



Yearly Totals Subdivisions
 2020 – 25
 2021 – 33
 2022 – 29
 2023 – 21
 2024 YTD – 9

Yearly Totals Lots
 2021 – 1353
 2022 – 3100
 2023 – 1212
 2024 YTD – 596

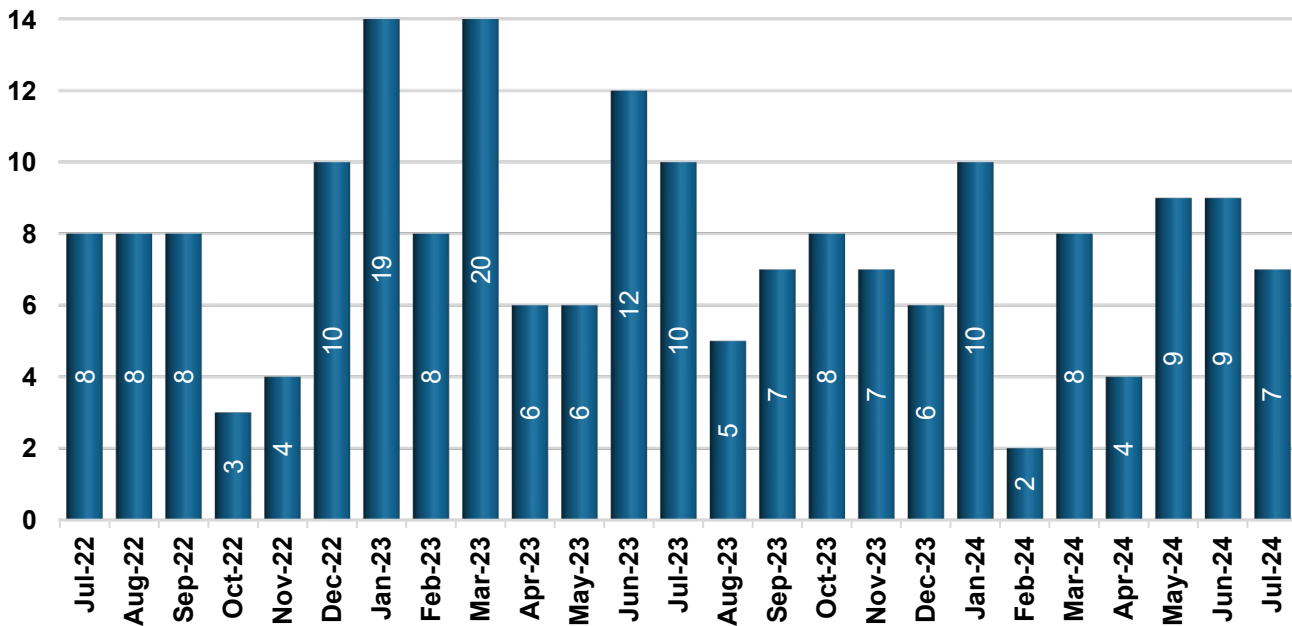
Plat Pages Recorded per Month



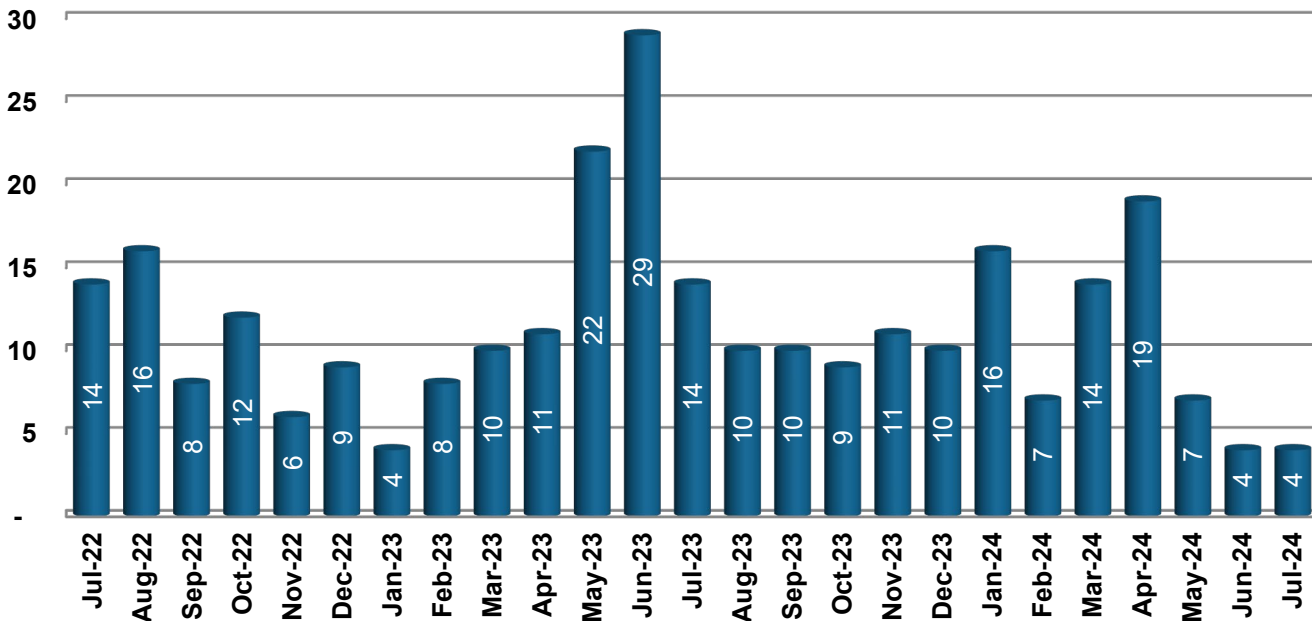
Yearly Totals Pages
 2020 – 152
 2021 – 188
 2022 – 175
 2023 – 100
 2024 YTD – 59

Land Development Services Statistics

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

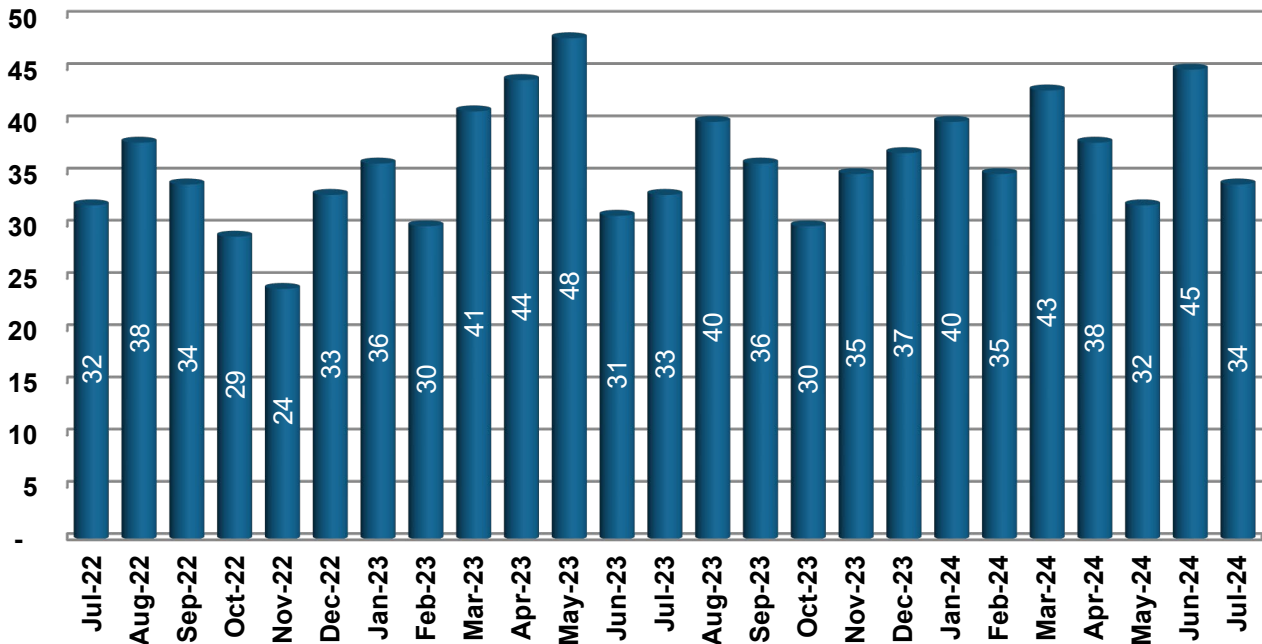


Monthly Total of Subdivision Re-submittals/Corrections (PSPA, PSP, PPL, PPLA, ICP, FP, CNST) by Month

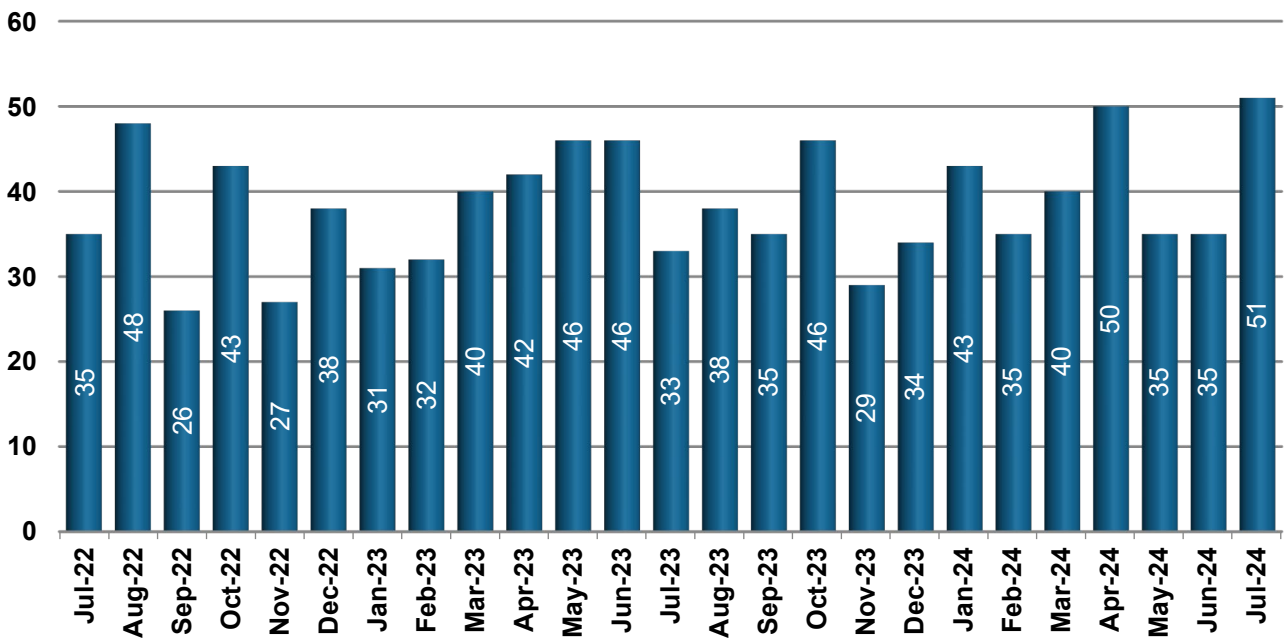


Land Development Services Statistics

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

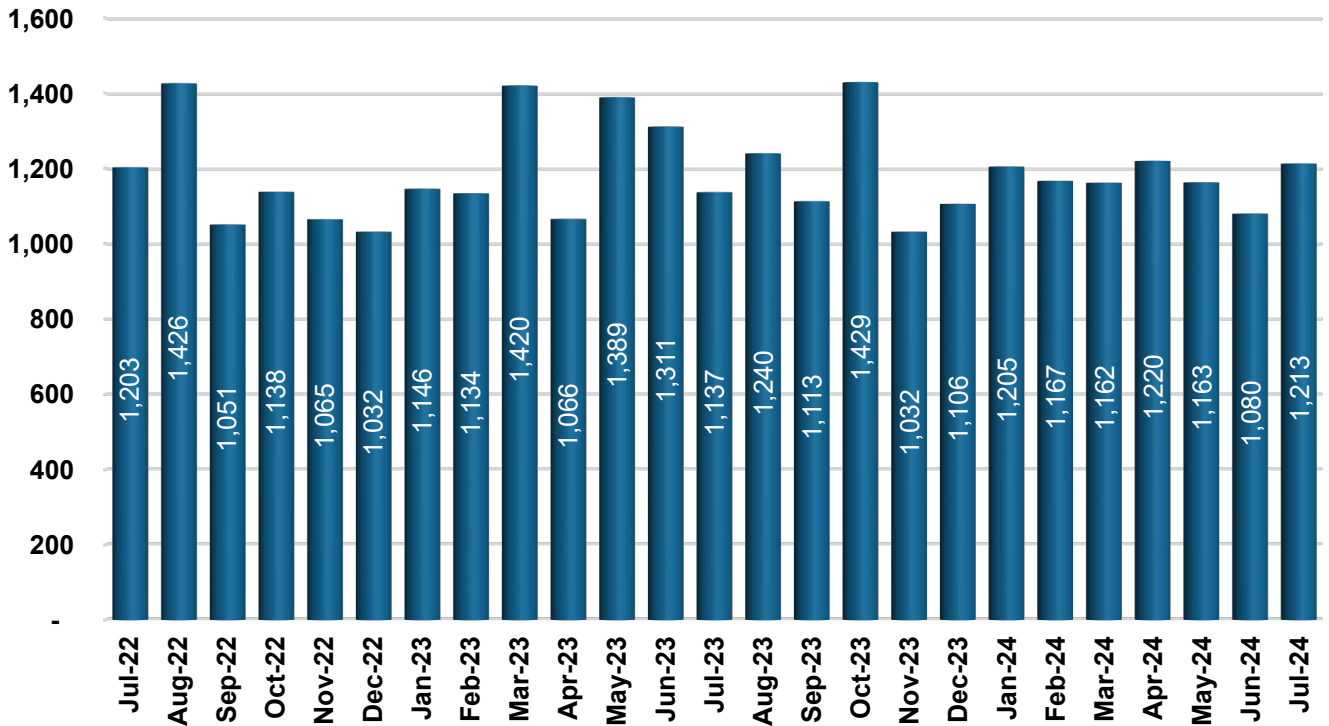


**Monthly Total of Site Plan Re-submittals/Corrections
(SIP, SIPI, SDP, SDPA, SDPI, NAP) by Month**

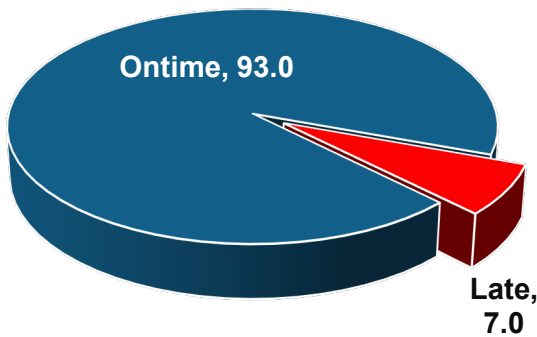


Reviews for Land Development Services

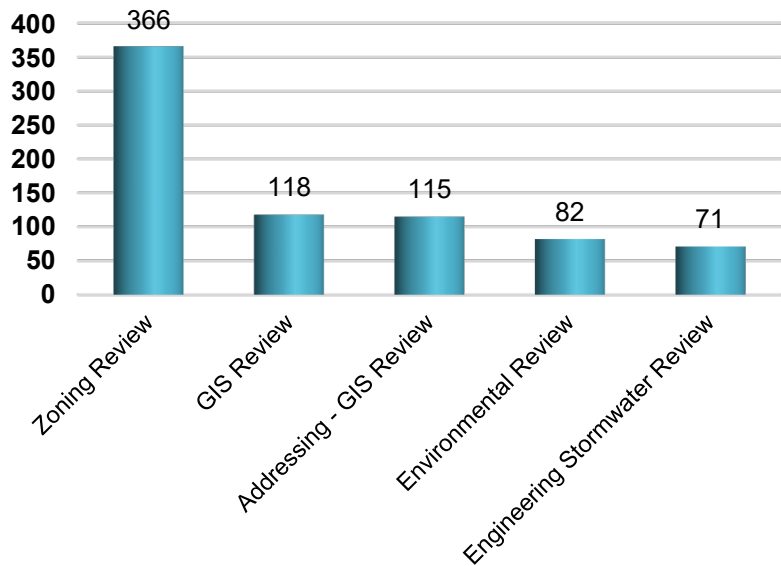
Number of Land Development Reviews



Percent Ontime for the Month

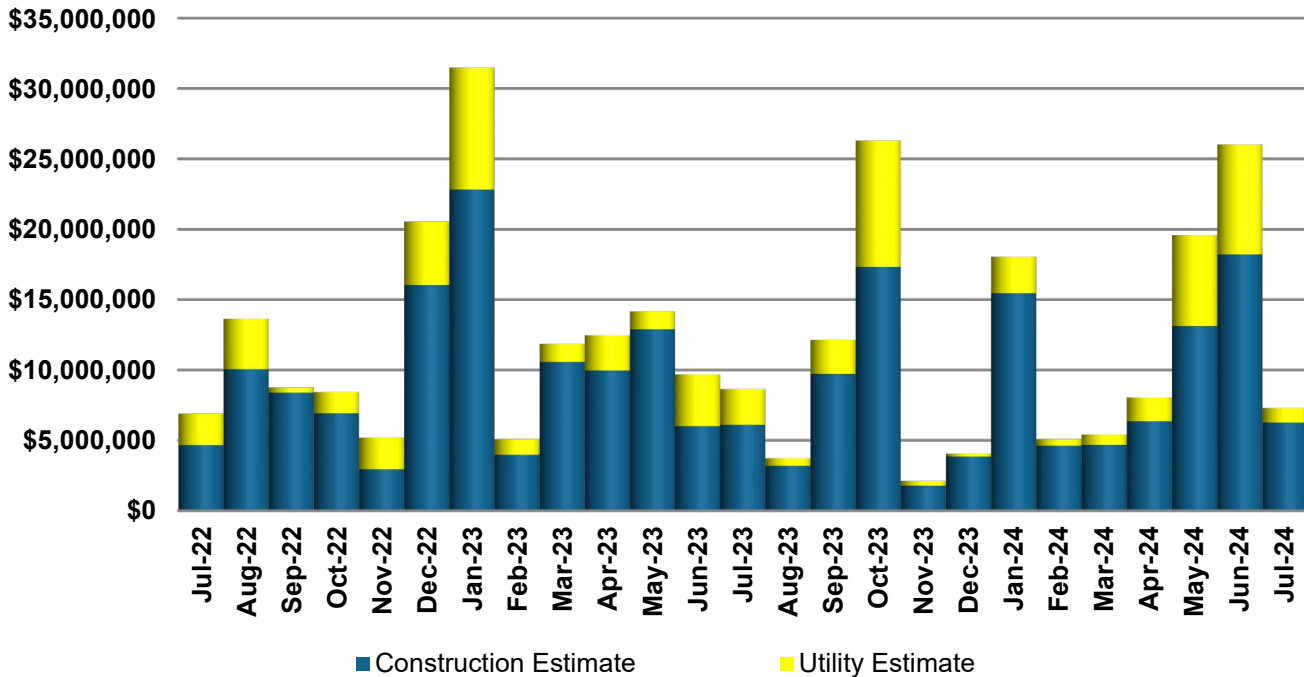


Top 5 Land Development Reviews- June 2024

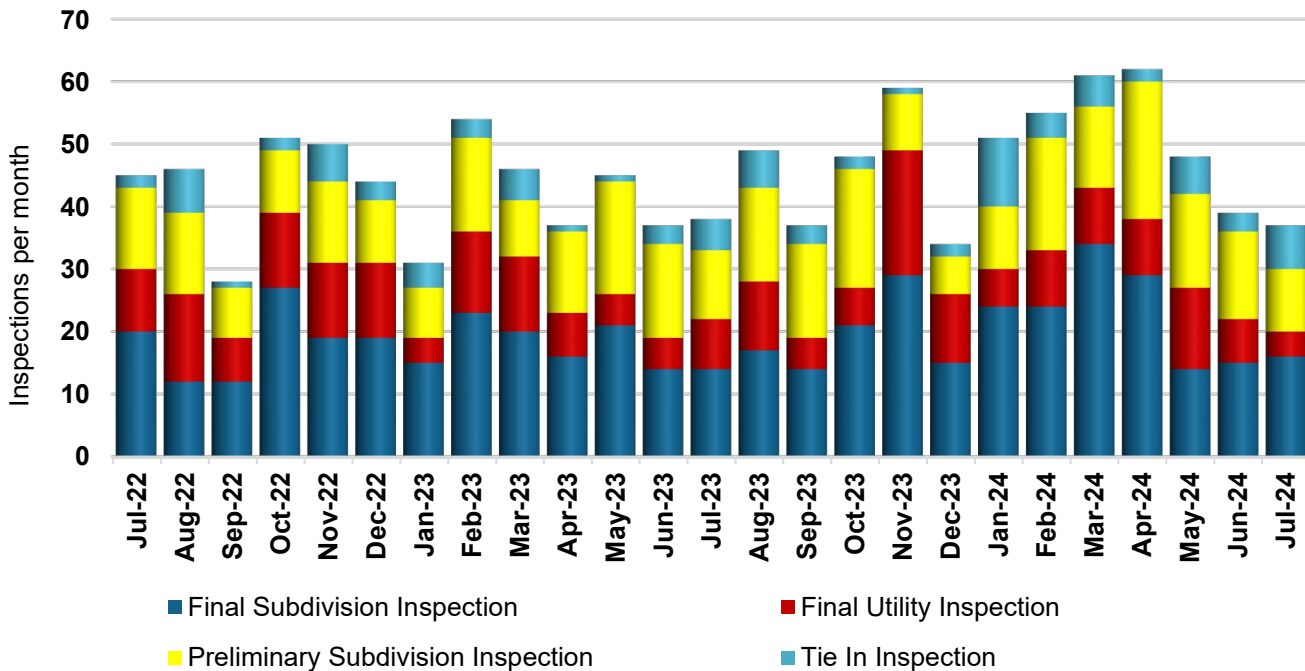


Land Development Services Statistics

Total Applied Construction Valuation Estimate

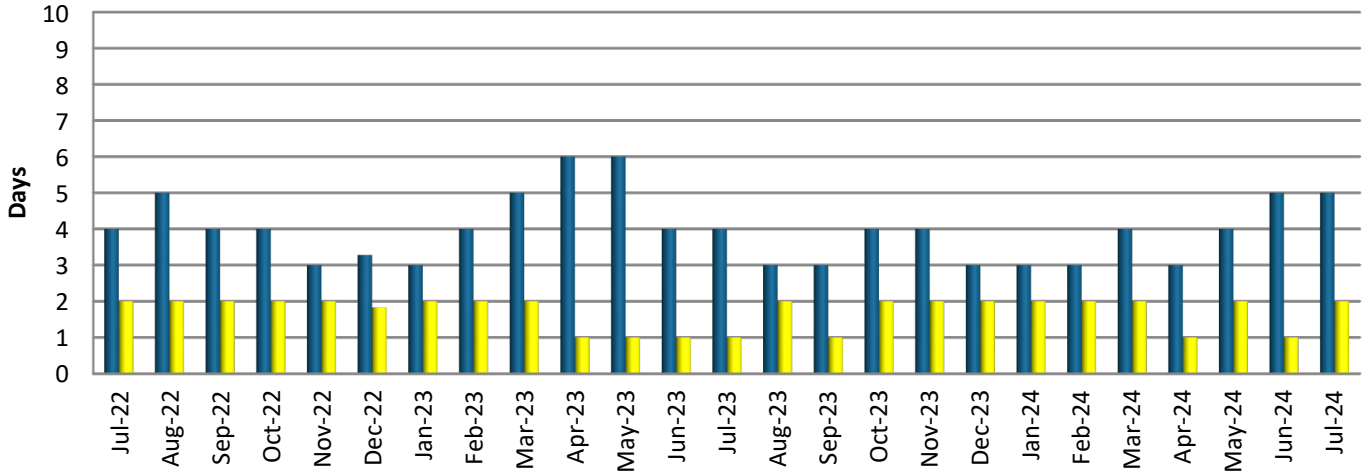


Site & Utility Inspections



Fire Review Statistics

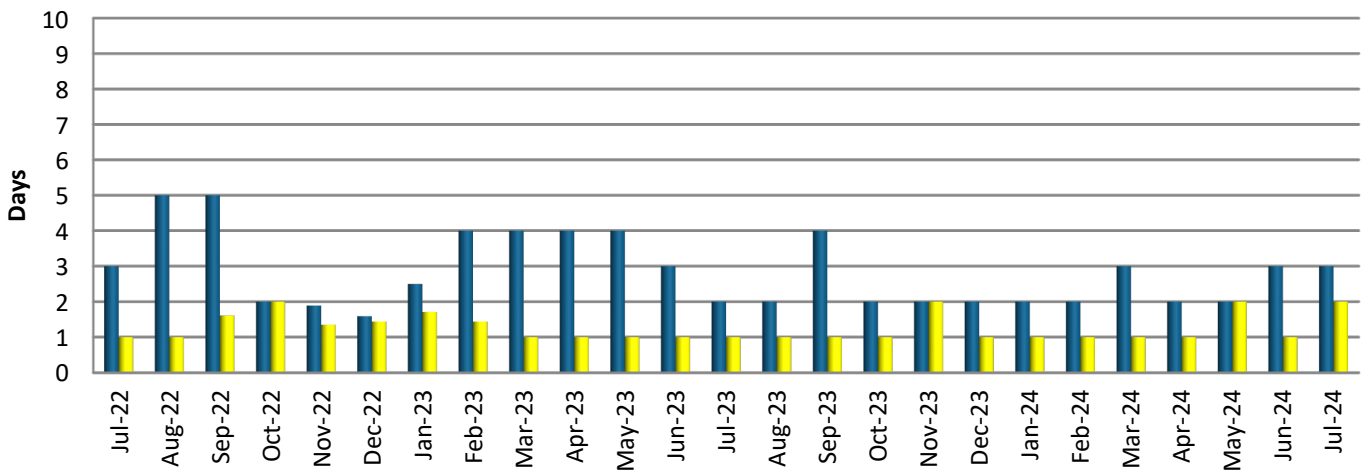
Building Fire Review Average Number of Days



Total Number of Building Fire Reviews by Month

Fire District	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24
North Collier	637	800	525	466	449	391	444	450	583	490	692	650	627	636	525	616	543	411	459	406	508	581	684	634	647
Collier County (Greater Naples)	383	481	350	422	317	374	347	448	539	408	500	447	391	428	397	442	395	403	382	429	425	552	517	511	482

Planning Fire Review Average Number of Days



Total Number of Planning Fire Reviews by Month

Fire District	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24
North Collier	36	31	29	55	27	41	42	28	23	25	47	56	54	50	37	52	48	57	60	57	37	44	40	43	51
Collier County (Greater Naples)	65	73	41	57	46	62	56	68	70	63	82	91	43	43	60	62	50	39	56	53	60	75	61	55	68



Collier County

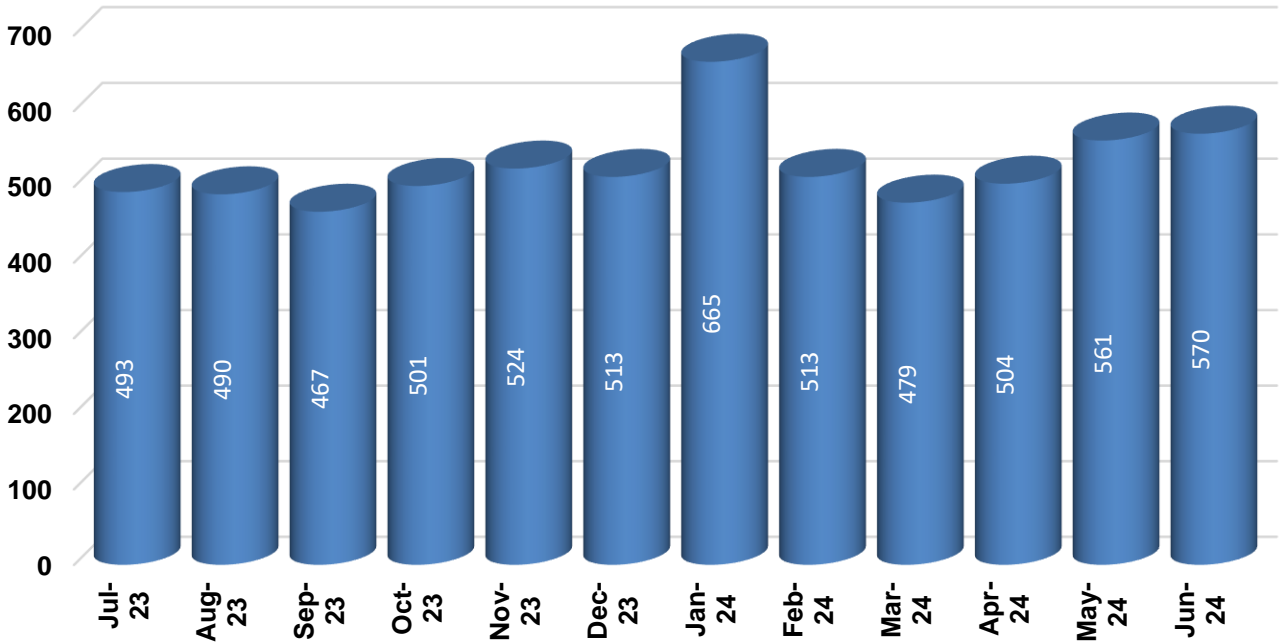
July *2024 Code Enforcement* *Monthly Statistics*



