



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

**Tuesday, August 19, 2025
3:00 pm**

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

**Growth Management Community Development
Conference Rooms 609/610**

Please contact Eric Johnson at (239) 252-2931 or
Eric.Johnson@colliercountyfl.gov if you have any questions or
wish to meet with staff.



DSAC – Land Development Review Subcommittee 2025 Land Development Code Amendments

Agenda

Tuesday, August 19, 2025

3:00 pm

2800 Horseshoe Drive N., 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. Old Business
4. New Business
 - a. PL20250005385 – Scrivener’s Errors and Cross-Reference Corrections
 - b. PL20250006145 – Removal of Prohibited Exotic Vegetation
 - c. PL20250007882 – Administrative Plat Approval
5. Public Speakers
6. Upcoming DSAC-LDR Subcommittee Meeting Dates Discussion:
 - a. Tuesday, September 16, 2025
 - b. Tuesday, November 18, 2025
7. Adjourn

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20250005385

ORIGIN

 Growth Management
Community Development
Department (GMCDD)

SUMMARY OF AMENDMENT

This amendment corrects the scrivener's errors and updates cross-references related to various Land Development Code (LDC). LDC amendments are reviewed by the Board of County Commissioners (BCC), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR).

HEARING DATES

BCC	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	08/19/2025

LDC SECTION TO BE AMENDED

1.08.01	Abbreviations
1.08.02	Definitions
2.01.03	Essential Services
2.03.07	Overlay Zoning Districts
2.03.08	Rural Fringe Zoning Districts
3.05.07	Preservation Standards
3.05.10	Littoral Shelf Planting Area (LSPA)
4.02.14	Design Standards for Development in the ST and ACSC-ST Districts
4.02.16	Design Standards for Development in the Bayshore Gateway Triangle Community Redevelopment Area
4.03.03	Subdivisions Exemptions
4.03.04	Lot Line Adjustment and Lot Split
4.06.05	General Landscaping Requirements
4.08.05	Baseline Standards
5.04.05	Temporary Events
5.05.04	Group Housing
5.05.08	Architectural and Site Design Standards
5.05.12	Specific Standards for Public Utility Ancillary Systems in Collier County
5.06.04	Development Standards for Signs in Nonresidential Districts
6.06.03	Streetlights
10.02.03	Requirements for Site Development, Site Improvement Plans and Amendments thereof
10.02.08	Requirements for Amendments to the Official Zoning Atlas
APPENDIX A	STANDARD PERFORMANCE SECURITY DOCUMENTS FOR REQUIRED IMPROVEMENTS
APPENDIX C	FINAL SUBDIVISION PLAT REQUIRED CERTIFICATIONS AND SUGGESTED TEXT AND FORMATS FOR OTHER REQUIRED INFORMATION

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

This LDC amendment corrects scrivener's errors and updates various citations/references throughout the LDC. This staff-led effort required collaboration between the GMCDD Zoning and Development Review divisions. These changes are necessary to keep citations current and text appropriate. Research into relevant codes was applied for validity. This amendment proposes corrections in the following LDC sections:

Agency Name Updates: Department of Community Affairs "DCA" to Department of Commerce "DOC" (aka FloridaCommerce)"

- LDC sections 1.08.01: 2.01.03 B.f.: and 4.02.14 D.

Invasive Species Council Agency Name Updates (FLEPPC to FISC)

- LDC section 1.08.01.: Addition of "Florida Invasive Species Council (FISC)".
- LDC section 1.08.02.: Removal of 2003 Florida Exotic Pest Plant Council's List.
- LDC section 3.05.07.F.3.f.vi.
- LDC section 3.05.07.F.3.g.i.d.
- LDC section 4.02.16.E.3.6.
- LDC section 4.06.05.F1.a.: (3 updates: name, website, acronym)
- LDC section 4.08.05.M.8.c.

Department Name Update: Growth Management to Growth Management Community Development Department

- LDC section 2.03.08.A.1.a.
- LDC section 4.03.04.B.
- LDC section 4.03.04.C.4.
- LDC section 5.04.05.A.5.c.i.

Zoning District Name Update: GTMUD to GTZO

- LDC section 4.02.016.C.13.b.i

Section Reference Corrections

- LDC section 2.01.03.B.1.: 4.08.08 C to 4.08.01
- LDC section 3.05.10: 3.05.07 F.4.b to 3.05.07 F.3.g.ii
- LDC section 4.06.05.B.4. to 4.06.05.C
- LDC section 5.05.08.B.4.d.ii: to 4.06.05.C
- LDC section 5.05.12.G: to 4.06.05.C
- LDC sections 2.03.07.P.3.a,: 2.04.03 to 2.03.02.F.1 & 4.02.14
- LDC sections 10.02.03: 10.02.03.A.3.a to 10.02.03.A.5
- LDC section Appendix A: update Development Services to "Development Review"

Spelling/Typographical Corrections

- LDC section 2.03.07.G5.c.11.: Correct the word "forgoing" to "foregoing"
- LDC section 5.04.05.A.5.c.ii: Correct the word "Sherriff's" to "Sheriff's"
- LDC section 5.05.04.D: Correct the phrase "aging-in-pace" to "aging-in-place"
- LDC section 5.06.04.F.2.a: Correct the word "by" to "be"
- LDC section 10.02.08.I.2.a.: Correct the word "dependant" to "dependent"
- LDC section Appendix A: Correct the word "assure" to "ensure"
- LDC section Appendix C: Correct the word "RESPONSIBILTY" to "RESPONSIBILITY"

Technical Standard Updates

- LDC section 6.06.03.A and 6.06.03.C: the lighting design guide "IESNA RP 8.00 and IESNA RP-8.00." to "ANSI/IES RP-8-22"

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts associated with this amendment.

GMP CONSISTENCY

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

EXHIBITS: None

DRAFT

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

Amend the LDC as follows:

1.08.01 – Abbreviations

* * * * *

DCA	Department of Community Affairs
DEP	Department of Environmental Protection
DO	Development Order
<u>DOC</u>	<u>Department of Commerce</u>

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<u>FISC</u>	<u>Florida Invasive Species Council</u>
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1.08.02 – Definitions

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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 latest Florida Exotic Pest Plant Council's List of Invasive Species~~ FISC List of Invasive Plant Species, under Category I.

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2.01.03 Essential Services

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B. Permitted essential services in CON districts, RFMU sending lands, NRPAs, HSAs, and FSAs.

1. Within CON districts, Sending Lands in the RFMU district, NRPAs, and within designated Habitat Stewardship Areas (HSA) and Flow way Stewardship Areas (FSA) within the RLSA overlay district subject to the limitations set forth in LDC section ~~4.08.08-C~~ 4.08.00, the following essential services are permitted:

* * * * *

f. Aviation related uses as approved in the September 11, 2001 Memorandum of Understanding between Collier County Airport Authority and the Intervenor Signatories to the Deltona Settlement Agreement (July 20, 1982), including The Conservancy of Southwest Florida, The National Audubon Society, The Florida Audubon Society, The Environmental Defense Fund, Izaak Walton League, Florida Division, The Florida Department of Environmental Protection, The South Florida Water Management District, The Florida Department of Commerce ~~Community Affairs~~, The Deltona Corporation, and Collier County.

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2.03.07 - Overlay Zoning Districts

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G. Immokalee Urban Overlay District. To create the Immokalee Urban Overlay District with distinct subdistricts for the purpose of establishing development criteria suitable for the unique land use needs of the Immokalee Community. The boundaries of the Immokalee Urban Overlay District are delineated on the maps below.

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5. *Main Street Overlay Subdistrict.* Special conditions for the properties identified in the Immokalee Area Master Plan; referenced on Map 7; and further identified by the designation "MSOSD" on the applicable official Collier County Zoning Atlas Maps. The purpose of this designation is to encourage development and redevelopment by enhancing and beautifying the downtown Main Street area through flexible design and development standards.

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c. Prohibited uses. All uses prohibited within the underlying residential and commercial zoning districts contained within this Subdistrict, and the following uses, shall be prohibited on properties with frontage on Main Street in between First Street and Ninth Street in the Main Street Overlay Subdistrict:

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11. Any other heavy commercial use which is comparable in nature with the foregoing uses and is deemed inconsistent with the intent of this Subdistrict shall be prohibited.

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P. Copeland Zoning Overlay (CZO).

1. *Purpose.* To create development standards which address the unique community characteristics of the Copeland community.
2. *Applicability.* The Copeland Zoning Overlay (CZO) boundary is delineated on the map below, and these standards apply to those portions of the Copeland Community, which are in private ownership and located within the urban designated lands on the Collier County Future Land Use Map.
3. *Permitted uses.*
 - a. All principal and accessory uses permitted by right in the VR-ACSC/ST zoning district as identified in LDC sections 2.04.03 2.03.02.F.1 and 4.02.14 of the LDC ~~as of December 26, 2006~~. In the event any conflicts arise between the underlying zoning district requirements and those contained in the Copeland Zoning Overlay, the requirements of the Copeland Zoning Overlay shall supersede the underlying zoning requirements.

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2.03.08 - Rural Fringe Zoning Districts

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

1. *Purpose and scope.* The purpose and intent of the RFMU District is to provide a transition between the Urban and Estates Designated lands and between the Urban and Agricultural/Rural and Conservation designated lands farther to the east. The RFMU District employs a balanced approach, including both regulations and incentives, to protect natural resources and private property rights, providing for large areas of open space, and allowing, in designated areas, appropriate types, density and intensity of development. The RFMU District allows for a mixture of urban and rural levels of service, including limited extension of central water and sewer, schools, recreational facilities, commercial uses, and essential services deemed necessary to serve the residents of the RFMU District. The innovative planning and development techniques which are required and/or encouraged within the RFMU District were developed to preserve existing natural resources, including habitat for listed species, to retain a rural, pastoral, or park-like appearance from the major public rights-of-way, and to protect private property rights.
 - a. Establishment of RFMU Zoning Overlay District. In order to implement the Rural Fringe Mixed Use District (RFMUD) designation in the Future Land Use Element (FLUE) of the GMP, the RFMU District shall be designated as "RFMUO" on the Official Zoning Atlas and is hereby established. The RFMU District replaces the underlying zoning district where that underlying zoning district is A, Rural Agricultural, except where development

standards are omitted in the RFMU District. The County-wide Future Land Use Map is located in the Future Land Use Element of the GMP or can be obtained from the Growth Management Community Development Department, located at 2800 N. Horseshoe Drive, Naples, FL 34104. The lands included in the RFMU District and to which LDC section 2.03.08 apply are depicted by the following map:

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3.05.07 - Preservation Standards

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F. Wetland preservation and conservation.

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3. RFMU district. Direct impacts of development within wetlands shall be limited by directing such impacts away from high quality wetlands having functionality scores of at least 0.65 WRAP or 0.7 UMAM. This shall be accomplished by adherence to the vegetation retention requirements of LDC section 3.05.07 C above and the following standards:

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- f. Preserved wetlands shall be buffered from other land uses as follows:

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- vi. The buffer shall be maintained free of Category I invasive exotic plants, as defined by the ~~Florida Exotic Pest Plant Council~~ Florida Invasive Species Council.

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- g. Mitigation. Mitigation shall be required for direct impacts to wetlands in order to result in no net loss of wetland functions, in adherence with the following requirements and conditions:

- i. Mitigation Requirements:

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- d) Preserved or created wetland or upland vegetative communities offered as mitigation shall be placed in a conservation easement in accordance with LDC section 3.05.07 H.1.d, provide for initial removal of Category I Invasive Exotic Vegetation as defined by the ~~Florida Exotic~~

~~Pest Plant Council~~ Florida Invasive Species Council and provide for continual removal of exotic vegetation.

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3.05.10 – Littoral Shelf Planting Area (LSPA)

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A. Design requirements.

1. *Area requirements.* The total area of the LSPA shall be calculated as a percentage of the total area of the lake at control elevation. Area requirements vary within the County and are as follows:

a. Rural Fringe Mixed Use District - 30 percent. This requirement may be reduced subject to the Mitigation incentives identified in section ~~3.05.07 F.4.b.;~~ 3.05.07 F.3.g.ii.;

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4.02.14 – Design Standards for Development in the ST and ACSC-ST Districts

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D. Port of the Islands, Copeland, and Plantation Island. Port of the Islands, Copeland, and Plantation Island are developments located within the Urban Designated Area, but are also located within the Big Cypress Area of Critical State Concern. A portion of the Port of the Islands development was determined "vested" by the State of Florida, thus exempting it from the requirements of Ch. 380, F.S. There is an existing development agreement between Port of the Islands, Inc., and the State of Florida, Department of ~~Community Affairs~~ Commerce, dated July 2, 1985, which regulates land uses at Port of the Islands. Development within Port of the Islands shall be regulated by the development agreement and the residential density and commercial intensities shall not exceed that permitted under zoning at time of adoption of the GMP. Development within the Urban Designated Areas of Copeland and Plantation Island shall be reviewed and approved administratively by the County Manager or designee for compliance with Area of Critical State Concern regulations. Development within the Urban Designated Areas of Copeland and Plantation Island shall not be required to go through the process of filing a petition for site alteration or site development plan approval, pursuant to LDC section 4.02.14 G, and not be required to follow the procedures for site alteration plan or site development plan approval pursuant to LDC sections 4.02.14 E, 4.02.14 F.2 and 4.02.14 F.3. This does not exempt development orders required pursuant to Chapter 10 of the Code. There is also an agreement for Plantation Island, between the Board of County Commissioners and the Florida Department of ~~Community Affairs~~ Commerce, to allow site alteration, including dredging and filling of up to 2,500 square feet, regardless of the predevelopment vegetation. This Agreement is recorded in the Official Records, Book 3788, Page 3788, in the public records of Collier County.

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

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

13. Limited Density Bonus Pool Allocation (LDBPA) for multi-family or mixed use developments on two contiguous acres or less.

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

i. The project must comply with the dimensional and design standards of the BZO or ~~GTMD~~ GTZO as applicable.

E. Landscaping and Buffer Requirements

6. Plant Materials: Landscaping in the BZO and GTZO shall utilize tree and shrub plants that are identified in the Collier County Native Plant List in order to minimize maintenance and water demands after establishment. Ornamental plantings should be drought-tolerant in nature, consistent with Florida Yards & Neighborhoods Program, and cross-referenced with the latest ~~Florida Exotic Pest Plant Council (FLEPPC)~~ Florida Invasive Species Council listing of invasive species (Categories I and II).

4.03.03 -Subdivision Exemptions

G. *Rural area subdivision requirements.*

3. Access agreement. The owner of property applying for a building permit shall execute a release and waiver agreement which shall be executed and recorded at the applicant's expense in the official records of Collier County. The release and waiver agreement shall be in a form approved by the county attorney or designee, and shall include, at a minimum, the following provisions and a copy of the recorded agreement submitted with the property owner's building permit application:

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- k. An acknowledgment that the Department of ~~Economic Opportunity Commerce~~ (DEO) may review and appeal any development order issued by Collier County within the Big Cypress Area of Critical State Concern. Also, confirmation that the applicant will execute, prior to issuance of any development order by Collier County, a statement of understanding of the ~~DEO~~ Department of Commerce review requirements in the form approved by the ~~DEO~~ Department of Commerce; and

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4.03.04 - Lot Line Adjustment and Lot Split

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- B. *Lot Line Adjustment.* An adjustment of a lot line between contiguous lots or parcels which may be platted or unplatted and which are under separate ownership, or the same ownership shall be exempt from this section if all of the following conditions are met. The lot line adjustment shall be recorded with the Clerk of Courts within 12 months of approval by the County Manager or designee, and a copy of the recorded document shall be provided to the Growth Management Community Development Department.

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- C. *Lot Split.* All lots must have frontage on a public or private right-of-way, with the exception of one division of a single platted lot or otherwise established lot of record into two lots. Any such lot split may utilize an access easement to satisfy access, and frontage requirements for the lot which would not otherwise have street frontage.

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4. The further split or division of a lot, parcel, or any lot of record into two proposed parcels must be reviewed and approved by the County prior to any subsequent development orders or development permits issued or approved. Evidence of the County approved lot split shall be provided to the Property Appraiser or Clerk of Courts for their consideration and record-keeping. The lot split shall be recorded with the Clerk of Courts within 12 months of approval by the County Manager or designee, and a copy of the recorded document shall be provided to the Growth Management Community Development Department.

4.06.05 - General Landscaping Requirements

A. Landscaping requirements for residential development.

Landscaping for all new development, including single-family, two-family, multifamily and mobile home dwelling unit, shall include, at a minimum, the number of trees set forth below. Areas dedicated as preserves and conservation areas shall not be counted to meet the requirements of this section. Existing trees and other minimum code required landscaping may be credited to meet these requirements pursuant to LDC section 4.06.05 ~~E~~ F.1. Trees shall meet the requirements of LDC section 4.06.05 ~~G~~ D.2. Existing residential development that does not meet the minimum landscaping requirements of this Code shall be required to install the required landscaping before a certificate of occupancy is granted for any improvements to the property.

B. Landscaping requirements for industrial and commercial development. For projects subject to architectural design standards, see LDC section 5.05.08 F. for related provisions.

1. Industrial and commercial developments. One canopy tree per 3,000 square feet of pervious site area, or one canopy tree per lot, whichever is greater.
2. Wireless communication facilities. See LDC section 5.05.09 for landscape requirements that are specific to wireless communication facilities.
3. Littoral shelf planting area (LSPA). All developments that create lake areas shall provide a littoral shelf planting area in accordance with LDC section 3.05.10.

~~4.~~ C. Public utility ancillary system landscaping requirements. Screening and buffering requirements are to be limited to the area surrounding the public utility ancillary system. Ancillary systems that are physically located on a water or wastewater treatment property are not required to be individually fenced and landscaped. Existing, previously permitted public utility ancillary systems are not required to meet the landscaping requirements of this section if an SDPI application is required for modifications. A public utility ancillary system requiring an SDPA will need to meet the landscaping requirements of LDC ~~S~~ section 4.06.00. Canopy trees as described in LDC section 4.06.05 B.1., will not be required. Projections visible above the fence or wall shall be screened from view by sabal palms with a minimum clear trunk height of 8 to 12 feet. Palms may be replaced or supplemented with native trees to enhance screening. Each palm shall be planted 10 feet on center around the perimeter of the fence or wall. Surrounding fences or walls must have at a minimum, ten-gallon shrubs, 5 feet tall at the time of planting, placed 4 feet on center along the exterior perimeter of the surrounding fence or wall. Public utility ancillary systems enclosed in buildings without perimeter fences or walls must have, at a minimum, 2 rows of three-gallon shrubs, 2 feet tall at the time of planting, placed 3 feet on center and offset between rows. In all cases, mature vegetation must provide

an 80 percent sight-obscuring screen equal to 75 percent of the height of the fence or wall, as applicable.

~~a.~~1. Native plant materials shall be used, to the maximum extent practicable, to meet the screening and buffering requirements of this sub-section and the chosen plant materials shall be consistent with the existing native vegetation found on or near the public utility ancillary system site, with the following exceptions:

~~i.~~a. for any disturbed area required to construct a public utility ancillary system that is equal to or greater than 15 feet from the edge of a building or other structure, the disturbed area may be planted with a drought resistant sod such as Bahia; or

~~ii.~~b. for any disturbed area required to construct a public utility ancillary system that is less than 15 feet from the edge of a well house or other structure, the disturbed area may be covered with a sufficient depth of ground cover such as organic mulch, shell, or similar pervious material.

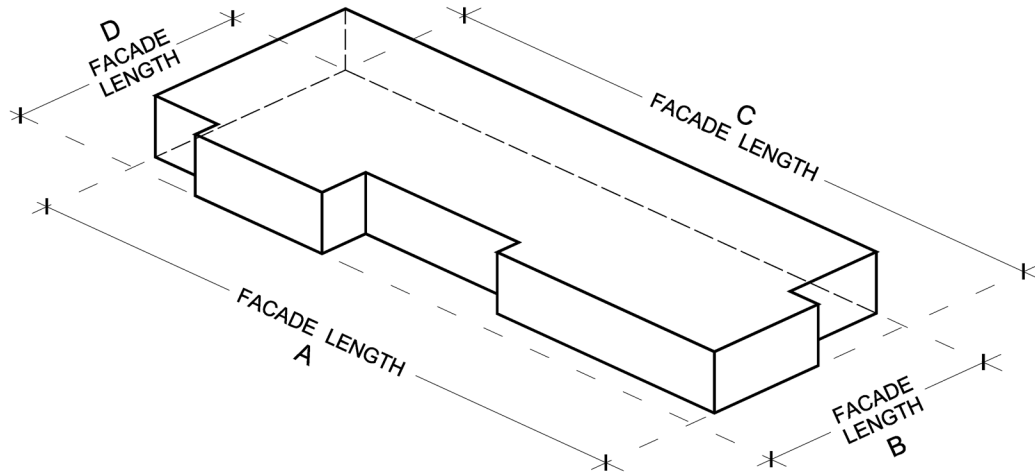
Table 4.06.05 ~~CD~~. Building Foundation Planting Requirements

~~CD~~. Building foundation plantings. All commercial buildings, residential buildings with 3 or more units, and retail and office uses in industrial buildings shall provide building foundation plantings in the amount set forth in table 4.06.05.~~CD~~. and illustration 4.06.05 ~~CD~~. These planting areas shall be located adjacent to building entrance(s), primary façades, and/or along façades facing a street. For projects subject to architectural design standards, see LDC sections 5.05.08 E.—F. for related provisions.

9. All projects may use the following alternatives to meet the requirements of table 4.06.05 ~~DC~~.

c. Vine planted arbors, wall planters, and trellis structures may be used to meet up to 15 percent of the required building foundation planting area.

Illustration 4.06.05.~~DC~~.



Building Foundation Planting Area

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DE. Plant Material Standards.

1. *Quality.* Plant materials used to meet the requirements of this section shall meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, part I and part II, Department of Agricultural, State of Florida (as amended). Root ball sizes on all transplanted plant materials shall also meet state standards.

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- c. Where xeric plants are to be utilized, use the South Florida Water Management District, Xeriscape Plant Guide (as amended) as a reference.

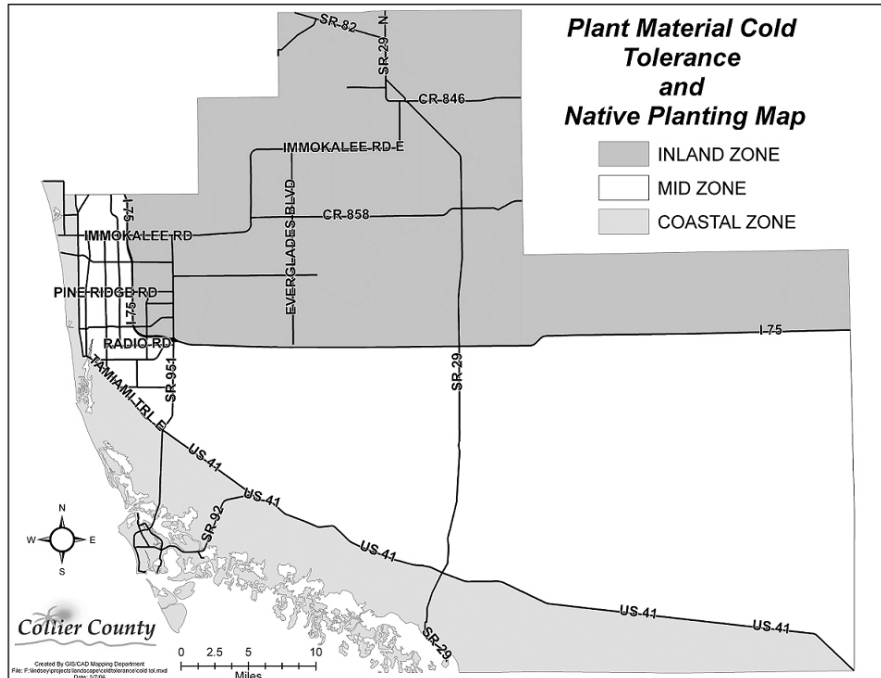


Figure 4.06.05 ED.

EF. Existing Plant Communities. Existing plant communities and ecosystems shall be maintained in a natural state and shall not be required to be irrigated. Native plant areas that are supplements to an existing plant community or newly installed by the applicant shall be irrigated on a temporary basis only during the period of establishment from a temporary irrigation system, water truck, or by hand watering with a hose.

1. Existing plant material. In meeting the requirements of landscaping, the planning services director may permit the use of healthy native plant material existing on-site. In so doing, the planning services director may adjust the application of the standards of these regulations to allow credit for such existing plant material, provided, he may not permit the reduction of required percentages of a landscaped area or reduction in numbers of trees or shrubs required, unless otherwise allowed pursuant to LDC section 4.06.05 FE. Removal of vegetation is subject to the vegetation removal, protection, and preservation section (contained in this section).

FG. Prohibited Plant Materials.

1. *Prohibited species*. The following plant species shall not be planted:
 - a. All Category I Invasive Exotics as listed on the ~~Florida Exotic Pest Plant Council's~~ Florida Invasive Species Council website: [www.fleppe.org]

DRAFT

Text underlined is new text to be added

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

www.floridainvasives.org] This list is routinely monitored and updated by the ~~FLEPPC~~ FISC. Plus the following species:

* * * * *

2. *Prohibited exotic species.* In addition to the prohibitions outlined in LDC section 4.06.05 ~~EF~~, above, the species enumerated in LDC section 3.05.08 or seeds thereof shall not be grown, offered for sale, or transported inter-county or intra-county.

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GH. Requirements to remove prohibited plant materials. For these requirements, see LDC section 3.05.08 ~~of this Code~~.

HI. Installation and selection requirements for plant materials.

1. Prior to the issuance of any certificate of occupancy for a use required to provide landscaping and irrigation in accordance with this section, all required landscaping and irrigation shall be installed and in place as set out in the plans approved under Chapter 10 of the Code. All plant materials must be installed in accordance with accepted landscape practices in the area and meet the plant material standards contained in LDC ~~S~~section 4.06.05 DG. Plant materials shall be installed in soil conditions that are conducive to the proper growth of the plant material.
2. Limerock located within planting areas shall be removed and replaced with native or growing quality soil before planting. A plant's growth habit shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead power lines, lighting, sidewalks, buildings, circulation, etc.). Trees shall not be placed where they interfere with site drainage, subsurface utilities, or where they shall require frequent pruning in order to avoid interferences with overhead power lines and buildings.
 - a. An approved root barrier system shall be installed when the following occurs:
 - i. Large canopy trees are planted closer than 15~~ft.~~ft. to a building~~;~~ or
 - ii. Large canopy trees are planted closer than 10~~ft.~~ft. to a sidewalk, underground utility, or paved area with no curbing or curbing which extends less than 18~~inch~~es below grade (see Figure 4.06.05 H.A. below).

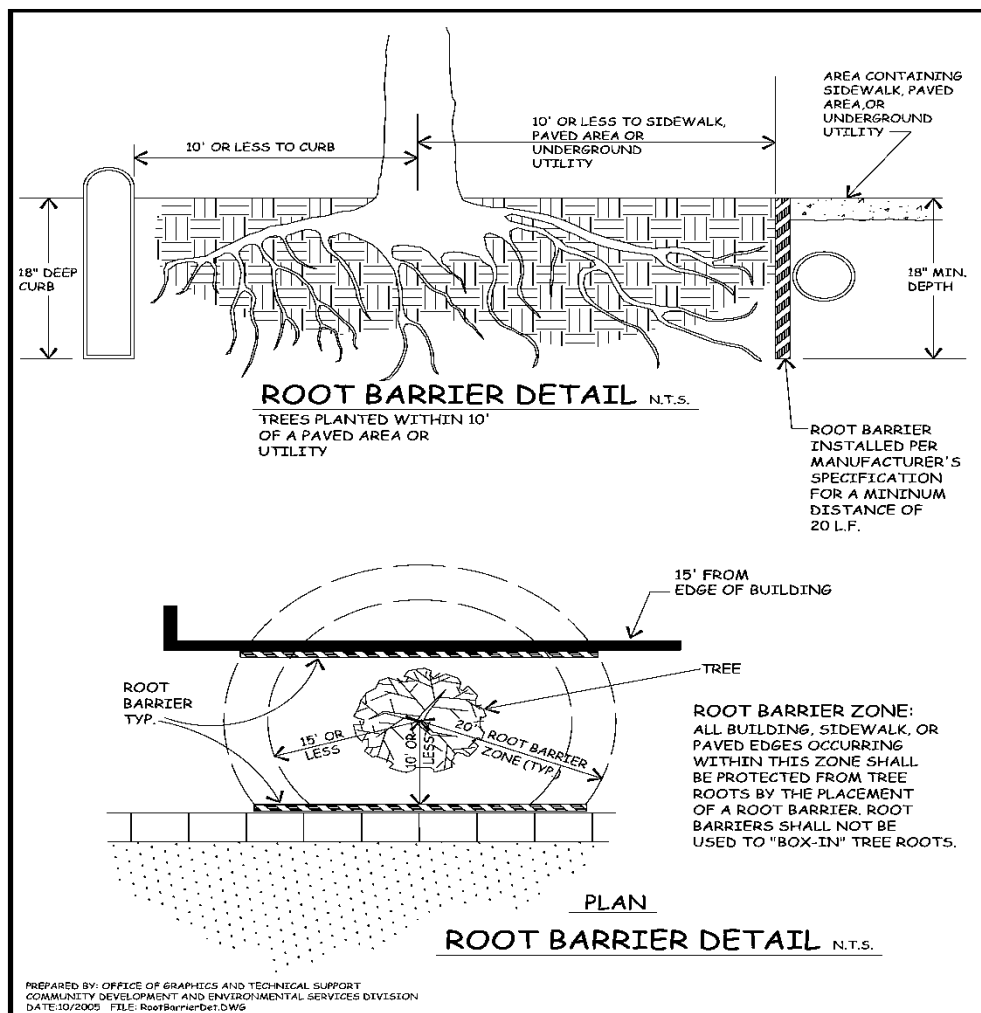


Figure 4.06.05 H.I.A.

- b. Tree and parking lot/pole lighting locations shall be designed so as not to conflict with one another.
 - i. Parking lot/pole lighting shall not be located in landscape islands with trees.
 - ii. Parking lot/pole lighting shall be located a minimum of 12.5 feet from the trunk of a tree (see Figure 4.06.05 H.I.B. below)

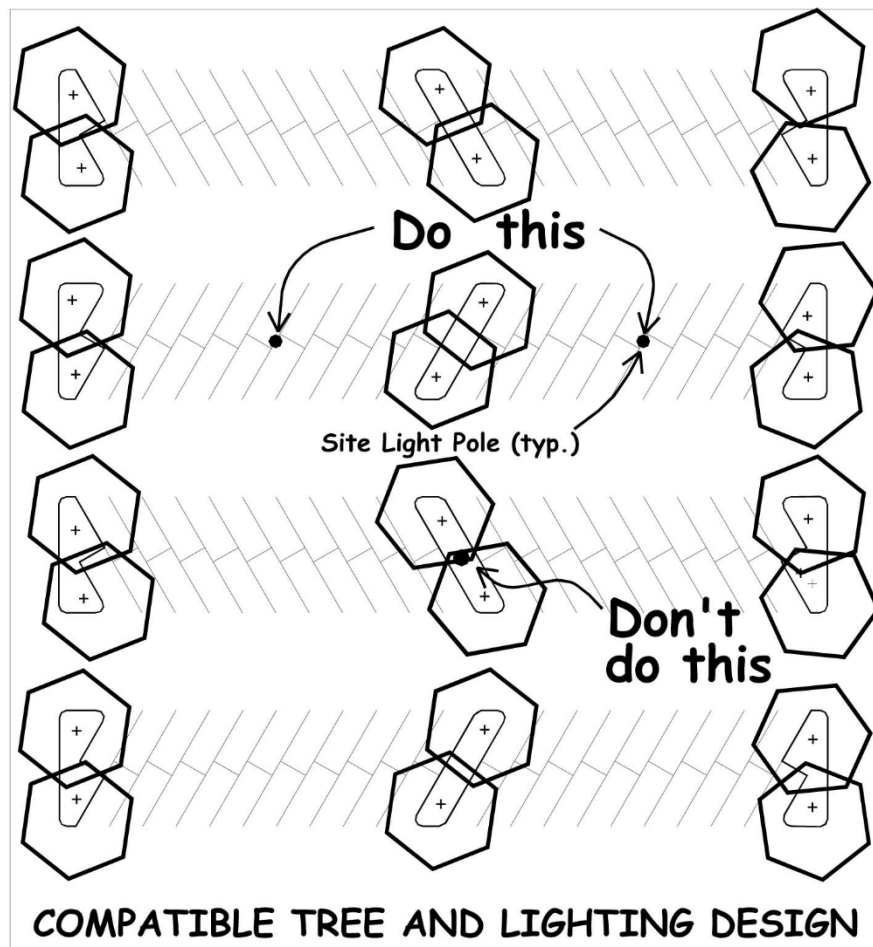


Figure 4.06.05 I.H.B.