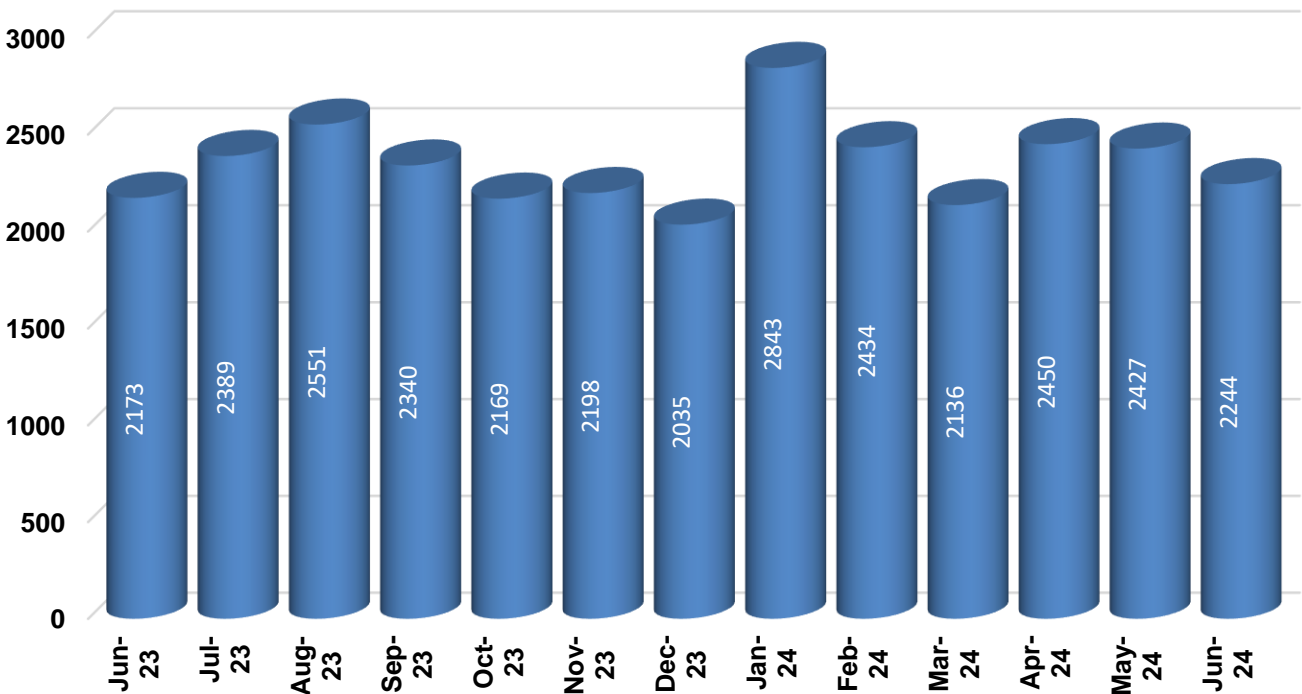
Code Enforcement Reports



Cases Opened Per Month



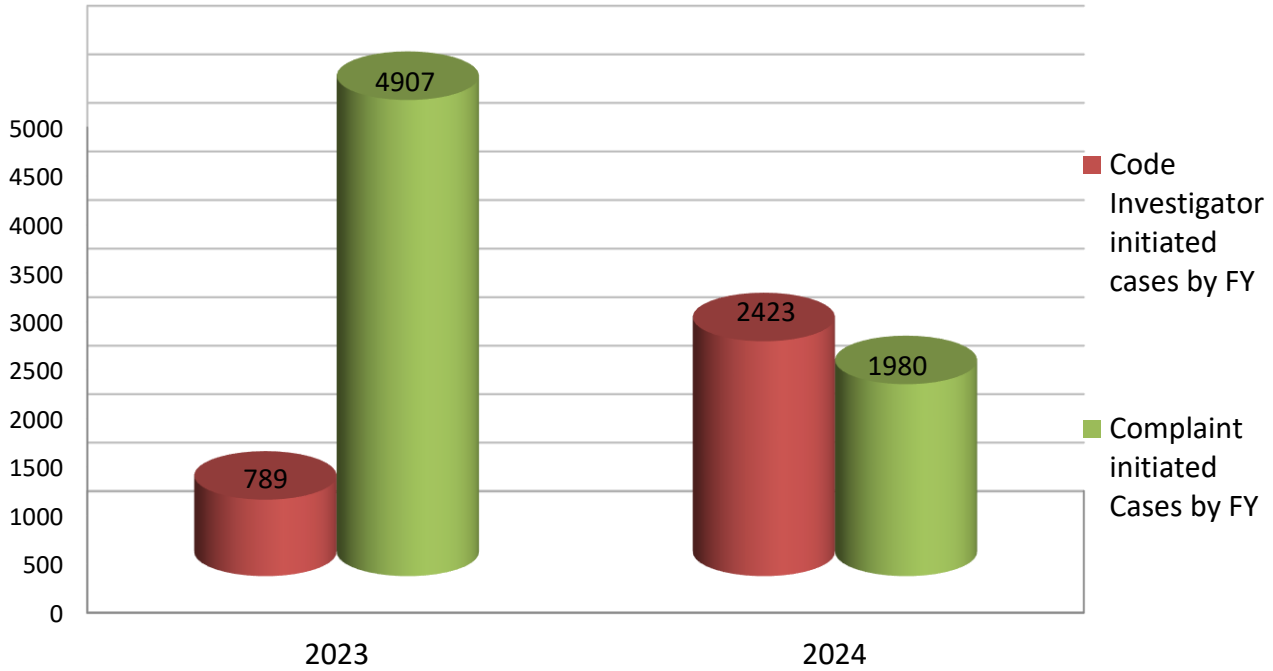
Code Inspections Per Month



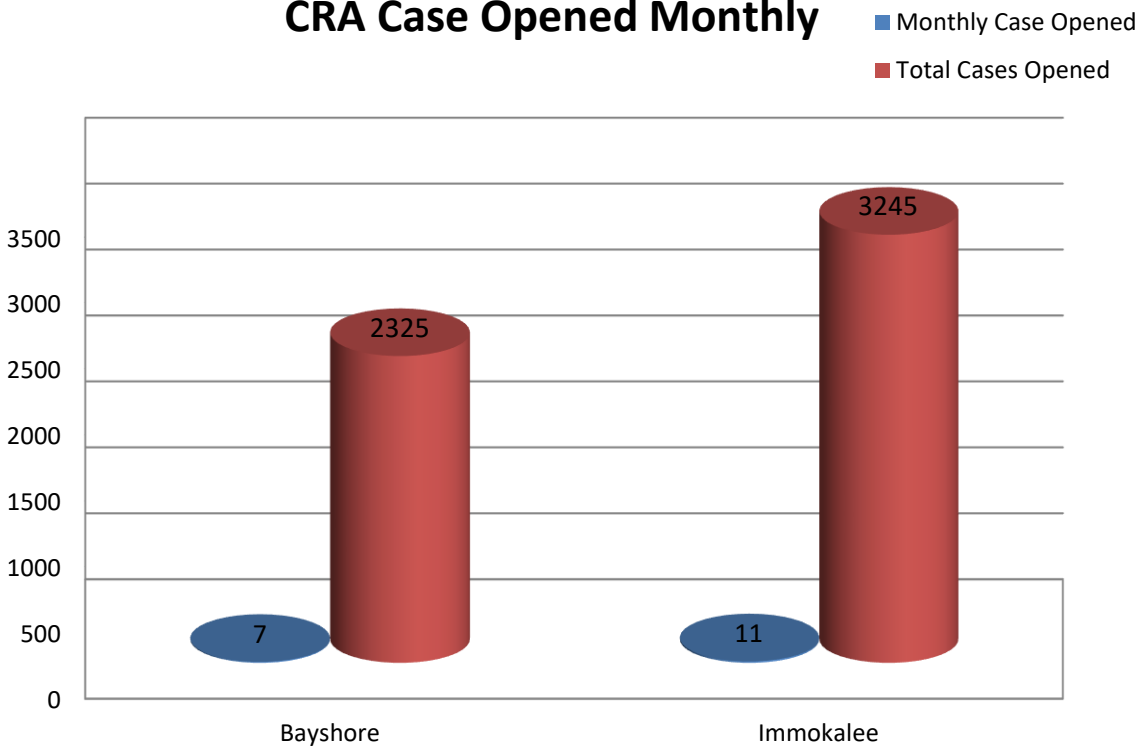
Code Enforcement Reports



Origin of Case



CRA Case Opened Monthly



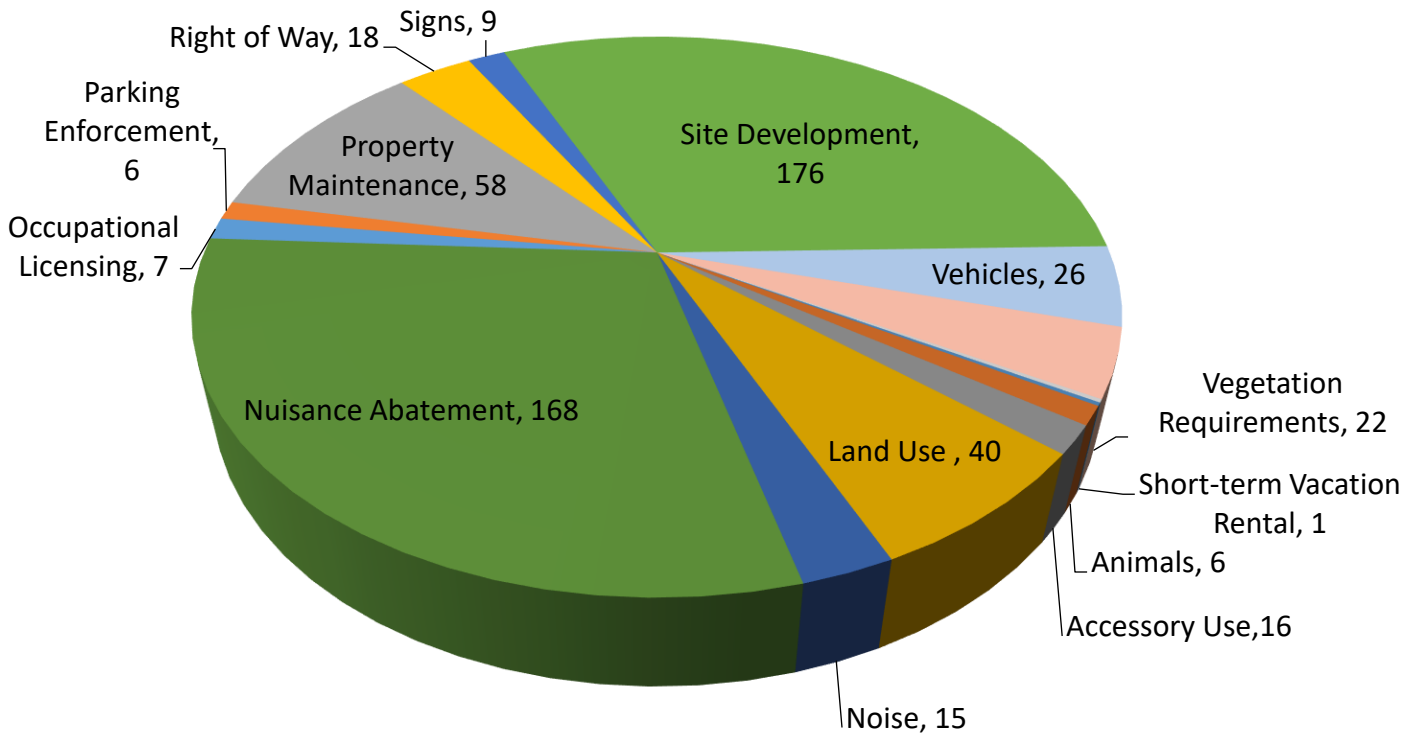
Code Enforcement Reports



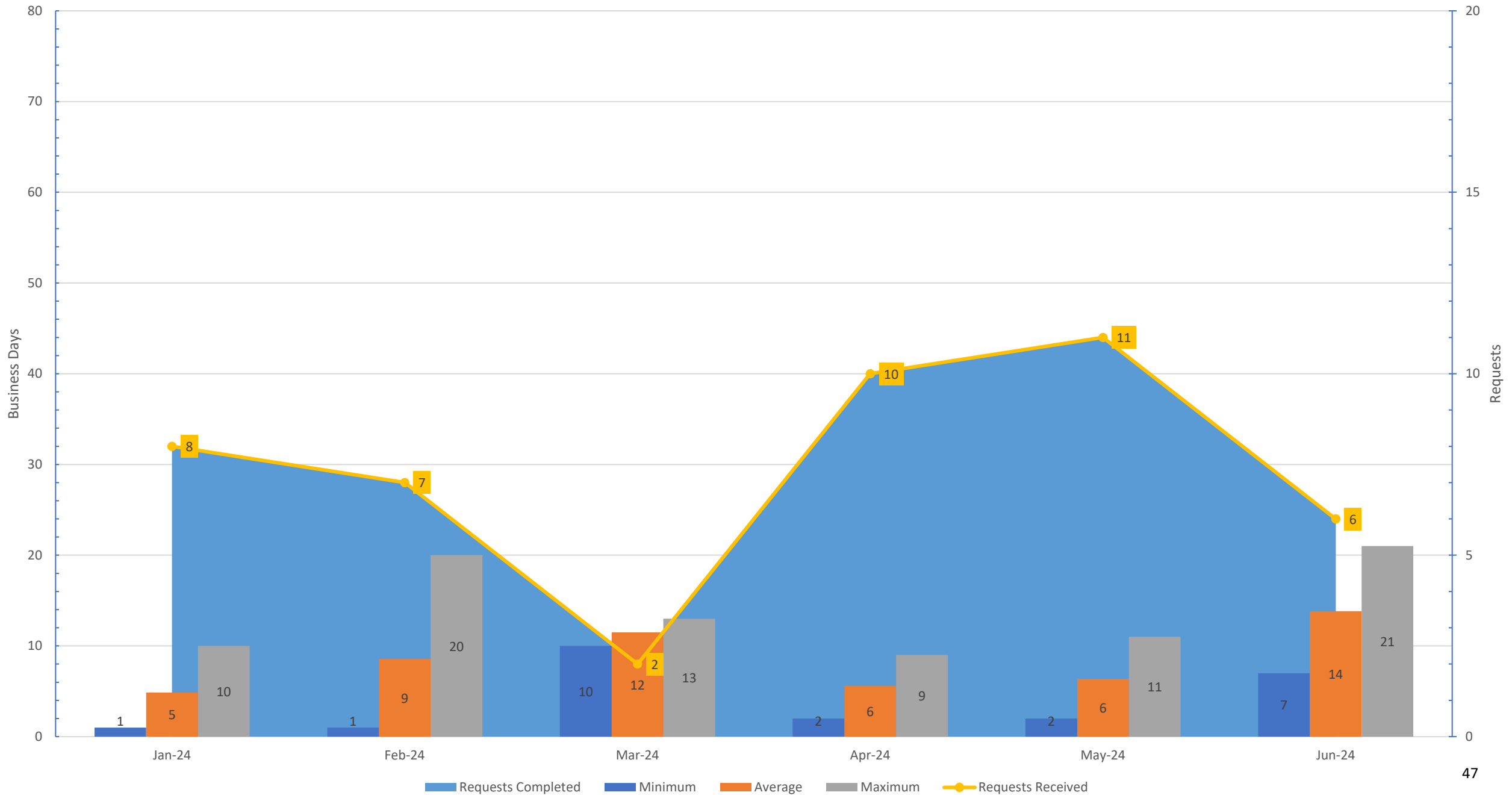
June 22, 2024 – July 21, 2024 Highlights

- Cases opened: 570
- Cases closed due to voluntary compliance: 180
- Property inspections: 2244
- Lien searches requested: 550

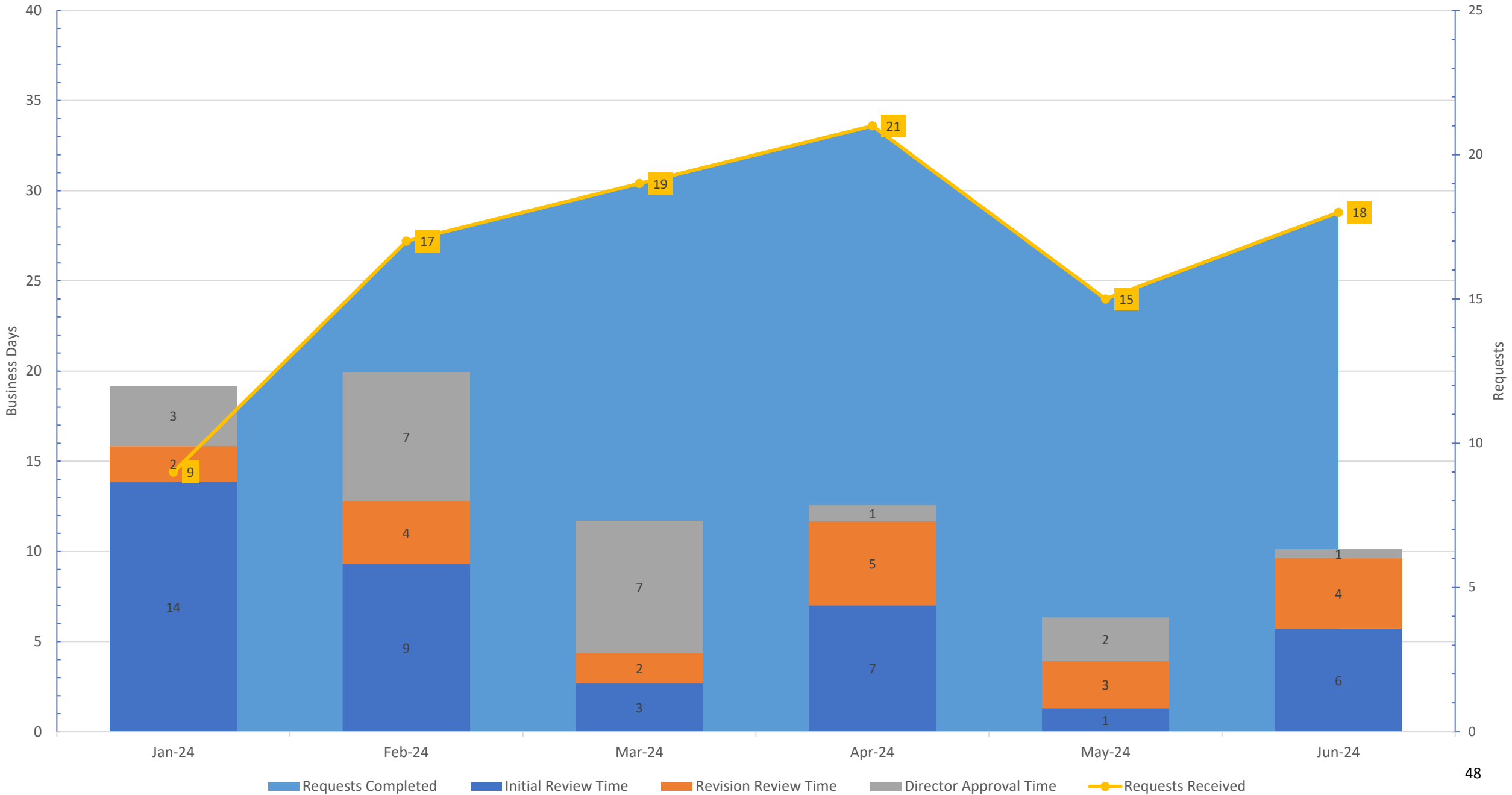
Top 15 Code Cases by Category



Response Time - Letters of Availability



Response Time - FDEP Permits



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20230012905

ORIGIN

 Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

This amendment introduces comprehensive updates to the current provisions in the Land Development Code (LDC) related to the conversion of golf courses. LDC amendments are reviewed by the Board, Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR). Procedural changes to the Administrative Code are also part of this amendment.

HEARING DATES

Board	TBD
CCPC	08/01/2024
DSAC	08/07/2024 02/07/2024
DSAC-LDR	01/31/2024 01/16/2024

LDC SECTION TO BE AMENDED

3.05.07	Preservation Standards
5.05.15	Conversion of Golf Courses
10.03.06	Public Notice and Required Hearings for Land Use Petitions

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval with
recommendations

DSAC
Approval with
recommendations

CCPC
TBD

BACKGROUND

On February 14, 2023, the Board directed staff to bring back an LDC amendment to clarify that the Board has the discretion to grant deviations to reduce the minimum average greenway width of a proposed golf course conversion during the rezoning process. Additionally, on April 11, 2023, the Board recognized that the existing Golf Course Conversion Intent to Convert (ITC) application process has not been effective in bringing the developer and stakeholders together early in the process to resolve issues, as initially intended, and directed staff to bring back recommendations for an amendment that could improve the process and remove potential “Bert Harris” (Florida Statutes, Chapter 70) claims. The Board also discussed the possibility of repealing the ITC process in its entirety.

The existing Golf Course Conversion regulations and ITC application requirements were adopted by the Board on March 28, 2017. Since that time, the County has received three ITC applications for the proposed conversion of an existing golf course to a non-golf course use. All three ITC applications have been completed, resulting in the approved conversion of one (Golden Gate Golf Course) and pending litigation for the others.

Following the Board directive, Staff originally intended to only modify the existing conversion regulations as a means to improve the section by removing requirements that could be deemed as superfluous. Staff later determined that the modified regulations would not considerably improve the conversion process. Staff then created a new draft to include the core intentions of the existing section: 1. to require the applicant to engage surrounding property owners early in the design process, and 2. to require preservation of a portion of the greenway in a proposed conversion project.

This amendment seeks to promote a streamlined process for proposed golf course conversion projects by removing the ITC application requirement as an “extra step” before the traditional rezone application process.

Proposed conversion projects will instead be required to hold one Neighborhood Information Meeting (NIM) before their rezone application is submitted. This pre-submittal NIM is intended to require the applicant to involve the public prior to the submittal of the rezone application. The proposed conversion project will also be required to include a greenway in the design of the proposed non-golf course use. The purpose of this greenway requirement is to retain an open space along the perimeter of the conversion project and adjacent to existing residential development. A provision is also included to specify that the Board has the authority to grant deviations to the greenway requirement, as part of any rezone request.

Corresponding revisions to other LDC sections are also included to maintain consistency from the proposed updates. Updates to sections of the Administrative Code to reflect the proposed procedural changes reflected in this draft amendment are also included in Exhibit A.

FISCAL & OPERATIONAL IMPACTS

The cost associated with advertising the Ordinance amending the Land Development Code are estimated at \$1,008.00. Funds are available within Unincorporated Area General Fund (1011), Zoning & Land Development Cost Center (138319).

GMP CONSISTENCY

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

EXHIBITS: A) Administrative Code Updates

DRAFT

Text underlined is new text to be added.
~~Text strikethrough is current text to be deleted.~~

Amend the LDC as follows:

3.05.07 Preservation Standards

All development not specifically exempted by this ordinance shall incorporate, at a minimum, the preservation standards contained within this section.

* * * * *

H. Preserve standards.

1. Design standards.

* * * * *

e. Created preserves. Although the primary intent of GMP CCME Policy 6.1.1 is to retain and protect existing native vegetation, there are situations where the application of the retention requirements of this Policy is not possible. In these cases, creation or restoration of vegetation to satisfy all or a portion of the native vegetation retention requirements may be allowed. In keeping with the intent of this policy, the preservation of native vegetation off site is preferable over creation of preserves. Created Preserves shall be allowed for parcels that cannot reasonably accommodate both the required on-site preserve area and the proposed activity.

i. Applicability. Criteria for determining when a parcel cannot reasonably accommodate both the required on-site preserve area and the proposed activity include:

* * * * *

(e) When small isolated areas (of less than ½ acre in size) of native vegetation exist on site. In cases where retention of native vegetation results in small isolated areas of ½ acre or less, preserves may be planted with all three strata; using the criteria set forth in Created Preserves and shall be created adjacent existing native vegetation areas on site or contiguous to preserves on adjacent properties. This exception may be granted, regardless of the size of the project. Created preserves may exceed the ½ acre size limitation for a rezone or SRA amendment application for the conversion of a golf course to another use ~~conversion applications~~ in accordance with LDC section 5.05.15.

* * * * *

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5.05.15 Conversion of Golf Courses

A. Purpose and Intent. The purpose of this section is to require an additional step of public involvement and to add a greenway requirement for the proposed conversion of an existing golf course to a non-golf course use. The intent is to involve the public prior to the submittal of a rezone or Stewardship Receiving Area (SRA) amendment application and to require the applicant to engage residents, property owners, and the surrounding community early in the conceptual design phase of the conversion project, in order to better identify potential compatibility issues to the existing neighborhoods.

B. Applicability. This section applies to a proposed change of use of a constructed golf course, in whole or in part, to a non-golf course use where a rezone or amendment to an SRA is needed to allow the non-golf course use.

C. Exemptions. The following shall be exempt from this section:

- 1. Golf courses zoned Golf Course and Recreational Uses (GC) where a permitted, accessory, or conditional non-golf course use is sought.
- 2. Golf courses constructed prior to [effective date of Ordinance amendment] as a conditional use in the Rural Agricultural (A) Zoning District.
- 3. Golf courses that do not abut and/or are not adjacent to residentially zoned property.

D. Additional pre-submittal application requirements for golf course conversions.

- 1. A Neighborhood Information Meeting (NIM) is required after the initial pre-application meeting and before the submittal of a formal application. This NIM does not replace the NIM requirements after submittal of the application.
- 2. After completing the required pre-submittal NIM, the application will follow the procedural steps required of all rezone or SRA amendment applications.
- 3. A title report that identifies the current owner of the property and all encumbrances shall be required as part of the rezone or SRA amendment application.

E. Greenway requirements. The proposed rezone or SRA amendment application shall provide for a greenway as part of the project. The purpose of the greenway is to retain an open space along the perimeter of the project and adjacent to the existing residential development.

- 1. The greenway shall be contiguous to the existing residential properties surrounding the existing golf course, shall generally be located along the perimeter of the proposed development, and shall maintain an average width of 50 feet.
- 2. The greenway may be counted towards the open space requirement for the project as established in LDC section 4.02.00.

- 1 3. Existing trees and understory (shrubs and groundcover) are encouraged to be
- 2 preserved and maintained within the greenway, except where minimal
- 3 improvements are needed that provide a passive recreational use. At a minimum,
- 4 canopy trees shall be provided at a ratio of 1:2,000 square feet within the
- 5 greenway. Existing trees may count toward the ratio; however, trees within
- 6 preserves shall be excluded from the ratio.
- 7
- 8 4. The greenway shall not include the required yards (buffers and/or setbacks) of any
- 9 proposed individual lots.
- 10
- 11 5. A wall or fence is not required between the greenway and the proposed
- 12 development; however, should a wall or fence be constructed, the fence shall
- 13 provide habitat connectivity to facilitate movement of wildlife in and around the
- 14 greenway.
- 15
- 16 6. A portion of the greenway may provide stormwater management; however, the
- 17 greenway shall not create more than 30 percent additional lake area than exists
- 18 pre-conversion in the greenway.
- 19
- 20 7. The applicant shall record a restrictive covenant at the time of subdivision plat or
- 21 Site Development Plan (SDP) approval, in the County's official records, describing
- 22 the use and maintenance of the greenway as described in the zoning action or
- 23 SRA amendment.
- 24
- 25 8. Notwithstanding, the Board has the authority to grant deviations at its sole
- 26 discretion, including, but not limited to, reduction of the greenway requirement.

27 ~~A. Purpose and Intent. The purpose of this section is to assess and mitigate the impact of~~

28 ~~golf course conversion on real property by requiring outreach with stakeholders during the~~

29 ~~design phase of the conversion project and specific development standards to ensure~~

30 ~~compatibility with the existing land uses. For the purposes of this section, property owners~~

31 ~~within 1,000 feet of a golf course shall hereafter be referred to as stakeholders.~~

33 ~~1. Stakeholder outreach process. The intent is to provide a process to cultivate~~

34 ~~consensus between the applicant and the stakeholders on the proposed~~

35 ~~conversion. In particular, this section is designed to address the conversion of golf~~

36 ~~courses surrounded, in whole or in part, by residential uses or lands zoned~~

37 ~~residential.~~

39 ~~2. Development standards. It is the intent of the specific development standards~~

40 ~~contained herein to encourage the applicant to propose a conversion project with~~

41 ~~land uses and amenities that are compatible and complementary to the existing~~

42 ~~neighborhoods. Further, the applicant is encouraged to incorporate reasonable~~

43 ~~input provided by stakeholders into the development proposal.~~

45 ~~B. Applicability. The following zoning actions, Stewardship Receiving Area Amendments,~~

46 ~~and Compatibility Design Review petitions, hereafter collectively referred to as~~

47 ~~"conversion applications," shall be subject to LDC section 5.05.15. A conversion~~

48 ~~application shall be required when an applicant seeks to change a constructed golf course~~

49 ~~to a non-golf course use. However, where a permitted, accessory, or conditional use is~~

1 sought for a golf course zoned Golf Course and Recreational Uses (GC), the applicant
2 shall be exempt from this section except for LDC section 5.05.15 H.

3
4 ~~1. Zoning actions. This section applies to a golf course constructed in any zoning
5 district where the proposed use is not permitted, accessory, or conditional in the
6 zoning district or tract for which a zoning change is sought. Zoning actions seeking
7 a PUD rezone shall be subject to the minimum area requirements for PUDs
8 established in LDC section 4.07.02; however, the proposed PUD shall not be
9 required to meet the contiguous acres requirement so long as the PUD rezone
10 does not include lands other than the constructed golf course subject to the
11 conversion application.~~

12
13 ~~2. Stewardship Receiving Area Amendments. This section applies to a golf course
14 constructed on lands within a Stewardship Receiving Area where the proposed
15 use is not permitted, accessory, or conditional in the context zone for which the
16 change is sought.~~

17
18 ~~3. Compatibility Design Review. This section applies to a golf course constructed in
19 any zoning district or designated as a Stewardship Receiving Area that utilize a
20 non-golf course use which is a permitted, accessory or conditional use within the
21 existing zoning district or designation. Conditional uses shall also require
22 conditional use approval subject to LDC section 10.08.00.~~

23
24 ~~C. Application process for conversion applications:~~

25 ~~1. Intent to Convert application. The applicant shall submit an "Intent to Convert"
26 application to the County prior to submitting a conversion application. The following
27 is required of the applicant:~~

28
29 ~~a. Application. The Administrative Code shall establish the procedure and
30 application submittal requirements, including: a title opinion or title
31 commitment that identifies the current owner of the property and all
32 encumbrances against the property; the Developer's Alternatives
33 Statement, as provided for below; and the public outreach methods to be
34 used to engage stakeholders at the Stakeholder Outreach Meetings, as
35 established below.~~

36
37 ~~b. Public Notice. The applicant shall be responsible for meeting the
38 requirements of LDC section 10.03.06.~~

39
40 ~~2. Developer's Alternatives Statement requirements. The purpose of the Developer's
41 Alternatives Statement (DAS) is to serve as a tool to inform stakeholders and the
42 County about the applicant's development options and intentions. It is intended to
43 encourage communication, cooperation, and consensus building between the
44 applicant, the stakeholders, and the County.~~

45
46 ~~b. Alternatives. The DAS shall be prepared by the applicant and shall clearly
47 identify the goals and objectives for the conversion project. The DAS shall
48 address, at a minimum, the three alternatives noted below. The alternatives
49 are not intended to be mutually exclusive; the conceptual development plan~~

1 described below may incorporate one or more of the alternatives in the
2 conversion project.

3
4 ~~i. No conversion: The applicant shall examine opportunities to retain
5 all or part of the golf course. The following considerations are to be
6 assessed:~~

7
8 ~~a) Whether any of the existing property owners' association(s)
9 reasonably related to the golf course are able to purchase
10 all or part of the golf course; and~~

11
12 ~~b) Whether any of the existing property owners' association(s)
13 and/or any new association reasonably related to the golf
14 course can coordinate joint control for all or part of the golf
15 course.~~

16
17 ~~ii. County purchase: The applicant shall coordinate with the County to
18 determine if there is interest to donate, purchase, or maintain a
19 portion or all of the property for a public use, such as a public park,
20 open space, civic use, or other public facilities. This section shall
21 not require the County to purchase any lands, nor shall this require
22 the property owner to donate or sell any land.~~

23
24 ~~iii. Conceptual development plan: The applicant shall prepare one or
25 more proposed conceptual development plans, consistent with the
26 development standards established in LDC section 5.05.15 G,
27 depicting the proposed conversion. The applicant shall share the
28 conceptual development plan with the stakeholders at the
29 Stakeholder Outreach Meetings as described below. The
30 conceptual development plan shall include a narrative describing
31 how the plan implements and is consistent with the goals and
32 objectives identified in the DAS. The conceptual development plan
33 shall depict the retained and proposed land uses, including
34 residential, non-residential, and preserve areas; existing and
35 proposed roadway and pedestrian systems; existing and proposed
36 trees and landscaping; and the proposed location for the greenway,
37 including any passive recreational uses. The narrative shall identify
38 the intensity of the proposed land uses; how the proposed
39 conversion is compatible with the existing surrounding land uses
40 and any methods to provide benefits or mitigate impacts to the
41 stakeholders. Visual exhibits to describe the conceptual
42 development plan and amenities, including the greenway, shall also
43 be provided.~~

44
45 ~~3. Stakeholder Outreach Meetings (SOMs) for conversion applications. The SOMs
46 are intended to engage the stakeholders early in the conversion project and inform
47 the applicant as to what the stakeholders find important in the neighborhood, what
48 the stakeholders consider compatible with the neighborhood, and what types of
49 land uses they would support to be added to the neighborhood. An assigned~~

- 1 County planner shall attend the SOM and observe the process. The following is
- 2 required of the applicant:
- 3
- 4 a. ~~The Administrative Code shall establish the procedure and application~~
- 5 ~~submittal requirements.~~
- 6
- 7 b. ~~The applicant shall conduct a minimum of two in-person SOMs and a~~
- 8 ~~minimum of one web-based visual survey on the proposed conceptual~~
- 9 ~~development plan(s). The web-based survey web address shall be~~
- 10 ~~incorporated in the mailings notifying the stakeholders of the in-person~~
- 11 ~~SOMs.~~
- 12
- 13 c. ~~At the SOMs, the applicant shall provide information to the stakeholders~~
- 14 ~~about the purpose of the meeting, including a presentation on the goals~~
- 15 ~~and objectives of the conversion project, the conceptual development plan,~~
- 16 ~~the greenway concept, and the measures taken to ensure compatibility with~~
- 17 ~~the existing surrounding neighborhood. A copy of the full Developer's~~
- 18 ~~Alternative Statement shall also be made available at each SOM. The~~
- 19 ~~applicant shall facilitate discussion on these topics with the stakeholders~~
- 20 ~~using one or more public outreach method(s) identified in the~~
- 21 ~~Administrative Code.~~
- 22
- 23 d. ~~SOM report for conversion applications. After completing the SOMs the~~
- 24 ~~applicant shall prepare a SOM report. The report shall include a list of~~
- 25 ~~attendees, a description of the public outreach methods used, photos from~~
- 26 ~~the meetings demonstrating the outreach process, results from outreach~~
- 27 ~~methods, and copies of the materials used during the SOMs. The applicant~~
- 28 ~~shall also include a point-counterpoint list, identifying input from the~~
- 29 ~~stakeholders and how and why it was or was not incorporated in the~~
- 30 ~~conversion application. The report shall be organized such that the issues~~
- 31 ~~and ideas provided by the stakeholders are clearly labeled by the applicant~~
- 32 ~~in the list and the conversion application.~~
- 33
- 34 4. ~~Conversion application procedures. An applicant shall not submit a conversion~~
- 35 ~~application (e.g. rezone, PUDA, SRAA, Compatibility Design Review) until the~~
- 36 ~~Intent to Convert application is deemed completed by County staff and the SOMs~~
- 37 ~~are completed. Thereafter, the applicant may proceed by submitting a conversion~~
- 38 ~~application with the County as follows:~~
- 39
- 40 a. ~~Zoning actions. For projects subject to 5.05.15 B.1., the applicant shall file~~
- 41 ~~a PUDA or rezone application, including the SOM report. Deviations to LDC~~
- 42 ~~section 5.05.15 shall be prohibited; further, deviations to other sections of~~
- 43 ~~the LDC shall be shared with the stakeholders at a SOM or NIM.~~
- 44
- 45 b. ~~Stewardship Receiving Area Amendments. For projects subject to 5.05.15~~
- 46 ~~B.2., the applicant shall file a Stewardship Receiving Area Amendment~~
- 47 ~~application, including the SOM report. Deviations to LDC section 5.05.15~~
- 48 ~~shall be prohibited; further, deviations to other sections of the LDC shall be~~
- 49 ~~shared with the stakeholders at a SOM or NIM.~~
- 50

- 1 ~~c. Compatibility Design Review. For projects subject to 5.05.15 B.3., the~~
- 2 ~~applicant shall file a Compatibility Design Review application, including the~~
- 3 ~~SOM report.~~
- 4
- 5 ~~D. Criteria and staff report for conversion applications. In addition to the requirements~~
- 6 ~~established in LDC sections 10.02.08, 10.02.13 B., or 4.08.07, as applicable, the staff~~
- 7 ~~report shall evaluate the following:~~
- 8
- 9 ~~1. Whether the applicant has met the requirements established in this section and~~
- 10 ~~development standards in the LDC. In particular, that the proposed design and~~
- 11 ~~use(s) of the greenway, as applicable, meet the purpose as described 5.05.15 G.2.~~
- 12
- 13 ~~2. Whether the SOM report and point-counterpoint list described above reflect the~~
- 14 ~~discussions that took place at the SOMs.~~
- 15
- 16 ~~3. Whether the applicant incorporated reasonable input provided by the stakeholders~~
- 17 ~~to address impacts of the golf course conversion on stakeholders' real property.~~
- 18
- 19 ~~4. Whether the applicant provided an explanation as to why input from the~~
- 20 ~~stakeholders was not incorporated into the conceptual development plan.~~
- 21
- 22 ~~E. Supplemental review and approval considerations for zoning actions and Stewardship~~
- 23 ~~Receiving Area Amendments. The report and recommendations of the Planning~~
- 24 ~~Commission and Environmental Advisory Council, if applicable, to the Board shall show~~
- 25 ~~the Planning Commission has studied and considered the staff report for conversion~~
- 26 ~~applications, reasonable input from the stakeholders, the criteria established in LDC~~
- 27 ~~section 5.05.15 D, as well as the criteria established in LDC sections 10.02.08 F, 10.02.13~~
- 28 ~~B, or 4.08.07, as applicable. In particular, the Planning Commission shall give attention to~~
- 29 ~~the design of the greenway and how it mitigates impacts to real property. Further attention~~
- 30 ~~shall be given to who can use the greenway. The Board shall consider the criteria in LDC~~
- 31 ~~section 5.05.15 D, as well as the criteria established in LDC sections 10.02.08 F, 10.02.13~~
- 32 ~~B, or 4.08.07, as applicable, and Planning Commission report and recommendation.~~
- 33
- 34 ~~F. Compatibility Design Review. For projects subject to 5.05.15 B.3., this section is intended~~
- 35 ~~to address the impact of golf course conversion on real property by requiring the~~
- 36 ~~conceptual development plan to be reviewed for compatibility with the existing surrounding~~
- 37 ~~uses. The following is required:~~
- 38
- 39 ~~1. Application. The Administrative Code shall establish the submittal requirements for~~
- 40 ~~the compatibility design review application.~~
- 41
- 42 ~~2. Public Notice. The applicant shall be responsible for meeting the requirements of~~
- 43 ~~LDC section 10.03.06.~~
- 44
- 45 ~~3. Compatibility Design Review. The Planning Commission shall review the staff~~
- 46 ~~report as described in 5.05.15 D, the Compatibility Design Review application, and~~
- 47 ~~make a recommendation to the Board based on the following criteria:~~
- 48