I.J. Location requirements for signage adjacent to landscape buffer.

1. Signage located within/adjacent to landscape buffer area. All trees and shrubs located within the landscape buffer shall be located so as not to block the view of signage as shown in Figure 4.06.05 I.J.1. below, Signage adjacent to landscape buffer. Sign locations shall be shown on the landscape plan and 100 square feet of landscaping shall be provided as required by LDC section 5.06.04 F.

Figure 4.06.05 I.J.1. - Signage adjacent to landscape buffer

J.K. Treatment of slopes. The landscape and engineering standards in Slope Table 4.06.05 J.K. and Slope Cross Sections 4.06.05 J.K. shall apply to all landscape areas, except the following:

1. Single family lots, however, this exception shall not apply to berms or swales within platted easements;

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

* * * * *

Slope Table 4.06.05 K.

Slope Ratio	Slope Treatment. See a. below.
No Steeper Than 4:1 (4 horizontal to 1 vertical)	Grass. See Figure 3 below.
	Trees, Ground Covers, Ornamental Grasses, and Shrubs.
No Steeper Than 3:1 (3 horizontal to 1 vertical)	Trees, Ground Covers, Grass, Ornamental Grasses, and Shrubs. See Figure 2 below.
	Requires 50 percent surface coverage at time of installation and 80 percent coverage within 1 year and avoid soil erosion
	Toe of slope shall be set back a minimum of 2 feet from sidewalks and paved surfaces.
No Steeper Than 2:1 (2 horizontal to 1 vertical)	Rip-rap or other forms of erosion and scour protection. See Figure 1 below.
	When used for water management systems within a required buffer pursuant to LDC section 4.06.02 D, rip-rap or other forms of erosion and scour protection are permitted only in concentrated, rapid flow water management areas or sloped areas less than 200 square feet with a maximum height of 30 inches.
	Slopes requiring stabilization with ground covers or vines shall provide 80 percent coverage within 1 year.
No Steeper Than 1:1 (1 horizontal to 1 vertical)	Permanent slope stabilization systems are required on all slopes steeper than 2:1 and no steeper than 1:1.
	Stabilization systems shall require engineered plans signed and sealed by a Professional Engineer, Architect, or Landscape Architect registered in the State of Florida.
	Stabilization systems if visible from any road, access, or residence shall be set back from property line a minimum of 2 feet and be landscaped to provide 80 percent opacity within 1 year. In addition when a system is located within a landscape buffer all buffer plantings shall be located on the high or elevated side in a minimum 5 foot wide planting area with a slope no greater than 10:1.
	Stabilization systems shall not exceed 3 feet in height and shall not be located on lake banks or in lake maintenance easements.
	Set back requirements from sidewalks or paved surfaces shall be a minimum of 2 feet.
Steeper Than 1:1	Vertical Retaining Walls. See b, c, and d. below, See Also Alternative A & B below.
	Walls over 30 inches in height shall require engineered plans signed and sealed by a Professional Engineer, Architect, or Landscape Architect registered in the State of Florida.
	Wall shall be architecturally finished or provide a natural appearance. See e. below.
	Walls if visible from any road, access, or residence shall be set back from property line a minimum of 2 feet and be landscaped to provide 80 percent opacity within 1 year. In addition when a wall is located within a landscape buffer all buffer plantings shall be located on the

	high or elevated side of the wall in a minimum 5 foot wide planting area with a slope no greater than 10:1.
--	---

Slope Table 4.06.05 JK. Notes:

- a. Slopes adjacent to required preserve areas shall be planted with 100% Florida native species, shall provide swales to direct water flow away from preserves, and meet setbacks as required by LDC section 3.05.07-H.3.

* * * * *

- e. Architectural finish requires color, texture, and materials that are in common with those used on surrounding structures. Exposed concrete walls are prohibited. Natural appearance requires color, texture, and materials that mimic or occur in nature.

Slope Cross Sections 4.06.05- KJ.

* * * * *

KL. Maintenance of landscaping.

* * * * *

LM. Irrigation system requirements.

* * * * *

MN. Post-installation landscape certificate of compliance.

* * * * *

NO. Water management areas.

* * * * *

#

4.08.05 - Baseline Standards

* * * * *

- M. Standards applicable to wetlands outside of FSAs, HSAs, WRAs, and the ACSC. Wetlands located outside of FSAs, HSAs, WRAs, and the ACSC shall be preserved in accord with the following criteria:

* * * * *

8. Mitigation Requirements. Mitigation shall be required for direct impacts to wetlands, such that the wetland functional score of the mitigation equals or exceeds the wetland functional score of the impacted wetlands.

1
2 * * * * *
3
4 c. Protection shall be provided for preserved or created wetland or upland
5 vegetative communities offered as mitigation by placing a conservation
6 easement over the land in perpetuity, providing for initial exotic plant
7 removal (Class I invasive exotic plants defined by the ~~Florida Exotic Plant~~
8 ~~Council~~ Florida Invasive Species Council) and continuing exotic plant
9 maintenance, or by appropriate ownership transfer to a state or federal
10 agency along with sufficient funding for perpetual management activities.

11
12 * * * * *
13 # # # # #
14

5.04.05 - Temporary Events

15
16
17 A. Special Events. This section establishes the location and development standards for
18 special events, including temporary market events, sales and promotional events, and
19 sports, religious, community events, and events in County right-of-way.

20
21 * * * * *
22

5. Events in County Right-of-Way.

23
24
25 * * * * *
26

27 c. At a minimum, temporary use permit applications for events shall be
28 reviewed by the following Collier County departments, divisions, and
29 outside agencies:

30
31 i. Collier County Growth Management Community Development
32 Department shall determine compliance with all applicable
33 requirements.

34
35 ii. Collier County Sheriff's Office shall determine whether any
36 additional security or police service is necessary.

37
38 * * * * *
39 # # # # #
40

5.05.04 - Group Housing

41
42
43 * * * * *
44

45 D. All other care housing environments as defined in this Code, including, but not limited to,
46 care units, assisted living units, continuing care retirement communities, nursing homes,
47 and dwelling units that are part of an aging-in-place living environment, shall adhere to the
48 following standards in addition to those established by the underlying zoning district.

49
50 * * * * *

#

5.05.08 - Architectural and Site Design Standards

* * * * *

B. Applicability. The provisions of LDC section 5.05.08 shall apply to the zoning districts, locations, and to existing buildings as established below.

* * * * *

4. Exceptions

* * * * *

d. The following shall be exempt from the standards of LDC section 5.05.08, but shall comply with the exterior building color standards identified in LDC section 5.05.08 D.13.b.

i. Routine repairs and maintenance of an existing building.

ii. Public utility ancillary systems provided that a building shall not have any wall planes exceeding 35 feet in length, excluding storage tanks, or have an actual building height greater than eighteen (18) feet, excluding storage tanks and communications equipment. See LDC section 4.06.05 CB.4 for screening requirements of fences and walls surrounding public utility ancillary systems.

* * * * *

#

5.05.12 - Specific Standards for Public Utility Ancillary Systems in Collier County.

* * * * *

G. Landscaping and buffering shall conform to the requirements of LDC section 4.06.05 CB.4.

5.06.04 - Development Standards for Signs in Nonresidential Districts.

* * * * *

F. On-premise signs. On-premises pole signs, ground signs, projecting signs, wall signs, and mansard signs shall be allowed in all nonresidential zoning districts subject to the restrictions below:

* * * * *

2. Outparcels. In addition to the above requirements, signs for outparcels, regardless of the size of an outparcel, shall be limited to the following:

- a. In addition to any wall signs permitted by this Code, outparcels may ~~by~~ be allowed 1 additional 60 square foot wall sign facing the shopping center if the additional sign is not oriented towards any public right-of-way. In no case shall the number of wall signs for an outparcel exceed 2 signs; and,

*	*	*	*	*	*	*	*	*	*	*	*	*	*
#	#	#	#	#	#	#	#	#	#	#	#	#	#

6.06.03 – Streetlights

- A. Streetlights shall be designed and installed utilizing the IES standards for each street, intersection at required intervals along each street and at the end of each cul-de-sac. The IES standards for this street lighting are per ANSI/IES RP-8-22 ~~IESNA RP-8-00~~, except as below:

*	*	*	*	*	*	*	*	*	*	*	*	*	*
---	---	---	---	---	---	---	---	---	---	---	---	---	---

- C. All sidewalks not directly lighted by street lighting that interconnect developments must be lighted to pedestrian level standards per ANSI/IES RP-8-22 ~~IESNA RP-8-00~~.

*	*	*	*	*	*	*	*	*	*	*	*	*	*
#	#	#	#	#	#	#	#	#	#	#	#	#	#

10.02.03 Requirements for Site Development, Site Improvement Plans and Amendments Thereof

- A. *Generally.*

*	*	*	*	*	*	*	*	*	*	*	*	*	*
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5. ***School Board Review Exemption.***

- a. *School board review("SBR") application contents.* The SBR application submittal will be in accordance with LDC section 10.02.03 of the Code, but will be accorded an expedited process as outlined in the Manual for County Consistency and Site Plan Reviews of educational facilities and ancillary plants, as may be amended by agreement between the Board of County Commissioners and the Collier County School Board. ~~This document is available in the Records Room of the Community Development and Environmental Services Building.~~

- b. The expedited site plan for school board review, as referenced in LDC section 10.02.03 A. ~~3-5~~.a. of the Land Development Code, will consist of the following areas of review:

- i. Collier County Utilities Standards and Procedures, Ordinance No. 04-~~34~~1, as may be amended. In accordance with this Ordinance, the following requirements must be met:

1
2 * * * * *
3
4 ii. *Compatibility review.* The County will conduct a compatibility review
5 that will take into account the Architectural and Site Design
6 Standards contained within Section 5.05.08 of the LDC in effect at
7 the time a SBR Letter of Compliance is requested and that pertain
8 to issues of compatibility with surrounding uses, complementary
9 patterns of development and mitigation of negative impacts, limited
10 to compatibility issues, external sidewalks and pathway
11 connections, lighting, dumpster location and screening and
12 orientation of buildings and ancillary facilities. In addition, The Utility
13 Billing and Customer Service ("UBCS") Department shall ascertain
14 that there is ample space for the trash dumpster(s) or compactor(s)
15 and for the trash collection franchisee to maneuver trucks in and
16 out of the space allowed for the dumpster(s) or compactor(s). With
17 the exception of high school facilities, this compatibility review will
18 be a courtesy review. For high school facilities, this will be a formal
19 review process and is subject to the appeal process set forth in this
20 section 10.02.03(A)(~~35~~) (c) of the Code in the event that the County
21 denies the application based on non-compliance with the items
22 listed in this paragraph.
23

24 * * * * *
25
26 c. School board review ("SBR") process. The SBR for School Board projects
27 shall be reviewed under the following expedited process:

28
29 i. The SBR application will be reviewed only as to the criteria set forth
30 in LDC section 10.02.03 A. ~~35~~ a.
31

32 ii. The SBR application submittal must be in accordance with section
33 10.02.03 of the Code, but only as to those submittal requirements
34 which are consistent with the review criteria set out in LDC section
35 10.02.03 A. ~~35~~.
36

37 * * * * *
38
39 d. Consistency review. The following process will be followed with respect to
40 future educational plant and ancillary plant sites, prior to acquisition, for
41 both the determination of consistency with the Collier County GMP
42 locational criteria and whether the Plant is a permitted use, conditional use,
43 or prohibited use in the zoning district on the site. Consistency with all other
44 Elements of the GMP will be reviewed during the aforementioned SBR
45 process.

i. The consistency review will be conducted as follows:

* * * * *

(d) Within 45 days of the submission of the information outlined in LDC Section 10.02.03 A. ~~3-5~~.d.i.(c) of this Code, the County will provide written comments and recommendations to the School District along with a determination of the site's consistency with the GMP locational criteria and LDC zoning districts. Necessary on-site and off-site improvements will be identified for these sites and the parties responsible for these improvements to the extent this can be determined during this locational consistency review.

(e) Letter of Consistency. After the County review, the County Manager or his designee, or his designee, shall issue a Letter of Consistency for the GMP locational criteria and whether the Plant is a permitted use, conditional use or prohibited use in the zoning district on the site, which shall evidence the County's determination of consistency as required by Section 1013.33(~~14~~6) Florida Statutes.

(f) After the County has determined that the site is consistent with the GMP locational criteria and LDC zoning districts, the School District shall have up to 1 year to acquire the site. Once the site is acquired, the site shall be deemed to remain consistent regardless of later changes to either the GMP or LDC.

(g) After the School District acquires the site and provides the necessary documentation for the County to initiate an amendment to the GMP, the County and School District will enter into a written agreement as part of the pre-application process detailed in section 10.02.03 A. ~~3-5~~.c.iv.(6) of the code, as to the timing and location, and the entity or entities responsible for construction, operation and maintenance of the required improvements.

* * * * *
#

10.02.08 – Requirements for Amendments to the Official Zoning Atlas

I. Restrictions, stipulations and safeguards. The Planning Commission may recommend that a petition to amend, supplement or establish a zoning district be approved subject to stipulations, including, but not limited to limiting the use of the property to certain uses provided for in the requested zoning district. The governing body, after receiving the recommendation from the Planning Commission on a request to amend, supplement or establish a zoning district, may grant or deny such amendment or supplement and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the Growth Management Plan.

2. Dedication of public facilities and development of prescribed amenities.

a. Public facility dedication. The Board of County Commissioners may, as a condition of approval and adoption of the rezoning required that suitable areas for streets, public rights-of-way, schools, parks, and other public facilities be set aside, improved, and/or dedicated for public use. Where impact fees are levied for 1 or more such public facilities, the market value of the land set aside for the public purpose shall be credited towards impact fees to the extent authorized by the County's Consolidated Impact Fee Ordinance. Said credit shall be based on a negotiated amount not greater than the market value of the set aside land prior to the rezoning action, as determined by an accredited appraiser from a list approved by Collier County. Said appraisal shall be submitted to the County Attorney's office and the real property office within 90 days of the date of approval of the rezone, or as otherwise extended in writing by Collier County, so as to establish the amount of any impact fee credits resulting from said dedication. Failure to provide said appraisal within this 90-day time frame shall automatically authorize the county to determine the market value of the property. Impact fee credits shall only be effective after recordation of the conveyance document conveying the dedicated property to Collier County. Where the term Collier County is used in this section, it shall be construed to include the Collier County Water and Sewer District or other agency or dependent ~~dependant~~ district of Collier County Government.

APPENDIX A - STANDARD PERFORMANCE SECURITY DOCUMENTS FOR REQUIRED IMPROVEMENTS

The following specimen forms are to be used as a guide for preparation of bonding instruments which will be submitted to the Collier County Board of County Commissioners for guaranteeing the completion of required improvements with respect to this Code. Adherence to the forms will ensure ~~assure~~ an expeditious review by the Development Review ~~Services~~ Division and the Collier County Attorney's Office. Deviation in substance or form from the suggested specimen

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

forms may result in a substantial delay or disapproval of the bonding provisions for Required Improvements by the Development Review ~~Services~~ Division or the County Attorney's Office. These specimen forms may be revised from time to time by resolution of the Board of County Commissioners.