- 1 a. ~~Whether the applicant has met the applicable requirements established in~~
- 2 ~~this section and reasonably addressed the concepts identified in LDC~~
- 3 ~~section 5.05.15 D.2. D.4.~~
- 4
- 5 b. ~~Whether the conceptual design is compatible with the existing surrounding~~
- 6 ~~land uses.~~
- 7
- 8 c. ~~Whether a view of open space is provided that mitigates impacts to real~~
- 9 ~~property for the property owners that surround the golf course.~~
- 10
- 11 d. ~~Whether open space is retained and available for passive recreation.~~
- 12
- 13 4. ~~The Board shall consider the criteria in LDC section 5.05.15 F.3., above, the staff~~
- 14 ~~report and the Planning Commission report and approve, approve with conditions,~~
- 15 ~~or deny the application. Upon approval of the application, the applicant shall obtain~~
- 16 ~~approval of any additional required development order, such as a SDP,~~
- 17 ~~construction plans, or conditional use.~~
- 18
- 19 G. ~~Development standards. The following are additional minimum design standards for~~
- 20 ~~zoning actions and Stewardship Receiving Area Amendments. The Compatibility Design~~
- 21 ~~Review process shall only be subject to LDC section 5.05.15 G.6.~~
- 22
- 23 1. ~~Previously approved open space. Golf course acreages utilized to meet the~~
- 24 ~~minimum open space requirements for a previously approved project shall be~~
- 25 ~~retained as open space and shall not be included in open space calculations for~~
- 26 ~~any subsequent conversion projects.~~
- 27
- 28 2. ~~Greenway. The purpose of the greenway is to retain an open space view for~~
- 29 ~~stakeholders, support passive recreational uses, and support existing wildlife~~
- 30 ~~habitat. For the purposes of this section the greenway shall be identified as a~~
- 31 ~~continuous strip of land set aside for passive recreational uses, such as: open~~
- 32 ~~space, nature trails, parks, playgrounds, golf courses, beach frontage, disc golf~~
- 33 ~~courses, exercise equipment, and multi-use paths. The Board may approve other~~
- 34 ~~passive recreational uses that were vetted at the Stakeholder Outreach Meetings.~~
- 35 ~~The greenway shall not include required yards (setbacks) of any individual lots.~~
- 36
- 37 a. ~~The greenway shall be contiguous to the existing residential properties~~
- 38 ~~surrounding the golf course and generally located along the perimeter of~~
- 39 ~~the proposed development. The Board may approve an alternative design~~
- 40 ~~that was vetted at the Stakeholder Outreach Meetings, as provided for in~~
- 41 ~~LDC section 5.05.15 C.3.~~
- 42
- 43 b. ~~A minimum of 35 percent of the gross area of the conversion project shall~~
- 44 ~~be dedicated to the greenway. The greenway shall have a minimum~~
- 45 ~~average width of 100 feet and no less than 75 feet at any one location.~~
- 46
- 47 c. ~~Maintenance of the greenway shall be identified through the zoning or and~~
- 48 ~~Stewardship Receiving Area Amendment process.~~
- 49

- 1 ~~d. The greenway may be counted towards the open space requirement for~~
- 2 ~~the conversion project as established in LDC section 4.02.00 except as~~
- 3 ~~noted in G.1. above.~~
- 4
- 5 ~~e. Existing trees and understory (shrubs and groundcover) shall be preserved~~
- 6 ~~and maintained within the greenway, except where minimal improvements~~
- 7 ~~are needed that provide a passive recreational use. At a minimum, canopy~~
- 8 ~~trees shall be provided at a ratio of 1:2,000 square feet within the~~
- 9 ~~greenway. Existing trees may count toward the ratio; however, trees within~~
- 10 ~~preserves shall be excluded from the ratio.~~
- 11
- 12 ~~f. A wall or fence is not required between the greenway and the proposed~~
- 13 ~~development; however, should a wall or fence be constructed, the fence~~
- 14 ~~shall provide habitat connectivity to facilitate movement of wildlife in and~~
- 15 ~~around the greenway.~~
- 16
- 17 ~~g. A portion of the greenway may provide stormwater management; however,~~
- 18 ~~the greenway shall not create more than 30 percent additional lake area~~
- 19 ~~than exists pre-conversion in the greenway. Any newly developed lake~~
- 20 ~~shall be a minimum of 100 feet wide.~~
- 21
- 22 ~~h. The applicant shall record a restrictive covenant in the County's official~~
- 23 ~~records describing the use and maintenance of the greenway as described~~
- 24 ~~in the zoning action or SRA Amendment.~~
- 25
- 26 ~~3. Preserve requirements. The following preserve standards supplement those~~
- 27 ~~established in LDC section 3.05.07.~~
- 28
- 29 ~~a. Where small isolated areas (of less than 1/2 acre in size) of native vegetation~~
- 30 ~~(including planted areas) exist on site they may be consolidated into a~~
- 31 ~~created preserve that may be greater than 1/2 acre in size in the aggregate~~
- 32 ~~to meet the preserve requirement.~~
- 33
- 34 ~~b. Existing County approved preserve areas shall be considered as follows:~~
- 35 ~~i. Golf courses within a conventional zoning district. All County~~
- 36 ~~approved preserve areas shall be retained and may be utilized to~~
- 37 ~~meet the preserve requirements for the conversion project.~~
- 38
- 39 ~~ii. Golf courses within a PUD. All County approved preserve areas~~
- 40 ~~shall be retained. Preserve areas in excess of the PUD required~~
- 41 ~~preserve acreage may be used to meet the preserve requirement~~
- 42 ~~for the conversion project.~~
- 43
- 44 ~~4. Stormwater management requirements. The applicant shall demonstrate that the~~
- 45 ~~stormwater management for the surrounding uses will be maintained at an~~
- 46 ~~equivalent or improved level of service. This shall be demonstrated by a pre-versus~~
- 47 ~~post development stormwater runoff analysis.~~
- 48
- 49 ~~5. Floodplain compensation. In accordance with LDC section 3.07.02 floodplain~~
- 50 ~~compensation shall be provided.~~

1
2 ~~6. Soil and/or groundwater sampling may be deferred by the applicant to Early Work~~
3 ~~Authorization (EWA), SDP, or PPL submittal, whichever is the first to occur, if the~~
4 ~~sampling has not been completed by the rezoning, SRA amendment, or~~
5 ~~compatibility design review public hearings. See LDC Section 3.08.00 A.4.d.~~
6

7 ~~7. All other development standards. The conversion of golf courses shall be~~
8 ~~consistent with the development standards in the LDC, as amended. Where~~
9 ~~conflicts arise between the provisions in this section and other provisions in the~~
10 ~~LDC, the more restrictive provision shall apply.~~
11

12 ~~H. Design standards for lands converted from a golf course or for a permitted use within the~~
13 ~~GC zoning district shall be subject to the following design standards.~~
14

15 ~~1. Lighting. All lighting shall be designed to reduce excessive glare, light trespass~~
16 ~~and sky glow. At a minimum, lighting shall be directed away from neighboring~~
17 ~~properties and all light fixtures shall be full cutoff with flat lenses. Lighting for the~~
18 ~~conversion project shall be vetted with stakeholders during the SOMs and the~~
19 ~~public hearings, as applicable.~~

20 ~~2. Setbacks. All non-golf course uses, except for the greenway, shall provide a~~
21 ~~minimum average 50-foot setback from lands zoned residential or with residential~~
22 ~~uses, however the setback shall be no less than 35 feet at any one location.~~
23

24 # # # # # # # # # # # # #

25
26 **10.03.06 Public Notice and Required Hearings for Land Use Petitions**

27
28 This section shall establish the requirements for public hearings and public notices. This section
29 shall be read in conjunction with LDC section 10.03.05 and Chapter 8 of the Administrative Code,
30 which further establishes the public notice procedures for land use petitions.

31 * * * * *

32
33
34 ~~W. Intent to Convert, pursuant to LDC section 5.05.15 C.1.~~

35
36 ~~1. The following notice procedures are required:~~

37
38 ~~a. Mailed notice sent by the applicant after the Intent to Convert application~~
39 ~~has been reviewed and deemed satisfactory by staff to proceed to the~~
40 ~~mailed notice and Stakeholder Outreach Meetings, and at least 20 days~~
41 ~~prior to the first Stakeholder Outreach Meeting. For the purposes of this~~
42 ~~application, all mailed notices shall be sent to property owners within 1,000~~
43 ~~feet of the property lines of the subject property.~~

44
45 ~~b. Posting of a sign after Intent to Convert application has been reviewed and~~
46 ~~deemed satisfactory by staff to proceed to the mailed notice and~~
47 ~~Stakeholder Outreach Meetings, and at least 20 days prior to the first~~
48 ~~Stakeholder Outreach Meeting.~~

49
50 ~~X. Stakeholder Outreach Meeting, pursuant to LDC section 5.05.15 C.3.~~

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~~1. The following notice procedures are required:~~

~~a. Newspaper advertisement at least 15 days prior to the Stakeholder Outreach Meeting.~~

~~b. Mailed notice sent by the applicant at least 15 days prior to the required Stakeholder Outreach Meetings. For the purposes of this application, all mailed notices shall be sent to property owners within 1,000 feet of the property lines of the subject property. This mailed notice may include both required Stakeholder Outreach Meeting dates. All mailed notices shall include the web address to participate in the required web-based visual survey.~~

~~Y. Compatibility Design Review, pursuant to LDC section 5.05.15 F.~~

~~1. The following advertised public hearings are required.~~

~~a. One Planning Commission hearing.~~

~~b. One BCC hearing.~~

~~2. The following notice procedures are required:~~

~~a. Newspaper advertisement at least 15 days prior to the advertised public hearing.~~

~~b. Mailed notice sent by the applicant at least 15 days prior to the required public hearings. For the purposes of this application, all mailed notices shall be sent to property owners within 1,000 feet of the property lines of the subject property.~~

WZ. Events in County Right-of-Way, pursuant to LDC section 5.04.05 A.5.

* * * * *
#

Exhibit A – Administrative Code Updates

Collier County Land Development Code | *Administrative Procedures Manual* Chapter 3 | *Quasi-Judicial Procedures with a Public Hearing*

~~K.—Compatibility Design Review~~

~~**Reference** LDC sections 5.05.15, and LDC Public Notice section 10.03.06 Y.~~

~~⇔ See Chapter 4.N of the Administrative Code for Intent to Convert Applications and Chapter 8.F for Stakeholder Outreach Meetings for Golf Course Conversions.~~

~~**Purpose** The Compatibility Design Review process is intended to address the impacts of golf course conversions on real property by reviewing the conceptual development plan for compatibility with existing surrounding uses.~~

~~**Applicability** This process applies to a golf course constructed in any zoning district or designated as a Stewardship Receiving Area that utilize a non-golf course use which is a permitted, accessory, or conditional use within the existing zoning district or designation.~~

~~This application is not required for golf courses zoned Golf Course and Recreational Uses (GC) seeking another use as provided for in LDC section 2.03.09 A.~~

~~Conditional uses shall also require conditional use approval subject to LDC section 10.08.00. The conditional use approval should be a companion item to the compatibility design review approval.~~

~~**Pre-Application** A pre-application meeting is required.~~

~~**Initiation** The applicant files an “Application for Compatibility Design Review” with the Zoning Division after the “Intent to Convert” application is deemed complete by County staff and the Stakeholder Outreach Meetings (SOMs) are completed.~~

~~⇔ See Chapter 4 of the Administrative Code for information regarding the “Intent to Convert” application and Chapter 8 of the Administrative Code for requirements for SOMs and additional notice information.~~

~~⇔ See Chapter 1.D. for additional information regarding the procedural steps for initiating an application.~~

~~**Application Contents** The application must include the following:~~

~~1.— Applicant contact information.~~

~~2.— Addressing checklist.~~

~~3.— Name of project.~~

~~4.— The proposed conceptual development plan.~~

~~5.— The name and mailing address of all registered property owners’ associations that could be affected by the application.~~

~~6.— Property Ownership Disclosure Form.~~

~~7.— The date the subject property was acquired or leased (including the term of the lease). If the applicant has an option to buy, indicate the dates of the option: date~~

Exhibit A – Administrative Code Updates

~~the option starts and terminates, and anticipated closing date.~~

~~8. Property information, including:~~

- ~~a. Legal description;~~
- ~~b. Property identification number;~~
- ~~c. Section, township, and range;~~
- ~~d. Address of the subject site and general location;~~
- ~~e. Size of property in feet and acres;~~
- ~~f. Zoning district;~~
- ~~g. Plat book and page number; and~~
- ~~h. Subdivision, unit, lot and block, and metes and bounds description.~~

~~9. If the property owner owns additional property contiguous to the subject property, then the following information, regarding the contiguous property, must be included:~~

- ~~a. Legal description;~~
- ~~b. Property identification number;~~
- ~~c. Section, township and range; and~~
- ~~d. Subdivision, unit, lot and block, or metes and bounds description.~~

~~10. Zoning information, including adjacent zoning and land use.~~

~~11. Soil and/or groundwater sampling results, if available, as described in LDC section 3.08.00 A.4.d and 5.05.15 G.6;~~

~~12. The approved Intent to Convert application, as described in LDC section 5.05.15 C.1; and~~

~~13. The SOM Report, as described in LDC section 5.05.15 C.3.~~

~~14. A narrative describing how the applicant has complied with the criteria in LDC section 5.05.15 F.3, including:~~

- ~~a. A list of examples depicting how each criterion is met;~~
- ~~b. A brief narrative describing how the examples meet the criterion; and~~
- ~~c. Illustration of the examples on the conceptual development plan that are described above.~~

~~15. Affidavit of Authorization.~~

Completeness and Processing of Application

~~⇔ See Chapter 1 D.5 for the acceptance and processing of an application~~

Notice

~~Notification requirements are as follows.~~

~~⇔ See Chapter 8 of the Administrative Code for additional notice information.~~

~~1. Newspaper Advertisements: The legal advertisement shall be published at least 15 days prior to the hearing in a newspaper of general circulation. The advertisement shall include at a minimum:~~

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

Exhibit A – Administrative Code Updates

- ~~b. Description of the proposed land uses; and~~
- ~~c. 2 in. x 3 in. map of the project location.~~
- ~~2. Mailed Notice: For the purposes of this mailed notice requirement, written notice shall be sent to property owners located within 1,000 feet from the property line of the golf course at least 15 days prior to the advertised public hearings.~~
- ~~3. Sign: Posted at least 15 days before the advertised public hearing date.~~
 - ~~⇔ See Chapter 8 E. of the Administrative Code for sign template.~~
- Public Hearing** ~~1. The Planning Commission shall hold at least 1 advertised public hearing.~~
~~2. The BCC shall hold at least 1 advertised public hearing.~~
- Decision Maker** ~~The BCC, following a recommendation by the Planning Commission.~~
- Review Process** ~~Staff will prepare a staff report consistent with LDC section 5.05.15 F and schedule a hearing date before the Planning Commission to present the petition. Following the Planning Commission's review, Staff will prepare an Executive Summary and will schedule a hearing date before the BCC to present the petition.~~
- Updated** 2021-143

Exhibit A – Administrative Code Updates

Collier County Land Development Code | *Administrative Procedures Manual* Chapter 4 | *Administrative Procedures*

~~N. Intent to Convert Application for Golf Course Conversions~~

~~**Reference** LDC sections 5.05.15, and LDC Public Notice section 10.03.06 W.~~

~~↔ See Chapter 8.F for Stakeholder Outreach Meetings for Golf Course Conversions.~~

~~**Applicability** This process applies to applicants seeking to convert a constructed golf course to a non-golf course use. Approval of this application is required prior to submitting a conversion application (rezone, PUD, SRAA or Compatibility Design Review petition). This application is not required for golf courses zoned Golf Course and Recreational Uses (GC) seeking another use as provided for in LDC section 2.03.09 A.~~

~~**Pre-Application** A pre-application meeting is required.~~

~~**Initiation** The applicant files an “Intent to Convert” application with the Zoning Division.~~

~~↔ See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.~~

~~**Application Contents** The application must include the following:~~

~~1. Applicant contact information.~~

~~2. Addressing checklist.~~

~~3. Name of project.~~

~~4. The name and mailing address of all registered property owners’ associations that could be affected by the application.~~

~~5. Disclosure of ownership and interest information.~~

~~6. The date the subject property was acquired or leased (including the term of the lease). If the applicant has an option to buy, indicate the dates of the option, date the option starts and terminates, and anticipated closing date.~~

~~7. A title opinion or title commitment that identifies the current owner of the property and all encumbrances against the property.~~

~~8. Boundary survey (no more than six months old).~~

~~9. Property information, including:~~

~~a. Legal description;~~

~~b. Property identification number;~~

~~c. Section, township, and range;~~

~~d. Address of the subject site and general location;~~

~~e. Size of property in feet and acres; and~~

Exhibit A – Administrative Code Updates

- ~~f. Zoning district.~~
- ~~10. If the property owner owns additional property contiguous to the subject property, then the following information, regarding the contiguous property, must be included:
 - ~~a. Legal description;~~
 - ~~b. Property identification number;~~
 - ~~c. Section, township and range; and~~
 - ~~d. Subdivision, unit, lot and block, or metes and bounds description.~~~~
- ~~11. Zoning information, including adjacent zoning and land use.~~
- ~~12. Existing PUD Ordinance, SRA Development Document, Site Development Plan, or Plat.~~
- ~~13. An exhibit identifying the following:
 - ~~a. Any golf course acreage that was utilized to meet the minimum open space requirements for any previously approved project;~~
 - ~~b. Existing preserve areas;~~
 - ~~c. Sporadic vegetation less than ½ acre, including planted areas, that meet criteria established in LDC section 3.05.07 A.4; and~~
 - ~~d. A matrix demonstrating the following as required in LDC section 5.05.15 G.3:
 - ~~• For conventionally zoned districts:
 - ~~• County approved preserve acreage; and~~
 - ~~• Any sporadic vegetation acreage used to meet the preserve requirement for the conversion project.~~~~
 - ~~• For PUDs:
 - ~~• County approved preserve acreage; and~~
 - ~~• Any County approved preserve acreage in excess of the PUD required preserve acreage that is used to meet the preserve requirement for the conversion project.~~~~~~~~
- ~~14. Stormwater management requirements as required by LDC section 5.05.15 G.4.~~
- ~~15. Floodplain compensation, if required by LDC section 3.07.02.~~
- ~~16. Soil and/or groundwater sampling results, if available, as described in LDC sections 3.08.00 A.4.d and 5.05.15 G.6.~~
- ~~17. List of deviations requested, as described in LDC sections 5.05.15 C.4.a-b. The specific LDC sections for which the deviations are sought shall be identified. The list of deviations shall be shared with stakeholders at the SOM or NIM.~~
- ~~18. Electronic copies of all documents.~~

Exhibit A – Administrative Code Updates

- Application Contents Required for Presentations at SOMs** In addition to the application contents above, the following must also be submitted with the Intent to Convert application and used during **SOM** presentations:
- ~~2. The Developer's Alternatives Statement as described in LDC section 5.05.15 C, including:
 - ~~a. A narrative clearly describing the goals and objectives for the conversion project.~~
 - ~~b. *No Conversion Alternative*: A narrative describing the timeline of correspondence between the applicant and the property owners' associations relating to the applicant's examination of opportunities to retain all or part of the golf course as described in LDC section 5.05.15 C.2.b.i, and copies of such correspondence. It shall be noted in the narrative whether a final decision has been made about this alternative or whether discussions with the property owners' associations are ongoing.~~~~
 - ~~3. *County Purchase Alternative*: A narrative describing the timeline of correspondence between the applicant and the County to determine if there is interest to retain all or portions of the property for public use as described in LDC section 5.05.15 C.2.b.ii, and copies of such correspondence. It shall be noted in the narrative whether a final decision has been made about this alternative or whether discussions with the County are ongoing.~~
 - ~~4. *Conceptual Development Plan Alternative*: A conceptual development plan consistent with LDC section 5.05.15 C.2.b.iii, and as described in the following section.~~
 - ~~5. The conceptual development plan shall include all information described in LDC section 5.05.15 C.2.b.iii, and the following:
 - ~~a. An Access Management Exhibit, identifying the location and dimension of existing and proposed access points and legal access to the site.~~
 - ~~b. A dimensional standards table for each type of land use proposed within the plan.
 - ~~i. Dimensional standards shall be based upon the established zoning district, or that which most closely resembles the development strategy, particularly the type, density, and intensity of each proposed land use.~~
 - ~~ii. For PUDs: Any proposed deviations from dimensional standards of the established zoning district, or of the most similar zoning district, shall be clearly identified. Provide a narrative describing the justifications for any proposed deviations that are not prohibited by LDC section 5.05.15 C.4.~~~~
 - ~~c. A plan providing the proposed location and design of the greenway (this may be included on the conceptual development plan):
 - ~~i. *Greenway Design*: A plan providing the proposed location and~~~~~~

Exhibit A – Administrative Code Updates

~~design of the greenway and illustrating the following (including any alternative designs as described in LDC section 5.05.15 G.2.a):~~

- ~~a) The proposed location of passive recreational uses;~~
- ~~b) Existing and proposed lakes, including lake area calculations;~~
- ~~c) Preserve areas;~~
- ~~d) Any structures or trails related to passive recreational uses;~~
- ~~e) Greenway widths demonstrating a minimum average width of 100 feet and no less than 75 feet shall be identified every 100 feet;~~
- ~~f) Locations of existing trees and understory (shrubs and groundcover) shall be located on the plan in accordance with LDC section 5.05.15 G.2.e;~~
- ~~g) A matrix identified on the plan shall demonstrate tree counts used to calculate the ratio described in LDC section 5.05.15 G.2.e; and~~
- ~~h) Location of any proposed wall or fence pursuant to LDC section 5.05.15 G.2.f.~~

~~d. A narrative describing how the applicant proposes to offset or minimize impacts of the golf course conversion on stakeholders' real property and provide for compatibility with existing surrounding land uses. Identify the compatibility measures on the conceptual development plan.~~

- ~~3. A narrative statement describing how the greenway will meet the purpose as described in LDC section 5.05.15 G.2 to retain open space views for stakeholders, support passive recreational uses, and support existing wildlife habitat.~~
- ~~4. A narrative statement describing the public outreach methods proposed for the SOMs, consistent with Administrative Code Chapter 8.F.~~
- ~~5. Web-based survey, including the following:
 - ~~a. A copy of the web-based survey;~~
 - ~~b. The user friendly website address where the survey will be available; and~~
 - ~~c. The dates the survey will be available.~~~~

Completeness and Processing of Application

~~⇔ See Chapter 1 D.5 for the acceptance and processing of an application.~~

Notice for the Intent to Convert Application

~~After the Intent to Convert application has been submitted, notice is required to inform stakeholders of a forthcoming golf course conversion application. However, no mailing is required if the applicant chooses to withdraw the Intent to Convert application.~~

~~⇔ See Chapter 8 of the Administrative Code for additional notice information.~~

Exhibit A – Administrative Code Updates

- ~~1.—**Mailed Notice:** For the purposes of this **mailed notice**, written notice shall be sent to property owners located within 1,000 feet from the property line of the golf course. The notice shall be sent after the Intent to Convert application has been reviewed and deemed satisfactory by staff to proceed to the mailed notice and **SOMs**, and at least 20 days prior to the first **SOM**. The mailed notice shall include the following:
 - ~~a.—Explanation of the intention to convert the golf course.~~
 - ~~b.—Indication that there will be at least two advertised **SOMs** and one web-based visual survey to solicit input from stakeholders on the proposed project. The date, time, and location of the **SOMs** does not need to be included in this mailing.~~
 - ~~c.—2 in. x 3 in. map of the project location.~~
 - ~~d.—Applicant contact information.~~~~
- ~~2.—**Sign:** (see format below) Posted after the Intent to Convert application has been reviewed and deemed satisfactory by staff to proceed to the mailed notice and **SOMs**, and at least 20 days before the first **SOM**. The sign shall remain posted until all **SOMs** are complete. For the purposes of this section, signage, measuring 16 square feet, shall clearly indicate an applicant is petitioning the county to convert the golf course to a non-golf use (e.g. residential). A user friendly website address shall be provided on the signs directing interested parties to visit Collier County's website to access materials for the **SOM** and the web-based visual survey. The sign shall remain posted for 7 days after the last required **SOM**. The location of the signage shall be consistent with *Chapter 8 of the Administrative Code*.~~

Notice of application for intent to convert [golf course name] to [brief description of the project].

To access materials for the Stakeholder Outreach Meeting and participate in the web-based visual survey, visit [user-friendly URL].

~~**Public Hearing** No public hearing is required for the Intent to Convert application. Public hearings will be required for subsequent conversion applications.~~

~~**Decision Maker** The County Manager or designee.~~

~~**Review Process** The Zoning Division will review the Intent to Convert application and identify whether additional materials are needed.~~

~~**Updated** 2021-143~~

Exhibit A – Administrative Code Updates

Collier County Land Development Code | *Administrative Procedures Manual*
Chapter 7 | *Submittal Requirements for Land Use Applications*

E. Additional Requirements for Applications for a Proposed Golf Course Conversion – Rezones and Stewardship Receiving Areas

Reference [LDC section 5.05.15](#)

Applicability [The following items are required for any rezone or SRA application that is submitted for the proposed conversion of an existing golf course into a non-golf course use:](#)

1. [A Neighborhood Information Meeting \(NIM\) is required after the initial pre-application meeting and before the submittal of a formal application. This NIM does not replace the NIM requirements after submittal of the application.](#)

[↔See Chapter 8 A.1 of the Administrative Code for NIM procedures.](#)

[↔See Chapter 1 D.4 of the Administrative Code for Pre-Application Meeting procedures.](#)

2. [A title report that identifies the current owner of the property and all encumbrances shall be required as part of the rezone or SRA application.](#)

Application Contents [Applicants shall include a written summary of the NIM \(↔See Chapter 8 A.1 of the Administrative Code for NIM procedures\) and the title report with Submittal 1 of the rezone or SRA application or the application is deemed incomplete.](#)

Notice [N/A](#)

Public Hearing [N/A](#)

Decision Maker [N/A](#)

Exhibit A – Administrative Code Updates

Review Process The Zoning Division will review the supplemental items and identify whether additional materials are needed as part of the review of the rezone or SRA application.

Updated

Collier County Land Development Code | *Administrative Procedures Manual* Chapter 8 | Public Notice

~~F. Stakeholder Outreach Meeting for Golf Course Conversions (SOM)~~

~~**Reference** LDC sections 5.05.15 and LDC Public Notice section 10.03.06.~~

~~⇔ See Chapter 4.N for Intent to Convert Applications for the Application Contents Required for Presentations at SOMs.~~

~~**Purpose** Stakeholder Outreach Meetings (SOMs) are intended to engage stakeholders early in the design of a golf course conversion project and to encourage collaboration and consensus between the applicant and the stakeholders on the proposed conversion.~~

~~**Applicability** This process applies to applicants seeking to convert a constructed golf course to a non-golf course use. A minimum of two in person meetings and one web based visual survey are required. This section shall be used in connection with LDC section 5.05.15.~~

~~**Initiation** The SOMs may be held after the “Intent to Convert” application has been received by the County and deemed sufficient by staff to proceed. It is encouraged that SOMs take place in a timely manner so as to support stakeholder involvement.~~

~~**SOM Notice Requirements** Each SOM shall be noticed as follows:~~

~~**1. Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the SOM in a newspaper of general circulation. The advertisement shall include at a minimum:~~

- ~~a. Date, time, and location of the SOM;~~
- ~~b. Petition name, number and applicant contact info;~~
- ~~c. Notice of the intention to convert the golf course to a non-golf course use;~~
- ~~d. Brief description of the proposed uses; and~~
- ~~e. 2 in. x 3 in. map of the project location.~~

Exhibit A – Administrative Code Updates

~~2. **Mailed Notice:** For the purposes of this **mailed notice** requirement, written notice shall be sent to property owners located within 1,000 feet from the property line of the golf course at least 15 days before the first SOM. The mailed notice shall include the following:~~

- ~~a. Date, time, and location of each SOM included in the **mailed notice**;~~
- ~~b. Petition name, number and applicant contact info;~~
- ~~c. Notice of the intention to convert the golf course to another use;~~
- ~~d. A brief description of the proposed uses;~~
- ~~e. A statement describing that the applicant is seeking input through a stakeholder outreach process;~~
- ~~f. The user-friendly web address where the meeting materials, such as the Developers Alternatives Statement, can be accessed;~~
- ~~g. A brief description of the visual survey and the user-friendly web address where the survey can be accessed; and~~
- ~~h. The dates that the web-based visual survey will be available online.~~

Location

~~The **applicant** must arrange the location of the meeting. The location must be reasonably convenient to the **property owners** who receive the required notice. The facilities must be of sufficient size to accommodate expected attendance.~~

Timeframe

~~SOMs must be held between November 1st and April 1st.~~

Conduct of SOMs

~~A minimum of two SOMs shall be conducted in accordance with the following:~~

- ~~a. An assigned County **planner** shall attend the SOMs and observe the process. The **planner** shall note any commitment made by the applicant during the meetings.~~
- ~~b. Meeting Conduct: The applicant shall conduct the meetings as follows:
 - ~~i. Use at least one public outreach method during the in-person meetings as described below; and~~
 - ~~ii. The applicant shall facilitate dialogue and encourage input on the conceptual development plan from the stakeholders regarding the types of development the stakeholders consider compatible with the neighborhood, and the types of land uses they would support to be added to the neighborhood.~~~~
- ~~c. Presentation: The **applicant** must provide the following at the **SOM** for review and comment:
 - ~~i. The current **LDC** zoning district uses and development regulations;~~
 - ~~ii. Information about the purpose of the meeting, including the goals and objectives of the conversion project;~~
 - ~~iii. A copy of the Developer's Alternatives Statement shall be made available at the SOM, as described in **LDC** section 5.05.15 C.2;~~~~

Exhibit A – Administrative Code Updates

- ~~iv. Visuals depicting the conceptual development plan(s) and the greenway; and~~
- ~~v. The list of deviations requested, as described in LDC section 5.05.15-C.4.a-b.~~
- ~~d. Public Outreach Methods: The **applicant** shall use one or more of the following at the Stakeholder Outreach Meetings to engage stakeholders:
 - ~~i. Charrette. This public outreach method is a collaborative design and planning workshop that occurs over multiple days. Through a charrette, the **applicant** designs the conceptual development plan and greenway with stakeholders' input. During a charrette, stakeholders are given the opportunity to identify values, needs, and desired outcomes regarding the project. Through a series of engagement activities the conceptual development plan and greenway are designed and refined. Throughout the sessions, stakeholders have an opportunity to analyze the project, address and resolve issues, and comment on multiple iterations of the project.~~
 - ~~ii. Participatory Mapping. This public outreach method produces maps using stakeholder knowledge and input. To start, the applicant hosts a workshop and shares information about the project through exhibits such as poster boards, written or electronic materials, etc. Participants are then given sticky dots, markers, or other tactile/visualization tools in conjunction with maps of the conceptual development plan and greenway to identify options to address compatibility, adverse impacts, or types of desirable usable open space for the project. For example: stakeholders are asked to place red dots on the map where there is a perceived pedestrian hazard and place a green dot where they support additional tree plantings in the greenway.~~
 - ~~iii. Group Polling. This public outreach method polls participants at the meeting and provides instant results. The poll can include a wide range of topics about the project, such as density, greenway uses, vehicle/pedestrian transportation networks, etc. The **applicant** provides sticky dots or uses electronic devices to conduct the polling.~~
 - ~~iv. Visioning Exercise. This public outreach method invites stakeholders to describe their core values and vision for their community. In a workshop setting, the **applicant** presents a wide variety of reports, maps, photos, and other information about the project. The **applicant** then poses questions to the participants, such as, but not limited to the following:
 - ~~1. "What do people want to preserve in the community?"~~~~~~

Exhibit A – Administrative Code Updates

~~2. "What do people want to create in the community?"~~

~~3. "What do people want to change in the community?"~~

~~The applicant collects the responses and works with the participants to create a vision statement for the project that incorporates the goals, concerns, and values of the community.~~

Exhibit A – Administrative Code Updates

Web-based Visual Survey Requirements	<p>The web-based visual survey is intended to increase engagement with stakeholders. The survey should engage the stakeholders in the design of the project and assist in determining what stakeholders find important to the neighborhood, what is considered compatible with the neighborhood, and what types of land uses they support adding to the neighborhood.</p> <ul style="list-style-type: none">a. The survey shall provide visual representations of the proposed development, in particular the types of land uses proposed, streetscapes, public spaces, design characteristics, and depictions of the greenway design;b. The survey questions shall be worded so as to elicit responses to the stakeholders' preferences or support for the visual representations.c. The survey shall allow for additional comment(s) to be made by the stakeholders.
SOM Report	<p>After the SOMs and the web-based survey are complete, the applicant will submit a report of the SOM to the County, including the following information:</p> <ul style="list-style-type: none">a. A list of attendees, a description of the public outreach methods used, photos from the meetings demonstrating the outreach process, results from outreach methods described above;b. Copies of the materials used during the meeting, including any materials created at the meeting, such as any participatory mapping or related documents;c. A verbatim transcript of the meetings and an audio (mp3 or WAV format) or video recording in a format accessible or viewable by the County;d. A point-counterpoint list, identifying the input from the stakeholders and how and why it was or was not incorporated into the application. Input from stakeholders may be categorized by topic and the applicant may provide a single response to each topic in narrative format; and The report shall be organized such that the issues and ideas provided by the stakeholders that are incorporated in the application are clearly labeled in the point-counterpoint list and in the conversion application.
Meeting Follow-up	<p>After each SOM is completed and prior to the submittal of a conversion application, the applicant will submit to the assigned planner a written summary of the SOM and any commitment that has been made. Any commitment made during the meeting will:</p> <ul style="list-style-type: none">a. Become part of the record of the proceedings;b. Be included in the staff report for any subsequent conversion application; andc. Be considered for inclusion into the conditions of approval of any subsequent development order.
Updated	



LAND DEVELOPMENT CODE AMENDMENT

<p>PETITION PL20230012905</p> <hr/> <p>ORIGIN Board of County Commissioners (Board)</p> <hr/> <p>HEARING DATES</p> <table border="0"> <tr> <td>Board</td> <td>TBD</td> </tr> <tr> <td>CCPC</td> <td>08/01/2024</td> </tr> <tr> <td>DSAC</td> <td>02/07/2024</td> </tr> <tr> <td>DSAC-LDR</td> <td>01/31/2024 01/16/2024</td> </tr> </table>	Board	TBD	CCPC	08/01/2024	DSAC	02/07/2024	DSAC-LDR	01/31/2024 01/16/2024	<p>SUMMARY OF AMENDMENT</p> <p>This amendment introduces comprehensive updates to the current provisions in the Land Development Code (LDC) related to the conversion of golf courses. LDC amendments are reviewed by the Board, Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR). Procedural changes to the Administrative Code are also part of this amendment.</p> <p>LDC SECTION TO BE AMENDED</p> <table border="0"> <tr> <td>3.05.07</td> <td>Preservation Standards</td> </tr> <tr> <td>5.05.15</td> <td>Conversion of Golf Courses</td> </tr> <tr> <td>10.03.06</td> <td>Public Notice and Required Hearings for Land Use Petitions</td> </tr> </table>	3.05.07	Preservation Standards	5.05.15	Conversion of Golf Courses	10.03.06	Public Notice and Required Hearings for Land Use Petitions
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3.05.07	Preservation Standards														
5.05.15	Conversion of Golf Courses														
10.03.06	Public Notice and Required Hearings for Land Use Petitions														

Commented [RGEHOA1]: Why is the second planned DSAC meeting on 8/7/24 not listed for the public's benefit?

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
Approval with recommendations	Approval with recommendations	TBD

Commented [RGEHOA2]: Why does this not note pending further review by DSAC on 8/7/24?

BACKGROUND

On February 14, 2023, the Board directed staff to bring back an LDC amendment to clarify that the Board has the discretion to grant deviations to reduce the minimum average greenway width of a proposed golf course conversion during the rezoning process. Additionally, on April 11, 2023, the Board recognized that the existing Golf Course Conversion Intent to Convert (ITC) application process has not been effective in bringing the developer and stakeholders together early in the process to resolve issues, as initially intended, and directed staff to bring back recommendations for an amendment that could improve the process and remove potential “Bert Harris” (Florida Statutes, Chapter 70) claims. The Board also discussed the possibility of repealing the ITC process in its entirety.

The existing Golf Course Conversion regulations and ITC application requirements were adopted by the Board on March 28, 2017. Since that time, the County has received three ITC applications for the proposed conversion of an existing golf course to a non-golf course use. All three ITC applications have been completed, resulting in the approved conversion of one (Golden Gate Golf Course) and pending litigation for the others.

Following the Board directive, Staff originally intended to only modify the existing conversion regulations as a means to improve the section by removing requirements that could be deemed as superfluous. Staff later determined that the modified regulations would not considerably improve the conversion process. Staff then created a new draft to include the core intentions of the existing section: 1. to require the applicant to engage surrounding property owners early in the design process, and 2. to require preservation of a portion of the greenway in a proposed conversion project.

This amendment seeks to promote a streamlined process for proposed golf course conversion projects by removing the ITC application requirement as an “extra step” before the traditional rezone application process. Proposed conversion projects will instead be required to hold one Neighborhood Information Meeting (NIM) before their rezone application is submitted. This pre-submittal NIM is intended to require the applicant to involve



the public prior to the submittal of the rezone application. The proposed conversion project will also be required to include a greenway in the design of the proposed non-golf course use. The purpose of this greenway requirement is to retain an open space along the perimeter of the conversion project and adjacent to existing residential development. A provision is also included to specify that the Board has the authority to grant deviations to the greenway requirement, as part of any rezone request.

Corresponding revisions to other LDC sections are also included to maintain consistency from the proposed updates. Updates to sections of the Administrative Code to reflect the proposed procedural changes reflected in this draft amendment are also included in Exhibit A.

FISCAL & OPERATIONAL IMPACTS

The cost associated with advertising the Ordinance amending the Land Development Code are estimated at \$1,008.00. Funds are available within Unincorporated Area General Fund (1011), Zoning & Land Development Cost Center (138319).

GMP CONSISTENCY

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

EXHIBITS: A) Administrative Code Updates

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Text underlined is new text to be added.
~~Text strikethrough is current text to be deleted.~~

Amend the LDC as follows:

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3.05.07 Preservation Standards

All development not specifically exempted by this ordinance shall incorporate, at a minimum, the preservation standards contained within this section.

* * * * *

H. Preserve standards.

1. Design standards.

* * * * *

e. Created preserves. Although the primary intent of GMP CCME Policy 6.1.1 is to retain and protect existing native vegetation, there are situations where the application of the retention requirements of this Policy is not possible. In these cases, creation or restoration of vegetation to satisfy all or a portion of the native vegetation retention requirements may be allowed. In keeping with the intent of this policy, the preservation of native vegetation off site is preferable over creation of preserves. Created Preserves shall be allowed for parcels that cannot reasonably accommodate both the required on-site preserve area and the proposed activity.

i. Applicability. Criteria for determining when a parcel cannot reasonably accommodate both the required on-site preserve area and the proposed activity include:

* * * * *

(e) When small isolated areas (of less than 1/2 acre in size) of native vegetation exist on site. In cases where retention of native vegetation results in small isolated areas of 1/2 acre or less, preserves may be planted with all three strata; using the criteria set forth in Created Preserves and shall be created adjacent existing native vegetation areas on site or contiguous to preserves on adjacent properties. This exception may be granted, regardless of the size of the project. Created preserves may exceed the 1/2 acre size limitation for a rezone or SRA amendment application for the conversion of a golf course to another use ~~conversion applications~~ in accordance with LDC section 5.05.15.

* * * * *
#

DRAFT

Text underlined is new text to be added.
Text strikethrough is current text to be deleted.

5.05.15 Conversion of Golf Courses

A. Purpose and Intent. The purpose of this section is to require an additional step of public involvement and to add a greenway requirement for the proposed conversion of an existing golf course to a non-golf course use. The intent is to involve the public prior to the submittal of a rezone or Stewardship Receiving Area (SRA) amendment application and to require the applicant to engage residents, property owners, and the surrounding community early in the conceptual design phase of the conversion project, in order to better identify potential compatibility issues to the existing neighborhoods.

B. Applicability. This section applies to a proposed change of use of a constructed golf course, in whole or in part, to a non-golf course use where a rezone or amendment to an SRA is needed to allow the non-golf course use.

C. Exemptions. The following shall be exempt from this section:

1. Golf courses zoned Golf Course and Recreational Uses (GC) where a permitted, accessory, or conditional non-golf course use is sought.
2. Golf courses constructed prior to [effective date of Ordinance amendment] as a conditional use in the Rural Agricultural (A) Zoning District.
3. Golf courses that do not abut and/or are not adjacent to residentially zoned property.

D. Additional pre-submittal application requirements for golf course conversions.

1. A Neighborhood Information Meeting (NIM) is required after the initial pre-application meeting and before the submittal of a formal application. This NIM does not replace the NIM requirements after submittal of the application.
2. After completing the required pre-submittal NIM, the application will follow the procedural steps required of all rezone or SRA amendment applications.
3. A title report that identifies the current owner of the property and all encumbrances shall be required as part of the rezone or SRA amendment application.

E. Greenway requirements. The proposed rezone or SRA amendment application shall provide for a greenway as part of the project. The purpose of the greenway is to retain an open space along the perimeter of the project and adjacent to the existing residential development.

1. The greenway shall be contiguous to the existing residential properties surrounding the existing golf course, shall generally be located along the perimeter of the proposed development, ~~and shall be a minimum width of 75-feet maintaining an average of width of 50-feet and in no event a width of less than 30-feet at any one location.~~ maintain an average width of 50 feet.
2. The greenway may be counted towards the open space requirement for the project as established in LDC section 4.02.00 and/or LDC section 4.02.07 as to a PUD.

Commented [RGE HOA3]: Some DSAC recommendations have been overlooked, such as providing 2 distinct redevelopment plans to consider for golf course conversions. Alternative redevelopment plans are in the best interests of the County and neighboring property owners.

Commented [RGE HOA4]: FOR CLARIFICATION, ADD TEXT: "This section is to be applied in conjunction with LDC section 10.02.08, as well as other existing regulations relating to the requirements for rezoning of property."

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Text underlined is new text to be added.
Text strikethrough is current text to be deleted.

The greenway requirement in no way relieves the applicant of the open space requirements under these LDC sections.

3. Existing trees and understory (shrubs and groundcover), particularly native vegetation, are encouraged to be preserved and maintained within the greenway to the maximum extent, except where minimal de minimis improvements are needed that provide a passive recreational use. At a minimum, canopy trees shall be provided at a ratio of 1:2,000 square feet within the greenway. Existing trees may count toward the ratio; however, trees within preserves shall be excluded from the ratio.

4. The greenway shall not include the required yards (buffers and/or setbacks) of any proposed individual lots.

5. A wall or fence is not required between the greenway and the proposed development; however, should a wall or fence be constructed, the fence shall provide habitat connectivity to facilitate movement of wildlife in and around the greenway.

6. A portion of the greenway may provide stormwater management; however, the greenway shall not create more than 30 percent additional lake area than exists pre-conversion in the greenway.

7. The applicant shall record a restrictive covenant at the time of subdivision plat or Site Development Plan (SDP) approval, in the County's official records, describing the use and maintenance of the greenway in perpetuity as described in the zoning action or SRA amendment.

8. Notwithstanding the foregoing, any proposed deviations from property development standards shall be clearly identified by the applicant as part of a proposed rezone or SRA amendment application with a narrative describing the justifications for any proposed deviations. The Board has the authority to review and grant reasonable deviations that are justified and which are still consistent with the spirit and intent of the Land Development Code and Growth Management Plan at its sole discretion, including, but not limited to, reduction of the greenway requirement.

~~A. Purpose and Intent. The purpose of this section is to assess and mitigate the impact of golf course conversion on real property by requiring outreach with stakeholders during the design phase of the conversion project and specific development standards to ensure compatibility with the existing land uses. For the purposes of this section, property owners within 1,000 feet of a golf course shall hereafter be referred to as stakeholders.~~

~~1. Stakeholder outreach process. The intent is to provide a process to cultivate consensus between the applicant and the stakeholders on the proposed conversion. In particular, this section is designed to address the conversion of golf courses surrounded, in whole or in part, by residential uses or lands zoned residential.~~

Commented [RGE HOA5]: At the Feb 14, 2023 BCC meeting, the only revision to the GC rezone Development Standards which was discussed was to provide the Commissioner's flexibility in deviating from the dimensional widths of the greenway (i.e. changing mandatory language such as "shall" to "may"). The wholesale deletion of the vast majority of these development standards goes against the purpose of the GC conversion regulations, which was to protect the property rights and property values of abutting homeowners while allowing for residential redevelopment of golf courses.

Commented [RGE HOA6]: Current LDC for conversion of GCs includes a minimum % of open space of 35%. Other residential and PUD zone regulations include open space requirements. Why is this removed?

Commented [Author7R7]: Recommend reduction in the lake area percentage permitted in the greenway, due to how noise carries over water

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Text underlined is new text to be added.

Text strikethrough is current text to be deleted.

1 2. Development standards. It is the intent of the specific development standards
2 contained herein to encourage the applicant to propose a conversion project with
3 land uses and amenities that are compatible and complementary to the existing
4 neighborhoods. Further, the applicant is encouraged to incorporate reasonable
5 input provided by stakeholders into the development proposal.

6
7 B. Applicability. The following zoning actions, Stewardship Receiving Area Amendments,
8 and Compatibility Design Review petitions, hereafter collectively referred to as
9 "conversion applications," shall be subject to LDC section 5.05.15. A conversion
10 application shall be required when an applicant seeks to change a constructed golf course
11 to a non-golf course use. However, where a permitted, accessory, or conditional use is
12 sought for a golf course zoned Golf Course and Recreational Uses (GC), the applicant
13 shall be exempt from this section except for LDC section 5.05.15 H.

14
15 1. Zoning actions. This section applies to a golf course constructed in any zoning
16 district where the proposed use is not permitted, accessory, or conditional in the
17 zoning district or tract for which a zoning change is sought. Zoning actions seeking
18 a PUD rezone shall be subject to the minimum area requirements for PUDs
19 established in LDC section 4.07.02; however, the proposed PUD shall not be
20 required to meet the contiguous acres requirement so long as the PUD rezone
21 does not include lands other than the constructed golf course subject to the
22 conversion application.

23
24 2. Stewardship Receiving Area Amendments. This section applies to a golf course
25 constructed on lands within a Stewardship Receiving Area where the proposed
26 use is not permitted, accessory, or conditional in the context zone for which the
27 change is sought.

28
29 3. Compatibility Design Review. This section applies to a golf course constructed in
30 any zoning district or designated as a Stewardship Receiving Area that utilize a
31 non-golf course use which is a permitted, accessory or conditional use within the
32 existing zoning district or designation. Conditional uses shall also require
33 conditional use approval subject to LDC section 10.08.00.

34
35 C. Application process for conversion applications.

36 1. Intent to Convert application. The applicant shall submit an "Intent to Convert"
37 application to the County prior to submitting a conversion application. The following
38 is required of the applicant:

39
40 a. Application. The Administrative Code shall establish the procedure and
41 application submittal requirements, including: a title opinion or title
42 commitment that identifies the current owner of the property and all
43 encumbrances against the property; the Developer's Alternatives
44 Statement, as provided for below; and the public outreach methods to be
45 used to engage stakeholders at the Stakeholder Outreach Meetings, as
46 established below.

47
48 b. Public Notice. The applicant shall be responsible for meeting the
49 requirements of LDC section 10.03.06.
50

Commented [RGE HOA8]: The deletion of this text suggests that golf courses within PUDs could be redeveloped without compliance to the original open space requirements of 4.07.02 which were applied at the time of approving the PUD. This seems like a Bert Harris legal risk for the County from the owners of property within PUDs

DRAFT

Text underlined is new text to be added.

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

- 1 ~~2. Developer's Alternatives Statement requirements. The purpose of the Developer's~~
- 2 ~~Alternatives Statement (DAS) is to serve as a tool to inform stakeholders and the~~
- 3 ~~County about the applicant's development options and intentions. It is intended to~~
- 4 ~~encourage communication, cooperation, and consensus building between the~~
- 5 ~~applicant, the stakeholders, and the County.~~

- 6
- 7 ~~b. Alternatives. The DAS shall be prepared by the applicant and shall clearly~~
- 8 ~~identify the goals and objectives for the conversion project. The DAS shall~~
- 9 ~~address, at a minimum, the three alternatives noted below. The alternatives~~
- 10 ~~are not intended to be mutually exclusive; the conceptual development plan~~
- 11 ~~described below may incorporate one or more of the alternatives in the~~
- 12 ~~conversion project.~~

- 13
- 14 ~~i. No conversion: The applicant shall examine opportunities to retain~~
- 15 ~~all or part of the golf course. The following considerations are to be~~
- 16 ~~assessed:~~
- 17
- 18 ~~a) Whether any of the existing property owners' association(s)~~
- 19 ~~reasonably related to the golf course are able to purchase~~
- 20 ~~all or part of the golf course; and~~
- 21
- 22 ~~b) Whether any of the existing property owners' association(s)~~
- 23 ~~and/or any new association reasonably related to the golf~~
- 24 ~~course can coordinate joint control for all or part of the golf~~
- 25 ~~course.~~
- 26
- 27 ~~ii. County purchase: The applicant shall coordinate with the County to~~
- 28 ~~determine if there is interest to donate, purchase, or maintain a~~
- 29 ~~portion or all of the property for a public use, such as a public park,~~
- 30 ~~open space, civic use, or other public facilities. This section shall~~
- 31 ~~not require the County to purchase any lands, nor shall this require~~
- 32 ~~the property owner to donate or sell any land.~~
- 33
- 34 ~~iii. Conceptual development plan: The applicant shall prepare one or~~
- 35 ~~more proposed conceptual development plans, consistent with the~~
- 36 ~~development standards established in LDC section 5.05.15 G,~~
- 37 ~~depicting the proposed conversion. The applicant shall share the~~
- 38 ~~conceptual development plan with the stakeholders at the~~
- 39 ~~Stakeholder Outreach Meetings as described below. The~~
- 40 ~~conceptual development plan shall include a narrative describing~~
- 41 ~~how the plan implements and is consistent with the goals and~~
- 42 ~~objectives identified in the DAS. The conceptual development plan~~
- 43 ~~shall depict the retained and proposed land uses, including~~
- 44 ~~residential, non-residential, and preserve areas; existing and~~
- 45 ~~proposed roadway and pedestrian systems; existing and proposed~~
- 46 ~~trees and landscaping; and the proposed location for the greenway,~~
- 47 ~~including any passive recreational uses. The narrative shall identify~~
- 48 ~~the intensity of the proposed land uses; how the proposed~~
- 49 ~~conversion is compatible with the existing surrounding land uses~~
- 50 ~~and any methods to provide benefits or mitigate impacts to the~~
- 51 ~~stakeholders. Visual exhibits to describe the conceptual~~

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development plan and amenities, including the greenway, shall also be provided.

3. ~~Stakeholder Outreach Meetings (SOMs) for conversion applications. The SOMs are intended to engage the stakeholders early in the conversion project and inform the applicant as to what the stakeholders find important in the neighborhood, what the stakeholders consider compatible with the neighborhood, and what types of land uses they would support to be added to the neighborhood. An assigned County planner shall attend the SOM and observe the process. The following is required of the applicant:~~

a. ~~The Administrative Code shall establish the procedure and application submittal requirements.~~

b. ~~The applicant shall conduct a minimum of two in-person SOMs and a minimum of one web-based visual survey on the proposed conceptual development plan(s). The web-based survey web address shall be incorporated in the mailings notifying the stakeholders of the in-person SOMs.~~

c. ~~At the SOMs, the applicant shall provide information to the stakeholders about the purpose of the meeting, including a presentation on the goals and objectives of the conversion project, the conceptual development plan, the greenway concept, and the measures taken to ensure compatibility with the existing surrounding neighborhood. A copy of the full Developer's Alternative Statement shall also be made available at each SOM. The applicant shall facilitate discussion on these topics with the stakeholders using one or more public outreach method(s) identified in the Administrative Code.~~

d. ~~SOM report for conversion applications. After completing the SOMs the applicant shall prepare a SOM report. The report shall include a list of attendees, a description of the public outreach methods used, photos from the meetings demonstrating the outreach process, results from outreach methods, and copies of the materials used during the SOMs. The applicant shall also include a point-counterpoint list, identifying input from the stakeholders and how and why it was or was not incorporated in the conversion application. The report shall be organized such that the issues and ideas provided by the stakeholders are clearly labeled by the applicant in the list and the conversion application.~~

4. ~~Conversion application procedures. An applicant shall not submit a conversion application (e.g. rezone, PUDA, SRAA, Compatibility Design Review) until the Intent to Convert application is deemed completed by County staff and the SOMs are completed. Thereafter, the applicant may proceed by submitting a conversion application with the County as follows:~~

a. ~~Zoning actions. For projects subject to 5.05.15 B.1., the applicant shall file a PUDA or rezone application, including the SOM report. Deviations to LDC section 5.05.15 shall be prohibited; further, deviations to other sections of the LDC shall be shared with the stakeholders at a SOM or NIM.~~

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~~b. Stewardship Receiving Area Amendments. For projects subject to 5.05.15 B.2., the applicant shall file a Stewardship Receiving Area Amendment application, including the SOM report. Deviations to LDC section 5.05.15 shall be prohibited; further, deviations to other sections of the LDC shall be shared with the stakeholders at a SOM or NIM.~~

~~c. Compatibility Design Review. For projects subject to 5.05.15 B.3., the applicant shall file a Compatibility Design Review application, including the SOM report.~~

~~D. Criteria and staff report for conversion applications. In addition to the requirements established in LDC sections 10.02.08, 10.02.13 B., or 4.08.07, as applicable, the staff report shall evaluate the following:~~

- ~~1. Whether the applicant has met the requirements established in this section and development standards in the LDC. In particular, that the proposed design and use(s) of the greenway, as applicable, meet the purpose as described 5.05.15 G.2.~~
- ~~2. Whether the SOM report and point-counterpoint list described above reflect the discussions that took place at the SOMs.~~
- ~~3. Whether the applicant incorporated reasonable input provided by the stakeholders to address impacts of the golf course conversion on stakeholders' real property.~~
- ~~4. Whether the applicant provided an explanation as to why input from the stakeholders was not incorporated into the conceptual development plan.~~

~~E. Supplemental review and approval considerations for zoning actions and Stewardship Receiving Area Amendments. The report and recommendations of the Planning Commission and Environmental Advisory Council, if applicable, to the Board shall show the Planning Commission has studied and considered the staff report for conversion applications, reasonable input from the stakeholders, the criteria established in LDC section 5.05.15 D, as well as the criteria established in LDC sections 10.02.08 F, 10.02.13 B, or 4.08.07, as applicable. In particular, the Planning Commission shall give attention to the design of the greenway and how it mitigates impacts to real property. Further attention shall be given to who can use the greenway. The Board shall consider the criteria in LDC section 5.05.15 D, as well as the criteria established in LDC sections 10.02.08 F, 10.02.13 B, or 4.08.07, as applicable, and Planning Commission report and recommendation.~~

~~F. Compatibility Design Review. For projects subject to 5.05.15 B.3., this section is intended to address the impact of golf course conversion on real property by requiring the conceptual development plan to be reviewed for compatibility with the existing surrounding uses. The following is required:~~

- ~~1. Application. The Administrative Code shall establish the submittal requirements for the compatibility design review application.~~
- ~~2. Public Notice. The applicant shall be responsible for meeting the requirements of LDC section 10.03.06.~~

Commented [RGE HOA9]: By deleting reference to other applicable sections of the LDC it creates the false impression that GC conversions are not subject to the rest of the relevant sections of the LDC

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1 3. ~~Compatibility Design Review. The Planning Commission shall review the staff~~
2 ~~report as described in 5.05.15 D, the Compatibility Design Review application, and~~
3 ~~make a recommendation to the Board based on the following criteria:~~

4
5 a. ~~Whether the applicant has met the applicable requirements established in~~
6 ~~this section and reasonably addressed the concepts identified in LDC~~
7 ~~section 5.05.15 D.2.-D.4.~~

8
9 b. ~~Whether the conceptual design is compatible with the existing surrounding~~
10 ~~land uses.~~

11
12 c. ~~Whether a view of open space is provided that mitigates impacts to real~~
13 ~~property for the property owners that surround the golf course.~~

14
15 d. ~~Whether open space is retained and available for passive recreation.~~

16
17 4. ~~The Board shall consider the criteria in LDC section 5.05.15 F.3., above, the staff~~
18 ~~report and the Planning Commission report and approve, approve with conditions,~~
19 ~~or deny the application. Upon approval of the application, the applicant shall obtain~~
20 ~~approval of any additional required development order, such as a SDP,~~
21 ~~construction plans, or conditional use.~~

22
23 G. ~~Development standards. The following are additional minimum design standards for~~
24 ~~zoning actions and Stewardship Receiving Area Amendments. The Compatibility Design~~
25 ~~Review process shall only be subject to LDC section 5.05.15 G.6.~~

26
27 1. ~~Previously approved open space. Golf course acreages utilized to meet the~~
28 ~~minimum open space requirements for a previously approved project shall be~~
29 ~~retained as open space and shall not be included in open space calculations for~~
30 ~~any subsequent conversion projects.~~

31
32 2. ~~Greenway. The purpose of the greenway is to retain an open space view for~~
33 ~~stakeholders, support passive recreational uses, and support existing wildlife~~
34 ~~habitat. For the purposes of this section the greenway shall be identified as a~~
35 ~~continuous strip of land set aside for passive recreational uses, such as: open~~
36 ~~space, nature trails, parks, playgrounds, golf courses, beach frontage, disc golf~~
37 ~~courses, exercise equipment, and multi-use paths. The Board may approve other~~
38 ~~passive recreational uses that were vetted at the Stakeholder Outreach Meetings.~~
39 ~~The greenway shall not include required yards (setbacks) of any individual lots.~~

40
41 a. ~~The greenway shall be contiguous to the existing residential properties~~
42 ~~surrounding the golf course and generally located along the perimeter of~~
43 ~~the proposed development. The Board may approve an alternative design~~
44 ~~that was vetted at the Stakeholder Outreach Meetings, as provided for in~~
45 ~~LDC section 5.05.15 C.3.~~

46
47 b. ~~A minimum of 35 percent of the gross area of the conversion project shall~~
48 ~~be dedicated to the greenway. The greenway shall have a minimum~~
49 ~~average width of 100 feet and no less than 75 feet at any one location.~~

Commented [RGE HOA10]: Per earlier comment, the current 35% open space standard is to be removed per this proposed amendment; creating another legal risk from the devaluation of adjacent properties

Commented [RGE HOA11]: Minimum standards removed creating another risk of a Bert Harris claim from affected property owners

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- c. ~~Maintenance of the greenway shall be identified through the zoning or and Stewardship Receiving Area Amendment process.~~
 - d. ~~The greenway may be counted towards the open space requirement for the conversion project as established in LDC section 4.02.00 except as noted in G.1. above.~~
 - e. ~~Existing trees and understory (shrubs and groundcover) shall be preserved and maintained within the greenway, except where minimal improvements are needed that provide a passive recreational use. At a minimum, canopy trees shall be provided at a ratio of 1:2,000 square feet within the greenway. Existing trees may count toward the ratio; however, trees within preserves shall be excluded from the ratio.~~
 - f. ~~A wall or fence is not required between the greenway and the proposed development; however, should a wall or fence be constructed, the fence shall provide habitat connectivity to facilitate movement of wildlife in and around the greenway.~~
 - g. ~~A portion of the greenway may provide stormwater management; however, the greenway shall not create more than 30 percent additional lake area than exists pre-conversion in the greenway. Any newly developed lake shall be a minimum of 100 feet wide.~~
 - h. ~~The applicant shall record a restrictive covenant in the County's official records describing the use and maintenance of the greenway as described in the zoning action or SRA Amendment.~~
3. ~~Preserve requirements. The following preserve standards supplement those established in LDC section 3.05.07.~~
- a. ~~Where small isolated areas (of less than ½ acre in size) of native vegetation (including planted areas) exist on site they may be consolidated into a created preserve that may be greater than ½ acre in size in the aggregate to meet the preserve requirement.~~
 - b. ~~Existing County approved preserve areas shall be considered as follows:~~
 - i. ~~Golf courses within a conventional zoning district. All County approved preserve areas shall be retained and may be utilized to meet the preserve requirements for the conversion project.~~
 - ii. ~~Golf courses within a PUD. All County approved preserve areas shall be retained. Preserve areas in excess of the PUD required preserve acreage may be used to meet the preserve requirement for the conversion project.~~
4. ~~Stormwater management requirements. The applicant shall demonstrate that the stormwater management for the surrounding uses will be maintained at an equivalent or improved level of service. This shall be demonstrated by a pre versus post development stormwater runoff analysis.~~

Commented [RGE HOA12]: Are stormwater management requirements really being deleted for golf course redevelopment? Heightened protections as to stormwater management to benefit the public are appropriate as compared to other types of rezoning actions given that golf courses were frequently approved to also accept runoff and serve as open space to allow for increased density in the surrounding residential development.

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- 5. ~~Floodplain compensation. In accordance with LDC section 3.07.02 floodplain compensation shall be provided.~~
- 6. ~~Soil and/or groundwater sampling may be deferred by the applicant to Early Work Authorization (EWA), SDP, or PPL submittal, whichever is the first to occur, if the sampling has not been completed by the rezoning, SRA amendment, or compatibility design review public hearings. See LDC Section 3.08.00 A.4.d.~~
- 7. ~~All other development standards. The conversion of golf courses shall be consistent with the development standards in the LDC, as amended. Where conflicts arise between the provisions in this section and other provisions in the LDC, the more restrictive provision shall apply.~~
- H. ~~Design standards for lands converted from a golf course or for a permitted use within the GC zoning district shall be subject to the following design standards.~~
 - 1. ~~Lighting. All lighting shall be designed to reduce excessive glare, light trespass and sky glow. At a minimum, lighting shall be directed away from neighboring properties and all light fixtures shall be full cutoff with flat lenses. Lighting for the conversion project shall be vetted with stakeholders during the SOMs and the public hearings, as applicable.~~
 - 2. ~~Setbacks. All non-golf course uses, except for the greenway, shall provide a minimum average 50-foot setback from lands zoned residential or with residential uses, however the setback shall be no less than 35 feet at any one location.~~

Commented [RGE HOA13]: Is floodplain compensation no longer required for GC redevelopment projects? Heightened protections as to floodplain management to benefit the public are appropriate as compared to other types of rezoning actions given that golf courses were frequently approved originally to serve as a floodplain/open space to allow for increased density in the surrounding residential development.

Commented [RGE HOA14]: Golf courses are known to have used petroleum and arsenic containing chemicals, vis-a-vis the Golden Gate Golf Course. Heightened protections as to soil and groundwater quality to benefit the public are appropriate as compared to other types of rezoning actions.

Commented [RGE HOA15]: This minimum standard setback has been in Code for decades...is it proposed that this standard will not be applicable to golf course conversions?

#

10.03.06 Public Notice and Required Hearings for Land Use Petitions

This section shall establish the requirements for public hearings and public notices. This section shall be read in conjunction with LDC section 10.03.05 and Chapter 8 of the Administrative Code, which further establishes the public notice procedures for land use petitions.

* * * * *

~~W. Intent to Convert, pursuant to LDC section 5.05.15 C.1.~~

- 1. ~~The following notice procedures are required:~~
 - a. ~~Mailed notice sent by the applicant after the Intent to Convert application has been reviewed and deemed satisfactory by staff to proceed to the mailed notice and Stakeholder Outreach Meetings, and at least 20 days prior to the first Stakeholder Outreach Meeting. For the purposes of this application, all mailed notices shall be sent to property owners within 1,000 feet of the property lines of the subject property.~~
 - b. ~~Posting of a sign after Intent to Convert application has been reviewed and deemed satisfactory by staff to proceed to the mailed notice and Stakeholder Outreach Meetings, and at least 20 days prior to the first Stakeholder Outreach Meeting.~~

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~~X. Stakeholder Outreach Meeting, pursuant to LDC section 5.05.15 C.3.~~

~~1. The following notice procedures are required:~~

~~a. Newspaper advertisement at least 15 days prior to the Stakeholder Outreach Meeting.~~

~~b. Mailed notice sent by the applicant at least 15 days prior to the required Stakeholder Outreach Meetings. For the purposes of this application, all mailed notices shall be sent to property owners within 1,000 feet of the property lines of the subject property. This mailed notice may include both required Stakeholder Outreach Meeting dates. All mailed notices shall include the web address to participate in the required web-based visual survey.~~

~~Y. Compatibility Design Review, pursuant to LDC section 5.05.15 F.~~

~~1. The following advertised public hearings are required.~~

~~a. One Planning Commission hearing.~~

~~b. One BCC hearing.~~

~~2. The following notice procedures are required:~~

~~a. Newspaper advertisement at least 15 days prior to the advertised public hearing.~~

~~b. Mailed notice sent by the applicant at least 15 days prior to the required public hearings. For the purposes of this application, all mailed notices shall be sent to property owners within 1,000 feet of the property lines of the subject property.~~

WZ. Events in County Right-of-Way, pursuant to LDC section 5.04.05 A.5.

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Exhibit A – Administrative Code Updates

Collier County Land Development Code | *Administrative Procedures Manual* Chapter 3 | *Quasi-Judicial Procedures with a Public Hearing*

K. Compatibility Design Review

Reference LDC sections 5.05-15, and LDC Public Notice section 10.03.06-Y.

↔ *See Chapter 4.N of the Administrative Code for Intent to Convert Applications and Chapter 8.F for Stakeholder Outreach Meetings for Golf Course Conversions.*

Purpose The Compatibility Design Review process is intended to address the impacts of golf course conversions on real property by reviewing the conceptual development plan for compatibility with existing surrounding uses.

Applicability This process applies to a golf course constructed in any zoning district or designated as a Stewardship Receiving Area that utilize a non-golf course use which is a permitted, accessory, or conditional use within the existing zoning district or designation.

This application is not required for golf courses zoned Golf Course and Recreational Uses (GC) seeking another use as provided for in LDC section 2.03.09 A.

Conditional uses shall also require conditional use approval subject to LDC section 10.08.00. The conditional use approval should be a companion item to the compatibility design review approval.

Pre-Application A pre-application meeting is required.