* * * * *
#

APPENDIX C – FINAL SUBDIVISION PLAT, REQUIRED CERTIFICATIONS AND SUGGESTED TEXT AND FORMATS FOR OTHER REQUIRED INFORMATION

* * * * *

B. DEDICATE TO COLLIER COUNTY:

1. The public rights-of-way (insert name) or depicted streets, roads, or access, as follows:

TRACT "A" AS A PUBLIC ROAD RIGHT-OF-WAY (R.O.W.) SUBJECT TO THE EASEMENTS DEDICATED AND DEPICTED HEREON (list all ROW easements) WHICH EASEMENTS ARE SUBORDINATE TO, AND MAY NOT BE USED INCONSISTENT WITH, THE USE OF THE RIGHTS-OF-WAY BY COLLIER COUNTY FOR ROADWAY PURPOSES INCLUDING, BUT NOT LIMITED TO, PAVEMENT, ROADWAY DRAINAGE, BIKE LANES, SIDEWALKS, AND PATHWAYS. ALL (CONSERVATION or PRESERVE) (TRACTS or EASEMENTS) WITHOUT RESPONSIBILITY FOR MAINTENANCE AND SUBJECT TO THE CONDITIONS OF THE DEDICATION IN PARAGRAPH A. 7. (name of appropriate paragraph) ABOVE.

* * * * *
#

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20230018350

ORIGIN

Growth Management
Community Development
Department (GMCDD)

SUMMARY OF AMENDMENT

This amendment updates the provisions related to the removal of prohibited exotic vegetation in the Land Development Code (LDC) by identifying additional site improvements that may occur without initiating the removal requirements. 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 Subcommittee).

HEARING DATES

BCC	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	08/19/2025

LDC SECTION TO BE AMENDED

03.05.08 Requirement for Removal of Prohibited Exotic Vegetation

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND The first tree protection ordinance was adopted by the County as Ord. No. 1973-23. It included provisions for a tree removal permit process, and it identified a short list of tree species that were exempted from protection. The ordinance was amended in 1974 and then repealed/replaced twice; once in 1975 and again in 1976, the latter of which representing the time when the County adopted comprehensive zoning regulations for the Coastal Area Planning District (i.e., Ord. No. 1976-30).

When Ord. No. 1979-73 was adopted, the County started requiring the removal of exotic plants on properties where improvements were proposed, except on lands used for agricultural purposes or on properties zoned and platted for single-family residential homes. In January 1982, the County adopted a new zoning ordinance (Ord. No. 1982-2); however, this new ordinance inadvertently omitted the Exotic Vegetation Section and was corrected in May 1982 with the adoption of Ord. No. 1982-37, reinstituting the requirement that exotics be removed on all lands, except for single-family residential use or agriculturally zoned lands.

Additional changes to the code would be made over the years, notably with the adoption of Ord. No. 2004-08, which introduced the requirement for preserve management plans and the removal of exotic vegetation within the first 75 feet of the outer edge of every preserve; however, single family residences were specifically exempted. When the code was comprehensively updated again with the passage of Ord. No. 2004-41, the requirement for removing exotic vegetation prior to the issuance of a certificate of occupancy was extended to include new principal and accessory structures on single and two family lots. However, tents, awnings, cabanas, utility storage sheds, and screen enclosures were not exempted until the adoption of Ord. No. 2005-27.

Subsequent amendments to LDC section 3.05.08 occurred in 2008 and 2015. At the Board hearing on December 12, 2023, under Staff and Commission General Communications, Commissioner Hall requested that staff update the LDC as it pertains to the removal of exotic vegetation.

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 Subcommittee). An earlier iteration of this amendment was presented to the DSAC-LDR Subcommittee,

who recommended approval but with changes. However, on February 7, 2024, the DSAC recommended denial of the amendment, expressing the following concerns:

1. The LDC amendment is unfair, because developers will incur the cost of removing exotics on their own property when the seed-source (of prohibited exotic plant material) will be from neighboring properties, and that a cleared area of 7.5 feet is insufficient. Most of the damage from hurricanes occur from the exotic vegetation flying around during high winds.
2. Understands the removal of exotic plants is for the betterment of the whole community. The requirement to remove exotics is a good requirement.
3. The LDC amendment would perpetuate the spreading of exotics, as noted by observing the presence of pepper hedge on vacant lots along the rights-of-way.
4. The LDC amendment is unfair in that it exempts residential but not commercial.
5. Will create confusion with respect to the lots in Golden Gate (Estates), as many have wetlands and are required to remove exotics for their DEP and federal permitting (County species vs. State and Federal species).

On March 7, 2024, the CCPC also reviewed the earlier iteration of this amendment and unanimously voted to deny it. On March 12, 2024, staff requested direction from the Board to advertise the draft Ordinance; however, the Board voted to continue the item.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts associated with this amendment.

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff after first review.

EXHIBITS: Exhibit A – PL20230018350 Previous Iteration and Exhibit B – BCC Minutes 03/12/2024

Amend the LDC as follows:

3.05.08 – Requirements for Removal of Prohibited Exotic Vegetation

Prohibited exotic vegetation specifically includes the following:

- Earleaf acacia (*Acacia auriculiformis*)
- Australian pine (*Casuarina* spp.)
- Melaleuca (*Melaleuca* spp.)
- Catclaw mimosa (*Minosa pigra*)
- Downy rosemyrtle (*Rhodomyrtus tomentosa*)
- Brazilian pepper (*Schinus terebinthifolius*)
- Java plum (*Syzygium cumini*)
- Women's tongue (*Albizia lebbek*)
- Climbing fern (*Lygodium* spp.)
- Air potato (*Dioscorea bulbifera*)
- Lather leaf (*Colubrina asiatica*)
- Carrotwood (*Cupaniopsis anacardioides*)

A. General.

1. Prohibited exotic vegetation removal and methods of removal shall be conducted in accordance with the specific provisions of each local development order.
2. Native vegetation shall be protected during the process of removing prohibited exotic vegetation, in accord with the provisions of LDC section 3.05.04.
3. Prohibited exotic vegetation shall be removed from the following locations, and within the following timeframes:
 - a. From all rights-of-way, common area tracts not proposed for development, and easements prior to preliminary acceptance of each phase of the required subdivision improvements.
 - b. From each phase of a site development plan prior to the issuance of the certificate of occupancy for that phase.

- 1 c. From all golf course fairways, roughs, and adjacent open space/natural
2 preserve areas prior to the issuance of a certificate of occupancy for the
3 first permitted structure associated with the golf course facility.
4
- 5 d. From property proposing any enlargement of existing interior floor space,
6 paved parking area, or substantial site improvement prior to the issuance
7 of a certificate of occupancy.
8
- 9 4. In the case of the discontinuance of use or occupation of land or water or structure
10 for a period of 90 consecutive days or more, property owners shall, prior to
11 subsequent use of such land or water or structure, conform to the regulations
12 specified by this section.
13
- 14 5. Verification of prohibited exotic vegetation removal shall be performed by the
15 County Manager or designee.6.Herbicides utilized in the removal of prohibited
16 exotic vegetation shall have been approved by the U.S. Environmental Protection
17 Agency. Any person who supervises up to eight (8) people in the application of
18 pesticides and herbicides in the chemical maintenance of exotic vegetation in
19 preserves, required retained native vegetation areas, wetlands, or LSPA shall
20 maintain the Florida Dept. of Agriculture and Consumer Services certifications for
21 Natural Areas Pesticide Applicators or Aquatic Herbicide Applicators dependent
22 upon the specific area to be treated. When prohibited exotic vegetation is removed,
23 but the base of the vegetation remains, the base shall be treated with an U.S.
24 Environmental Protection Agency approved herbicide and a visual tracer dye shall
25 be applied.
26
- 27 B. Exotic vegetation maintenance plan. A maintenance plan shall be submitted to the County
28 Manager or designee for review on sites which require prohibited exotic vegetation
29 removal prior to the issuance of the local development order. This maintenance plan shall
30 describe specific techniques to prevent reinvasion by prohibited exotic vegetation of the
31 site in perpetuity. This maintenance plan shall be implemented on a yearly basis at a
32 minimum. Issuance of the local development order shall be contingent upon approval of
33 the maintenance plan. Noncompliance with this plan shall constitute violation of this
34 section. The County Manager or designee shall inspect sites periodically after issuance of
35 the certificate of occupancy, or other final acceptance, for compliance with this section.
36
- 37 C. Applicability to new structures and to additions on single-family and two-family lots.
38
- 39 1. In addition to the other requirements of this section, the applicant shall be required
40 to remove all prohibited exotic vegetation before a certificate of occupancy is
41 granted on any new principal or accessory structure ~~and any additions to the~~
42 ~~square footage of the principal or accessory structures~~ on single-family or two-
43 family lots. For lots zoned Estate District (E) that have been issued a certificate of
44 occupancy, the applicant shall only be responsible for removing prohibited exotic
45 vegetation within 30 feet of the addition or modification of structure(s) described in
46 any permit application submitted for principal or accessory structures on or after
47 December 12, 2023.
48
- 49 2. The requirement to remove prohibited exotic vegetation ~~This~~ shall not apply to
50 tents, awnings, fences, cabanas, utility storage sheds under 60 square feet, or

1 screened enclosures not having a roof impervious to weather. This shall not apply
2 to interior remodeling of any existing structure.

3
4 3. The removal of prohibited exotic vegetation shall be required in perpetuity. Upon
5 issuance of a vegetation removal permit, subject to the provisions in LDC section
6 3.05.02 F. and G., prohibited exotic vegetation may be removed prior to issuance
7 of a building permit.

8
9 D. Exceptions. Prohibited exotic vegetation may remain on property when the County
10 Manager or designee receives a request from the property owner to retain the vegetation.
11 The County Manager or designee shall approve such a request upon finding that at least
12 one of the following criteria has been met.

13
14 1. The prohibited exotic vegetation has been previously approved through the County
15 development review process and planted in accordance with the landscape
16 requirements at the time of final local development order approval.

17
18 2. The subject lot is developed with, or proposed to be developed with, a single family
19 dwelling unit, and:

20
21 a. is not within the RFMU Sending Lands overlay district; and

22
23 b. is not within a NRPA overlay district; and

24
25 c. is not located on a undeveloped coastal barrier island; and

26
27 d. the vegetation requested to be retained is an existing Java plum tree(s) that
28 has attained a single-trunk diameter at breast height (DBH) of 18 inches or
29 more.

30
31 3. The prohibited exotic vegetation contains a nest of a bald eagle. Where such
32 vegetation occurs within a bald eagle nest protection zone, removal shall be in
33 accordance with the FWC Bald Eagle Management Plan and FWC Bald Eagle
34 Management Guidelines, or as otherwise permitted by the FWC and/or USFWS.
35 Where a bald eagle nest is determined to be "lost" as defined by the FWC, such
36 vegetation shall be removed as required by LDC section 3.05.08.

37
38 # # # # # # # # # # # # #

**Proposed Agenda Changes
Board of County Commissioners Meeting
March 12, 2024**

Add-on Item 16H4: Proclamation designating March 21 – 31, 2024, as the 48th Anniversary of the Collier Fair. The proclamation will be mailed to Rhonda Ward, Collier Fair Manager. *(Commissioner McDaniel's Request)*

Move Item 3C1 to the March 26, 2024, BCC Meeting: Recognizing Nolan Sapp for his 46 years of dedicated public safety service upon retirement. *(Staff Request)*

Move Item 17A to 9A: This item requires the Commission members to provide ex-parte disclosure. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve a rezoning ordinance for the NBC RV Mixed-Use Planned Unit Development, a portion of which remains in the Rural Fringe Mixed Use District-Receiving Lands Zoning Overlay, to allow up to 356,000 square feet of commercial and industrial uses and 75 Travel-Trailer-Recreational Vehicle campground units on property located 450± feet northeast of the intersection of Basik Drive and Tamiami Trail East, 5 miles east of Collier Boulevard in Section 18, Township 51 South, Range 27 East, Collier County, Florida, consisting of 34± acres; and by providing an effective date. (Companion to Item 17B) *(Commissioner LoCastro's Request)*

Move Item 17B to 9B: Recommendation to approve an ordinance amending the Future Land Use Element and Future Land Use Map and map series of the Growth Management Plan to create the East Tamiami Trail Mixed Use Subdistrict, to allow up to 356,000 square feet of gross floor area of heavy commercial and industrial uses, and up to 75 travel trailer-recreational vehicle campground units. The subject property is located 450± feet northeast of the intersection of Basik Drive and Tamiami Trail East, 5 miles east of Collier Boulevard, in section 18, township 51 south, range 27 east, Collier County, Florida, consisting of 33.523± acres. (Companion to Item 17A) *(Commissioner LoCastro's Request)*

Move Item 16A14 to 11F: Recommendation to direct staff to advertise and bring back an Ordinance amending the Land Development Code to update the regulations relating to the removal of prohibited exotic vegetation. *(By separate requests of Commissioners LoCastro, Kowal, and Hall)*

Move Item 16F7 to 11G: Recommendation to award Construction Invitation to Bid ("ITB") No. 23-8182, the "Caxambas Park and Boat Rehabilitation Project" to Kelly Brothers, Inc., in the amount of \$2,735,926.67, authorize the Chairman to sign the attached Agreement, and approve the necessary Budget Amendment. (Project No. 50280). *(By separate requests of Commissioners LoCastro and Kowal)*

Notes:

Item 16B7 should be corrected to read as follows: Recommendation to authorize electronic submission by staff the County Manager or designee of a Small County Outreach Program for Rural Areas of Opportunities application with the Florida Department of Transportation to fund the construction of a paved shoulder to improve safety on a segment of Immokalee Road (CR 846E) in the amount of \$999,855.21.

Item 17A, Attachment A – Revised Ordinance, Exhibit F, under "VI. HOURS OF OPERATION" the following language should be added:

"B. Every 5 years from the date of adoption of the Ordinance, staff will provide a report to the Collier County Board of County Commissioners on the hours of operation for loading and crushing of concrete, the impacts to owners and whether any complaints have been made to the County. Upon a finding of public purpose, the Board reserves the right to modify the hours of operation to 8 a.m. to 6 p.m. at such meeting without an advertised hearing."

TIME CERTAIN ITEMS:

Item 10A to be heard 9:30 AM: Recommendation to submit a Community Project Funding application to Congressman Mario Diaz-Balart for \$6 million to construct a Collier County Veterans Services Center and Museum.

Item 11A to be heard at 10:30 AM: Recommendation to review a proposed amendment to Ordinance 2002-63, which established the Conservation Collier Program, which will be advertised for a future Board meeting.

Item 11B to be heard at 1 PM: After-action report for the 2024 Florida legislative session.

Item 11C to be heard no sooner than 1:30 PM: Recommendation to accept a project update on the Collier County Behavioral Health Center and proceed with the design for 87 total beds.

03/12/2024

EXECUTIVE SUMMARY

Recommendation to direct staff to advertise and bring back an Ordinance amending the Land Development Code to update the regulations relating to the removal of prohibited exotic vegetation.

OBJECTIVE: To direct staff to advertise and bring back an Ordinance amending the Land Development Code (LDC) to direct staff to advertise and bring back an Ordinance amending the Land Development Code to update the regulations relating to the removal of prohibited exotic vegetation.

CONSIDERATIONS: The first tree protection ordinance was adopted by the County as Ord. No. 1973-23. It included provisions for a tree removal permit process and identified a short list of tree species that were exempted from protection. The ordinance was amended in 1974 and then repealed/replaced twice, once in 1975 and again in 1976, the latter of which represents the time when the County adopted comprehensive zoning regulations for the Coastal Area Planning District (Ord. No. 1976-30).

When Ord. No. 1979-73 was adopted, and the County started requiring the removal of exotic plants on properties where improvements were proposed, except on lands used for agricultural purposes or on properties zoned and platted for single-family residential homes. In January 1982, the County adopted a new zoning ordinance (Ord. No. 1982-2); however, this new ordinance inadvertently omitted the Exotic Vegetation Section and was corrected in May 1982 with the adoption of Ord. No. 1982-37, reinstituting the requirement that exotics be removed on all lands, except for single-family residential use or agriculturally zoned lands.