Initiation The applicant files an “Application for Compatibility Design Review” with the Zoning Division after the “Intent to Convert” application is deemed complete by County staff and the Stakeholder Outreach Meetings (SOMs) are completed.

↔ *See Chapter 4 of the Administrative Code for information regarding the “Intent to Convert” application and Chapter 8 of the Administrative Code for requirements for SOMs and additional notice information.*

↔ *See Chapter 1 D, for additional information regarding the procedural steps for initiating an application.*

Application Contents The application must include the following:

- 1. Applicant contact information.**
- 2. Addressing checklist.**
- 3. Name of project.**
- 4. The proposed conceptual development plan.**
- 5. The name and mailing address of all registered property owners’ associations that could be affected by the application.**
- 6. Property Ownership Disclosure Form.**
- 7. The date the subject property was acquired or leased (including the term of the lease). If the applicant has an option to buy, indicate the dates of the option: date the option starts and terminates, and anticipated closing date.**

Exhibit A – Administrative Code Updates

8. Property information, including:
 - a. Legal description;
 - b. Property identification number;
 - c. Section, township, and range;
 - d. Address of the subject site and general location;
 - e. Size of property in feet and acres;
 - f. Zoning district;
 - g. Plat book and page number; and
 - h. Subdivision, unit, lot and block, and metes and bounds description.
9. If the property owner owns additional property contiguous to the subject property, then the following information, regarding the contiguous property, must be included:
 - a. Legal description;
 - b. Property identification number;
 - c. Section, township and range; and
 - d. Subdivision, unit, lot and block, or metes and bounds description.
10. Zoning information, including adjacent zoning and land use.
11. Soil and/or groundwater sampling results, if available, as described in LDC section 3.08.00 A.4.d and 5.05.15 G.6;
12. The approved Intent to Convert application, as described in LDC section 5.05.15 C.1; and
13. The SOM Report, as described in LDC section 5.05.15 C.3.
14. A narrative describing how the applicant has complied with the criteria in LDC section 5.05.15 F.3, including:
 - a. A list of examples depicting how each criterion is met;
 - b. A brief narrative describing how the examples meet the criterion; and
 - c. Illustration of the examples on the conceptual development plan that are described above.
15. Affidavit of Authorization.

Completeness and Processing of Application ⇔ See Chapter 1 D.5 for the acceptance and processing of an application

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

1. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days prior to the hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
 - a. Date, time, and location of the hearing;
 - b. Description of the proposed land uses; and
 - c. 2-in. x 3-in. map of the project location.

Exhibit A – Administrative Code Updates

- 2. ~~Mailed Notice:~~ For the purposes of this ~~mailed notice~~ requirement, written notice shall be sent to property owners located within 1,000 feet from the property line of the golf course at least 15 days prior to the advertised public hearings.
 - 3. ~~Sign:~~ Posted at least 15 days before the advertised public hearing date.
 - ~~↔ See Chapter 8 E. of the Administrative Code for sign template.~~
- Public Hearing**
- 1. The Planning Commission shall hold at least 1 advertised public hearing.
 - 2. The BCC shall hold at least 1 advertised public hearing.
- Decision Maker**
- The BCC, following a recommendation by the Planning Commission.
- Review Process**
- Staff will prepare a staff report consistent with LDC section 5.05.15 F and schedule a hearing date before the Planning Commission to present the petition. Following the Planning Commission's review, Staff will prepare an Executive Summary and will schedule a hearing date before the BCC to present the petition.
- Updated** 2021-143

Exhibit A – Administrative Code Updates

Chapter 4 | Administrative Procedures

N. Intent to Convert Application for Golf Course Conversions

Reference LDC sections 5.05.15, and LDC Public Notice section 10.03.06 W.

↔ See Chapter 8.F for Stakeholder Outreach Meetings for Golf Course Conversions.

Applicability This process applies to applicants seeking to convert a constructed golf course to a non-golf course use. Approval of this application is required prior to submitting a conversion application (rezone, PUD, SRAA or Compatibility Design Review petition). This application is not required for golf courses zoned Golf Course and Recreational Uses (GC) seeking another use as provided for in LDC section 2.03.09 A.

Pre-Application A pre-application meeting is required.

Initiation The applicant files an “Intent to Convert” application with the Zoning Division.

↔ See Chapter 1.D. for additional information regarding the procedural steps for initiating an application.

Application Contents The application must include the following:

1. **Applicant contact information.**
2. **Addressing checklist.**
3. Name of project.
4. The name and mailing address of all registered property owners’ associations that could be affected by the application.
5. Disclosure of ownership and interest information.
6. The date the subject property was acquired or leased (including the term of the lease). If the applicant has an option to buy, indicate the dates of the option, date the option starts and terminates, and anticipated closing date.
7. A title opinion or title commitment that identifies the current owner of the property and all encumbrances against the property.
8. Boundary survey (no more than six months old).
9. Property information, including:
 - a. Legal description;
 - b. Property identification number;
 - c. Section, township, and range;
 - d. Address of the subject site and general location;
 - e. Size of property in feet and acres; and
 - f. Zoning district.
10. If the property owner owns additional property contiguous to the subject property, then the following information, regarding the contiguous property, must be included:
 - a. Legal description;

Exhibit A – Administrative Code Updates

- b. Property identification number;
 - c. Section, township and range; and
 - d. Subdivision, unit, lot and block, or metes and bounds description.
11. Zoning information, including adjacent zoning and land use.
 12. Existing PUD Ordinance, SRA Development Document, Site Development Plan, or Plat.
 13. An exhibit identifying the following:
 - a. Any golf course acreage that was utilized to meet the minimum open space requirements for any previously approved project;
 - b. Existing preserve areas;
 - c. Sporadic vegetation less than ½ acre, including planted areas, that meet criteria established in LDC section 3.05.07 A.4; and
 - d. A matrix demonstrating the following as required in LDC section 5.05.15 G.3:
 - For conventionally zoned districts:
 - County approved preserve acreage; and
 - Any sporadic vegetation acreage used to meet the preserve requirement for the conversion project.
 - For PUDs:
 - County approved preserve acreage; and
 - Any County approved preserve acreage in excess of the PUD required preserve acreage that is used to meet the preserve requirement for the conversion project.
 14. Stormwater management requirements as required by LDC section 5.05.15 G.4.
 15. Floodplain compensation, if required by LDC section 3.07.02.
 16. Soil and/or groundwater sampling results, if available, as described in LDC sections 3.08.00 A.4.d and 5.05.15 G.6.
 17. List of deviations requested, as described in LDC sections 5.05.15 C.4.a-b. The specific LDC sections for which the deviations are sought shall be identified. The list of deviations shall be shared with stakeholders at the SOM or NIM.
 18. **Electronic copies of all documents.**
- Application Contents Required for Presentations at SOMs**
- In addition to the application contents above, the following must also be submitted with the Intent to Convert application and used during SOM presentations:
3. The Developer’s Alternatives Statement as described in LDC section 5.05.15 C, including:
 - a. A narrative clearly describing the goals and objectives for the conversion project.
 - b. *No Conversion Alternative:* A narrative describing the timeline of correspondence between the applicant and the property owners’

Exhibit A – Administrative Code Updates

associations relating to the applicant's examination of opportunities to retain all or part of the golf course as described in LDC section 5.05.15 C.2.b.i, and copies of such correspondence. It shall be noted in the narrative whether a final decision has been made about this alternative or whether discussions with the property owners' associations are ongoing.

4. *County Purchase Alternative:* A narrative describing the timeline of correspondence between the applicant and the County to determine if there is interest to retain all or portions of the property for public use as described in LDC section 5.05.15 C.2.b.ii, and copies of such correspondence. It shall be noted in the narrative whether a final decision has been made about this alternative or whether discussions with the County are ongoing.
5. *Conceptual Development Plan Alternative:* A conceptual development plan consistent with LDC section 5.05.15 C.2.b.iii, and as described in the following section.
6. The conceptual development plan shall include all information described in LDC section 5.05.15 C.2.b.iii, and the following:
 - a. An Access Management Exhibit, identifying the location and dimension of existing and proposed access points and legal access to the site.
 - b. A dimensional standards table for each type of land use proposed within the plan.
 - i. Dimensional standards shall be based upon the established zoning district, or that which most closely resembles the development strategy, particularly the type, density, and intensity of each proposed land use.
 - ii. For PUDs: Any proposed deviations from dimensional standards of the established zoning district, or of the most similar zoning district, shall be clearly identified. Provide a narrative describing the justifications for any proposed deviations that are not prohibited by LDC section 5.05.15 C.4.
 - c. A plan providing the proposed location and design of the greenway (this may be included on the conceptual development plan):
 - i. *Greenway Design:* A plan providing the proposed location and design of the greenway and illustrating the following (including any alternative designs as described in LDC section 5.05.15 G.2.a):
 - a) The proposed location of passive recreational uses;
 - b) Existing and proposed lakes, including lake area calculations;
 - c) Preserve areas;
 - d) Any structures or trails related to passive recreational uses;
 - e) Greenway widths demonstrating a minimum average width of 100 feet and no less than 75 feet shall be identified every 100 feet;

Exhibit A – Administrative Code Updates

- f) Locations of existing trees and understory (shrubs and groundcover) shall be located on the plan in accordance with LDC section 5.05.15-G.2.e;
 - g) A matrix identified on the plan shall demonstrate tree counts used to calculate the ratio described in LDC section 5.05.15-G.2.e; and
 - h) Location of any proposed wall or fence pursuant to LDC section 5.05.15-G.2.f.
- d. A narrative describing how the applicant proposes to offset or minimize impacts of the golf course conversion on stakeholders' real property and provide for compatibility with existing surrounding land uses. Identify the compatibility measures on the conceptual development plan.
3. A narrative statement describing how the greenway will meet the purpose as described in LDC section 5.05.15-G.2 to retain open space views for stakeholders, support passive recreational uses, and support existing wildlife habitat.
 4. A narrative statement describing the public outreach methods proposed for the SOMs, consistent with Administrative Code Chapter 8.F.
 5. Web-based survey, including the following:
 - a. A copy of the web-based survey;
 - b. The user-friendly website address where the survey will be available; and
 - c. The dates the survey will be available.

Completeness and Processing of Application ↔ See Chapter 1-D.5 for the acceptance and processing of an application.

Notice for the Intent to Convert Application After the Intent to Convert application has been submitted, notice is required to inform stakeholders of a forthcoming golf course conversion application. However, no mailing is required if the applicant chooses to withdraw the Intent to Convert application.

↔ See Chapter 8 of the Administrative Code for additional notice information.

1. **Mailed Notice:** For the purposes of this mailed notice, written notice shall be sent to property owners located within 1,000 feet from the property line of the golf course. The notice shall be sent after the Intent to Convert application has been reviewed and deemed satisfactory by staff to proceed to the mailed notice and SOMs, and at least 20 days prior to the first SOM. The mailed notice shall include the following:
 - a. Explanation of the intention to convert the golf course;
 - b. Indication that there will be at least two advertised SOMs and one web-based visual survey to solicit input from stakeholders on the proposed project. The date, time, and location of the SOMs does not need to be included in this mailing.
 - c. 2-in. x 3-in. map of the project location.
 - d. Applicant contact information.

Exhibit A – Administrative Code Updates

2. **Sign:** (see format below) Posted after the Intent to Convert application has been reviewed and deemed satisfactory by staff to proceed to the mailed notice and SOMs, and at least 20 days before the first SOM. The sign shall remain posted until all SOMs are complete. For the purposes of this section, signage, measuring 16 square feet, shall clearly indicate an applicant is petitioning the county to convert the golf course to a non-golf use (e.g. residential). A user-friendly website address shall be provided on the signs directing interested parties to visit Collier County's website to access materials for the SOM and the web-based visual survey. The sign shall remain posted for 7 days after the last required SOM. The location of the signage shall be consistent with Chapter 8 of the Administrative Code.

Notice of application for intent to convert [golf course name] to [brief description of the project].
To access materials for the Stakeholder Outreach Meeting and participate in the web-based visual survey, visit [user-friendly URL].

Public Hearing No public hearing is required for the Intent to Convert application. Public hearings will be required for subsequent conversion applications.

Decision Maker The County Manager or designee.

Review Process The Zoning Division will review the Intent to Convert application and identify whether additional materials are needed.

Updated 2021-143

Exhibit A – Administrative Code Updates

E. Additional Requirements for Applications for a Proposed Golf Course Conversion – Rezones and Stewardship Receiving Areas

Reference [LDC section 5.05.15](#)

Applicability [The following items are required for any rezone or SRA application that is submitted for the proposed conversion of an existing golf course into a non-golf course use:](#)

1. [A Neighborhood Information Meeting \(NIM\) is required after the initial pre-application meeting and before the submittal of a formal application. This NIM does not replace the NIM requirements after submittal of the application.](#)

[↔See Chapter 8 A.1 of the Administrative Code for NIM procedures.](#)

[↔See Chapter 1 D.4 of the Administrative Code for Pre-Application Meeting procedures.](#)

2. [A title report that identifies the current owner of the property and all encumbrances shall be required as part of the rezone or SRA application.](#)

Application Contents [Applicants shall include a written summary of the NIM \(↔See Chapter 8 A.1 of the Administrative Code for NIM procedures\) and the title report with Submittal 1 of the rezone or SRA application or the application is deemed incomplete.](#)

Notice [N/A](#)

Public Hearing [N/A](#)

Decision Maker [N/A](#)

Review Process [The Zoning Division will review the supplemental items and identify whether additional materials are needed as part of the review of the rezone or SRA application.](#)

[Updated](#)

~~F. Stakeholder Outreach Meeting for Golf Course Conversions (SOM)~~

Exhibit A – Administrative Code Updates

- Reference** LDC sections 5.05.15 and LDC Public Notice section 10.03.06.
↔ See Chapter 4.N for Intent to Convert Applications for the Application Contents Required for Presentations at SOMs.
- Purpose** Stakeholder Outreach Meetings (SOMs) are intended to engage stakeholders early in the design of a golf course conversion project and to encourage collaboration and consensus between the applicant and the stakeholders on the proposed conversion.
- Applicability** This process applies to applicants seeking to convert a constructed golf course to a non-golf course use. A minimum of two in-person meetings and one web-based visual survey are required. This section shall be used in connection with LDC section 5.05.15.
- Initiation** The SOMs may be held after the “Intent to Convert” application has been received by the County and deemed sufficient by staff to proceed. It is encouraged that SOMs take place in a timely manner so as to support stakeholder involvement.
- SOM Notice Requirements** Each SOM shall be noticed as follows:
1. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days before the SOM in a newspaper of general circulation. The advertisement shall include at a minimum:
 - a. Date, time, and location of the SOM;
 - b. Petition name, number and applicant contact info;
 - c. Notice of the intention to convert the golf course to a non-golf course use;
 - d. Brief description of the proposed uses; and
 - e. 2-in. x 3-in. map of the project location.
 2. **Mailed Notice:** For the purposes of this **mailed notice** requirement, written notice shall be sent to property owners located within 1,000 feet from the property line of the golf course at least 15 days before the first SOM. The mailed notice shall include the following:
 - a. Date, time, and location of each SOM included in the **mailed notice**;
 - b. Petition name, number and applicant contact info;
 - c. Notice of the intention to convert the golf course to another use;
 - d. A brief description of the proposed uses;
 - e. A statement describing that the applicant is seeking input through a stakeholder outreach process;
 - f. The user-friendly web address where the meeting materials, such as the Developers Alternatives Statement, can be accessed;
 - g. A brief description of the visual survey and the user-friendly web address where the survey can be accessed; and
 - h. The dates that the web-based visual survey will be available online.

Exhibit A – Administrative Code Updates

- Location** The **applicant** must arrange the location of the meeting. The location must be reasonably convenient to the **property owners** who receive the required notice. The facilities must be of sufficient size to accommodate expected attendance.
- Timeframe** SOMs must be held between November 1st and April 1st.
- Conduct of SOMs** A minimum of two SOMs shall be conducted in accordance with the following:
- a. An assigned County **planner** shall attend the SOMs and observe the process. The **planner** shall note any commitment made by the applicant during the meetings.
 - b. Meeting Conduct: The applicant shall conduct the meetings as follows:
 - i. Use at least one public outreach method during the in-person meetings as described below; and
 - ii. The applicant shall facilitate dialogue and encourage input on the conceptual development plan from the stakeholders regarding the types of development the stakeholders consider compatible with the neighborhood, and the types of land uses they would support to be added to the neighborhood.
 - c. Presentation: The **applicant** must provide the following at the **SOM** for review and comment:
 - i. The current **LDC** zoning district uses and development regulations;
 - ii. Information about the purpose of the meeting, including the goals and objectives of the conversion project;
 - iii. A copy of the Developer's Alternatives Statement shall be made available at the SOM, as described in **LDC** section 5.05.15 C.2;
 - iv. Visuals depicting the conceptual development plan(s) and the greenway; and
 - v. The list of deviations requested, as described in **LDC** section 5.05.15 C.4.a-b.
 - d. Public Outreach Methods: The **applicant** shall use one or more of the following at the Stakeholder Outreach Meetings to engage stakeholders:
 - i. Charrette. This public outreach method is a collaborative design and planning workshop that occurs over multiple days. Through a charrette, the **applicant** designs the conceptual development plan and greenway with stakeholders' input. During a charrette, stakeholders are given the opportunity to identify values, needs, and desired outcomes regarding the project. Through a series of engagement activities the conceptual development plan and greenway are designed and refined. Throughout the sessions, stakeholders have an opportunity to analyze the project, address and resolve issues, and comment on multiple iterations of the project.
 - ii. Participatory Mapping. This public outreach method produces

Exhibit A – Administrative Code Updates

maps using stakeholder knowledge and input. To start, the applicant hosts a workshop and shares information about the project through exhibits such as poster boards, written or electronic materials, etc. Participants are then given sticky dots, markers, or other tactile/visualization tools in conjunction with maps of the conceptual development plan and greenway to identify options to address compatibility, adverse impacts, or types of desirable usable open space for the project. For example: stakeholders are asked to place red dots on the map where there is a perceived pedestrian hazard and place a green dot where they support additional tree plantings in the greenway.

- iii. **Group Polling.** This public outreach method polls participants at the meeting and provides instant results. The poll can include a wide range of topics about the project, such as density, greenway uses, vehicle/pedestrian transportation networks, etc. The **applicant** provides sticky dots or uses electronic devices to conduct the polling.

- iv. **Visioning Exercise.** This public outreach method invites stakeholders to describe their core values and vision for their community. In a workshop setting, the **applicant** presents a wide variety of reports, maps, photos, and other information about the project. The **applicant** then poses questions to the participants, such as, but not limited to the following:

1. "What do people want to preserve in the community?"
2. "What do people want to create in the community?"
3. "What do people want to change in the community?"

The applicant collects the responses and works with the participants to create a vision statement for the project that incorporates the goals, concerns, and values of the community.

Exhibit A – Administrative Code Updates

Web-based Visual Survey Requirements	<p>The web-based visual survey is intended to increase engagement with stakeholders. The survey should engage the stakeholders in the design of the project and assist in determining what stakeholders find important to the neighborhood, what is considered compatible with the neighborhood, and what types of land uses they support adding to the neighborhood.</p> <ol style="list-style-type: none"> a. The survey shall provide visual representations of the proposed development, in particular the types of land uses proposed, streetscapes, public spaces, design characteristics, and depictions of the greenway design; b. The survey questions shall be worded so as to elicit responses to the stakeholders' preferences or support for the visual representations. c. The survey shall allow for additional comment(s) to be made by the stakeholders.
SOM Report	<p>After the SOMs and the web-based survey are complete, the applicant will submit a report of the SOM to the County, including the following information:</p> <ol style="list-style-type: none"> a. A list of attendees, a description of the public outreach methods used, photos from the meetings demonstrating the outreach process, results from outreach methods described above; b. Copies of the materials used during the meeting, including any materials created at the meeting, such as any participatory mapping or related documents; c. A verbatim transcript of the meetings and an audio (mp3 or WAV format) or video recording in a format accessible or viewable by the County; d. A point-counterpoint list, identifying the input from the stakeholders and how and why it was or was not incorporated into the application. Input from stakeholders may be categorized by topic and the applicant may provide a single response to each topic in narrative format; and The report shall be organized such that the issues and ideas provided by the stakeholders that are incorporated in the application are clearly labeled in the point-counterpoint list and in the conversion application.
Meeting Follow-up	<p>After each SOM is completed and prior to the submittal of a conversion application, the applicant will submit to the assigned planner a written summary of the SOM and any commitment that has been made. Any commitment made during the meeting will:</p> <ol style="list-style-type: none"> a. Become part of the record of the proceedings; b. Be included in the staff report for any subsequent conversion application; and c. Be considered for inclusion into the conditions of approval of any subsequent development order.
Updated	

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20240008157

ORIGIN

Growth Management
Community Department
(GMCD)

SUMMARY OF AMENDMENT

In compliance with F.S. 177. 073, this amendment updates the process for issuing building permits for residential subdivisions or planned communities before a final plat is recorded with the clerk of circuit court. It allows for an applicant to request up to 50 percent of planned homes or number of building permits when associated with a master building permit process. It also requires a companion amendment to the Administrative Code for Land Development. LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR).

HEARING DATES

Board	TBD
CCPC	08/15/2024
DSAC	08/07/2024
DSAC-LDR	07/29/2024

LDC SECTION TO BE AMENDED

- 01.08.01 Abbreviations
- 02.03.01 Agricultural Districts
- 02.03.02 Residential Zoning Districts
- 02.03.07 Overlay Zoning Districts
- 02.08.08 Rural Fringe Zoning Districts
- 03.05.07 Preservation Standards
- 04.03.03 Subdivision Exemptions
- 04.06.02 Buffer Requirements
- 05.04.04 Model Homes and Model Sales Centers
- 06.01.02 Easements
- 06.05.01 Water Management Requirements
- 06.06.01 Street System Requirements
- 10.02.01 Pre-Application Conference Required
- 10.02.04 Requirements for ~~Preliminary and Final~~ Subdivision Plats
- 10.02.14 Landscape Plans
- 10.08.00 Conditional Use Procedures

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR Approval	DSAC TBD	CCPC TBD
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BACKGROUND

The 2024 Florida legislature adopted Senate Bill 812 and created F.S. 177.073: Expedited approval of residential building permits before final plats, which became law effective May 29, 2024. See Exhibit B. It requires by no later than October 1, 2024, local governments to expedite and update the building permit process so an applicant may request up to 50 percent of planned homes or the number of building permits that will be issued for a residential subdivision or planned community before a final plat is recorded. It stipulates that a local government may not alter or restrict an applicant from receiving the number of building permits, so long as the request does not exceed 50 percent. It provides for an applicant to contract to sell, but not transfer ownership of, a residential structure or building located in a preliminary plat before the plat is approved by local government but not obtain the final certificate of occupancy until the final plat is approved by the Board and recorded in public records. It further requires local governments to update the expedited building permit program with certain increased percentages (up to 75%) by December 31, 2027.

In accordance with F.S. 553.794, local government residential master building permit program, the County has an existing process for the application of single-family, two-family, and multi-family master building permits. This amendment seeks to modify the LDC and administrative code to allow an applicant to identify the percentage of planned homes or number of building permits that the County will issue at the time of preliminary plat approval. The proposed LDC changes are necessary and consistent with the Florida Statutory requirements.

DSAC-LDR Subcommittee Recommendation: On July 29, 2024, the DSAC-LDR subcommittee met and recommended approval.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal impacts to the County, except for the cost of advertising an ordinance amending the LDC. The cost associated with advertising the Ordinance is estimated at \$1,008.00. Funds are available within the Unincorporated Area General Fund (111), Zoning & Land Development Cost Center (138319).

GMP CONSISTENCY

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

EXHIBITS: A) Administrative Code Amendment B) Florida Statutory References

1 Amend the LDC as follows:

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3 **1.08.01 Abbreviations**

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CON	Conservation Zoning District
<u>CPD</u>	<u>Conceptual Plat with Deviations</u>
CRD	Compact Rural Development

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11 **2.03.01 - Agricultural Districts.**

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14 B. Estate District (E). The purpose and intent of the estates district (E) is to provide lands for
 15 low density residential development in a semi-rural to rural environment, with limited
 16 agricultural activities. In addition to low density residential development with limited
 17 agricultural activities, the E district is also designed to accommodate as conditional uses,
 18 development that provides services for and is compatible with the low density residential,
 19 semi-rural and rural character of the E district. The E district corresponds to and
 20 implements the estates land use designation on the future land use map of the Collier
 21 County GMP, although, in limited instances, it may occur outside of the estates land use
 22 designation. The maximum density permissible in the E district shall be consistent with
 23 and not exceed the density permissible or permitted under the estates district of the future
 24 land use element of the Collier County GMP as provided under the Golden Gate Master
 25 Plan.

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27 1. The following subsections identify the uses that are permissible by right and the
 28 uses that are allowable as accessory or conditional uses in the estates district (E).

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32 b. *Accessory Uses.*

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36 6. Recreational facilities that serve as an integral part of a residential
 37 development and have been designated, reviewed and approved
 38 on a site development plan or ~~preliminary~~ subdivision plat for that
 39 development. Recreational facilities may include but are not limited
 40 to golf course, clubhouse, community center building and tennis
 41 facilities, parks, playgrounds and playfields.

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2.03.02 - Residential Zoning Districts

A. Residential Single-Family Districts (RSF-1; RSF-2; RSF-3; RSF-4; RSF-5; RSF-6). The purpose and intent of the residential single-family districts (RSF) is to provide lands primarily for single-family residences. These districts are intended to be single-family residential areas of low density. The nature of the use of property is the same in all of these districts. Variation among the RSF-1, RSF-2, RSF-3, RSF-4, RSF-5 and RSF-6 districts is in requirements for density, lot area, lot width, yards, height, floor area, lot coverage, parking, landscaping and signs. Certain structures and uses designed to serve the immediate needs of the single-family residential development in the RSF districts such as governmental, educational, religious, and noncommercial recreational uses are permitted as conditional uses as long as they preserve and are compatible with the single-family residential character of the RSF district[s]. The RSF districts correspond to and implement the urban mixed use land use designation on the future land use map of the Collier County GMP. The maximum density permissible in the residential single-family (RSF) districts 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 the RSF district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as accessory or conditional uses in the residential single-family districts (RSF).

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a. *Accessory ~~U~~ses.*

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4. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or ~~preliminary~~ subdivision plat for that development. Recreational facilities may include, but are not limited to, golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.

* * * * *

c. *Conditional uses.* The following uses are permissible as conditional uses in the residential single-family districts (RSF), subject to the standards and procedures established in LDC section 10.08.00.\

* * * * *

9. Recreational facilities intended to serve an existing and/or developing residential community as represented by all of the

properties/lots/parcels included in an approved preliminary subdivision plat, or site development plan. The use of said recreational facilities shall be limited to the owners of property or occupants of residential dwellings units and their guests within the area of approved preliminary subdivision plat, or site development plan.

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B. Residential Multi-Family-6 District (RMF-6). The purpose and intent of the residential multi-family-6 district (RMF-6) is to provide for single-family, two-family and multi-family residences having a low profile silhouette, surrounded by open space, being so situated that it is located in close proximity to public and commercial services and has direct or convenient access to collector and arterial roads on the county major road network. The RMF-6 district corresponds to and implements the urban mixed use land use designation on the future land use map of the Collier County GMP. The maximum density permissible in the RMF-6 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 the RMF-6 district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as accessory or conditional uses in the RMF-6 district.

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a. Accessory uses.

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3. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to, golf course, clubhouse, community center building and tennis facilities, playgrounds and playfields.

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C. Residential Multi-Family-12 District (RMF-12). The purpose and intent of the residential multi-family 12 district (RMF-12) is to provide lands for multiple-family residences having a mid-rise profile, generally surrounded by lower structures and open space, located in close proximity to public and commercial services, with direct or convenient access to collector and arterial roads on the county major road network. Governmental, social, and institutional land uses that serve the immediate needs of the multi-family residences are permitted as conditional uses as long as they preserve and are compatible with the mid-

1 rise multiple-family character of the district. The RMF-12 district corresponds to and
2 implements the urban mixed use land use designation on the future land use map of the
3 Collier County GMP. The maximum density permissible in the RMF-12 district and the
4 urban mixed use land use designation shall be guided, in part, by the density rating system
5 contained in the future land use element of the Collier County GMP. The maximum density
6 permissible or permitted in the RMF-12 district shall not exceed the density permissible
7 under the density rating system, except as permitted by policies contained in the future
8 land use element.

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10 1. The following subsections identify the uses that are permissible by right and the
11 uses that are allowable as accessory or conditional uses in the residential multi-
12 family-12 district (RMF-12).

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16 b. *Accessory uses.*

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20 1. Recreational facilities that serve as an integral part of a residential
21 development and have been designated, reviewed and approved
22 on a site development plan or ~~preliminary~~ subdivision plat for that
23 development. Recreational facilities may include, but are not
24 limited to, golf course, clubhouse, community center building and
25 tennis facilities, playgrounds and playfields.

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30 D. Residential Multi-Family-16 District (RMF-16). The purpose and intent of the residential
31 multi-family-16 district (RMF-16) is to provide lands for medium to high density multiple-
32 family residences, generally surrounded by open space, located in close proximity to
33 public and commercial services, with direct or convenient access to arterial and collector
34 roads on the county major road network. Governmental, social, and institutional land uses
35 that serve the immediate needs of the multiple-family residences are permitted as
36 conditional uses as long as they preserve and are compatible with the medium to high
37 density multi-family character of the district. The RMF-16 district corresponds to and
38 implements the urban mixed use land use designation on the future land use map of the
39 Collier County GMP. The maximum density permissible in the RMF-16 district and the
40 urban mixed use land use designation shall be guided, in part, by the density rating system
41 contained in the future land use element of the Collier County GMP. The maximum density
42 permissible or permitted in the RMF-16 district shall not exceed the density permissible
43 under the density rating system, except as permitted by policies contained in the future
44 land use element.

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46 1. The following subsections identify the uses that are permissible by right and the
47 uses that are allowable as accessory or conditional uses in the residential multi-
48 family-16 district (RMF-16).

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3 *b. Accessory uses.*

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7 3. Recreational facilities that serve as an integral part of a residential
 8 development and have been designated, reviewed and approved
 9 on a site development plan or preliminary subdivision plat for that
 10 development. Recreational facilities may include, but are not limited
 11 to, golf course, clubhouse, community center building and tennis
 12 facilities, playgrounds and playfields.

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17 E. Residential Tourist District (RT). The purpose and intent of the residential tourist district
 18 (RT) is to provide lands for tourist accommodations and support facilities, and multiple
 19 family uses. The RT district corresponds with and implements the urban mixed use district
 20 and the activity center district in the urban designated area on the future land use map of
 21 the Collier County GMP.

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23 1. The following subsections identify the uses that are permissible by right and the
 24 uses that are allowable as accessory or conditional uses in the residential tourist
 25 district (RT).

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29 *b. Accessory uses.*

30 *c.*

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33 4. Recreational facilities that serve as an integral part of a residential
 34 development and have been designated, reviewed and approved
 35 on a site development plan or preliminary subdivision plat for that
 36 development. Recreational facilities may include, but are not limited
 37 to, golf course, clubhouse, community center building and tennis
 38 facilities, playgrounds and playfields.

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43 F. Village Residential District (VR). The purpose and intent of the village residential district
 44 (VR) is to provide lands where a mixture of residential uses may exist. Additionally, uses
 45 are located and designed to maintain a village residential character which is generally low
 46 profile, relatively small building footprints as is the current appearance of Goodland and
 47 Copeland. The VR district corresponds to and implements the mixed residential land use
 48 designation on the Immokalee future land use map of the Collier County GMP. It is
 49 intended for application in those urban areas outside of the coastal urban area designated

1 on the future land use map of the Collier County GMP, though there is some existing VR
2 zoning in the coastal urban area. The maximum density permissible in the VR district and
3 the urban mixed use land use designation shall be guided, in part, by the density rating
4 system contained in the future land use element of the Collier County GMP. The maximum
5 density permissible or permitted in the VR district shall not exceed the density permissible
6 under the density rating system, except as permitted by policies contained in the future
7 land use element, or as designated on the Immokalee future land use map of the GMP.
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9 1. The following subsections identify the uses that are permissible by right and the
10 uses that are allowable as accessory or conditional uses in the village residential
11 district (VR).
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15 b. *Accessory Uses*

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18 3. Recreational facilities that serve as an integral part of a residential
19 development and have been designated, reviewed and approved
20 on a site development plan or ~~preliminary~~ subdivision plat for that
21 development. Recreational facilities may include, but are not limited
22 to, golf course, clubhouse, community center building and tennis
23 facilities, playgrounds and playfields.
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27 c. *Conditional uses.* The following uses are permissible as conditional uses
28 in the residential single-family districts (RSF), subject to the standards and
29 procedures established in LDC section 10.08.00.
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33 9. Recreational facilities intended to serve an existing and/or
34 developing residential community as represented by all of the
35 properties/lots/parcels included in an approved ~~preliminary~~
36 subdivision plat, or site development plan. The use of said
37 recreational facilities shall be limited to the owners of property or
38 occupants of residential dwellings units and their guests within the
39 area of approved ~~preliminary~~ subdivision plat, or site development
40 plan.
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46 G. Mobile Home District (MH). The purpose and intent of the mobile home district (MH) is to
47 provide land for mobile homes and modular built homes, as defined in this Land
48 Development Code, that are consistent and compatible with surrounding land uses. The
49 MH District corresponds to and implements the urban mixed-use land use designation on

the future land-use map of the Collier County GMP. The maximum density permissible in the MH 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 the MH district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element, or as identified in the Immokalee future land use map of the GMP.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as accessory or conditional uses in the mobile home district (MH).

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a. *Accessory Uses.*

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3. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to, golf course, clubhouse, community center building and tennis facilities, playgrounds and playfields.

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c. *Conditional uses.* The following uses are permissible as conditional uses in the residential single-family districts (RSF), subject to the standards and procedures established in LDC section 10.08.00.

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5. Recreational facilities intended to serve an existing and/or developing residential community as represented by all of the properties/lots/parcels included in an approved preliminary subdivision plat, PUD or site development plan. The use of said recreational facilities shall be limited to the owners of property or occupants of residential dwellings units and their guests within the area of approved preliminary subdivision plat, or site development plan.

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2.03.07 - Overlay Zoning Districts

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D. Special Treatment Overlay (ST).

1 * * * * *
2

3 4. Transfer of Development Rights (TDR).
4

5 * * * * *
6

7 b. Transfer of development rights from urban areas to urban areas. An owner
8 of land located within areas designated as urban on the Future Land Use
9 Map, including agriculturally zoned properties, which may or may not be
10 identified with the ST overlay, may elect to transfer some or all of the
11 residential development rights from one parcel of land to another parcel, as
12 an alternative to the development of the sending lands. The lands to which
13 the development rights are to be transferred shall be referred to as
14 receiving lands and those lands from which development rights are
15 transferred shall be referred to as sending lands, as provided herein and
16 shall be located within the urban designated areas of the county.

17 * * * * *
18

19 vii. Procedure for obtaining transfer of residential development rights.
20 Any owner of eligible land may apply for a transfer of development
21 rights either separately or concurrently with rezoning, zoning
22 ordinance amendments, ~~preliminary~~ subdivision plat or
23 development plan. Prior to the approval of any transfer of
24 development rights or the issuance of any building permits in
25 connection with the use of any transfer of development rights, the
26 petitioner shall submit the following information and data, as
27 applicable to the petition, to the development services director for
28 his review and subsequent action by the Board of County
29 Commissioners.

30 * * * * *
31 # # # # #
32 # # # # #
33

34 E. Historical and Archaeological Sites (H). It is the intent of these regulations to recognize
35 the importance and significance of the County's historical and archaeological heritage. To
36 that end, it is the county's intent to protect, preserve, and perpetuate the County's historic
37 and archaeological sites, districts, structures, buildings, and properties. Further, the BCC,
38 finds that these regulations are necessary to protect the public interest, to halt illicit digging
39 or excavation activities which could result in the destruction of prehistoric and historic
40 archaeological sites, and to regulate the use of land in a manner which affords the
41 maximum protection to historical and archaeological sites, districts, structures, buildings,
42 and properties consistent with individual property rights. It is not the intent of this LDC to
43 deny anyone the use of his property, but rather to regulate the use of such property in a
44 manner which will ensure, to the greatest degree possible, that historic and archaeological
45 sites, districts, structures, buildings, and properties are protected from damage,
46 destruction, relocations, or exportations.

47 * * * * *
48 * * * * *
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1 2. Applicability during development review process; county projects; agriculture;
2 waiver request.

3
4 * * * * *
5

6 e. ~~Preliminary subdivision plat. Submittal for a preliminary subdivision plat~~
7 ~~within an area of historical/archaeological probability but not subject to~~
8 ~~subsections b through c shall include a historical/archaeological survey~~
9 ~~and assessment prepared by a certified archaeologist. The preservation~~
10 ~~board shall review the recommendations derived from the survey and~~
11 ~~assessment and submit their recommendations to the Collier County~~
12 ~~Board of County Commissioners for consideration for incorporation into~~
13 ~~the local development order.~~ Reserved.

14
15 f. Final subdivision plat or site development plan (SDP). Submittal for a final
16 subdivision plat, including construction documents or site development
17 plan (SDP) within an area of historical/archaeological probability but not
18 subject to subsections b, c, or e of this section shall include a
19 historical/archaeological survey and assessment prepared by a certified
20 archaeologist. The preservation board shall review the recommendations
21 derived from the survey and assessment which shall be incorporated into
22 the final subdivision plat and construction document or local development
23 order.

24
25 * * * * *
26

27 L. Vanderbilt Beach Residential Tourist Overlay Zoning District (VBRTO).

28
29 5. *Development criteria.* The following standards shall apply to all uses in this overlay
30 district.

31
32 * * * * *
33

34 a. *Accessory uses.*

35
36 * * * * *
37

38 iv. Recreational facilities that serve as an integral part of a
39 residential development and have been designated,
40 reviewed and approved on a site development plan or
41 preliminary subdivision plat for that development.
42 Recreational facilities may include, but are not limited to,
43 golf course, clubhouse, community center building and
44 tennis facilities, playgrounds and playfields.

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46 * * * * *
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49 **2.03.08 - Rural Fringe Zoning Districts**

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A. Rural Fringe Mixed-Use District (RFMU District).

* * * * *

2. RFMU receiving lands. RFMU receiving lands are those lands within the RFMU district that have been identified as being most appropriate for development and to which residential development units may be transferred from RFMU sending lands. Based on the evaluation of available data, RFMU receiving lands have a lesser degree of environmental or listed species habitat value than RFMU sending lands and generally have been disturbed through development or previous or existing agricultural operations. Various incentives are employed to direct development into RFMU receiving lands and away from RFMU sending lands, thereby maximizing native vegetation and habitat preservation and restoration. Such incentives include, but are not limited to: the TDR process; clustered development; density bonus incentives; and, provisions for central sewer and water. Within RFMU receiving lands, the following standards shall apply, except as noted in LDC subsection 2.03.08 A.1 above, or as more specifically provided in an applicable PUD.

a. Outside rural villages.

* * * * *

(3) Allowable ~~U~~uses.

* * * * *

(b) Accessory uses.

* * * * *

iii. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed, and approved on a site development plan or ~~preliminary~~-subdivision plat for that development. Recreational facilities may include, but are not limited to clubhouse, community center building, tennis facilities, playgrounds and playfields.

* * * * *

3. Neutral lands. Neutral lands have been identified for limited semi-rural residential development. Available data indicates that neutral lands have a higher ratio of native vegetation, and thus higher habitat values, than lands designated as RFMU receiving lands, but these values do not approach those of RFMU sending lands. Therefore, these lands are appropriate for limited development, if such

development is directed away from existing native vegetation and habitat. Within neutral lands, the following standards shall apply:

a. Allowable uses. The following uses are permitted as of right:

* * * * *

(2) Accessory uses. The following uses are permitted as accessory to uses permitted as of right or to approved conditional uses:

* * * * *

(b) Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed, and approved on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to clubhouse, community center building, tennis facilities, playgrounds and playfields.

* * * * *
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3.05.07 - Preservation Standards

All development not specifically exempted by this ordinance shall incorporate, at a minimum, the preservation standards contained within this section.

H. Preserve standards.

1. Design standard

* * * * *

d. Preserve mechanisms. All preserve areas shall be designated as preserves on all site plans.

On-site County required preserves shall be dedicated to the County as non-exclusive conservation easements without placing on the County the responsibility for maintenance of the preserve area, and the easement conveyance to the County shall include the right of access from existing road right-of-way. The easement shall dedicate the responsibility of maintenance to a property owners association or similar entity, and it shall contain allowable uses and limitations to protect the preserve. All preserve areas shall be shown on the preliminary and final subdivision plats in accordance with section 10.02.04, with language similar to Section 704.06 F.S.

1
2 No individual residential or commercial lot, parcel lines, or other
3 easements including, but not limited to, utility or access easements that
4 are not compatible with allowable uses in preserve areas, may project
5 into a preserve area.

6
7 State and federal parks and preserves shall not be required to place their
8 preserves in a conservation easement.

9
10 Any conservation easement or other document restricting uses in a
11 preserve area shall contain the following statement (consistent with
12 CCME GMP Policy 1.1.6):

13
14 "Oil extraction and related processing operations are uses which are
15 exempt from the restrictions herein and shall remain allowed uses on the
16 lands described herein."

17
18 * * * * *
19 # # # # #

20
21 **4.03.03 - Subdivision Exemptions**

22
23 Before any property or development proposed to be exempted from the terms of this section may
24 be considered for exemption, a written request for exemption shall be submitted to the County
25 Manager or designee. After a determination of completeness, the County Manager or designee
26 shall approve, approve with conditions, or deny the request for exemption based on the terms of
27 the applicable exemptions. Procedures for application, review, and decision regarding
28 exemptions from these subdivision requirements are set forth in the Administrative Code. To the
29 extent approved, the following may be exempted from these subdivision requirements.

30
31 A. *Active agricultural uses.* Agriculturally related development as identified in the permitted
32 and accessory uses allowed in the rural agricultural district A and located within any area
33 designated as agricultural on the future land use map of the Collier County GMP and the
34 Collier County official zoning atlas, except single-family dwellings and farm labor housing
35 subject to LDC sections 5.05.03 and 2.03.00 shall be exempt from the requirements and
36 procedures for preliminary subdivision plats and construction plans; provided, however,
37 nothing contained herein shall exempt such active agricultural uses from the requirements
38 and procedures for final subdivision plats, and where required subdivision improvements
39 are contemplated, the posting of subdivision performance security.

40
41 B. *Cemeteries.* The division of land into cemetery lots or parcels shall be exempt from the
42 requirements and procedures for preliminary subdivision plats and improvement plans;
43 provided, however, nothing contained herein shall exempt such division of land into
44 cemetery lots or parcels from the requirements and procedures for final subdivision plats
45 and, where required subdivision improvements are contemplated, the posting of
46 subdivision performance security; and provided, further, that such division of land into
47 cemetery lots or parcels shall be subject to and comply with the requirements and
48 procedures for site development plans as set forth in the Administrative Code and Chapter

10, and shall obtain site development plan approval for the entire property proposed for such division of land into cemetery lots or parcels.

* * * * *

F. The division of property, occurring prior to July 15, 1998, meeting the definition of rural subdivision shall not require the subdivider to record a final plat nor comply with the subdivision regulations provided in LDC section 4.03.00. Nor shall the division of property occurring after July 15, 1998, in the rural area require the property owner to record a final plat nor comply with the subdivision regulations provided in LDC section 4.03.00, if the property so divided has been the subject of a rezoning hearing by the BCC within the 24 month period preceding July 15, 1998. The subdivision of properties occurring after July 15, 1998 shall not be exempt from platting and filing a ~~preliminary subdivision plat (PSP)~~ construction plans and final subdivision plat (PPL). However, the applicability of all required subdivision improvements and standards as set forth in section LDC 4.03.00, required improvements, of this LDC shall be determined by the County Manager or designee on a case by case basis. The applicant, through the ~~preliminary subdivision plat (PSP)~~ conceptual plat with deviations (CPD) process may request waivers from certain "required improvements". The subdivider and purchaser of property meeting definition (a) of rural subdivision shall comply with section 4.03.03 of this LDC. The division of property not meeting the definition of rural subdivision is required to comply with all requirements of section 4.03.00.

G. *Rural area subdivision requirements.*

1. Deeds and other conveyances. All deeds and other conveyances for properties shall include in ten-point type the following statement: "NO GOVERNMENTAL AGENCY, INCLUDING COLLIER COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED."
2. Building permits for rural subdivisions. Building permits will not be issued until the final subdivision plat is recorded except when issued pursuant to F.S. 177.073 .

* * * * *

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4.06.02 – Buffer Requirements

B. Methods of determining buffers. Where a property adjacent to the proposed use is: (1) undeveloped, (2) undeveloped but permitted without the required buffering and screening required pursuant to this Code, or (3) developed without the buffering and screening required pursuant to this Code, the proposed use shall be required to install the more opaque buffer as provided for in table 2.4. Where property adjacent to the proposed use has provided the more opaque buffer as provided for in table 2.4, the proposed use shall install a type A buffer.

1 Where the incorporation of existing native vegetation in landscape buffers is determined
2 as being equivalent to or in excess of the intent of this Code, the planning services director
3 may waive the planting requirements of this section.
4

5 Buffering and landscaping between similar residential land uses may be incorporated into
6 the yards of individual lots or tracts without the mandatory creation of separate tracts.
7 If buffering and landscaping is to be located on a lot, it shall be shown as an easement for
8 buffering and landscaping.
9

10 The buffering and screening provisions of this Code shall be applicable at the time of
11 planned unit development (PUD), ~~preliminary~~ subdivision plat (CPDPSP) or site
12 development plan (SDP) review, with the installation of the buffering and screening
13 required pursuant to LDC section 4.06.05 H. If the applicant chooses to forego the optional
14 CPDPSP process, then ~~signed~~ Signed and sealed landscape plans will be required on the
15 final subdivision plat. Where a more intensive land use is developed contiguous to a
16 property within a similar zoning district, the planning services director may
17 require buffering and screening the same as for the higher intensity uses between those
18 uses.
19

20 Landscape buffering and screening standards within any planned unit development shall
21 conform to the minimum buffering and screening standards of the zoning district to which
22 it most closely resembles. The planning services director may approve alternative
23 landscape buffering and screening standards when such alternative standards have been
24 determined by use of professional acceptable standards to be equivalent to or in excess
25 of the intent of this Code.
26

27 * * * * *
28 # # # # #
29

30 **5.04.04 - Model Homes and Model Sales Centers**

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32

33
34 B. Model homes and model sales centers located within residential zoning districts, a
35 residential component of a PUD, the estates (E) zoning district, or the agricultural (A)
36 zoning district, shall be restricted to the promotion of a product or products permitted within
37 the zoning district in which the model home or model sales center is located and further
38 subject to the following:
39

40 * * * * *
41

42 5. Temporary use permits for model homes or model sales centers to be located
43 within a proposed single-family development prior to final plat approval may be
44 requested by the applicant and require:
45

46 * * * * *
47

- 1 f. The boundaries depicted on the preliminary subdivision plat shall be
- 2 depicted on the SDP in order to ensure compliance with the applicable
- 3 development standards in effect on the subject property.
- 4
- 5 g. Final lot grading and drainage conveyance shall be in conformance with
- 6 the master grading plan for the project as depicted on the preliminary
- 7 subdivision plat submittal documents.
- 8

9 * * * * *

10 # # # # #

6.01.02 – Easements

If applicable, easements shall be provided along lot lines or along the alignment of the improvements requiring easements in accordance with all design requirements so as to provide for proper access to, and construction and maintenance of, the improvements. All such easements shall be properly identified ~~on the preliminary subdivision plat~~ and dedicated on the final subdivision plat.

* * * * *

C. Protected/preserve area and easements. A nonexclusive easement or tract in favor of Collier County, without any maintenance obligation, shall be provided for all "protected/preserve" areas required to be designated on the ~~preliminary and final subdivision plats or only on the final~~ subdivision plat ~~if the applicant chooses not to submit the optional preliminary subdivision plat~~. Any buildable lot or parcel subject to or abutting a protected/preserve area required to be designated on the ~~preliminary and final subdivision plats or only on the final~~ subdivision plat ~~if the applicant chooses not to submit the optional preliminary subdivision plat~~, shall have a minimum setback as required by the LDC, or other setback that may be approved as a deviation through the PUD approval process by the Board of County Commissioners from the boundary of such protected/preserve area in which no principle structure may be constructed. The required preserve principal structure setback line and the accessory structure setback lines shall be clearly indicated and labeled on the final plat where applicable. Further, the ~~preliminary and final subdivision plats, or only on the final~~ subdivision plat ~~if the applicant chooses not to submit the optional preliminary subdivision plat~~, shall require that no alteration, including accessory structures, fill placement, grading, plant alteration or removal, or similar activity shall be permitted within such setback area without the prior written consent of the County Manager or designee; provided, in no event shall these activities be permitted in such setback area within ten feet of the protected/preserve area boundary. Additional regulations regarding preserve setbacks and buffers are located in Chapters 4 and 10, and shall be applicable for all preserves, regardless if they are platted or simply identified by a recorded conservation easement. The boundaries of all required easements shall be dimensioned on the final subdivision plat. Required protected/preserve areas shall be identified as separate tracts or easements having access to them from a platted right-of-way. No individual residential or commercial lot or parcel lines may project into them when platted as a tract. If the protected/preserve area is determined to be jurisdictional in nature, verification must be provided which documents the approval of the boundary limits from the appropriate local, state or federal agencies having jurisdiction and when applicable

pursuant to the requirements and provisions of the growth management plan. All required easements or tracts for protected/preserve areas shall be dedicated and also establish the permitted uses for said easement(s) and/or tracts on the final subdivision plat to Collier County without the responsibility for maintenance and/or to a property owners' association or similar entity with maintenance responsibilities. An applicant who wishes to set aside, dedicate or grant additional protected preserve areas not otherwise required to be designated on the ~~preliminary and final subdivision plats, or only on the final~~ subdivision plat ~~if the applicant chooses not to submit the optional preliminary subdivision plat,~~ may do so by grant or dedication without being bound by the provisions of this section.

#

6.05.01 - Water Management Requirements

A complete stormwater management system shall be provided for all areas within the subdivision or development, including lots, streets, and alleys.

A. The system design shall meet the applicable provisions of the current County codes and ordinances, SFWMD rules and regulations pursuant to Florida Statutes, and the Florida Administrative Code, and any other affected state and federal agencies' rules and regulations in effect at the time of preliminary subdivision plat submission. Water management areas will be required to be maintained in perpetuity according to the approved plans. Water management areas not maintained will be corrected according to approved plans within 30 days.

* * * * *
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6.06.01 - Street System Requirements

* * * * *

B. The street layout of all subdivisions or developments shall be coordinated with the street systems of the surrounding areas, adjacent properties shall be provided with local street interconnections unless topography, other natural features, or other ordinances/regulations do not allow or require said connections. All arterial or collector streets shall be planned to conform to the GMP. collector and arterial streets within a development shall not have individual residential driveway connections. Their location and right-of-way cross-section must be reviewed and approved by the County Manager or designee during the preliminary subdivision plat review process. All subdivisions shall provide rights-of-way in conformance with the GMP and the right-of-way cross-section contained in Appendix B. All streets shall be designed and constructed to provide for optimum vehicular and pedestrian safety, long service life, and low cost of maintenance.

* * * * *

P. Street names.

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3. All street names shall be subject to approval by the County Manager or designee during the ~~preliminary~~ subdivision plat approval process.

* * * * *
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10.02.01 - Pre-Application Conference Required

A. Subdivision review procedures.

1. Preapplication conference. Prior to formal filing of a ~~preliminary~~ subdivision plat, an applicant shall confer with the County Manager or his designee to obtain information and guidance. The purpose of such a conference is to permit the applicant and the County Manager or his designee to review informally a proposed development and determine the most efficient method of development review before substantial commitments of time and money are made in the preparation and submission of the ~~preliminary subdivision plat~~, improvement plans, ~~final~~ subdivision plat, and related documents.

a. *Preapplication.* A written preapplication shall be submitted to the County Manager or his designee at any time prior to the review of a proposed ~~preliminary or final~~ subdivision plat. The written application shall contain the following:

* * * * *

i. *Written statement.* Ten copies, unless otherwise specified by the County Manager or his designee, of a written statement generally describing the condition of the property and the proposed development of the entire subdivision. This statement shall include but is not necessarily limited to data on existing covenants or restrictions, location of utility facilities and public facilities, general soil characteristics, and other information describing the subdivision proposed, such as number of parcels, lots, or tracts; typical lot or other parcel configuration; water retention areas; public areas; anticipated utility sources; zoning classifications; and any other information needed for preparation and review of the ~~preliminary~~ subdivision plat.

* * * * *

b. *Issues of discussion.* Issues that shall be discussed at the preapplication conference shall include but are not limited to the following:

* * * * *

iv. *Application contents.* In conformance with the requirements of this section, the County Manager or his designee shall establish the

1 contents of the ~~preliminary or final~~ subdivision plat required to be
2 submitted for the proposed development. This shall include
3 descriptions of the types of reports and drawings required, the
4 general form which the ~~preliminary or final~~ subdivision plat shall
5 take, and the information which shall be contained within the
6 ~~preliminary or final~~ subdivision plat and supporting documentation.
7

8 * * * * *
9 # # # # #

10
11 **10.02.04 - Requirements for Preliminary and Final Subdivision Plats**

12
13 This section shall be read in conjunction with subdivision design standards, in particular, LDC
14 Chapters 3, 4, and 6.

15
16 A. Requirements for ~~Preliminary Subdivision Plats (PSP)~~ Conceptual Plat with Deviations
17 (CPD). A ~~preliminary subdivision conceptual~~ plat with deviations provides an overall
18 scheme of development for a subdivision. It may be used when only one phase of a multi-
19 phased development is to be constructed. Except for an integrated phased development,
20 a ~~preliminary subdivision conceptual~~ plat with deviations is optional while a final
21 subdivision plat is mandatory.

- 22
23 1. Generally.
- 24
25 a. Approved zoning. No ~~preliminary subdivision conceptual~~ plat with
26 deviations shall be approved prior to final approval of the zoning or planned
27 unit development for the proposed subdivision. However, the zoning
28 application and the ~~preliminary subdivision conceptual~~ plat with deviations
29 may be processed concurrently by the County Manager or designee at the
30 request of the applicant.
 - 31
32 b. No development shall be allowed prior to approval of the construction plans
33 and final subdivision plat, except for the early work authorization (EWA)
34 permit and early construction authorization (ECA) permit pursuant to
35 pursuant to LDC section 10.02.00.
 - 36
37 c. Integrated phased developments. A ~~preliminary subdivision conceptual~~ plat
38 with deviations application shall be submitted in accordance with this
39 section for any integrated phased development.

- 40
41 2. Application for ~~preliminary subdivision conceptual~~ plats with deviations.
- 42
43 a. The Administrative Code shall establish the process and submittal
44 requirements for a ~~preliminary subdivision conceptual~~ plat with deviations.
 - 45
46 b. A ~~preliminary subdivision conceptual~~ plat with deviations shall include the
47 entire property to be subdivided and recorded.
- 48

- 1 c. The ~~preliminary-subdivision~~ conceptual plat with deviations shall be
- 2 prepared by the applicant's professional engineer and professional
- 3 surveyor and mapper.
- 4
- 5 d. The boundary survey for the ~~preliminary-subdivision~~ conceptual plat with
- 6 deviations shall be signed and sealed by a professional surveyor and
- 7 mapper registered in the State of Florida.
- 8
- 9 3. Review by County Manager or designee. County Manager or designee shall
- 10 approve, approve with conditions, or deny the ~~preliminary-subdivision~~ conceptual
- 11 plat with deviations utilizing the standards established in LDC chapters 3, 4, 6, and
- 12 other provisions of the LDC. The decision to approve with conditions, or deny the
- 13 ~~preliminary-subdivision~~ conceptual plat with deviations may be appealed to the
- 14 Board of County Commissioners pursuant to Code of Laws and Ordinances
- 15 section 250-58. If the County Manager or designee should deny the ~~preliminary~~
- 16 ~~subdivision~~ conceptual plat with deviations, ~~he~~ it shall be stated in writing the
- 17 reasons for such denial, including ~~and shall cite~~ the applicable code or regulatory
- 18 basis for the conditions or denial.
- 19
- 20 4. Amendments. Any amendment to the approved ~~preliminary-subdivision~~ conceptual
- 21 plat with deviations submitted by the applicant shall be reviewed according to the
- 22 standards established in LDC chapters 3, 4, 6, and other provisions of the LDC.
- 23 The County Manager or designee shall have the authority to approve amendments
- 24 to the approved ~~preliminary-subdivision~~ conceptual plat with deviations provided
- 25 those amendments are based on generally accepted, sound, professional
- 26 engineering principles and practices in the state. Amendments shall be made prior
- 27 to the processing of the construction plans and final subdivision plat. Requests for
- 28 amendments shall be in writing in the form of an amended ~~preliminary-subdivision~~
- 29 conceptual plat with deviations and shall provide clear and convincing
- 30 documentation and citations to professional engineering studies, reports or other
- 31 generally accepted professional engineering services in the state to substantiate
- 32 the amendment requested.
- 33
- 34 5. Conditions. The County Manager or designee has the authority to approve
- 35 requests for substitutions to the design standards contained in the LDC provided
- 36 those requests are based on generally accepted, sound and safe, professional
- 37 engineering principles and practices. Requests for substitutions shall be made in
- 38 writing and shall provide clear and convincing documentation and citations to
- 39 professional engineering studies, reports or other generally accepted professional
- 40 engineering sources to substantiate the substitution requested.
- 41
- 42 6. Timing of development. Within 2 years after the date of written approval or
- 43 approval with conditions of the ~~preliminary-subdivision~~ conceptual plat with
- 44 deviations, the applicant shall prepare and submit to the County Manager or
- 45 designee the construction plans and final subdivision plat for at least the first phase
- 46 of the proposed subdivision. Each subsequent phase of the ~~preliminary-subdivision~~
- 47 conceptual plat with deviations shall be submitted within 2 years after the date of
- 48 written approval of the immediately preceding phase of the proposed subdivision.
- 49

1 a. Extensions. Two, 2-year extensions to submit the construction plans and
2 final subdivision plat shall be granted for good cause shown upon written
3 application submitted to the County Manager or designee prior to expiration
4 of the preceding approval. When granting an extension the County
5 Manager or designee shall require the ~~preliminary subdivision~~ conceptual
6 plat with deviations be modified to bring the project into compliance with
7 the LDC at the time of the extension request.
8

9 7. No vested rights. It is hereby expressly declared that the intent of this section is to
10 create no vested rights in the applicant or owner of property which obtains approval
11 of a ~~preliminary subdivision~~ conceptual plat with deviations, and the County shall
12 not be estopped to subsequently deny approval of the construction plans and final
13 subdivision plat based on changes in federal, state, or local laws or regulations, or
14 upon any other facts or circumstances subsequently arising or considered which
15 would adversely affect the feasibility or desirability of the ~~preliminary subdivision~~
16 conceptual plat with deviations, nor shall the County be estopped to deny any
17 rezoning in which a ~~preliminary subdivision~~ conceptual plat with deviations is
18 submitted in support of such rezoning.
19

20 B. Construction Plans and Final Subdivision Plats (PPLs). Construction plans and final
21 subdivision plats are commonly referred to as "plans and plat."
22

23 1. Generally. Final subdivision plat approval by the Board of County Commissioners
24 is required before a final subdivision plat can be recorded.
25

26 a. No final subdivision plat shall be approved by the Board until the
27 construction plans have been reviewed and accepted by the County
28 Manager or designee, except for a minor final subdivision plat pursuant to
29 LDC section 10.02.04 D.
30

31 b. The review and approval of construction plans does not authorize the
32 construction of required improvements which are inconsistent with existing
33 easement(s) of record.
34

35 c. The required improvements shall be completed prior to recordation of the
36 final subdivision plat unless the applicant files a subdivision performance
37 security as identified in LDC section 10.02.04 F with the County.
38

39 d. Where approval of construction plans and final subdivision plats will lead
40 to the level of service for any public facility being reduced below the level
41 established by the growth management plan for Collier County, the County
42 shall deny approval to proceed with development until the requirements of
43 LDC section 10.02.07 have been met.
44

45 2. Application for Construction Plans and Final Subdivision Plats.

46 a. The Administrative Code shall establish the process and the submittal
47 requirements for construction plans and final subdivision plats. For projects
48 incorporating townhouse development on fee simple lots, additional
49

1 submittal requirements are required and identified in the Administrative
2 Code. All requirements established in this section shall also apply to
3 townhouse development on fee simple lots.
4

5 b. Construction plans for all of the improvements required by this section shall
6 be signed and sealed by the applicant's professional engineer, licensed to
7 practice in the State of Florida.
8

9 c. Final subdivision plats shall be signed and sealed by a professional
10 surveyor and mapper registered in the State of Florida. The final
11 subdivision plat shall be prepared in accordance with the provisions of F.S.
12 ch. 177, as may be amended, and shall be clearly and legibly drawn with
13 black permanent drawing ink or a photographic silver emulsion mylar to a
14 scale of not smaller than 1 inch equals 100 feet.
15

16 d. The final subdivision plat shall conform to the approved ~~preliminary~~
17 ~~subdivision~~ conceptual plat with deviations and shall constitute only that
18 portion of the approved ~~preliminary-subdivision~~ conceptual plat with
19 deviations which the applicant proposes to construct.
20

21 e. Improvements for construction plans and final subdivision plats are
22 identified in the LDC section 10.02.04 C, and are required in conjunction
23 with the subdivision and development of any and all property pursuant to
24 LDC section 10.02.03 within the unincorporated areas of the County. All
25 required improvements shall be designed and constructed in accordance
26 with the design requirements and specifications of the entity having
27 responsibility for approval, including all federal, state, and local agencies.
28 Construction plans for final subdivision plats shall include at a minimum:
29

30 i. Streets, sidewalks, paving, grading, and stormwater management
31 (drainage);
32

33 ii. Bridges and culverts;
34

35 iii. Water and sewerage systems, including, where applicable, water
36 reuse/irrigation pumping, storage and transmission/distribution
37 systems;
38

39 iv. Street lighting. Plans for streetlights shall bear the approval of the
40 utility authorities involved. If the street lighting system is to be
41 privately owned and maintained by a property owners' association
42 or similar entity, it shall be designed by the applicant's engineer;
43

44 v. Landscaping within public rights-of-way, parks, recreational areas;
45 and
46

47 vi. Parking areas.
48

49 3. County Manager review of construction plans and final subdivision plats.

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- a. The County Manager or designee shall review and evaluate the construction plans and final subdivision plat in conformance with the LDC, in particular sections 10.02.04 B and 10.02.04 C, and F.S. ch. 177. The County Manager or designee shall review and evaluate the construction plans and final subdivision plat in light of the requirements established in the LDC and Administrative Code. Based on the review and evaluation, the County Manager or designee shall approve, approve with conditions, or deny the construction plans and final subdivision plat. If the construction plans and final subdivision plat is denied, then the final subdivision plat shall not be submitted to the Board until the construction plans and final subdivision plat have been approved or approved with conditions by the County Manager or designee. The approval of the County Manager or designee is subject to Board approval, noted below.
- b. If the constructions plans and final subdivision plat are approved or approved with conditions by the County Manager or designee, the County Manager or designee shall recommend that the Board approve, approve with conditions, or deny the final subdivision plat. If the County Manager or designee denies or places conditions on the construction plans or recommends denial or conditions on the final subdivision plat, he shall state reasons and cite the applicable code or regulatory basis for the decision.
- c. Once the construction plans and final subdivision plats are submitted by the applicant for review by the County Manager or designee, they will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time, the application for construction plans and final subdivision plat review will be considered withdrawn and cancelled. Further review of the project will require a new application and the appropriate fees paid by the applicant.
- d. Digital submission. After the final subdivision plat has been approved by the County Manager or designee for compliance with the LDC, as provided in this section, the applicant shall resubmit 5 certified sets of the approved construction plans along with approved copies of all required county permits. The applicant's professional engineer shall also submit a set of digitally created construction/site plan documents, 1 disk (CDROM) of the master plan file, including, where applicable, easements, water/wastewater facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90

1 datum), with United States Survey Feet (USFEET) units; as
2 established by a Florida registered professional surveyor and
3 mapper. All information shall have a maximum dimensional error of
4 +0.5 feet. Files shall be in an AutoCAD (DWG) or Digital Exchange
5 File (DXF) format; information layers shall have common naming
6 conventions (i.e. right-of-way—ROW, centerlines—CL, edge-of-
7 pavement—EOP, etc.). For a plan to be deemed complete, the
8 layering scheme must be readily understood by county staff. All
9 property information (parcels, lots, and requisite annotation) shall
10 be drawn on a unique information layer, with all linework pertaining
11 to the property feature located on that layer. Example: parcels—All
12 lines that form the parcel boundary will be located on 1 parcel layer.
13 Annotations pertaining to property information shall be on a unique
14 layer. Example: lot dimensions—Lottxt layer.
15

- 16 4. Board approval of the final subdivision plat.
17
 - 18 a. Following approval or approval with conditions by the County
19 Manager or designee, the County Manager or designee shall place
20 the final subdivision plat on the consent agenda for its next available
21 regularly scheduled Board hearing. The Board shall consider
22 approval of the final subdivision plat together with the approval of
23 standard form, Construction Maintenance Agreement, and approval
24 of the amount of performance security for the required
25 improvements based on the estimate of probable cost.
26
 - 27 b. If all members of the Board consent to the recommendation of the
28 County Manager or designee, then the recommendation of the
29 County Manager or designee on the final subdivision plat shall
30 remain on the consent agenda and the final subdivision plat shall
31 be approved. If any member of the Board objects to the
32 recommendation of the County Manager or designee or otherwise
33 requests discussion on the recommendation, then the
34 recommendation shall be taken off the consent agenda and may be
35 discussed or scheduled for a subsequent hearing date. After due
36 notice of the hearing to the applicant, the Board shall hold a hearing
37 on the final subdivision plat. At the hearing, the Board shall consider
38 the County Manager or designee's recommendation and shall take
39 evidence and testimony in regard to the final subdivision plat
40 requirements identified in LDC sections 10.02.04 B and 10.02.04 C,
41 and other provisions of the LDC. The Board shall approve, approve
42 with conditions, or deny the final subdivision plat. If the Board of
43 denies or places conditions on the final subdivision plat, it shall state
44 reasons for such denial or conditions.
45
 - 46 c. Approval of the final subdivision plat shall not constitute acceptance
47 of public dedicated facilities. Acceptance of any such dedicated
48 public facilities and responsibility for their maintenance shall be by

1 separate resolution of the Board of County Commissioners. See
2 LDC section 10.02.05 C.3.

3
4 d. After Board approval of the preliminary and final subdivision plat,
5 building permits may be issued for a percentage of planned homes
6 in accordance with the Florida Building Code and pursuant to F.S.
7 177.073. Subdivision performance security shall be in accordance
8 with LDC section 10.02.04 F.2.b.i., LDC section 10.02.04 F.3.e., or
9 when utilizing F.S. 177.073.

10
11 5. Insubstantial changes and amendments to construction plans and final
12 subdivision plats.

13
14 a. Insubstantial Changes to Construction Plans (ICP). Following
15 approval by the County Manager or designee of the construction
16 plans, the applicant may request insubstantial changes to the
17 construction plans.

18
19 i. Application. The Administrative Code shall establish the
20 process and the submittal requirements for an insubstantial
21 change to the construction plans. Construction plans shall
22 be prepared pursuant to LDC section 10.02.04 B.

23
24 b. Following approval by the Board of the final subdivision plat, but
25 prior to recordation, the County Manager or designee may approve
26 minor insubstantial changes to the final subdivision plat.
27 Insubstantial changes are insignificant to the project, such as a
28 correction or change on the cover sheet.