Additional changes to the code would be made over the years, notably with the adoption of Ord. No. 2004-08 introduced the requirement for preserve management plans and the removal of exotic vegetation within the first 75 feet of the outer edge of every preserve; however, single family residences were specifically exempted. When the code was comprehensively updated again with the passage of Ord. No. 2004-41, the requirement for removing exotic vegetation prior to the issuance of a certificate of occupancy was extended to include new principal and accessory structures on single and two family lots. However, tents, awnings, cabanas, utility storage sheds, and screen enclosures were not exempted until the adoption of Ord. No. 2005-27.

Subsequent amendments to LDC section 3.05.08 occurred in 2008 and 2015. At the Board hearing on December 12, 2023, under Staff and Commission General Communications, Commissioner Hall requested that staff update the LDC as it pertains to the removal of exotic vegetation.

COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION: The CCPC will review this Land Development Code amendment on March 7, 2024.

DEVELOPMENT SERVICES ADVISORY COMMITTEE (DSAC) RECOMMENDATION: On February 7, 2024, the DSAC recommended denial of the proposed LDC amendment. Prior to voting, some members of the DSAC expressed the following concerns:

1. The LDC amendment is unfair, because developers will incur the cost of removing exotics on their own property when the seed-source (of prohibited exotic plant material) will be from neighboring properties, and that a cleared area of 7.5 feet is insufficient. Most of the damage from hurricanes occurs from the exotic vegetation flying around during high winds.
2. Understands the removal of exotic plants is for the betterment of the whole community. The requirement to remove exotics is a good requirement.
3. The LDC amendment would perpetuate the spreading of exotics, as noted by observing the presence of pepper hedge on vacant lots along the rights-of-way.

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4. The LDC amendment is unfair in that it exempts residential but not commercial.
5. Will create confusion with respect to the lots in Golden Gate (Estates), as many have wetlands and are required to remove exotics for their DEP and federal permitting (County species vs. State and Federal species).

On January 16, 2024, the DSAC- Land Development Review Subcommittee (DSAC-LDR Subcommittee) recommended approval of the LDC amendment, contingent upon eliminating the proposed text on page 4, lines 39-40 (“within the approved cleared area and within seven and one-half (7.5) feet from all property lines”) and the similar text on page 4, lines 48-49.

FISCAL IMPACT: 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 (1011) and Zoning & Land Development Cost Center (138319).

LEGAL CONSIDERATIONS: This item is approved as to form and legality and requires a majority vote. -DDP

GROWTH MANAGEMENT IMPACT: No growth management impact is associated with this action.

RECOMMENDATION: To direct staff to advertise and bring back an Ordinance amending the LDC for a public hearing.

Prepared by: Eric L. Johnson, AICP, CFM, LDC Planning Manager, Zoning Division

ATTACHMENT(S)

1. PL20230018350 - Updates to Removal of Exotics LDCA (03-05-2024) (PDF)

03/12/2024

COLLIER COUNTY
Board of County Commissioners

Item Number: 16.A.14**Doc ID:** 27826**Item Summary:** Recommendation to direct staff to advertise and bring back an Ordinance amending the Land Development Code to update the regulations relating to the removal of prohibited exotic vegetation.**Meeting Date:** 03/12/2024**Prepared by:**

Title: Planner, Principal – Zoning

Name: Eric Johnson

02/09/2024 3:21 PM

Submitted by:

Title: Zoning Director – Zoning

Name: Mike Bosi

02/09/2024 3:21 PM

Approved By:**Review:**

Building Plan Review & Inspections	Diane Lynch	GMCCDD Reviewer	Skipped	02/12/2024 1:20 PM
Zoning	Mike Bosi	Division Director	Completed	02/13/2024 10:59 AM
Operations & Regulatory Management	Michael Stark	Additional Reviewer	Completed	02/21/2024 5:15 PM
Transportation Management Operations Support		Evelyn Trimino	Additional Reviewer	Completed 02/26/2024 9:09 AM
Growth Management Community Development Department	Diane Lynch		Department review	Completed 02/27/2024 4:36 PM
Unknown	Jaime Cook	Additional Reviewer	Completed	03/04/2024 1:22 PM
Growth Management Community Development Department	James C French		Growth Management	Completed 03/04/2024 2:35 PM
County Attorney's Office	Derek D. Perry	CAO Reviewer	Completed	03/06/2024 8:30 AM
Office of Management and Budget	Laura Zautcke	Additional Reviewer	Completed	03/06/2024 8:44 AM
Office of Management and Budget	Debra Windsor	Level 3 OMB Gatekeeper Review	Completed	03/06/2024 9:22 AM
County Attorney's Office	Jeffrey A. Klatzkow	Level 3 County Attorney's Office Review	Completed	03/06/2024 11:16 AM
County Manager's Office	Amy Patterson	Level 4 County Manager Review	Completed	03/06/2024 12:33 PM
Board of County Commissioners	Geoffrey Willig	Meeting Pending		03/12/2024 9:00 AM

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20230018350

ORIGIN

Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

This amendment updates the provisions related to the removal of prohibited exotic vegetation in the Land Development Code (LDC) by identifying additional site improvements that may occur without initiating the removal requirements. 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 Subcommittee).

HEARING DATES

BCC 03/12/2024
CCPC 03/07/2024
02/15/2024
DSAC 02/07/2024
DSAC-LDR 01/16/2024

LDC SECTION TO BE AMENDED

03.05.08 Requirement for Removal of Prohibited Exotic Vegetation

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
Approval with Recommendations	Denial	TBD

BACKGROUND

The first tree protection ordinance was adopted by the County as Ord. No. 1973-23. It included provisions for a tree removal permit process, and it identified a short list of tree species that were exempted from protection. The ordinance was amended in 1974 and then repealed/replaced twice; once in 1975 and again in 1976, the latter of which representing the time when the County adopted comprehensive zoning regulations for the Coastal Area Planning District (i.e., Ord. No. 1976-30).

When Ord. No. 1979-73 was adopted, the County started requiring the removal of exotic plants on properties where improvements were proposed, except on lands used for agricultural purposes or on properties zoned and platted for single-family residential homes. In January 1982, the County adopted a new zoning ordinance (Ord. No. 1982-2); however, this new ordinance inadvertently omitted the Exotic Vegetation Section and was corrected in May 1982 with the adoption of Ord. No. 1982-37, reinstituting the requirement that exotics be removed on all lands, except for single-family residential use or agriculturally zoned lands.

Additional changes to the code would be made over the years, notably with the adoption of Ord. No. 2004-08, which introduced the requirement for preserve management plans and the removal of exotic vegetation within the first 75 feet of the outer edge of every preserve; however, single family residences were specifically exempted. When the code was comprehensively updated again with the passage of Ord. No. 2004-41, the requirement for removing exotic vegetation prior to the issuance of a certificate of occupancy was extended to include new principal and accessory structures on single and two family lots. However, tents, awnings, cabanas, utility storage sheds, and screen enclosures were not exempted until the adoption of Ord. No. 2005-27.

Subsequent amendments to LDC section 3.05.08 occurred in 2008 and 2015. At the Board hearing on December

12, 2023, under Staff and Commission General Communications, Commissioner Hall requested that staff update the LDC as it pertains to the removal of exotic vegetation.

DSAC-LDR Subcommittee Recommendation:

On January 16, 2024, the DSAC-LDR Subcommittee recommended approval of the LDC amendment, contingent upon eliminating the proposed text on page 4, lines 39-40 (“within the approved cleared area and within seven and one-half (7.5) feet from all property lines”) and the similar text on page 4, lines 48-49. Staff did not incorporate any of the changes recommended by the DSAC-LDR Subcommittee.

DSAC-Recommendation:

On February 7, 2024, the DSAC recommended denial of the proposed LDC amendment. Prior to voting, some members of the DSAC expressed the following concerns:

1. The LDC amendment is unfair, because developers will incur the cost of removing exotics on their own property when the seed-source (of prohibited exotic plant material) will be from neighboring properties, and that a cleared area of 7.5 feet is insufficient. Most of the damage from hurricanes occur from the exotic vegetation flying around during high winds.
2. Understands the removal of exotic plants is for the betterment of the whole community. The requirement to remove exotics is a good requirement.
3. The LDC amendment would perpetuate the spreading of exotics, as noted by observing the presence of pepper hedge on vacant lots along the rights-of-way.
4. The LDC amendment is unfair in that it exempts residential but not commercial.
5. Will create confusion with respect to the lots in Golden Gate (Estates), as many have wetlands and are required to remove exotics for their DEP and federal permitting (County species vs. State and Federal species).

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts associated 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:

3.05.08 – Requirements for Removal of Prohibited Exotic Vegetation

Prohibited exotic vegetation specifically includes the following:

- Earleaf acacia (*Acacia auriculiformis*)
- Australian pine (*Casuarina* spp.)
- Melaleuca (*Melaleuca* spp.)
- Catclaw mimosa (*Minosa pigra*)
- Downy rosemyrtle (*Rhodomyrtus tomentosa*)
- Brazilian pepper (*Schinus terebinthifolius*)
- Java plum (*Syzygium cumini*)
- Women's tongue (*Albizia lebbek*)
- Climbing fern (*Lygodium* spp.)
- Air potato (*Dioscorea bulbifera*)
- Lather leaf (*Colubrina asiatica*)
- Carrotwood (*Cupaniopsis anacardioides*)

A. General.

1. Prohibited exotic vegetation removal and methods of removal shall be conducted in accordance with the specific provisions of each local development order.
2. Native vegetation shall be protected during the process of removing prohibited exotic vegetation, in accord with the provisions of LDC section 3.05.04.
3. Except for Estates (E) zoned lots as described in LDC section 3.05.08 C.,
 pProhibited exotic vegetation shall be removed from the following locations, and within the following timeframes:
 - a. From all rights-of-way, common area tracts not proposed for development, and easements prior to preliminary acceptance of each phase of the required subdivision improvements.
 - b. From each phase of a site development plan prior to the issuance of the certificate of occupancy for that phase.

- 1 c. From all golf course fairways, roughs, and adjacent open space/natural
2 preserve areas prior to the issuance of a certificate of occupancy for the
3 first permitted structure associated with the golf course facility.
- 4
- 5 d. From property proposing any enlargement of existing interior floor space,
6 paved parking area, or substantial site improvement prior to the issuance
7 of a certificate of occupancy.
- 8
- 9 4. In the case of the discontinuance of use or occupation of land or water or structure
10 for a period of 90 consecutive days or more, property owners shall, prior to
11 subsequent use of such land or water or structure, conform to the regulations
12 specified by this section.
- 13
- 14 5. Verification of prohibited exotic vegetation removal shall be performed by the
15 County Manager or designee.6.Herbicides utilized in the removal of prohibited
16 exotic vegetation shall have been approved by the U.S. Environmental Protection
17 Agency. Any person who supervises up to eight (8) people in the application of
18 pesticides and herbicides in the chemical maintenance of exotic vegetation in
19 preserves, required retained native vegetation areas, wetlands, or LSPA shall
20 maintain the Florida Dept. of Agriculture and Consumer Services certifications for
21 Natural Areas Pesticide Applicators or Aquatic Herbicide Applicators dependent
22 upon the specific area to be treated. When prohibited exotic vegetation is removed,
23 but the base of the vegetation remains, the base shall be treated with an U.S.
24 Environmental Protection Agency approved herbicide and a visual tracer dye shall
25 be applied.
- 26
- 27 B. Exotic vegetation maintenance plan. A maintenance plan shall be submitted to the County
28 Manager or designee for review on sites which require prohibited exotic vegetation
29 removal prior to the issuance of the local development order. This maintenance plan shall
30 describe specific techniques to prevent reinvasion by prohibited exotic vegetation of the
31 site in perpetuity. This maintenance plan shall be implemented on a yearly basis at a
32 minimum. Issuance of the local development order shall be contingent upon approval of
33 the maintenance plan. Noncompliance with this plan shall constitute violation of this
34 section. The County Manager or designee shall inspect sites periodically after issuance of
35 the certificate of occupancy, or other final acceptance, for compliance with this section.
- 36
- 37 C. Applicability to new structures and to additions on single-family and two-family lots. In
38 addition to the other requirements of this section, the applicant shall be required to remove
39 all prohibited exotic vegetation before a certificate of occupancy is granted on any new
40 principal or accessory structure and any additions to the square footage of the principal or
41 accessory structures on single-family or two-family lots. For new structures and additions
42 on Estates (E) zoned lots after [effective date of Ordinance], prohibited exotic vegetation
43 shall be removed only from County approved cleared areas and also within seven and
44 one-half (7.5) feet from all property lines, excluding rear yard electric service utility
45 easements. This subsection C shall not apply to tents, awnings, cabanas, utility storage
46 sheds, or screened enclosures not having a roof impervious to weather. This shall not
47 apply to interior remodeling of any existing structure.
- 48

1 The removal of prohibited exotic vegetation shall be required in perpetuity. Upon issuance
2 of a vegetation removal permit, subject to the provisions in LDC section 3.05.02 F. and
3 G., prohibited exotic vegetation may be removed prior to issuance of a building permit.
4

5 D. Exceptions. Prohibited exotic vegetation may remain on property when the County
6 Manager or designee receives a request from the property owner to retain the vegetation.
7 The County Manager or designee shall approve such a request upon finding that at least
8 one of the following criteria has been met.
9

- 10 1. The prohibited exotic vegetation has been previously approved through the County
11 development review process and planted in accordance with the landscape
12 requirements at the time of final local development order approval.
13
- 14 2. The subject lot is developed with, or proposed to be developed with, a single family
15 dwelling unit, and:
 - 16 a. is not within the RFMU Sending Lands overlay district; and
 - 17 b. is not within a NRPA overlay district; and
 - 18 c. is not located on a undeveloped coastal barrier island; and
 - 19 d. the vegetation requested to be retained is an existing Java plum tree(s) that
20 has attained a single-trunk diameter at breast height (DBH) of 18 inches or
21 more.
22
- 23 3. The prohibited exotic vegetation contains a nest of a bald eagle. Where such
24 vegetation occurs within a bald eagle nest protection zone, removal shall be in
25 accordance with the FWC Bald Eagle Management Plan and FWC Bald Eagle
26 Management Guidelines, or as otherwise permitted by the FWC and/or USFWS.
27 Where a bald eagle nest is determined to be "lost" as defined by the FWC, such
28 vegetation shall be removed as required by LDC section 3.05.08.
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34 # # # # # # # # # # # # # #

MS. PATTERSON: Commissioners, with your indulgence, we have two items that were pulled off of the consent agenda by Commissioner LoCastro and a couple of others, probably quick items that we could take before we got -- we're going to spend a little time on the budget policy, if you would be okay with that.

Item #11F

DIRECT STAFF TO ADVERTISE AND BRING BACK AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE THE REGULATIONS RELATING TO THE REMOVAL OF PROHIBITED EXOTIC VEGETATION. (ALL DISTRICTS) - MOTION TO CONTINUE TO A FUTURE MEETING BY COMMISSIONER LOCASTRO; SECONDED BY COMMISSIONER MCDANIEL – APPROVED

MS. PATTERSON: The first item is now Item 11F, formerly -- hold on. I've got to get organized. Ha -- formerly 16A14. This is a recommendation to direct staff to advertise and bring back an ordinance amending the Land Development Code to update the regulations relating to the removal of prohibited exotic vegetation.

Ms. Jaime Cook is back again to answer questions or present.

COMMISSIONER LoCASTRO: Mr. Chairman, I'll just say these two items are -- they're good-news things. So this is another example of where let's not let it get buried in the consent or summary agenda. You know, these are things we had previously talked about and, you know, you leave it in the consent or summary agenda and it gets passed, and maybe it doesn't get the spotlight it deserves, especially from the hard work from the staff here.

So give us some good-news stories on 11F, and then also we'll

get a good update on what's actually going on at Caxambas. You know, a lot of misinformation out there as well, so...

MS. COOK: Jaime Cook, your director of Development Review.