29
30 c. Following approval by the Board of the final subdivision plat, but
31 prior to recordation, the Board may approve amendments to the
32 final subdivision plat. This is commonly referred to as a "PPLA".

33
34 i. .Application. The Administrative Code shall establish the
35 process and the submittal requirements for the final
36 subdivision plat amendment. The final subdivision plat shall
37 be prepared pursuant to LDC section 10.02.04 B.

38
39 6. Relationship of Final Subdivision Plats to Site Development Plans. No site
40 development plan may be accepted for concurrent review with a
41 ~~preliminary—subdivision~~ conceptual plat with deviations. Once the
42 ~~preliminary-subdivision~~ conceptual plat with deviations has been approved,
43 site development plans may be submitted for review concurrent with the
44 submittal of the final subdivision plat. No site development plan may be
45 approved until the final subdivision plat receives administrative approval,
46 and no building permits may be issued until the final subdivision plat is
47 recorded, unless otherwise provided for in the LDC.

48
49 7. Timing of recording and development.

- 1
- 2 a. Recording. Within 18 months of the date of approval of the final
- 3 subdivision plat by the Board, the applicant shall submit the final
- 4 subdivision plat to the County Manager or designee for recording.
- 5
- 6 b. Required improvements to be completed. The improvements
- 7 required for the final subdivision plat shall be completed within 18
- 8 months from the date of approval by the Board unless a written
- 9 extension request is approved by the County Manager or designee.
- 10
- 11 c. Integrated phased development. Each subsequent phase of the
- 12 project shall be submitted within 2 years following the date of written
- 13 approval of the most recently approved final subdivision plat in
- 14 accordance with LDC section 10.02.04 A.6.
- 15

16 * * * * *

17
18 D. *General Requirements for a Minor Final Subdivision Plat (FP).*

- 19
- 20 1. Generally. Minor final subdivision plat approval may be requested as an alternative
- 21 to construction plans and final subdivision plat if the following criteria are met:
- 22
- 23 a. No ~~preliminary~~ subdivision plat is submitted or approved.
- 24
- 25 b. Required improvements are not required for the subdivision.
- 26
- 27 c. No security performance bond is required for the subdivision.
- 28
- 29 d. No phasing is required or proposed for the subdivision.
- 30

31 * * * * *

32
33 F. *Recordation of the Final Subdivision Plat.*

- 34
- 35 1. Generally. No building permits for habitable structures shall be issued prior to
- 36 approval by the Board of County Commissioners and recordation of the final
- 37 subdivision plat, except as provided in LDC sections 5.04.04 ~~and~~, LDC section
- 38 10.02.04 B.6., and LDC section 10.02.04 B.4.d., as applicable.
- 39
- 40 2. Posting of subdivision performance security at the time of recording or when
- 41 utilizing F.S. 177.073.
- 42
- 43 a. The final subdivision plat shall not be recorded until a subdivision
- 44 performance security for the construction of the required improvements,
- 45 both on-site and off-site, has been posted by the applicant and approved
- 46 and accepted by the Board or the County Manager or designee on behalf
- 47 of the Board.
- 48

- 1 b. The applicant's professional engineer shall prepare an opinion of the
- 2 probable construction cost or the actual contractor's bid price, which
- 3 includes the cost of all required improvements, to determine the amount of
- 4 the subdivision performance security.
- 5
- 6 i. If no construction of the required improvements has begun at the
- 7 time of posting of the subdivision performance security, the security
- 8 shall be an amount equal to 110 percent of the sum of construction
- 9 costs for all on-site and off-site required improvements based on
- 10 the applicant's professional engineer's opinion of the probable
- 11 construction costs or contract bid price.
- 12
- 13 ii. If construction of the required improvements has begun at the time
- 14 of posting the subdivision performance security, the security shall
- 15 be in an amount equal to 10 percent of the applicant's professional
- 16 engineer's opinion of the probable construction cost or contract bid
- 17 price, plus 100 percent of the required improvements to be
- 18 completed, such as the final lift of asphalt and uncompleted
- 19 sidewalks.
- 20
- 21 iii. If construction of all required improvements has been completed
- 22 and accepted by the Board at the time of recording, only a
- 23 performance maintenance guarantee at an amount equal to 10
- 24 percent of the applicant's professional engineer's opinion of the
- 25 probable construction cost or contract bid price shall be provided.
- 26
- 27 iv. No subdivision performance security shall be required where
- 28 improvements are to be constructed by a general-purpose
- 29 government such as a county or municipality, a local school district,
- 30 or state agency. A subdivision performance security shall be
- 31 required of an independent special-purpose government such as a
- 32 community development district (CDD).
- 33
- 34 c. The subdivision performance security shall be prepared pursuant to
- 35 Appendix A of the LDC and shall be one of the following forms:
- 36
- 37 i. Construction, maintenance, and escrow agreement, or
- 38
- 39 ii. Construction Maintenance Agreement and one of the following:
- 40 (a) Cash deposit agreement with the County, or
- 41 (b) Irrevocable standby letter of credit, or
- 42 (c) Surety bond.
- 43
- 44
- 45
- 46
- 47 d. Once the form of a subdivision performance security has been approved
- 48 and accepted by the Board, alternate securities, in a format approved by

1 the County Attorney, may be approved by the County Manager or
2 designee, on behalf of the Board.

3
4 3. Recordation Procedure. After approval of the final subdivision plat by the Board,
5 but prior to the recording of the final subdivision plat with the clerk of the circuit
6 court, the following shall occur:

7
8 a. The applicant shall obtain all of the signatures on the original plat cover
9 sheet(s) that are associated with the applicant's obligations and shall
10 submit the original final subdivision plat, and any separate consents, or
11 opinions or certifications of title, to the County Manager or designee.

12
13 b. The applicant shall provide 3 copies and 1 mylar of the recorded final
14 subdivision plat and accompanying documents to the County Manager or
15 designee.

16
17 c. Simultaneously with the submission of the executed final subdivision plat
18 to the County Manager or designee, the applicant shall also submit in
19 accordance with F.S. ch. 177, at no expense to the County, either a title
20 opinion from an attorney licensed to practice in the State of Florida or
21 certification from a title company. The effective date of the title opinion or
22 certification must be no more than 30 days prior to the submission of the
23 final subdivision plat to the County Manager or designee and must contain
24 all of the following:

25
26 i. A legal description of at least the lands being platted;

27
28 ii. A statement that the attorney is licensed to practice in the State of
29 Florida and that the attorney has examined title to the subject real
30 property, if a title opinion is being provided;

31
32 iii. Identification of the exact name of any person who is the record
33 owner of the subject real property and a specific citation to the
34 official records book and page, where each record legal owner
35 obtained title to the subject real property. The title information shall
36 include a copy of said instrument(s) of conveyance; and

37
38 iv. Identification of liens, encumbrances, easements, or matters shown
39 or that should be shown as exclusions to coverage on a title
40 insurance policy. As may be applicable, the title information shall
41 include in a neatly bound fashion and make citation to the recording
42 information of all referenced liens, encumbrances, easements, or
43 exclusions. The title information shall include a copy of any such
44 instruments.

45
46 d. Payment of recording and copy fees. Upon compliance with this section
47 and payment of fees by the applicant, the County Manager or designee
48 shall record the final subdivision plat with the clerk of the circuit court in the
49 official records of Collier County, Florida.

- 1
- 2
- 3 e. Construction and Maintenance Agreement. The applicant shall enter into a
- 4 construction and maintenance agreement with the County, in a form
- 5 acceptable to the County Attorney, which establishes the terms and
- 6 conditions for the construction and maintenance of the improvements
- 7 required during the 18-month construction period or a time frame
- 8 established in an approved extension request by the County Manager or
- 9 designee. This agreement shall be submitted with the final subdivision plat
- 10 for review and approval and shall be executed by all parties at the time of
- 11 ~~recording of the final subdivision plat~~ Board approval, if building permits are
- 12 issued when utilizing F.S. 177.073 or at the time of recording the final plat.
- 13
- 14 f. Recording of other documents. If any dedications, grants, conveyances,
- 15 easements, consents (including mortgagee consents), reservations,
- 16 covenants, or other like instruments are to be recorded by separate
- 17 instrument simultaneously with the final subdivision plat, appropriate fees
- 18 and original documentation must be provided by the applicant to the County
- 19 Manager or designee for processing and recording by the clerk of court. All
- 20 documents shall be submitted prior to or at the time of recording of the final
- 21 subdivision plat.
- 22
- 23 g. Supporting "gap" title information. Within 60 days of recordation of the final
- 24 subdivision plat in the official records of Collier County, Florida, the
- 25 applicant, at no expense to the County, shall submit to the County Manager
- 26 or designee final supporting "gap" title information. The final supporting title
- 27 information must meet all of the requirements of 10.02.04 F.3.c, except as
- 28 to the effective date. Receipt and approval of the "gap" title information is
- 29 a condition precedent to preliminary acceptance of subdivision
- 30 improvements by the Board.
- 31
- 32 h. The effective date of the supporting "gap" title information must be through
- 33 the date of recordation of the final subdivision plat and must, at a minimum,
- 34 cover the "gap" between the time the effective date of the information
- 35 required by 10.02.04 F.3.c above, when submitted and the date of
- 36 recording of the final subdivision plat. The final supporting "gap" title
- 37 information must include a copy of any required instruments not previously
- 38 provided in connection with submittals for the recording of the final
- 39 subdivision plat.

40 * * * * *

41 # # # # #

42

43 **10.02.14 - Landscape Plans**

- 44
- 45 A. *Landscape plan required.* Prior to the issuance of any ~~preliminary~~ subdivision plat, final
- 46 site development plan, or building permit, an applicant whose development is covered by
- 47 the requirements of this section must submit a landscape plan to the County Manager or
- 48 his designee. The landscape plan must bear the seal of a Landscape Architect registered
- 49 in the State of Florida. The landscaping required for single-family, two family, and mobile

1 home dwelling units must be shown on the building permit plot plan. This plan is not
2 required to bear the seal of a landscape architect.

3
4 * * * * *
5 # # # # #

6
7 **10.08.0 - CONDITIONAL USE PROCEDURES**

8
9 * * * * *

10
11 i. *Conditional uses for school or religious purposes.* A use which has been approved as part
12 of a ~~preliminary~~ subdivision plat or a planned unit development for schools, religious or
13 eleemosynary uses shall be exempt from the provisions of this section. Such uses must
14 comply with the provisions of LDC section 10.02.03, site development plan approval, as
15 applicable, and all other zoning requirements.

16
17 * * * * *
18 # # # # #

19
20

Exhibit A – Administrative Code Amendment

Text underlined is new text to be added.
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Chapter 5 | Subdivision Procedures

1 G. Plat Recording

Reference LDC section 10.02.04 F.

Applicability This procedure is to ensure proper legal description, identification, documentation, and recording of real estate boundaries. This procedure occurs after approval of the final subdivision plat by the BCC.

No building permit for habitable structures shall be issued prior to approval by the BCC and recordation of the final subdivision plat, except as identified in LDC sections ~~5.05.04 5.04.04, and 10.02.04 B.6~~ , and 10.02.04 B.4.

Pre-Application A pre-application meeting will have occurred at the time of submittal of the construction plans and final subdivision plat or minor final subdivision plat.

Initiation The **applicant** files an “*Application for Plat Recording (PR)*” with the Development Review Division.

↔ *See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.*

Application Contents The application must include the following:

1. **Applicant contact information.**
2. Original PPL number.
3. Construction and Maintenance Agreement.
4. Original sepia mylar of the final subdivision plat, with surveyor’s certification that the mylar contains no revisions from the most recent submittal of the final subdivision plat to the Development Review Division.
5. Pursuant to LDC section 10.02.04 F.3, an original title opinion from an attorney licensed to practice in the State of Florida, which contains the following:
 - a. A legal description of at least the lands being platted;
 - b. A statement that the attorney is licensed to practice in the State of Florida and that the attorney has examined title to the subject real property, if a title opinion is being provided;
 - c. Identification of the exact name of any person who is the record owner of the subject real property and a specific citation to the official records book and page, where each record legal owner obtained title to the subject real property. The title information shall have attached thereto a copy of said instrument(s) of conveyance; and
 - d. Identification of liens, encumbrances, easements, or matters shown or that should be shown as exclusions to coverage on a title insurance policy. As may be applicable, the title information shall include in a neatly bound fashion, and make citation to the recording information of, all referenced

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

liens, encumbrances, easements, or exclusions. The title information shall have attached thereto a copy of any such instruments.

6. Joinder and consent of mortgagee, if applicable.
7. If any dedications, grants, conveyances, easements, consents (including mortgagee consents), reservations, covenants, or other like instruments are to be recorded simultaneously with the final subdivision plat, appropriate fees and original documentation must be provided to the County Manager or designee for processing and recording by the Clerk of Courts prior to, or simultaneously with, the recording of the final subdivision plat.
8. Home Owner Association Documents, if applicable.
9. Affidavit by surveyor.

Supporting “gap” title information

1. Pursuant to **LDC** section **10.02.04 F.3**, within 60 days of recordation of the final subdivision plat the **applicant** shall submit to the County Manager or designee final supporting “gap” title information.
2. The final supporting title information must meet all of the requirements in the above (Plat Recording – Application Contents).
3. The effective date of the supporting “gap” title information must be through the date of recordation of the final subdivision plat and must, at a minimum, cover the “gap” between the time the effective date of the information required above (Plat Recording – Application Contents) and the date and time of recording of the final plat.
4. The title information must identify and provide copies of any recorded documentation of the holders of any estates, liens, encumbrances, or easements not properly included or joined in the dedication or consents on the final subdivision plat. The supporting “gap” title information must have attached a copy of any required instruments not previously provided in connection with submittals for the final plat's recording.

Completeness and Processing of Application

⇔ *See Chapter 1 D.5 for the acceptance and processing of an application.*

Notice No notice is required.

Public Hearing No public hearing is required.

Decision Maker The County Manager or Designee.

Review Process The Development Review Division will review the application and identify whether additional materials are needed pursuant to **LDC** section **10.02.04 F**.

The Development Review Division will submit the final subdivision plat materials to the Collier County Clerk of Courts for recording.

Digital Submittal Requirements After the final subdivision plat has been approved by the County Manager or designee for compliance the **applicant** shall submit the following:

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

1. The **applicant's** professional **Engineer** shall submit a digitally created construction/site plan documents; and
2. 1 CDROM of the master plan file, including, where applicable, easements, water/wastewater facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered surveyor and mapper. All information shall have a maximum dimensional error of +0.5 feet. Files shall be in an AutoCad (DWG) or Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. right-of-way—ROW, centerlines—CL, edge-of-pavement—EOP, etc.). For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (parcels, lots, and requisite annotation) shall be drawn on a unique information layer, with all linework pertaining to the property feature located on that layer. Example: parcels—All lines that form the parcel boundary will be located on 1 parcel layer. Annotations pertaining to property information shall be on a unique layer. Example: lot dimensions—Lottxt layer. All construction permits required from local, state and federal agencies must be submitted to the County Manager or designee prior to commencing development within any phase of a project requiring such permits.

Updated [Resolution 2024-XX](#)

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Chapter 5 | Subdivision Procedures

1 C. ~~Preliminary Subdivision~~ Conceptual Plat with Deviations ~~(PSP)~~ (CPD)

2 C.1. ~~Preliminary Subdivision~~ Conceptual Plat with Deviations – Standard

3

Reference LDC section 10.02.04 A, F.S. 177.073, and other provisions of the LDC.

Applicability The ~~preliminary subdivision plat (PSP)~~ ~~Preliminary Subdivision~~ conceptual plat with deviations process is required for integrated phased developments but is otherwise an optional procedure for subdivision development. If an **applicant** chooses to submit a ~~PSP~~ CPD, the **applicant** shall provide all of the submittal requirements.

The ~~PSP~~ CPD application shall be submitted for the entire property to be subdivided.

Pre-application A pre-application meeting is required.

Initiation The **applicant** files a "~~Preliminary Subdivision~~ Conceptual Plat with Deviations Petition" with the Development Review Division.

↔ See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.

Application Contents The application must include the following:

1. **Applicant contact information.**
2. **Addressing checklist.**
3. Property information, including:
 - a. Legal description;
 - b. Address of subject site and general location;
 - c. Metes and bounds description;
 - d. Section, township and range;
 - e. Size of plat in acres;
 - f. Number of lots and minimum lot size;
 - g. Name of development;
 - h. Zoning petition number (Rezone, Conditional Use, and Site Development Plan), if applicable;
 - i. Source of utilities.
4. Cover letter explaining the project or proposed changes.
5. PUD Monitoring Schedule, if applicable.
6. Aerial photograph(s), taken within the previous 12 months at a minimum scale of 1 in. = 200 ft., illustrating existing conditions and any site improvements.
7. Environmental Data Requirements. ↔ See **LDC section 3.08.00 A**.

Exhibit A – Administrative Code Amendment

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Chapter 5 | *Subdivision Procedures*

8. Traffic Impact Study, if applicable. ⇔ *See Chapter 7 B. of the Administrative Code.*
9. Original petition number (PUD name and ordinance, rezone, conditional use, site development plan, etc.), if applicable.
10. Owner/agent affidavit as to the correctness of the application.
11. Historical/Archeological Survey or waiver, if applicable.
12. Conditional Use application, if applicable.
13. If substitutions are requested, pursuant to LDC section **10.02.04 A.5**, justification based on sound engineering principles and practices shall be provided for each substitution.
14. Generalized statement of subsurface conditions on the property, location, and results of tests made to ascertain subsurface soil conditions and groundwater depth.
15. The zoning classification of the tract and all contiguous properties.
16. For residential projects subject to the provisions of **LDC section 10.04.09**, a completed School Impact Analysis (SIA) application, location map and review fee.
17. **Electronic copies of all documents.**
18. Affidavit of Authorization.

Requirements for **Preliminary Subdivision Conceptual Plat with Deviations**

Submittal Credentials: The ~~preliminary subdivision~~ conceptual plat with deviations shall be prepared by the **applicant's engineer** and professional surveyor and mapper. The boundary survey shall be signed and sealed by a professional surveyor and mapper registered in the State of Florida.

Sheet size: The ~~preliminary subdivision~~ conceptual plat with deviations shall be submitted on standard size 24-inch by 36-inch sheets, drawn to scale.

1. A cover sheet, including a location map, showing the location of the tract in reference to other areas of the county with a north arrow, graphic scale, and date.
2. The name of subdivision or identifying title which shall not duplicate or closely approximate the name of any other subdivision in the incorporated or unincorporated area of Collier County.
3. Boundary survey, with bearings and distances as a written description with a reference to section corners.
4. The location and names of adjacent subdivisions and plat book and page reference, if any.
5. A land plan with the following information identified:
 - a. Location, dimensions, and purpose of all existing and proposed streets, alleys, property lines, easements, and rights-of-way of record;

Exhibit A – Administrative Code Amendment

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

- b. Existing streets and alleys of record adjacent to the tract including name, right-of-way width, street or pavement width and established centerline elevation. Existing streets shall be dimensioned to the tract boundary;
 - c. Location of existing and proposed sidewalks and bike paths;
 - d. Location of all existing and proposed utilities and related easements;
 - e. Location and purpose of existing drainage district facilities and their right-of-way requirements;
 - f. Location of existing and proposed watercourses, drainage ditches, bodies of water, marshes and wetlands;
 - g. Location of existing possible archaeological sites and other significant features;
 - h. The proposed layout of the lots and blocks;
 - i. The plan shall indicate whether the streets are to be public or private. Proposed street names shall be identified on all public and private thoroughfares;
 - j. Location of proposed sites for parks, recreational areas, and school sites or the like, in accordance with any existing ordinances requiring such a dedication;
 - k. Location of buffer areas required by LDC section 4.06.01 shall be illustrated and the dimensions provided, if appropriate at this time; and
 - l. Typical right-of-way and pavement cross sections shall be graphically illustrated on the plans and shall include but not be limited to the location of sidewalks, bike paths, and utilities.
6. Interconnectivity of local streets between developments shall be consistent with LDC section 6.06.01 B and GMP Objective 9.
7. Access Management Plan. All access provisions to the nearest public street(s) shall be identified, including all existing and proposed driveways.
8. Water Management Plan. The master water management plan shall outline the existing and proposed surface watercourses and their principal tributary drainage facilities needed for proper drainage, water management, and development of the subdivision. All existing drainage district facilities and their ultimate right-of-way requirements as they affect the property to be subdivided shall be identified on the plan. The Engineer’s Report with Assumptions and Explanations signed and sealed by a Florida registered professional **engineer** shall include drainage data, assumed criteria, and hydraulic calculations, consistent with the criteria and design method established by the SFWMD in addition to the following information:
- a. For all developments, the following Stormwater related information:
 - i. Completed calculations used to design the facilities, such as: road, water management systems, and all accessory facilities, public or private;

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

- a. The plans shall contain a statement that all utility services shall be available and have been coordinated with all required utilities.
- b. Evidence of such utility availability shall be provided in writing from each utility proposed to service the subdivision.

Completeness and Processing of Application	↔ See Chapter 1 D.5 for the acceptance and processing of an application.
Notice	No notice is required.
Public Hearing	No public hearing is required.
Decision Maker	The County Manager or designee.
Review Process	The Development Review Division will review the application, identify whether additional materials are needed and review the application based on the criteria in LDC section 10.02.04 A and other provisions of the LDC and shall approve, approve with conditions, or deny the preliminary subdivision <u>conceptual</u> plat <u>with deviations</u> .
Updated	<u>Resolution 2024-XX</u>

1
2
3
4

C2. ~~Preliminary Subdivision~~ Conceptual Plat with Deviations Amendment ~~(PSPA)~~ (CPDA)

Reference Applicability	LDC section 10.02.04 A.4 and other provisions of the LDC . This process applies to an amendment to an approved preliminary subdivision <u>conceptual</u> plat <u>with deviations</u> .
Initiation	The applicant files an “Amendment to Preliminary Subdivision <u>Conceptual</u> Plat <u>with Deviations</u> (PSPA) <u>(CPDA)</u> ” application with the Development Review Division. ↔ See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.
Pre-Application	A pre-application meeting is not required.
Application Contents and Requirements for Preliminary Subdivision <u>Conceptual Plat with Deviations</u> Amendments	A preliminary subdivision <u>conceptual</u> plat <u>with deviations</u> amendment application must include the following, in addition to the Application Contents and Requirements for Preliminary Subdivision Plan, as applicable. ↔ See Chapter 5 C.1 of the Administrative Code. Submittal Credentials: The preliminary subdivision <u>conceptual</u> plat <u>with deviations</u> amendment shall be prepared by the applicant’s engineer and professional surveyor and mapper. The boundary survey shall be signed and sealed by a professional surveyor and mapper registered in the State of Florida.

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | Subdivision Procedures

Sheet size: The ~~preliminary subdivision~~ conceptual plat with deviations amendment shall be submitted on standard size 24-inch by 36-inch sheets, drawn to scale.

The application must include the following:

1. **Applicant contact information.**
2. **Addressing checklist.**
3. Name of development.
4. Amendment to ~~PSP CPD~~ Number (original ~~PSP CPD~~ number).
5. Cover letter describing the proposed changes.

Completeness and Processing of Application

↔ See Chapter 1 D.5 for the acceptance and processing of an application.

Notice No notice is required.

Public Hearing No public hearing is required.

Decision Maker The County Manager or designee.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with **LDC** section **10.02.04 A.4** and shall approve, approve with conditions, or deny the amendment to the ~~preliminary subdivision~~ conceptual plat with deviations.

Updated [Resolution 2024-XX](#)

1 **D. Construction Plans and Final Subdivision Plat (PPL)**

2 **D.1. Construction Plans and Final Subdivision Plat - Standard**

3

Reference **LDC** sections **10.02.04 B** and **10.02.04 C** and other provisions of the **LDC**.

Applicability The procedure applies to Construction Plans and Final Subdivision Plats (PPL) which is a required process prior to development and recording of a subdivision where improvements are required.

↔ See Chapter 5 F. of the Administrative Code to submit a Minor Final Plat (FP) – when improvements are not required.

↔ See Chapter 5 E. of the Administrative Code to submit Construction Plans (CNSTR) – when there are only improvements and no platting or recording is required.

Pre-Application Meeting A pre-application meeting is required for a Construction Plans and Final Subdivision Plat application. The following information is beneficial to bring for discussion at the pre-application meeting:

Written and mapped information describing:

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

1. A brief description of the land subject to the application and existing conditions.
2. Existing and proposed zoning classifications.
3. The proposed development – include the property subject to the application and any future phases.
4. Existing covenants or restrictions.
5. Location of utility facilities, public facilities, and anticipated utility sources.
6. Water retention areas.
7. Public areas.
8. General soil characteristics.
9. Proposed number of parcels, lots, or tracts.
10. Typical lot or other parcel configuration.
11. Current aerial photograph with a clear film overlay with the proposed subdivision configuration superimposed on the aerial photograph. Aerials and overlay information must be legible at the scale provided.
12. Any other information needed to prepare and review of the application.
13. A map, at a scale of at least 1 in. =200 ft., identifying the following:
 - a. Location of the subject property and identification of adjacent lands;
 - b. Approximate acreage;
 - c. Date of map;
 - d. North arrow and scale;
 - e. Natural features such as native habitat identified by vegetative cover and depicted in aerial imagery; low or swampy areas; water bodies, streams, lakes, canals or the like;
 - f. Streets and layout of all adjoining streets;
 - g. General lot and block layout;
 - h. Zoning classification of the property subject to the application and adjacent properties;
 - i. Location of existing improvements; and
 - j. Any other significant features.

Initiation The **applicant** files a “*Subdivision Construction Plans and Plat Application*” with Development Review Division.

Pursuant to **LDC 10.02.04 B.6**, site development plans may be submitted for review once the first review comments of the construction plans and final subdivision plat are posted.

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

No site development plans may be approved until the final subdivision plat is approved by the County Manager or designee.

↔ *See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.*

Application The application must include the following:

Contents

1. **Applicant contact information.**
2. **Addressing checklist.**
3. Property information, including:
 - a. Zoning district;
 - b. **Property identification number;**
 - c. Project name;
 - d. Section, township and range;
 - e. Subdivision, unit, lot and block; and
 - f. General location and cross streets.
4. Zoning designation of subject property.
5. PUD Monitoring Schedule and Report, if applicable.
6. Digital file of conditional use or PUD application, if applicable.
7. Cover letter explaining the project.
8. **PUD Ordinance and Development Commitment Information**, as applicable.
9. Affidavit of Authorization.
10. Opinion of title.
11. Letter of intent as to the timeline for construction and platting.
12. Home Owner Association documents, if applicable.
13. An aerial photograph. All information must be legible at the scale provided.
14. Certificate of Public Facility Adequacy application.
15. Fire Flow test.
16. Zoning Data Sheet, including:
 - a. Name of Plat (and PUD, if applicable);
 - b. Development Standards per **LDC** or PUD;
 - c. Overall subdivision layout;
 - d. Table showing lot area and lot width for regular, interior and irregular lots;
 - e. Density, as allowed by zoning district;

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | Subdivision Procedures

- f. For Residential lots:
 - i. Type of unit identified by **LDC** definition and description of what is permitted on each lot;
 - ii. Drawing of typical unit or typical interior and corner lots, showing setbacks, including preserve setbacks) and separation from structures; and
 - iii. Lot layout and setbacks, particularly for the unique lots.
 - iv. For projects with a preliminary plat per F.S. 177.073, include the number and percentages of proposed homes to be permitted prior to plat recording.
 - g. For Non-Residential lots:
 - i. Identification of setbacks and building envelopes.
17. Historical/Archeological Survey or waiver, if applicable.
 18. Environmental Data Requirements. ⇔ See **LDC section 3.08.00 A.**
 19. Traffic Impact Study. ⇔ See *Chapter 7 B. of the Administrative Code.*
 20. School Impact Analysis, for residential projects only.
 21. Information and data relating to previous zoning actions affecting the project site.
 22. Utility letters of availability and plat easement approval letter for utility easements, if applicable.
 23. The Engineer's Report with Assumptions and Explanations signed and sealed by a Florida registered professional **engineer** shall include the following:
 - a. For all developments, the following Stormwater related information:
 - i. Completed calculations used to design the facilities, such as: road, water management systems, and all accessory facilities, public or private;
 - ii. Drainage calculations, including 10-year 1-day; 25-year 3-day; 100-year 3-day storm routings;
 - iii. Detailed hydraulic grade line pipe design calculations utilized to design the stormwater management facilities for the subdivision or development; and
 - iv. Status of all other required permits including copies of information and data submitted to the appropriate permitting agencies.
 - b. If within Collier County Public Utilities Service Area, the Report must also contain the following:
 - i. Estimated cost of utilities construction, Water and Sewer calculations;
 - ii. Sewer Hydraulics;
 - iii. Lift station hydraulics to first downstream master station;

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

- iv. Lift station buoyancy calculations;
 - v. Chloramine Dissipation Report; and
 - vi. Detailed hydraulic design calculations utilized to design water and sewer facilities regulated by the County.
24. Vegetation Removal and Site Filling permit (VRSFP), if requested.
- a. Provide separate acreage calculations for each phase of clearing requested;
 - b. If clearing or filling lots and building sites, with or without stockpiling, a separate VRSFP application shall be submitted, pursuant to **LDC** section **4.06.04.A.2**; and
 - c. A site clearing plan. ⇔ *See Requirements for Construction Plans for more information.*
25. Property Ownership Disclosure Form.
26. Permits: All Federal, State and local permits, including but not limited to the following, shall be submitted prior to construction and before the pre-construction meeting. If approved by the County Manager or designee, an **applicant** may submit Federal, State and local agency permits at the pre-construction meeting.
- a. SFWMD Permit, Permit Modification, or waiver, including staff report exhibits;
 - b. DEP utility installation permits, water/sewer; and
 - c. US Army Corps of Engineers permit and exhibit, if applicable.
27. **Electronic copies of all documents.**
28. For projects with a preliminary plat per F.S. 177.073:
- a. Provide the number or percentage of proposed homes to be permitted prior to plat recording;
 - b. Construction and Maintenance Agreement; and
 - c. Performance bond in accordance with LDC section 10.02.04 F.3.e.

Requirements for Construction Plans

Submittal Credentials: The construction plans shall be signed and sealed by the **applicant's** professional **engineer** licensed to practice in the State of Florida.

Sheet size: The construction plans shall be submitted on standard size 24-inch by 36-inch sheets, drawn to scale.

The following are required to identify and provide on the construction plans:

1. A cover sheet, including a location map, showing the location of the tract in reference to other areas of the county. The map shall include a north arrow, graphic scale, and date.
2. Construction plans with specifications detailing/showing:

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

- a. Complete configurations of all required improvements including, but not limited to, all water, sewer, roads, water management systems, and all appurtenant facilities, public or private;
 - b. Complete calculations used to design these facilities shall be included with the plans; and
 - c. If the development is phased, each phase boundary shall be clearly delineated.
3. Soil Erosion and Sediment Control Plan. ⇔ *See Chapter 7 D. of the Administrative Code.*
4. Additional plans included in the construction plans packet:
 - a. Streetlight plans signed and sealed by a professional **engineer** licensed to practice in the State of Florida or the utility provider; and
 - b. Landscape plans.
⇔ *See Chapter 4.P of the Administrative Code for Landscape Plan submittals.*
5. Preserve Management Plan, including a Native Vegetation Retention/Mitigation Plan, if requested by **applicant**.
6. Boundary and topographic survey, less than six months old.
7. Site Clearing Plan, including a vegetation inventory.

Areas where improvements are to be constructed with a maximum limit of 10 feet beyond any approved rights-of-way line or 5 feet beyond any easement line.
8. Design sections, i.e., cross sections of roads, lakes, berms, and lots.
9. Construction details showing compliance with applicable federal, state, and local standards.
10. For required improvements which will be constructed within an existing easement, the existing easement and facilities and the proposed easement and facilities shall be illustrated.

The **applicant** shall provide copies of the plans to the holder of the easement(s) simultaneously with its submission of the application to the county.
11. Plan and profile sheets, showing roads, water, sewer, conflict crossings, drainage, utilities, sidewalks, bike paths, and any unique situations.
12. Benchmark, based on NOAA datum NAVD.
13. Locations of test borings of the subsurface condition of the tract to be developed.
14. The construction plans and attachments shall address special conditions pertaining to the subdivision in note form on the construction plans, including statements indicating:
 - a. Compliance with federal, state, and local standards as currently adopted;

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

- b. Source of water and sewer service; and
- c. Required installation of subsurface construction such as water lines, sewer lines, public utilities and storm drainage prior to compaction of subgrade and roadway construction.

Requirements for Water Management for Construction Plans Submittal Credentials: The water management plans and specifications in report form shall be signed and sealed by the applicant's professional engineer licensed to practice in the State of Florida. The Water Management plans and specifications shall include, but not be limited to, the following:

1. A topographic map of the land development related to NAVD with sufficient spot elevations to accurately delineate the site topography, prepared by a professional surveyor.
2. A drainage map of the entire basins within which the development or subdivision lies. This map may be combined with the above topographic data in a manner acceptable to the County Manager or designee. All ridges lying within the basins and the area of the basins stated in acres, of all the existing and proposed drainage areas shall be shown and related to corresponding points of flow concentration.
3. Flow paths shall be indicated throughout including final outfalls from the development and basins, existing water elevations, all connected and isolated wetlands, recurring high water elevations, proposed design water elevations, and other related hydrologic data.
4. Drainage data, assumed criteria and hydraulic calculations, consistent with the criteria and design method established by the SFWMD. This includes routings for the 10-yr, 25-yr and 100 -yr storm events.
5. Pipe sizing calculations for the site.
6. Plans showing proposed design features and typical sections of canals, swales and all other open channels, storm sewers, all drainage structures, roads and curbs, and other proposed development construction.
7. Plans and profiles of all proposed roads. Where proposed roads intersect existing roads, elevations and other pertinent details shall be shown for existing roads. Where additional ditches, canals or other watercourses are required to accommodate contributory surface waters, sufficient right-of-way shall be provided by the developer or subdivider to accommodate these and future needs.
8. For projects that require a construction permit to be issued by the SFWMD, work shall not commence until the **applicant** has provided the County Manager or designee a copy of the permit.
9. The master drainage plan shall include the drainage plans and details for all lots. The master drainage plan shall show proposed finished grade elevations at all lot corners and breaks in grade. The **engineer** shall state on the water management calculations the basis for wet season water table selection.
10. Construction plans for all subdivisions shall include a general note stating that all off-site drainage improvements associated with the current phase of development,

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

including perimeter berms, swales, stormwater outfall systems and on-site perimeter swales shall be completed and operational prior to commencement of construction of on-site improvement.