So in 1979 the first exotic vegetation removal ordinances were passed in Collier County except for lots that are platted single-family and ag-zoned properties. Between 1979 and 2004, there were various iterations. Sometimes those requirements were removed; sometimes they were put back in. But, ultimately, in 2004 the requirement for exotic removal for new principal and accessory structures was required prior to a certificate of occupancy.

In 2005, an exemption was added specifically for certain accessory structures, including screen enclosures, tents, awning, and other similar smaller structures.

Back in December during your board meeting, during the commissioner comments toward the end of the meeting, I believe, Commissioner Hall, you raised this issue, and all of you had various circumstances that you brought forward of homeowners with this situation where they were being required to remove exotics, mostly for accessory structures, and directed us to take a look at the language and provide you with some potential updates.

We've worked through that process and presented our proposed changes to the DSAC subcommittee in January, the full DSAC in February, and the Planning Commission last week. DCA recommended approval as long as we approved the proposed language, and both DCA and the Planning Commission recommended denial mostly because they felt that removal of exotics was for betterment of the community as well as that it created confusion in the instances where the homeowners may have to get state or federal permits for impacts to wetlands or other things where they're being required to remove exotics.

So the proposed language that we were presenting to you today is in Section 3.05.08 of the Land Development Code. And in Section A, staff is proposing to add that "except for Estates-zoned lots as described further below," which I'll get to in a minute, "prohibited exotic vegetation is required to be removed." And this section of code specifically refers to subdivisions or commercial developments. So we were making it clear so that there was no confusion that these requirements would not apply to Estates-zoned properties.

But the meat of the change is that in 3.05.08.C -- and the new additional language is highlighted in blue for you -- that for new structures and additions on Estates-zoned lots, after the effective date of this ordinance, which we're proposing to bring back to you the next meeting, prohibited exotic vegetation shall be removed only from the county-approved cleared areas and also within seven and a half feet from all property lines excluding rear yard electric service utility easements. And, again, it would not apply to some of those structures that were exempted back from 2005.

So what staff is trying to envision, if you look on this aerial, the property on the top is one that has a house. It's been permitted. They've cleared about a half an acre. They haven't cleared a full acre, but they've requested to clear about a half an acre. So staff would recommend that exotics within that half acre, that shaded red area, would remain clear of exotic vegetation as well as the highlighted blue, which is about seven and a half feet around that property line.

The property below has not been developed yet, but if it were to move forward with a building permit of some kind, that purple area is about one acre of clearing that they could do under their building permit as well as the seven and a half feet around the property, which is highlighted in yellow.

And the reason staff is recommending this seven and a half feet is because smaller zoned Estates lots, which are a little over an acre in size, their minimum setback from their property lines is seven and a half feet for all of their structures. This seven and a half feet on all property lines would give Fire the ability to get through in the event of a fire. For example, if there was a fire in the rear of the property, you can see that to the left of the screen, those properties are also vegetated in the rear, so that would make it difficult for Fire to get through.

Additionally, it provides a fire break, that if there is a fire, there is some sort of break -- break line that fire would not necessarily be able to jump and impact any existing structures.

Additionally, staff considered that these homeowners are able to put fences on their property lines. Most put it right at their property line. And if their neighbor isn't required to remove their exotics from their property line as well, it could impact their fence, potentially damaging it and costing that homeowner money to replace or repair their own fence.

So with that, staff is recommending that you direct us to advertise the ordinance amending the Land Development Code with these changes, but I will turn it over to you for any questions or comments.

CHAIRMAN HALL: Thank you, Ms. Cook.

When I brought this up, I felt like this ordinance was onerous and cumbersome for the landowners, especially if they just wanted to add something. And my intention was if you want to build a new house, you've got to clear your exotics, clear them out in the beginning.

We've had this -- we've had this ordinance 30 years, and it has not helped the exotics at all. They're still out there growing like wildfire.

But to require someone -- when would the seven-and-a-half-foot buffer -- that would come -- if we pass this like it is, people would be required to remove their exotics seven and a half feet on their property all the way around?

MS. COOK: With the -- with this effective date, yes. But for -- but this -- the way the language was written, it would apply to -- for new structures and additions.

CHAIRMAN HALL: And additions would be an addition to their home and not --

MS. COOK: So accessory structures; a garage or pool or something like that.

CHAIRMAN HALL: So if somebody wanted to put a tool shed, they'd have to clear their exotics?

MS. COOK: Only in the approved cleared area as well as the seven and a half feet, yes.

CHAIRMAN HALL: Okay. I don't like it. I don't like it because I think it's not -- it's not doing what we want to do. We want to get out of the way for people.

This is only the Estates. And if we approve this, I want to add Pine Ridge Estates in there as well. I don't want -- I mean, I take care of my exotics, and it's a lot of work, and I don't want to put that on people that don't want to do that.

My neighbors, they don't take care of anything, and that's their business.

COMMISSIONER LoCASTRO: They're listening.

COMMISSIONER McDANIEL: You've got to move to a new hood.

CHAIRMAN HALL: They're not listening. Trust me, they're not listening.

COMMISSIONER LoCASTRO: I love my neighbors, by the way. I just want to go on the record.

CHAIRMAN HALL: Commissioner LoCastro.

COMMISSIONER LoCASTRO: I agree with Commissioner Hall. You know, when this came to us, he brought up an example that I had cross my path a couple times, too. And I don't want to oversummarize, but someone's trying to build a shed, the shed's -- and I'm just making up numbers. The shed's \$2,000. Removing all the exotics is 10,000 or -- there was some crazy example. And I was hopeful that we would update a dated, dusty ordinance and have the legal authority -- you know, I realize that there are some standards when it comes to exotics and things, but I remember the open conversation was, let's do a deep dive. Let's blow the dust off this. Let's have, you know, government get out of the way. Let's let somebody buy a shed and not have the greatest expense be the removal of the exotics, and it's four times the price of the cost of the shed.

You know, there was a couple of weird examples out there, and I can't remember if it was you, Ms. Cook, or somebody from the podium that said, yeah, that example pops up more often than you think.

And our direction was, do we have the ability to fix it? Come back to us with something that fixes it. I don't think this does.

It's got some new verbiage in it now. If the answer is, Commissioner, you really can't do -- you can't just make stuff go away, okay, well, then that's what I was expecting to hear, that, you know, we had a great idea, but it wasn't doable due to state statute something that governs exotics.

But I was looking for something much more robust that would, you know, help the average citizen who wanted to put a shed in their backyard and not have to overly pay, you know, to remove exotics.

I didn't know what the answer was, but I was hoping the answer would come to us and it would be aggressively different and more

supportive of the average citizen who was trying to do something and didn't have to go above and beyond and excessively pay for something. I don't think this does it either. So I concur with, you know, Commissioner Hall.

CHAIRMAN HALL: Commissioner McDaniel.

COMMISSIONER McDANIEL: Is there a statute that requires us to impose exotic removal on the private sector?

MS. COOK: Wetlands. Properties that have wetlands on them.

COMMISSIONER McDANIEL: Only on wetlands. This isn't -- this doesn't have to do with that, because that's a separate permit for exotic removal in a wetland area. So this has to do with new construction.

MS. COOK: Correct.

COMMISSIONER McDANIEL: Well, I agree, this doesn't help. I have struggled with exotic removal on the private sector all my life -- in the private sector. I actually shared with you, and I'll say it out loud, it would be my -- it would be my wish to stop this imposition at all on the private sector until the government actually takes care of its own. I can drive up and down any right-of-way that's managed by the Florida Department of Transportation, the federal highway systems, even so far as our park system at the federal and state level that are fraught with exotics.

And so this -- I consider this an imposition on the private sector far and above. I mean, I'll say it as well. We've just come off of this last legislative session, but one of my hopes is to convene a study to actually have a look at the environmental impacts that the existence of exotics have contributed to habitat, because we all know that the birds and the bears and panthers live in these pepper hedges. I use pepper as the primary example.

CHAIRMAN HALL: That's the primary.

COMMISSIONER McDANIEL: But I don't think this gets us to where we want to go. I mean, it's -- even though there's consideration given for a firebreak, exotic removal is not a clearing of the entire seven and a half foot so that a truck could get down that fence line to be able to fight a fire in the back. There's still going to be natural vegetation that's still in that seven and a half feet, even if the -- even if the exotics are removed.

My thought would be -- if you go back to where you had the picture up here -- if we eliminated the seven-and-a-half-foot perimeter and just asked for the clearing of the exotics out of the area where the home was going to be, I'm just -- I'm just throwing that out as something.

CHAIRMAN HALL: I guess my point was, just to make it simple, that if you're going to build a new home, if you're going to tear down a house and rebuild another one, you've got to clear your exotics. That's a one-time deal. You've got equipment out there. It's a no-brainer.

But if you're existing and you've lived there for 30 years and you want to put -- you've got your mom that you want to move in and you're going to add a bedroom on, leave the shade. You know, just -- that's cumbersome and onerous to add a bedroom and have to remove all exotics again.

So it's just -- for new construction or a new lot, I can see it's beneficial, and it's known, it's known what's expected, and there's no surprises in the end if you want to do something -- if you want to put a tool shed on it. So that would just be my plain and simple.

I understand the rationale, I really do, and the rationale's worthy. But for what I want to accomplish, it's just getting us out of the way and it not being ownersome [sic]. And I understand DSAC, and I understand the Planning Commission, because for new construction that's going to be on the builders, and that's going to be an expense

that they're going to have to -- but that's what they get paid the big bucks for.

Commissioner Saunders.

COMMISSIONER SAUNDERS: Thank you.

I live in the Urban Estates, and I go around cutting some of the pepper plants and things like that, and two years later they've all grown back. So it doesn't really help to clear the property line and then -- because you've got to keep doing it year after year, and people aren't going to do that. And I would think even for new construction, to clear the whole property line, that would be a -- I think would be a rather expensive proposition.

CHAIRMAN HALL: No, it's just the acre or half acre.

COMMISSIONER SAUNDERS: Yeah. So I would agree that clearing the exotics out of -- either the acre or the half acre, that makes all the sense. But I would eliminate all of the other clearing, and -- because I just don't think it's effective, and even if you do it, it's going to -- they grow back pretty fast.

CHAIRMAN HALL: Yep.

Commissioner Kowal.

COMMISSIONER KOWAL: Thank you, Chairman.

Yeah, I was under the impression that this was going to the drawing board, and you guys were going to come -- something back with us. It was going to be like -- you know, this was more on the lines that, you know, the gentleman that wanted to put the tool shed on his property. He had a \$2,000 tool shed and spent \$8,000 to clear the exotics before he's allowed to go out there and cut some wood or hammer some nails.

You know, I was assuming you were going to come back with something saying, all right, well, if you're going to put a structure like a lanai, a fenced-in or an extra garage on the property, it would be certain buffer around that that would be required to clear the exotics,

because now it's a new structure, and keep a little fire barrier away from it, but not 600 feet down one side, 600 feet down the other side, and 140 feet across the back and a 7-foot swath.

And, you know, it just seemed like a lot more than I thought that we were really looking for or trying to achieve with the whole idea of going to the drawing board with this.

And -- so that's what I was more or less looking for, you guys coming back saying, yeah, it makes sense. You've got a structure, you want to add a structure, we'll figure out a ratio how far out you've got to take the exotics and clear it, and then we're good to go.

You get your occupancy permit. You're not clearing the 600 feet to the back, like it was before. You know, you've got to clear the whole lot every time you apply for the permit.

But how ironic it is that we just spent hours today with Conservation Collier and about the Maintenance Fund and how important it is to have, and the first things we do is we go in and clear the exotics. It's our biggest expense of the Maintenance Fund is clearing exotics on property that we buy with that money, and we maintain it on a yearly basis. We revisit it and cut it out again and cut it out again and cut it out again, but then we're talking about here we don't want to, you know, put that burden on the citizens, but then we don't have the problem putting the burden on the overall taxpayers. So, I mean, sometimes we need to re-think the game here, you know. So...

CHAIRMAN HALL: Commissioner McDaniel.

COMMISSIONER McDANIEL: Which part of the game do you want to re-think?

COMMISSIONER KOWAL: I'm just saying, we just talked how much money we're going to need for maintenance into perpetuity, and the biggest part of that money we talk about is the clearing the exotics. That's the biggest part of the maintenance --

COMMISSIONER McDANIEL: I'm aware.

COMMISSIONER KOWAL: -- is clearing the exotics. But then you're saying they like to hide in the pepper bushes. I don't know.

COMMISSIONER McDANIEL: Well -- and that is a fact.

COMMISSIONER KOWAL: So...

COMMISSIONER McDANIEL: There's no magic wand for this. I mean, if -- you know, I'm sure at the beginning of time when pepper bushes and Melaleucas were first introduced, there was a reason for them to be here, but now they're everywhere, and they've actually become a part of our ecosystem from a habitat standpoint for the wildlife.

I think if we were -- to accomplish what we're looking to do, if we go back to the language portion of the suggestion here, if we make it for new structures, not additions, make it for the whole county, not just the Estates, and eliminate the seven-and-a-half-foot perimeter buffer, we at least get a start on relief on the community from the imposition of the clearing. I see the two gentlemen standing up.

MR. BOSI: Mike Bosi, Planning and Zoning director.

Just a clarification. So you're talking Estates-zoned lots, single-family lots, any residential properties would be exempt from what we were proposing, and PUDs?

COMMISSIONER McDANIEL: Residential and commercial. I don't think it's -- I don't think -- I mean, if you need to have two acres for a commercial building, then you clear the two acres. If you need a half an acre for your house, you clear the half an acre.

If you want to put an addition on a home that's already there, you shouldn't have an additional imposition of a seven-and-a-half-foot perimeter clearing that as -- I shared with Commissioner Saunders, I spent -- I spent four hours on the wrong

end of a chainsaw Sunday taking care of exotics at my house and didn't even touch them, so -- because it's a never -- it's a no -- it's a zero-sum game. There's -- there's no beating them.

Because if I live next to Commissioner Saunders, my cardinals fly over and eat his pepper berries and then come over and go to the bathroom on my property, and I'm propagated because you weren't cleaning your pepper bushes.

CHAIRMAN HALL: You got fresh peppers.

COMMISSIONER McDANIEL: Yeah, I get fresh pepper berries.

So -- and I don't know -- if the goal here for us is to lift the imposition on the private sector with regard to this, then let's minimize the exposure they have for -- to whatever it is that they're looking to actually build and let them be, both residential and commercial.

MR. BOSI: Residential and commercial. Industrial as well? I mean, all --

COMMISSIONER McDANIEL: Yes.

MR. BOSI: All land uses. All land uses, they are only to clear the exotics from their clear area for where their proposed buildings are and not along the perimeter.

CHAIRMAN HALL: On brand-new construction.

COMMISSIONER McDANIEL: And additions.

CHAIRMAN HALL: So if I want to add a bedroom so my mom can move in, now I've got to redo all my exotics?

COMMISSIONER McDANIEL: No. Just on the area that you're going to build on.

CHAIRMAN HALL: So if I have a half acre and lived there for 30 years and I got exotics that are on the side of me now --

COMMISSIONER McDANIEL: On the back 40.

CHAIRMAN HALL: Backyard, front yard, whatever, and now

I want to add a bedroom for my mom to move in, now I've got to turn around and remove all the exotics again?

COMMISSIONER McDANIEL: No, sir. That's what I'm saying is eliminate that provision.

CHAIRMAN HALL: Oh, okay.

COMMISSIONER McDANIEL: The example that I cited last year when we were talking about this was with a young lady that works for me lives in the Estates in a Jim Walters home that was built back in the '80. They put a mother-in-law quarter on the house, on a 75-foot tract, and it cost them \$4500 because we required -- Environmental Services required exotic removal on the entire property before they could get a CO and legally occupy that addition that they put on their home. And so my thoughts were, only require the exotic removal on the new structure for the area that they're actually going to use and eliminate the buffer, and include the entire county, and not the perimeter clearing.

CHAIRMAN HALL: Troy, we have a comment?

COMMISSIONER KOWAL: Could I just say one more thing?

CHAIRMAN HALL: Sure. Go ahead.

COMMISSIONER KOWAL: Just for understanding that, you know, if you are going to put this additional structure or this addition onto the home, I think there should be some sort of ratio out so far the exotics need to be cleared, just because you want to have that buffer for your own protection. But I don't want to see the whole lot having to get, you know, redone again, because I think that's senseless. Because you go out, and four, five years down the road, everything's back again.

COMMISSIONER McDANIEL: Right.

COMMISSIONER KOWAL: It's the same exact condition it was when you originally built your house. But if you're adding a structure or you're adding something on the property, I think there

should be some sort of ratio figured out how far out from that new structure, that new footprint you should clear it, you know, but not the whole perimeter around the edges of the lot and all that stuff. So I'm just trying to just -- you know, you don't want to build it right up to, you know, a fire hazard.

COMMISSIONER McDANIEL: If I may, the recommendation is 30 feet from your structure on the perimeter of your home. That should be --

COMMISSIONER KOWAL: Suffice.

COMMISSIONER McDANIEL: That is what the fire departments recommend, that you have that 30-foot buffer on the perimeter of your home. That allows them to safely get in, park a truck between your house and the fire and be able to fight the fire off your home. So that 30-foot perimeter from the home is what the fire department recommends.

And I'm not necess- -- I'm not proposing that today unless we -- unless we can devise some sort of an incentive program to incentivize people to actually partake in that.

COMMISSIONER LoCASTRO: So you assemble a \$2,000 shed, and you'd have to go 30 feet? I mean, that's one of the examples, you know -- okay, yeah.

COMMISSIONER McDANIEL: If you don't want it to burn.

CHAIRMAN HALL: I'm going to make the motion here to just have this say, "Exotic removals are required on new construction for the county cleared area," and other than that, we're good to go. Countywide.

MR. BOSI: It's countywide.

CHAIRMAN HALL: Industrial, residential and --

MR. BOSI: The clear area for new construction.

CHAIRMAN HALL: For new construction only, if you need a half acre, you clear your half acre.

MR. BOSI: So if that addition was going on, that addition would not be subject to -- only -- only your -- the principal structure.

CHAIRMAN HALL: Only on new construction on brand-new structures.

MS. COOK: So just for a point of clarification, we have another section of our code, 3.05.07, that deals specifically with preserves and conservation easements that if we do countywide, this may conflict with that if we're not going to require exotic removal in Conservation Collier easements and preserves, which would also conflict with the state.

COMMISSIONER McDANIEL: We do want to do that.

MS. COOK: So I just want to be sure that --

CHAIRMAN HALL: I'm just talking about for homeowners who are building stuff.

MS. COOK: Got it.

COMMISSIONER McDANIEL: We're talking about new construction. We're not talking about another section of the --

CHAIRMAN HALL: Correct.

COMMISSIONER McDANIEL: Excuse me, sir. I can hit my light. I jumped in front of Commissioner LoCastro, so...

CHAIRMAN HALL: He's full of grace this afternoon.

COMMISSIONER McDANIEL: Go ahead, please.

COMMISSIONER LoCASTRO: No. I was just going to say -- and not in the interest of time, but in the interest of getting this right, I think you've heard all of our concerns here.

I'd make the motion that you guys go back to the drawing board, that this does not meet our requirement, because the other thing here is, we're brainstorming a lot of stuff up here, and I was just about to say that I bet this conflicts with something, and then you said it does.

So I think this is the time to take a pause and go, thanks for doing a dive, but it's not a deep enough dive. Keep us out of trouble.

We don't want to put something in writing that then, you know, conflicts with something else.

And we want to make sure also, too, that all the -- all the right examples are covered. You know, the new construction sounds great, but then, you know, it might leave a loophole that, okay, so then if somebody wants to add a mother-in-law bedroom, then they don't have to do anything. But then, Commissioner McDaniel says, yeah, but then there could be a fire hazard, and, you know -- and so it's like I don't want to sit here and dissect this thing in this meeting. It's already not what I want.

And I just think that this is -- you've gotten enough input from us to go back and bring us something that you can explain better that meets our -- the criteria we originally had said, or you tell us why it's impossible and give us something that at least is as aggressive as possible to meet, you know, what our intention is, and it's something that's also enforceable. We could say -- we could pat ourselves on the back here and pass something, and then in the end it is a whole lot of nothing.

So I don't think we're ready to talk -- you know, wordsmithing this thing on the fly isn't something I'm ever hugely supportive of unless it's something, you know, a happy to glad or something really small. But I don't think this is close to what we would like, and there's also other moving parts that you just brought up with other ordinances out there that I think make this whole thing a little bit sloppy.

So my recommendation would be, come back at the next meeting. And it also gives you a chance to talk to us all one-on-one between now and then, too, to make sure that we're all paddling in the same direction. I don't think we are right now.

CHAIRMAN HALL: Commissioner McDaniel.

COMMISSIONER McDANIEL: I'm okay with that.

CHAIRMAN HALL: Me, too.

COMMISSIONER McDANIEL: Let's continue it.

CHAIRMAN HALL: You get the point. You know what we want.

MS. COOK: We got it.

COMMISSIONER LoCASTRO: Do we have to make a motion to continue it?

CHAIRMAN HALL: Yes.

COMMISSIONER LoCASTRO: Yep. I make a motion we continue it to --

MR. MILLER: Mr. Chair, I'm sorry. I don't believe this gentleman's here, but I don't know. Steve Matteau.

(No response.)

MR. MILLER: Just had to do that for the record. Thank you.

CHAIRMAN HALL: Okay.

COMMISSIONER LoCASTRO: Make a motion to continue and bring it back at your earliest convenience. I don't even know if we have to set a date, because we've got kind of a complicated agenda coming up over the next couple, but, you know, this is one that -- sooner than later, but we'll let you figure out the date. So that's my motion. Do I have a second?

COMMISSIONER McDANIEL: Second.

CHAIRMAN HALL: All right. Motion and second to postpone it. All in favor, say aye.

COMMISSIONER McDANIEL: Aye.

COMMISSIONER LoCASTRO: Aye.

CHAIRMAN HALL: Aye.

COMMISSIONER SAUNDERS: Aye.

COMMISSIONER KOWAL: Aye.

CHAIRMAN HALL: All opposed?

(No response.)

MS. COOK: Thank you.

CHAIRMAN HALL: Can we bring it back on the consent?

COMMISSIONER McDANIEL: If we get it right.

COMMISSIONER SAUNDERS: I'd suggest that sometime in 2028 will be a good time to bring it back.

COMMISSIONER LoCASTRO: With the what?

COMMISSIONER SAUNDERS: Sometime in 2028 would be a good time to bring it back.

MS. PATTERSON: Commissioners --

COMMISSIONER LoCASTRO: Could I just say one thing, though? Commissioner Kowal really did bring up a really important point, that we sat here and we dissected this thing for sheds and mother-in-law homes, but we are paying through the nose on property in Conservation Collier. So maybe that's a separate thing, and maybe I'll just let it sit there, but that resonated with me, and I think it's very -- it's a very astute observation that you made.

And, you know, we want to make sure that we're consistent. So here we are, you know, helping the taxpayer with their shed and their mother-in-law home, but then, you know, it's a much bigger number on lots that aren't really infringing on anything that we bought under Conservation Collier. So, you know, maybe that's for another day, another time, but not 2028, so...

CHAIRMAN HALL: Brazilian peppers puts a new perspective on "in perpetuity."

COMMISSIONER LoCASTRO: Yeah, absolutely.

So maybe -- Commissioner Kowal, maybe that's something that, you know, you champion or talk with the County Manager, but I think bringing that back and seeing what we could really do to save -- and anything we save from Conservation Collier allows us to buy more properties, which is -- you know, when I made the motion to say, let's negotiate with some of these property owners, and then

what, the next 10 properties, most of them we bought under the appraised value saving money. This now -- now we're talking really significant dollars if we made some sort of aggressive change.

And, you know, lastly, to Commissioner McDaniel's point, drive down any part of I-75 or anywhere in the county, right, they're everywhere, you know, so --

COMMISSIONER McDANIEL: U.S. 41.

COMMISSIONER LoCASTRO: -- anyway, I'll just end with that, but that was a -- I hadn't really made that connection until he mentioned it, and then I started, you know, adding up the dollar figures, and that's a significant amount.

So maybe we can combine the two, and when it comes back to us, it talks about both. Just a thought.

MS. PATTERSON: Yes, sir.

COMMISSIONER KOWAL: We ain't got kudzu, right?

COMMISSIONER LoCASTRO: What's that, sir?

COMMISSIONER KOWAL: Kudzu.

COMMISSIONER LoCASTRO: Yeah, yeah, kudzu. Yeah. Kudzu, yeah.

CHAIRMAN HALL: We have air potato.

Item #11G

AWARD CONSTRUCTION INVITATION TO BID ("ITB") NO. 23-8182, THE "CAXAMBAS PARK AND BOAT REHABILITATION PROJECT" TO KELLY BROTHERS, INC., IN THE AMOUNT OF \$2,735,926.67, AUTHORIZE THE CHAIRMAN TO SIGN THE ATTACHED AGREEMENT, AND APPROVE THE NECESSARY BUDGET AMENDMENT. (PROJECT NO. 50280). (DISTRICT 1) - MOTION TO APPROVE BY COMMISSIONER LOCASTRO; SECONDED BY

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20250007882

ORIGIN

 Growth Management
Community Department
(GMCD)

SUMMARY OF AMENDMENT

This amendment updates and allows the administrative review and approval of plat and replat submittals through a designated authority (County Manager or designee) in accordance with F.S. 177.071 Approval of Plat by Governing Bodies. 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	TBD
DSAC	TBD
DSAC-LDR	8/19/25

LDC SECTION TO BE AMENDED

1.08.02	Definitions
4.03.02	Applicability
10.02.04	Requirements for Subdivision Plats
10.02.05	Construction, Approval, and Acceptance of Required Improvements
Appendix A	STANDARD PERFORMANCE SECURITY DOCUMENTS FOR REQUIRED IMPROVEMENTS
Appendix C	FINAL SUBDIVISION PLAT, REQUIRE CERTIFICATIONS AND SUGGESTED TEXT AND FORMATS FOR OTHER REQUIRED INFORMATION

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

F.S. 177.01 was amended, approved by the Governor on June 20, 2025 and became effective law on July 1, 2025 (See Exhibit B). It requires local governments to review and approve plat and replat submittals administratively through a “designated authority” and provides parameters on the administrative review process. The term “*administrative authority*” is defined as “...a department, division, or other agency of the county or municipality. For the purposes of issuing a final administrative approval of a plat or replat submittal, the term also includes an administrative officer or employee designated by the governing body of a county or municipality, including but not limited to, a county administrator or manager, ..., a deputy county administrator or manager, ..., an assistance county administrator or manager, ... or other high ranking county department or, ...or, division director with direct or indirect oversight responsibility for the county’s or municipality’s land development, housing, utilities, or public works programs.”

On July 8, 2025, the Board of County Commissioners (Board) adopted Resolution No. 2025-131 designating the Development Review Division within the Growth Management Community Development Department as the “Administrative Authority” to review and process plat or replat submittals pursuant to F.S.177.01 (1) (a) (See Exhibit C). On behalf of the Board on or after July 1, 2025, as an “*Administrative Official*”, the County Manager, Deputy County Manager, Community Development Department Head, Development Review Director and/or Zoning Division Director are each delegated authority to administratively approve, approve with conditions, or deny subdivision plats

or replats and to execute the plat/replat and the Construction and Maintenance Agreement.

The proposed LDC sections, have been identified and submitted by staff to state the “*Administrative Official*” shall be the authorized authority to sign plats and/replats, and Construction and Maintenance Agreements. To comply with F.S. 177, this amendment implements updates to the LDC.

Under the law, the designated authority must provide written notice in response to a submittal within seven days acknowledging receipt, identifying missing documents or information required to process the plat or replat submittal, and provide information regarding the approval process including requirements and timeframes. Unless an applicant requests an extension, the designated authority must approve, approve with conditions, or deny the submittal within the timeframe in the initial written notice. Pursuant to the legislation, the designated authority may not request or require an extension of time. A denial must provide an explanation of why the submittal was denied, specifically citing any unmet requirements.

A companion administrative code amendment is required to update Chapter 5-Subdivision Procedures related to the decision maker for plats, replats, construction and maintenance agreements. (See Exhibit A).

FISCAL & OPERATIONAL IMPACTS

There are no fiscal impacts to the County associated with this amendment other than the cost of recording fees that are at the expense of an applicant/developer.

GMP CONSISTENCY

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

EXHIBITS: A) Administrative Code Amendments B) F.S.Chapter 205-164 C) Resolution 2025-131

DRAFT

Text underlined is new text to be added

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

Amend the LDC as follows:

1.08.02 – Definitions

* * * * *

Adjacent: To share a common property line or boundary, or to be separated by a public right-of-way, easement, or water body.

Administrative Official: The person delegated authority to approve, approve with conditions, or deny subdivisions plans or replats on behalf of the Board of County Commissioners, including the County Manager, Deputy County Manager, Growth Management Community Development Department Head, Development Review Director and/or Zoning Director, as authorized in Resolution 2025-131.

Adult day care center: A facility that provides temporary care on a daily basis for adults, whether for compensation or not, and without overnight accommodations.

* * * * *
#

4.03.02 - Applicability

It shall be unlawful for any person to transfer, sell, or otherwise convey, to sell any land by reference to, exhibition of, or other use of, a plat of a subdivision of such land without having submitted a final subdivision plat of such land for approval to the ~~BCC~~ Administrative Official required by this section and without having recorded the approved final subdivision plat as required by this section. Any division of land meeting the definition of subdivision which is not otherwise exempt by this section shall require the filing of a subdivision plat in accordance with the requirements of LDC section 10.02.04 ~~of this Code~~.

#

10.02.04 - Requirements for Subdivision Plats

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

* * * * *

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

1. *Generally.* Final subdivision plat approval by the ~~Board of County Commissioners~~ Administrative Official is required before a final subdivision plat can be recorded.

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

- b. The review and approval of construction plans does not authorize the construction of required improvements which are inconsistent with existing easement(s) of record.
- c. The required improvements shall be completed prior to recordation of the final subdivision plat unless the applicant files a subdivision performance security as identified in LDC section 10.02.04 F with the County.
- d. Where approval of construction plans and final subdivision plats will lead to the level of service for any public facility being reduced below the level established by the growth management plan for Collier County, the County shall deny approval to proceed with development until the requirements of LDC section 10.02.07 have been met.

* * * * *

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

- 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 and provide written notice to the applicant acknowledging receipt . 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.

* * * * *

4. ~~Board~~ Administrative approval of the final subdivision plat.

a. Following approval or approval with conditions by the County Manager or designee, ~~the County Manager or designee shall place the final subdivision plat on the consent agenda for its next available regularly scheduled Board hearing. The~~ Board Administrative Official shall consider approval of the final subdivision plat together with the approval of standard form, Construction Maintenance Agreement, and approval of the amount of performance security for the required improvements based on the estimate of probable cost.

~~b. If all members of the Board consent to the recommendation of the County Manager or designee, then the recommendation of the County Manager or designee on the final subdivision plat shall remain on the consent agenda and the final subdivision plat shall be approved. If any member of the Board objects to the recommendation of the County Manager or designee or otherwise requests discussion on the recommendation, then the recommendation shall be taken off the consent agenda and may be discussed or scheduled for a subsequent hearing date. After due notice of the hearing to the applicant, the Board shall hold a hearing on the final subdivision plat. At the hearing, the Board shall consider the County Manager or designee's recommendation and shall take evidence and testimony in regard to the final subdivision plat requirements identified in LDC sections 10.02.04 B and 10.02.04 C, and other provisions of the LDC. The Board shall approve, approve with conditions, or deny the final subdivision plat. If the Board denies or places conditions on the final subdivision plat, it shall state reasons for such denial or conditions.~~

~~b.~~ Approval of the final subdivision plat shall not constitute acceptance of public dedicated facilities. Acceptance of any such dedicated public facilities and responsibility for their maintenance shall be by separate resolution of the Board of County Commissioners. See LDC section 10.02.05 C.3.

~~d-c.~~ After ~~Board~~ administrative approval of the final subdivision plat, building permits may be issued for a percentage of planned homes in accordance with the Florida Building Code and pursuant to F.S. 177.073. 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.