- a. This requirement shall be established at the mandatory pre-construction meeting. Failure to comply with completion of the required offsite improvements will result in a stop work order being issued until such time as the project is brought into compliance with this requirement; and
- b. The **Engineer** of record prior to final acceptance shall provide documentation from the stormwater maintenance entity that it has been provided information on how the stormwater system works and their responsibility to maintain the system.

Requirements for Final Subdivision Plats

Submittal Credentials: The final subdivision plat shall be signed and sealed by a professional surveyor and mapper registered in the State of Florida.

Sheet size: The final subdivision plat shall be submitted on standard size 24-inch by 36-inch sheets of mylar or other approved material in conformance with F.S. Ch. 177, drawn to scale.

The final subdivision plat shall include at a minimum the following requirements:

1. The final plat shall be prepared in accordance with the provisions of F.S. Chapter 177, as may be amended.
2. The plat shall be clearly and legibly drawn with black permanent drawing ink or a photographic silver emulsion mylar to a scale of not smaller than 1 inch equals 100 feet.
3. Name of subdivision. The plat shall have a title or name acceptable to the County Manager or designee. When the plat is a new subdivision, the name of the subdivision shall not duplicate or be phonetically similar to the name of any existing subdivision. When the plat is an additional unit or section by the same developer or successor in title to a recorded subdivision, it shall carry the same name as the existing subdivision and as necessary a sequential numeric or alphabetic symbol to denote and identify the new plat from the original plat. A note shall be added to the plat cover sheet which identifies the zoning action name and ordinance number which approved such action.
4. Title. The plat shall have a title printed in bold legible letters on each sheet containing the name of the subdivision. The subtitle shall include the name of the county and state; the section, township and range as applicable or if in a land grant, so stated; and if the plat is a replat, amendment or addition to an existing subdivision, it shall include the words "section," "unit," "replat," "amendment," or the like.
5. Description. There shall be lettered or printed upon the plat a full and detailed description of the land embraced in the plat. The description shall show the section, township and range in which the lands are situated or if a land grant, so stated, and

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

shall be so complete that from it without reference to the map the starting point can be determined and the boundaries identified.

6. Index. The plat shall contain a sheet index on page 1, showing the entire subdivision on the sheet indexing the area shown on each succeeding sheet and each sheet shall contain an index delineating that portion of the subdivision shown on that sheet in relation to the entire subdivision. When more than 1 sheet shall be used to accurately portray the lands subdivided, each sheet shall show the particular number of that sheet and the total number of sheets included as well as clearly labeled match lines to each sheet.
7. Survey data. The final plat shall comply with F.S. Ch. 177, and shall show the length of all arcs together with central angles, radii, chord bearing, chord length and points of curvature. Sufficient survey data shall be shown to positively describe the boundary of each lot, block, right-of-way, easement, required conservation or preserve area and all other like or similar areas shown on the plat or within the boundary of the plat as shown in the description. The survey data contained on the plat shall also include:
 - a. The cover sheet or first page of the plat shall show a location plan, showing the subdivision's location in reference to other areas of the county;
 - b. The scale, both stated and graphically illustrated, on each graphic sheet;
 - c. A north arrow shall be drawn on each sheet that shows the geometric layout and the configuration of the property to be platted. The north direction shall be at the top or left margin of the map where practicable;
 - d. The minimum size for any letter or numeral shall be 1/10 inch;
 - e. The points of beginning and the commencement shall be boldly shown for any metes and bounds description;
 - f. All intersecting street right-of-way lines shall be joined by a curve with a minimum radius of 25 feet;
 - g. All adjoining property shall be identified by a subdivision title, plat book and page or if unplatted, the land shall be so designated;
 - h. Permanent reference monuments shall be shown in the manner prescribed by F.S. Ch. 177, as amended, and shall be installed prior to recording of the final plat;
 - i. There shall be reserved a space in the upper right-hand corner of each sheet for the words "Plat Book _____" and "Page _____" with the minimum letter size of ¼ inch. On the line directly below, a space for "Sheet _____ of _____.";
 - j. The map shall mathematically close and when practical shall be tied to all section, township and range lines occurring within the subdivision by distance and bearing where applicable; and

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.

16. Basis of bearings. The basis of bearings must be clearly stated, i.e., whether to "True North," "Grid North" as established by the National Oceanic Society (NOS), "Assumed North," etc., and must be based on a well-defined line.
17. Existing or recorded streets. The plat shall show the name, location, and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat, accurately tied to the boundary of the plat by bearings and distances.
18. Private streets and related facilities. All streets and their related facilities designed to serve more than 1 **property owner** shall be dedicated to the public use; however private streets shall be permitted within property under single ownership or control of a property Home Owners' Association a condominium or cooperative association or other like or similar entity. Where private streets are permitted, ownership and maintenance association documents shall be submitted with the final plat and the dedication contained on the plat shall clearly dedicate the roads and maintenance responsibility to the association without responsibility to the county or any other public agency. The rights-of-way and related facilities shall be identified as tracts for roads and other purposes under specific ownership. All private streets shall be constructed in the same manner as public streets and the submission of construction plans with required information shall apply equally to private streets.
19. Preserve Setbacks. The required preserve principal structure setback line and the accessory structure setback lines shall be clearly indicated and labeled on the final plat where applicable. The boundaries of all required easements shall be dimensioned on the final subdivision plat. Required protected/preserve areas shall be identified as separate tracts or easements having access to them from a platted right-of-way. No individual residential or commercial lot or parcel lines may project into them when platted as a tract. If the protected/preserve area is determined to be jurisdictional in nature, verification must be provided which documents the approval of the boundary limits from the appropriate local, state or federal agencies having jurisdiction and when applicable pursuant to the requirements and provisions of the Growth Management Plan. ⇔ See **LDC section 6.01.02** for further information.
20. Certification and approvals. The plat shall contain, except as otherwise allowed below, on the first page (unless otherwise approved by the County Manager or Designee and office of the county attorney prior to submittal) the following certifications and approvals, acknowledged if required by law, all being in substantially the form set forth in Appendix C to the **LDC**. The geometric layout and configuration of the property to be platted shall not be shown on the page(s) containing the certifications, approvals and other textual data associated with the plat when practical.
 - a. Dedications. The purpose of all dedicated or reserved areas shown on the plat shall be defined in the dedication on the plat. All areas dedicated for use by the residents of the subdivision shall be so designated and all areas dedicated for public use, such as parks, rights-of-way, easements for drainage and conservation purposes and any other area, however

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

designated, shall be dedicated by the owner of the land at the time the plat is recorded. Such dedication and the responsibility for their maintenance shall require a separate acceptance by resolution of the Board of County Commissioners. No dedication items shall be included in the general note for the plat;

- b. Mortgagee's consent and approval. Identification of all mortgages and appropriate recording information together with all mortgagees' consents and approvals of the dedication shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged in the same manner as deeds are required to be witnessed and acknowledged. In case the mortgagee is a corporation, the consent and approval shall be signed on behalf of the corporation by the president, vice-president or chief executive officer. At the **applicant's** option, mortgagee's consents do not have to be included on the plat to be recorded, so long as they are provided as fully executed and acknowledged separate instruments along with the plat recording submittal;
- c. Certification of surveyor. The plat shall contain the signature, registration number and official seal of the land surveyor, certifying that the plat was prepared under his responsible direction and supervision and that the survey data compiled and shown on the plat complies with all of the requirements of F.S. ch. 177, part I, as amended. The certification shall also state that permanent reference monuments (P.R.M.), have been set in compliance with F.S. chapter 177, part I, as amended, and this section, and that permanent control points (P.C.P.s) and lot corners will be set under the direction and supervision of the surveyor prior to final acceptance of required improvements. Upon installation of the P.C.P.s, the surveyor must submit to the County Manager or designee written certification that the installation work has been properly completed. When required improvements have been completed prior to the recording of a plat, the certification shall state the P.C.P.s and lot corners have been set in compliance with the laws of the State of Florida and ordinances of Collier County. When plats are recorded and improvements are to be accomplished under performance security posted as provided for by this section, the required improvements and performance guarantee shall include P.C.P.s;
- d. Surveyor's seal. The surveyor of record shall sign and seal copies of the plat submitted for approval;
- e. Signature block for county attorney. The plat shall contain the approval and signature block for the county attorney;
- f. Signature block for Board of County Commissioners and clerk of circuit court. The plat shall contain the approval and signature block for the Board of County Commissioners and the acknowledgement and signature block of the clerk of circuit court;

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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | Subdivision Procedures

- g.** Evidence of title. A title certification or opinion of title complying with section 177.041, F.S., must be submitted with the plat. The evidence of title provided must state or describe: (1) that the lands as described and shown on the plat are in the name, and record title is held by the person, persons or organization executing the dedication, (2) that all taxes due and payable at the time of final plat recording have been paid on said lands, (3) all mortgages on the land and indicate the official record book and page number of each mortgage. The evidence of title may, at the **applicant's** discretion, be included on the first page of the plat, so long as the information required by section 177.041, F.S., and this paragraph is clearly stated, an effective date is provided, and the statement is properly signed; and
- h.** Instrument prepared by. The name, street and mailing address of the natural person who prepared the plat shall be shown on each sheet. The name and address shall be in statement form consisting of the words, "This instrument was prepared by (name), (address)."

Completeness and Processing of Application

↔ *See Chapter 1 D.5 for the acceptance and processing of an application.*

Notice

No notice is required.

Public Hearing

The BCC shall hold at least 1 advertised public hearing.

Decision Maker

The BCC.

Review Process

The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with **LDC** sections **10.02.04 B** and **10.02.04 C** and other provisions of the **LDC**.

Once submitted for review, the construction plans and final subdivision plat application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the **applicant**. If a response is not received within this time, the application will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees.

The County Manager or designee will provide a recommendation to the Board of County Commissioners to approve, approve with conditions, or deny the final subdivision plat.

Pre-Construction Meeting

A pre-construction meeting shall be scheduled with the Development Review Division prior to the commencement of construction.

↔ *See Chapter 1 D.9 for additional information regarding the pre-construction meeting requirements.*

Re-submittal of Construction Plans and Final Subdivision Plats

Upon re-submittal of construction plans and final subdivision plat, the **engineer** shall identify all revisions to the construction plans by lettering or numbering; the surveyor shall identify all revisions to the plat by highlighting the current revisions. The **applicant**

Exhibit A – Administrative Code Amendment

Text underlined is new text to be added.
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Collier County Land Development Code | *Administrative Procedures Manual*

Chapter 5 | *Subdivision Procedures*

shall also provide a written response to the county's comments, responding to each comment individually.

Digital Submittal Requirements After the construction plans and final subdivision plat has been approved by the County Manager or designee for compliance, the **applicant** shall submit the following:

1. The **applicant's** professional **engineer** shall submit a digitally created construction/site plan documents; and
2. 1 CDROM of the master plan file, including, where applicable, easements, water/wastewater facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered surveyor and mapper. All information shall have a maximum dimensional error of +0.5 feet. Files shall be in an AutoCad (DWG) or Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. right-of-way—ROW, centerlines—CL, edge-of-pavement—EOP, etc.). For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (parcels, lots, and requisite annotation) shall be drawn on a unique information layer, with all linework pertaining to the property feature located on that layer. Example: parcels—All lines that form the parcel boundary will be located on 1 parcel layer. Annotations pertaining to property information shall be on a unique layer. Example: lot dimensions—Lottxt layer. All construction permits required from local, state and federal agencies must be submitted to the County Manager or designee prior to commencing development within any phase of a project requiring such permits.

Recording Process The final subdivision plat shall be recorded pursuant to **LDC** section **10.02.04 F**.

↔ *See Chapter 5 G. of the Administrative Code.*

Updated [Resolution 2024-XX](#)

1

2 G. Plat Recording

Reference **LDC** section **10.02.04 F**.

Applicability This procedure is to ensure proper legal description, identification, documentation, and recording of real estate boundaries. This procedure occurs after approval of the final subdivision plat by the BCC.

No building permit for habitable structures shall be issued prior to approval by the BCC and recordation of the final subdivision plat, except as identified in **LDC** sections ~~5.05.04 5.04.04, and 10.02.04 B.6~~, and 10.02.04 B.4.

Pre-Application A pre-application meeting will have occurred at the time of submittal of the construction plans and final subdivision plat or minor final subdivision plat.

Exhibit A – Administrative Code Amendment

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Chapter 5 | *Subdivision Procedures*

Initiation The **applicant** files an “*Application for Plat Recording (PR)*” with the Development Review Division.

↔ *See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.*

Application Contents The application must include the following:

1. **Applicant contact information.**
2. Original PPL number.
3. Construction and Maintenance Agreement.
4. Original sepia mylar of the final subdivision plat, with surveyor’s certification that the mylar contains no revisions from the most recent submittal of the final subdivision plat to the Development Review Division.
5. Pursuant to **LDC** section **10.02.04 F.3**, an original title opinion from an attorney licensed to practice in the State of Florida, which contains the following:
 - a. A legal description of at least the lands being platted;
 - b. A statement that the attorney is licensed to practice in the State of Florida and that the attorney has examined title to the subject real property, if a title opinion is being provided;
 - c. Identification of the exact name of any person who is the record owner of the subject real property and a specific citation to the official records book and page, where each record legal owner obtained title to the subject real property. The title information shall have attached thereto a copy of said instrument(s) of conveyance; and
 - d. Identification of liens, encumbrances, easements, or matters shown or that should be shown as exclusions to coverage on a title insurance policy. As may be applicable, the title information shall include in a neatly bound fashion, and make citation to the recording information of, all referenced liens, encumbrances, easements, or exclusions. The title information shall have attached thereto a copy of any such instruments.
6. Joinder and consent of mortgagee, if applicable.
7. If any dedications, grants, conveyances, easements, consents (including mortgagee consents), reservations, covenants, or other like instruments are to be recorded simultaneously with the final subdivision plat, appropriate fees and original documentation must be provided to the County Manager or designee for processing and recording by the Clerk of Courts prior to, or simultaneously with, the recording of the final subdivision plat.
8. Home Owner Association Documents, if applicable.
9. Affidavit by surveyor.

Exhibit A – Administrative Code Amendment

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Chapter 5 | Subdivision Procedures

- Supporting “gap” title information**
1. Pursuant to **LDC** section **10.02.04 F.3**, within 60 days of recordation of the final subdivision plat the **applicant** shall submit to the County Manager or designee final supporting "gap" title information.
 2. The final supporting title information must meet all of the requirements in the above (Plat Recording – Application Contents).
 3. The effective date of the supporting "gap" title information must be through the date of recordation of the final subdivision plat and must, at a minimum, cover the "gap" between the time the effective date of the information required above (Plat Recording – Application Contents) and the date and time of recording of the final plat.
 4. The title information must identify and provide copies of any recorded documentation of the holders of any estates, liens, encumbrances, or easements not properly included or joined in the dedication or consents on the final subdivision plat. The supporting "gap" title information must have attached a copy of any required instruments not previously provided in connection with submittals for the final plat's recording.

Completeness and Processing of Application ⇔ *See Chapter 1 D.5 for the acceptance and processing of an application.*

Notice No notice is required.

Public Hearing No public hearing is required.

Decision Maker The County Manager or Designee.

Review Process The Development Review Division will review the application and identify whether additional materials are needed pursuant to **LDC** section **10.02.04 F**.
The Development Review Division will submit the final subdivision plat materials to the Collier County Clerk of Courts for recording.

Digital Submittal Requirements After the final subdivision plat has been approved by the County Manager or designee for compliance the **applicant** shall submit the following:

1. The **applicant's** professional **Engineer** shall submit a digitally created construction/site plan documents; and
2. 1 CDROM of the master plan file, including, where applicable, easements, water/wastewater facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered surveyor and mapper. All information shall have a maximum dimensional error of +0.5 feet. Files shall be in an AutoCad (DWG) or Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. right-of-way—ROW, centerlines—CL, edge-of-pavement—EOP, etc.). For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (parcels, lots, and requisite annotation) shall be drawn on a

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Chapter 5 | *Subdivision Procedures*

unique information layer, with all linework pertaining to the property feature located on that layer. Example: parcels—All lines that form the parcel boundary will be located on 1 parcel layer. Annotations pertaining to property information shall be on a unique layer. Example: lot dimensions—Lottxt layer. All construction permits required from local, state and federal agencies must be submitted to the County Manager or designee prior to commencing development within any phase of a project requiring such permits.

Updated [Resolution 2024- XX](#)

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Exhibit B – Statutory References

CHAPTER 2024-210

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 812

An act relating to expedited approval of residential building permits; creating s. 177.073, F.S.; providing definitions; requiring certain governing bodies, by a date certain, to each create a program to expedite the process for issuing residential building permits before a final plat is recorded; requiring the expedited process to include a certain application; prohibiting the application or local government final approval from altering or restricting the number of building permits requested under certain circumstances; requiring certain governing bodies to update their program in a specified manner; providing applicability; requiring a governing body to create certain processes for purposes of the program; authorizing applicants to use a private provider to expedite the process for certain building permits; requiring a governing body to establish a registry of qualified contractors for a specified purpose; prohibiting such qualified contractors hired to review an application from having a conflict of interest with the applicant; defining the term “conflict of interest”; authorizing a governing body to issue addresses and temporary parcel identification numbers for specified purposes; requiring a governing body to issue a specified number or percentage of building permits requested in an application when certain conditions are met; setting forth certain conditions for applicants who apply to the program; providing that an applicant has a vested right in an approved preliminary plat when certain conditions are met; prohibiting a governing body from making substantive changes to a preliminary plat without written consent; requiring an applicant to indemnify and hold harmless certain entities and persons; providing an exception; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 177.073, Florida Statutes, is created to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.—

(1) As used in this section, the term:

(a) “Applicant” means a homebuilder or developer who files an application with the local governing body to identify the percentage of planned homes, or the number of building permits, that the local governing body must issue for a residential subdivision or planned community.

(b) “Final plat” means the final tracing, map, or site plan presented by the subdivider to a governing body for final approval, and, upon approval by the appropriate governing body, is submitted to the clerk of the circuit court for recording.

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Exhibit B – Statutory References

Ch. 2024-210

LAWS OF FLORIDA

Ch. 2024-210

(c) “Local building official” has the same meaning as in s. 553.791(1).

(d) “Plans” means any building plans, construction plans, engineering plans, or site plans, or their functional equivalent, submitted by an applicant for a building permit.

(e) “Preliminary plat” means a map or delineated representation of the subdivision of lands that is a complete and exact representation of the residential subdivision or planned community and contains any additional information needed to be in compliance with the requirements of this chapter.

(f) “Qualified contractor” includes, but is not limited to, an engineer or engineering firm licensed under chapter 471; a surveyor or mapper or a surveyor’s or mapper’s firm licensed under chapter 472; an architect or architecture firm licensed under part I of chapter 481; a landscape architect or landscape architecture firm registered under part II of chapter 481; or any other qualified professional who is certified in urban planning or environmental management.

(2)(a) By October 1, 2024, the governing body of a county that has 75,000 residents or more and any governing body of a municipality that has 10,000 residents or more and 25 acres or more of contiguous land that the local government has designated in the local government’s comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes shall create a program to expedite the process for issuing building permits for residential subdivisions or planned communities in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes, not to exceed 50 percent of the residential subdivision or planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community. The application or the local government’s final approval may not alter or restrict the applicant from receiving the number of building permits requested, so long as the request does not exceed 50 percent of the planned homes of the residential subdivision or planned community or the number of building permits. This paragraph does not:

1. Restrict the governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

2. Apply to a county subject to s. 380.0552.

(b) A governing body that had a program in place before July 1, 2023, to expedite the building permit process, need only update their program to approve an applicant’s written application to issue up to 50 percent of the building permits for the residential subdivision or planned community in order to comply with this section. This paragraph does not restrict a

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Exhibit B – Statutory References

1

Ch. 2024-210

LAWS OF FLORIDA

Ch. 2024-210

governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

(c) By December 31, 2027, the governing body of a county that has 75,000 residents or more and any governing body of a municipality that has 10,000 residents or more and 25 acres or more of contiguous land that the local government has designated in the local government's comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes shall update their programs to expedite the process for issuing building permits for residential subdivisions or planned communities in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes, not to exceed 75 percent of the residential subdivision or planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community. This paragraph does not:

1. Restrict the governing body from issuing more than 75 percent of the building permits for the residential subdivision or planned community.

2. Apply to a county subject to s. 380.0552.

(3) A governing body shall create:

(a) A two-step application process for the adoption of a preliminary plat, inclusive of any plans, in order to expedite the issuance of building permits under this section. The application must allow an applicant to identify the percentage of planned homes or the number of building permits that the governing body must issue for the residential subdivision or planned community.

(b) A master building permit process consistent with s. 553.794 for applicants seeking multiple building permits for residential subdivisions or planned communities. For purposes of this paragraph, a master building permit is valid for 3 consecutive years after its issuance or until the adoption of a new Florida Building Code, whichever is earlier. After a new Florida Building Code is adopted, the applicant may apply for a new master building permit, which, upon approval, is valid for 3 consecutive years.

(4)(a) An applicant may use a private provider pursuant to s. 553.791 to expedite the application process for building permits after a preliminary plat is approved under this section.

(b) A governing body shall establish a registry of at least three qualified contractors whom the governing body may use to supplement staff resources in ways determined by the governing body for processing and expediting the review of an application for a preliminary plat or any plans related to such application. A qualified contractor on the registry who is hired pursuant to this section to review an application, or any part thereof, for a preliminary

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Exhibit B – Statutory References

Ch. 2024-210

LAWS OF FLORIDA

Ch. 2024-210

plat, or any part thereof, may not have a conflict of interest with the applicant. For purposes of this paragraph, the term “conflict of interest” has the same meaning as in s. 112.312.

(5) A governing body may work with appropriate local government agencies to issue an address and a temporary parcel identification number for lot lines and lot sizes based on the metes and bounds of the plat contained in the application.

(6) The governing body must issue the number or percentage of building permits requested by an applicant in accordance with the Florida Building Code and this section, provided the residential buildings or structures are unoccupied and all of the following conditions are met:

(a) The governing body has approved a preliminary plat for each residential subdivision or planned community.

(b) The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities.

(c) The applicant holds a valid performance bond for up to 130 percent of the necessary improvements, as defined in s. 177.031(9), that have not been completed upon submission of the application under this section. For purposes of a master planned community as defined in s. 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis.

(7)(a) An applicant may contract to sell, but may not transfer ownership of, a residential structure or building located in the residential subdivision or planned community until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

(b) An applicant may not obtain a temporary or final certificate of occupancy for each residential structure or building for which a building permit is issued until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

(8) For purposes of this section, an applicant has a vested right in a preliminary plat that has been approved by a governing body if all of the following conditions are met:

(a) The applicant relies in good faith on the approved preliminary plat or any amendments thereto.

(b) The applicant incurs obligations and expenses, commences construction of the residential subdivision or planned community, and is continuing in good faith with the development of the property.

(9) Upon the establishment of an applicant’s vested rights in accordance with subsection (8), a governing body may not make substantive changes to the preliminary plat without the applicant’s written consent.

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Ch. 2024-210

LAWS OF FLORIDA

Ch. 2024-210

(10) An applicant must indemnify and hold harmless the local government, its governing body, its employees, and its agents from liability or damages resulting from the issuance of a building permit or the construction, reconstruction, or improvement or repair of a residential building or structure, including any associated utilities, located in the residential subdivision or planned community. Additionally, an applicant must indemnify and hold harmless the local government, its governing body, its employees, and its agents from liability or disputes resulting from the issuance of a certificate of occupancy for a residential building or structure that is constructed, reconstructed, improved, or repaired before the approval and recordation of the final plat of the qualified project. This indemnification includes, but is not limited to, any liability and damage resulting from wind, fire, flood, construction defects, bodily injury, and any actions, issues, or disputes arising out of a contract or other agreement between the developer and a utility operating in the residential subdivision or planned community. However, this indemnification does not extend to governmental actions that infringe on the applicant's vested rights.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 29, 2024.

Filed in Office Secretary of State May 29, 2024.

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LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL2040005299

ORIGIN

Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

This Land Development Code (LDC) amendment proposes to define transit stop and major transportation hub. LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR Subcommittee).

HEARING DATES

Board	TBD
CCPC	TBD
DSAC	08/07/2024
DSAC-LDR	07/29/2024 05/21/2024

LDC SECTION TO BE AMENDED

1.08.02 Definitions

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval

DSAC
TBD

CCPC
TBD

BACKGROUND

On April 9, 2024, the Board was asked to review and approve staff’s administrative application process for projects intending to utilize the provisions of Florida Statutes section 125.01055(7)(a) through (e), commonly known as SB 102 or the Live Local Act. The Live Local Act preempts local government from regulating specific development standards for certain projects providing affordable housing.

One topic that the Board discussed, is the requirement for the County to consider a reduction of parking requirements for a proposed development located within one-half mile of a “*major transit stop*.” The Live Local Act specifically stated:

“A county must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the county’s land development code, and the major transit stop is accessible from the development.”

During the Board’s discussion, concern was raised with this requirement because the County’s LDC does not currently define “major transit stop” and therefore, the application of this provision has been left to staff’s interpretation. Staff’s initial interpretation of a “major transit stop” included all bus stops along Collier Area Transit (CAT) bus routes that include a covered bench structure. However, after discussing the matter at the meeting and disagreeing with staff’s interpretation, the Board unanimously voted to define “major transit stop” as a public transit stop that would be represented by three existing CAT transfer stations located at: 1) Government Center Transfer Station (3355 East Tamiami Trail, Naples); 2) Radio Road Transfer Station (CAT Headquarters) (8300 Radio Road, Naples); and 3) Florida Department of Health Immokalee Office (419 N 1st Street, Immokalee). These three transfer stations include public transportation services for four or more bus routes and include public parking facilities for passengers to utilize.

While staff was drafting the proposed definition for “major transit stop,” SB 328 was approved by the Florida Senate and the Florida House of Representatives. SB 328 is an amendment to the Live Local Act and revises several sections of the Act. One revision includes removal of “major” from “major transit stop”, and incorporation of a new term “major transportation hub” which is defined in the bill text as:

“Any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.”

SB 328 was signed by the Governor on May 16, 2024. Due to the revisions of the Live Local Act through SB 328, staff prepared a definition for “transit stop” and “major transportation hub.”

DSAC-LDR Subcommittee Recommendation:

On May 21, 2024, the DSAC-LDR Subcommittee recommended that staff change the requested definition from “major transit stop” to “transit stop” and “major transportation hub” and recommended the following:

1. Provide a definition for “transit stop” that includes a reference to “publicly funded transportation agency” as opposed to naming CAT specifically.

Staff updated the LDC to more align with Florida Statutes and this new version was presented to the DSAC-LDR Subcommittee on July 29, 2024, when it was unanimously approved.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts anticipated with this amendment.

GMP CONSISTENCY

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

EXHIBITS: None

Amend the LDC as follows:

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1.08.02 – Definitions

* * * * *

Lot of record: A lot of record is (1) a lot which is part of a subdivision recorded in the public records of Collier County, Florida; or (2) a lot, parcel, or the least fractional unit of land or water under common ownership which has limited fixed boundaries, described by metes and bounds or other specific legal description, the description of which has been so recorded in the public records of Collier County, Florida, on or before the effective date of this LDC; or (3) a lot, parcel, or the least fractional unit of land or water under common ownership which has limited fixed boundaries, for which an agreement for deed or deed was recorded prior to October 14, 1974, if within the former Coastal Area Planning District, and January 5, 1982, if within the former Immokalee Area Planning District.

Major transportation hub: Any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options. In the context of Florida Statutes sections 125.01055 and 166.04151, three major transportation hubs located within the County are as follows: Government Center Transfer Station, Radio Road Transfer Station, and Immokalee Transfer Station.

Marina: A boating facility, chiefly for recreational boating, located on navigable water frontage, and providing all or any combination of the following: boat slips or dockage, dry boat storage, small boat hauling or launching facilities, marine fuel and lubricants, marine supplies, bait and fishing equipment, restaurants, boat and boat motor sales, and rentals. Does not include dredge, barge, or other work-dockage or service, boat construction or reconstruction, or boat sales lot.

* * * * *

Transfer of development rights: The transfer of development rights from one parcel to another parcel in a manner that allows an increase in the density or intensity of development on the receiving property with a corresponding decrease in the remaining development rights on the sending property.

Transit stop: A designated area along a fixed, transit route where buses of a local, publicly funded transportation agency stop to load and unload passengers.

Vegetation, Category I Invasive Exotic: Invasive exotic vegetation that alters native vegetation communities by: displacing native plant species, changing the structure or ecological functions of native plant communities, or hybridizing with native species; which includes all species of vegetation listed on the 2003 Florida Exotic Pest Plant Council's List of Invasive Species, under Category I.





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Development Services Advisory Committee

Attendance Roster – Date: August 7, 2024

DSAC Members

****Must have (8) members for a quorum****

James Boughton: Excused	Norman Gentry:
Clay Brooker: Excused	Mark McLean: 
Jeffrey Curl: Excused	Chris Mitchell: 
Laura Spurgeon DeJohn: 	Robert Mulhere: 
David Dunnivant: 	Jeremy Sterk: 
John English: 	Mario Valle:
Marco Espinar: 	William Varian: 
Blair Foley: 	Hannah Roberts: 

Staff Members

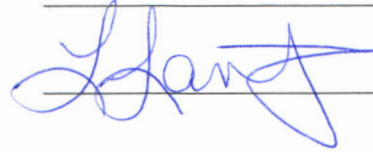
Attendance Roster – Date: August 7, 2024

James French
Department Head, GMCDD

Thomas landirmarino
Director, Code Enforcement

Present

Jay Ahmad or designee
Director, Transportation Engineering



Matt McLean or designee
Director, Public Utilities

Michael Stark
Director, Operation & Regulatory Support

Jaime Cook
Director, Development Review

Present

Michael Bosi
Director, Planning & Zoning

Present

Christopher Mason
Director, Community Planning & Resiliency



Cormac Giblin
Director, Housing Policy and Economic Development

Present

Diane Lynch, Management Analyst
Staff Liaison, Operations & Regulatory Management

Rey Torres Fuentes, Operations Support Specialist I
Staff Liaison, Operations & Regulatory Management

Present

Other County Staff Presenting NOT listed above.

Name	Signature
Richard Henderlong Planner III, Zoning	Present
Eric Johnson Manager – Planning, Zoning	Present
William Lang CRS Coord - CP: R	

Memorandum

To: Development Services Advisory Committee (DSAC)
From: Richard Henderlong, Planner III
Date: August 07, 2024
Re: Agenda Item 6.b., PL20240008157 – Updated Approval of Residential Building Permits

The DSAC-Land Development Review Subcommittee reviewed the above referenced LDC amendment at their meeting on July 29, 2024. Staff recently received additional feedback from the County Attorney's Office, prompting subsequent changes to the LDC amendment and Administrative Code. These changes and corrections are described below:

Land Development Code changes:

1. In LDC section 1.08.00 Abbreviations, include the removal of the abbreviation for "preliminary subdivision plat". (page 3 line 7, packet page 105).
2. In LDC section 2.03.02 G., correct typographical error (page 9 line 15 packet page 111), to change "a." to "b." Accessory uses.
3. Modify LDC section 10.02.04 B 4.d. to delete the words "preliminary and" (on page 26 line 4, packet page 128) and change the second sentence as follows: "Subdivision performance security shall be in accordance with LDC section 10.02.04 F.2.b.i. and the construction and maintenance agreement shall be in accordance with LDC section 10.02.04 F.3.e., when utilizing F.S. 177.073." (page 26 lines 7 to 9).
4. Modify LDC section 10.02.04 F 2, the beginning sentence to read as follows: "Posting of subdivision performance security at the time of recording or at Board approval when utilizing F.S. 177.073." (page 27 lines 40 and 41, packet page 129).

Administrative Code changes:

1. Delete pages 32 to 34, packet pages 134 to 136, since Chapter 5 G. Plat Recording is repeated on pages 53 to 56, packet pages 155 to 158.
2. Modify Chapter 5 D.1 Construction Plans and Final Subdivision Plat-Standard, in subsection "Application Contents", item 16. f. iv. (on page 43, packet page 145), to read as follows: "For projects with a plat per F.S. 177.073, include the number and percentages of proposed homes to receive building permits prior to plat recording." Further insert two new items (on page 44, packet page 146) as follows: "28. For projects with a plat per F.S. 177.073, proposing homes to receive building permits prior to plat recording: a. Provide the number or percentage of proposed homes to be permitted prior to plat recording; b. Construction and

Maintenance Agreement; and c. Performance bond in accordance with LDC section 10.02.04 F.3.e.” and “29. Engineer’s Opinion of Probable Cost (Paving, grading, and drainage).”.

In subsection “Review Process”, (on page 52, packet page 154) include the following new paragraph:

*“For **applicants** requesting building permits before plat recording, the county will stamp the final plat as “Preliminary Plat for Building Permit Issuance” after Board approval of the plat and receipt of the fully executed construction and maintenance agreement and performance security after County Attorney approval.”*

3. Include Chapter 5 F. Minor Final Subdivision (FP) and in subsection “Application Contents” insert a new item to read as follows: *“16. For projects with a plat per F.S. 177.073, proposing homes to receive building permits prior to plat recording: **a.** Provide the number or percentage of proposed homes to be permitted prior to plat recording; **b.** Construction and Maintenance Agreement; and **c.** Performance bond in accordance with LDC section 10.02.04 F.3.e.”.*

Staff is seeking a recommendation of approval to the aforementioned LDC textual changes with companion Administrative Code as presented or an approval with conditions for PL20240008157.