5. *Insubstantial changes and amendments to construction plans and final subdivision plats.*

- a. Insubstantial Changes to Construction Plans (ICP). Following approval by the County Manager or designee of the construction plans, the applicant may request insubstantial changes to the construction plans.
 - i. Application. The Administrative Code shall establish the process and the submittal requirements for an insubstantial change to the construction plans. Construction plans shall be prepared pursuant to LDC section 10.02.04 B.
- b. Following approval by the ~~Board~~ Administrative Official of the final subdivision plat, but prior to recordation, the County Manager or designee may approve minor insubstantial changes to the final subdivision plat. Insubstantial changes are insignificant to the project, such as a correction or change on the cover sheet.
- c. Following approval by the ~~Board~~ Administrative Official of the final subdivision plat, but prior to recordation, the ~~Board~~ Administrative Official may approve amendments to the final subdivision plat. This is commonly referred to as a "PPLA".
 - i. Application. The Administrative Code shall establish the process and the submittal requirements for the final subdivision plat amendment. The final subdivision plat shall be prepared pursuant to LDC section 10.02.04 B.

* * * * *

7. *Timing of recording and development.*

- a. *Recording.* Within 18 months of the date of approval of the final subdivision plat by the ~~Board~~ Administrative Official, the applicant shall submit the final subdivision plat to the County Manager or designee for recording.
- b. *Required improvements to be completed.* The improvements required for the final subdivision plat shall be completed within 18 months from the date of approval by the ~~Board~~ Administrative Official unless a written extension request is approved by the County Manager or designee.
- c. *Integrated phased development.* Each subsequent phase of the project shall be submitted within ~~2~~ two years following the date of written approval of the most recently approved final subdivision plat in accordance with LDC section 10.02.04 A.6.

* * * * *

F. *Recordation of the Final Subdivision Plat.*

1. Generally. No building permits for habitable structures shall be issued prior to approval by the ~~Board of County Commissioners~~ Administrative Official and

recording of the final subdivision plat, except as provided in LDC section 5.04.04, LDC section 10.02.04 B.6., and LDC section 10.02.04 B.4.d., as applicable.

2. Posting of subdivision performance security at the time of recording or at ~~Board~~ administrative approval when utilizing F.S. 177.073.

a. The final subdivision plat shall not be recorded until a subdivision performance security for the construction of the required improvements, both on-site and off-site, has been posted by the applicant and approved and accepted by the ~~Board or~~ County Manager or designee on behalf of the Board.

b. The applicant's professional engineer shall prepare an opinion of the probable construction cost or the actual contractor's bid price, which includes the cost of all required improvements, to determine the amount of the subdivision performance security.

i. If no construction of the required improvements has begun at the time of posting of the subdivision performance security, the security shall be an amount equal to 110 percent of the sum of construction costs for all on-site and off-site required improvements based on the applicant's professional engineer's opinion of the probable construction costs or contract bid price.

ii. If construction of the required improvements has begun at the time of posting the subdivision performance security, the security shall be in an amount equal to 10 percent of the applicant's professional engineer's opinion of the probable construction cost or contract bid price, plus 100 percent of the required improvements to be completed, such as the final lift of asphalt and uncompleted sidewalks.

iii. If construction of all required improvements has been completed and accepted by the ~~Board~~ County Manager or designee at the time of recording, only a performance maintenance guarantee at an amount equal to 10 percent of the applicant's professional engineer's opinion of the probable construction cost or contract bid price shall be provided.

iv. No subdivision performance security shall be required where improvements are to be constructed by a general-purpose government such as a county or municipality, a local school district, or state agency. A subdivision performance security shall be required of an independent special-purpose government such as a community development district (CDD).

* * * * *

c. Once the form of a subdivision performance security has been approved and accepted by the Board, alternate securities, in a format approved by

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

3. Recordation Procedure. After approval of the final subdivision plat by the ~~Board~~ Administrative Official prior to the recording of the final subdivision plat with the clerk of the circuit court, the following shall occur:

* * * * *

- e. Construction and Maintenance Agreement. The applicant shall enter into a construction and maintenance agreement with the County, in a form acceptable to the County Attorney, which establishes the terms and conditions for the construction and maintenance of the improvements required during the 18-month construction period or a time frame established in an approved extension request by the County Manager or designee. This agreement shall be submitted with the final subdivision plat for review and approval and shall be executed by all parties at the time of ~~Board~~ administrative approval, if building permits are issued when utilizing F.S. 177.073 or at the time of recording the final plat.

* * * * *

- g. Supporting "gap" title information. Within 60 days of recordation of the final subdivision plat in the official records of Collier County, Florida, the applicant, at no expense to the County, shall submit to the County Manager or designee final supporting "gap" title information. The final supporting title information must meet all of the requirements of LDC section 10.02.04 F.3.c, except as to the effective date. Receipt and approval of the "gap" title information is a condition precedent to preliminary acceptance of subdivision improvements by the ~~Board~~ Administrative Official.

* * * * *

#

10.02.05 - Construction, Approval, and Acceptance of Required Improvements

* * * * *

- C. Final Acceptance of the Required Subdivision Improvements by the Board of County Commissioners.

1. Generally. The Board may provide final acceptance, by resolution, of the improvements subject to the following:
 - a. Following the ~~4~~ one-year minimum maintenance period as required by preliminary acceptance by the County Engineer or designee; and
 - b. Following satisfactory completion of the preliminary acceptance inspections by the County Engineer or designee; and

c. At the request of the applicant, after a final inspection by the County Engineer or designee.

2. Timing. All of the required improvements shall receive final acceptance by the Board within 36 months from the date of the original ~~Board~~ administrative approval of the final subdivision plat, unless extended by the County Manager or designee, the Board, or general law.

a. The developer may request two-year extensions for completion and acceptance of the required improvements. A maximum of ~~2~~ two extensions may be granted by the County Manager or designee. Each request should provide written justification for the extension.

*	*	*	*	*	*	*	*	*	*	*	*	*	*
#	#	#	#	#	#	#	#	#	#	#	#	#	#

APPENDIX A STANDARD PERFORMANCE SECURITY DOCUMENTS FOR REQUIRED IMPROVEMENTS

*	*	*	*	*	*	*	*	*	*	*	*	*	*
---	---	---	---	---	---	---	---	---	---	---	---	---	---

Appendix A consists of the following specimen forms:

A.1 Subdivision Improvements

*	*	*	*	*	*	*	*	*	*	*	*	*	*
---	---	---	---	---	---	---	---	---	---	---	---	---	---

c. The Construction, Maintenance and Escrow Agreement for Subdivision Improvements shall be substantially as follows:

CONSTRUCTION, MAINTENANCE AND ESCROW AGREEMENT FOR SUBDIVISION IMPROVEMENTS

THIS AGREEMENT entered into this ____ day of _____, 20____ by (description of entity) (hereinafter "Developer"), THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, (hereinafter "The Board") and _____ (hereinafter "Lender").

RECITALS:

- A. Developer has, simultaneously with the delivery of this Agreement, applied for the approval by the Board of a certain plat of a subdivision to be known as: _____.
- B. The subdivision will include certain improvements which are required by Collier County ordinances, as set forth in a site construction cost estimate ("Estimate") prepared by _____, a copy of which is attached hereto and incorporated herein as Exhibit 1. For purposes of this Agreement, the "Required Improvements" are limited to those described in the Estimate.
- C. Sections 10.02.05 C. and 10.02.04 of the Collier County Subdivision Code Division of the Unified Land Development Code requires the Developer to provide

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appropriate guarantees for the construction and maintenance of the Required Improvements.

D. Lender has entered into a construction loan agreement with Developer dated _____, Account No. _____ (the "Construction Loan") to fund the cost of the Required Improvements.

E. Developer and the Board have acknowledged that the amount Developer is required to guarantee pursuant to this Agreement is \$_____, and this amount represents 110% of the Developer's engineer's estimate of the construction costs for the Required Improvements.

NOW, THEREFORE, in consideration of the foregoing premises and mutual covenants hereinafter set forth, Developer, the Board and the Lender do hereby covenant and agree as follows:

1. Developer will cause the water, sewer, roads, drainage and like facilities, the Required Improvements, to be constructed pursuant to specifications that have been approved by the County Manager or his designee within _____ months from the date of approval of said subdivision plat.
2. Developer hereby authorizes Lender to hold \$_____ from the Construction Loan, in escrow, pursuant to the terms of this Agreement.
3. Lender agrees to hold in escrow \$_____ from the Construction Loan, to be disbursed only pursuant to this Agreement. Lender acknowledges that this Agreement shall not constitute a draw against the Construction Loan fund, but that only such funds as are actually disbursed, whether pursuant to this Agreement or a provision of the Construction Loan, shall accrue interest.
4. The escrowed funds shall be released to the Developer only upon written approval of the County Manager or his designee who shall approve the release of the funds on deposit not more than once a month to the Developer, in amounts due for work done to date based on the percentage completion of the work multiplied by the respective work costs less ten percent (10%); and further, that upon completion of the work, the County Manager or his designee shall approve the release of any remainder of escrowed funds except to the extent of \$_____ which shall remain in escrow as a Developer guaranty of maintenance of the Required Improvements for a minimum period of one (1) year pursuant to Paragraph 10 of the Agreement.

However, in the event that Developer shall fail to comply with the requirements of this Agreement, then the Lender agrees to pay to the County immediately upon demand the balance of the funds held in escrow by the Lender, as of the date of the demand, provided that upon payment of such balance to the County, the County will have executed and delivered to the Lender in exchange for such funds a statement to be signed by the County Manager or his designee to the effect that:

- (a) Developer for more than sixty (60) days after written notification of such failure has failed to comply with the requirements of this agreement;

- 1 (b) The County, or its authorized agent, will complete the work called for under
2 the terms of the above-mentioned contract or will complete such portion of
3 such work as the County, in its sole discretion shall deem necessary in the
4 public interest to the extent of the funds then held in escrow;
5
6 (c) The escrow funds drawn down by the County shall be used for construction
7 of the Required Improvements, engineering, legal and contingent costs and
8 expenses, and to offset any damages, either direct or consequential, which
9 the County may sustain on account of the failure of the Developer to carry
10 out and execute the above-mentioned development work; and
11
12 (d) The County will promptly repay to the Lender any portion of the funds drawn
13 down and not expended in completion of the said development work.
14
15 5. Written notice to the Lender by the County specifying what amounts are to be paid
16 to the Developer shall constitute authorization by the County to the Lender for
17 release of only those specified funds to the Developer. Payment by the Lender to
18 the Developer of the amounts specified in a letter of authorization by the County
19 to the Lender shall constitute a release by the County and Developer of the Lender
20 for the specified funds disbursed in accordance with the letter of authorization from
21 the County.
22
23 6. The Required Improvements shall not be considered for preliminary approval until
24 a statement of substantial completion by Developer's engineer along with the final
25 project records have been furnished to be reviewed and approved by the County
26 Manager or his designee for compliance with the Collier County Subdivision
27 Regulations.
28
29 7. The County Manager or his designee shall, within sixty (60) days of receipt of the
30 statement of substantial completion, either: a) notify the Developer in writing of his
31 preliminary approval of the improvements; or b) notify the Developer in writing of
32 his refusal to approve the improvements, therewith specifying those conditions
33 which the Developer must fulfill in order to obtain the Director's approval of the
34 Required Improvements. However, in no event shall the County Manager or his
35 designee refuse preliminary approval of the improvements if they are in fact
36 constructed and submitted for approval in accordance with the requirements of this
37 Agreement.
38
39 8. Should the funds held in escrow be insufficient to complete the Required
40 Improvements, the Board, after duly considering the public interest, may at its
41 option complete the Required Improvements and resort to any and all legal
42 remedies against the Developer.
43
44 9. Nothing in this Agreement shall make the Lender liable for any funds other than
45 those placed in deposit by the Developer in accordance with the foregoing
46 provisions; provided, that the Lender does not release any monies to the
47 Developer or to any other person except as stated in this Escrow Agreement to
48 include closing the account, or disbursing any funds from the account without first
49 requesting and receiving written approval from the County.
50

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10. The Developer shall maintain all Required Improvement for one year after preliminary approval by the County Manager or his designee. After the one year maintenance period by the Developer and upon submission of a written request for inspection, the County Manager or his designee shall inspect the Required Improvements and, if found to be still in compliance with the Code as reflected by final approval by the Board, the Lender's responsibility to the Board under this Agreement is terminated. The Developer's responsibility for maintenance of the Required Improvements shall continue unless or until the Board accepts maintenance responsibility for and by the County.
11. All of the terms, covenants and conditions herein contained are and shall be binding upon the respective successors and assigns of the Developer and the Lender.

IN WITNESS WHEREOF, the Board and the Developer and Lender have caused this Agreement to be executed by their duly authorized representatives this ____ day of _____, 20____.

SIGNED IN THE PRESENCE OF:	(Name of entity) (Developer)
_____	By: _____
Printed Name	Print Name/Title (President, VP, or CEO) (Provide Proper Evidence of Authority)

Printed Name	

SIGNED IN THE PRESENCE OF:	(Name of entity) (Lender)
_____	By: _____
Printed Name	Print Name/Title (President, VP, or CEO)

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	(Provide Proper Evidence of Authority)

Printed Name	

ATTEST:

(Name of Clerk), CLERK	BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA
By: _____	By: _____
____ Deputy Clerk	<u>Name of Chairman Administrative Official)</u> <u>ADMINISTRATIVE OFFICIAL PER</u> <u>RESOLUTION 2025-131</u>
Approved as to form and legality:	

Assistant County Attorney	

(Ord. No. 15-44, § 3.N; Ord. No. 20-16, § 3.M)

- d. The Construction and Maintenance Agreement for Subdivision Improvements shall be substantially as follows:

CONSTRUCTION AND MAINTENANCE AGREEMENT FOR SUBDIVISION IMPROVEMENTS

THIS CONSTRUCTION AND MAINTENANCE AGREEMENT FOR SUBDIVISION IMPROVEMENTS entered into this ____ day of _____, 20__ between _____ hereinafter referred to as "Developer," and the Board of County Commissioners of Collier County, Florida, hereinafter referred to as the "Board".

RECITALS:

- 1
2 A. Developer has, simultaneously with the delivery of this Agreement, applied for the
3 approval by the Board of a certain plat of a subdivision to be known as:
4
5 B. Chapters 4 and 10 of the Collier County Land Development Code requires the
6 Developer to post appropriate guarantees for the construction of the improvements
7 required by said subdivision regulations, said guarantees to be incorporated in a
8 bonded agreement for the construction of the required improvements.
9

10 NOW, THEREFORE, in consideration of the foregoing premises and mutual covenants
11 hereinafter set forth, Developer and the Board do hereby covenant and agree as follows:
12

- 13 1. Developer will cause to be constructed:
14 within _____ months from the date of approval of said subdivision plat, said
15 improvements hereinafter referred to as the required improvements.
16
17 2. Developer herewith tenders its subdivision performance security (attached hereto
18 as Exhibit "A" and by reference made a part hereof) in the amount of \$_____
19 which amount represents 10% of the total contract cost to complete construction
20 plus 100% of the estimate cost of to complete the required improvements at the
21 date of this Agreement.
22
23 3. In the event of default by the Developer or failure of the Developer to complete
24 such improvements within the time required by the Land Development Code,
25 Collier County, may call upon the subdivision performance security to insure
26 satisfactory completion of the required improvements.
27
28 4. The required improvements shall not be considered complete until a statement of
29 substantial completion by Developer's engineer along with the final project records
30 have been furnished to be reviewed and approved by the County Manager or
31 designee for compliance with the Collier County Land Development Code.
32
33 5. The County Manager or designee shall, within sixty (60) days of receipt of the
34 statement of substantial completion, either: a) notify the Developer in writing of his
35 preliminary approval of the improvements; or b) notify the Developer in writing of
36 his refusal to approve improvements, therewith specifying those conditions which
37 the Developer must fulfill in order to obtain the County Manager's approval of the
38 improvements. However, in no event shall the County Manager or designee refuse
39 preliminary approval of the improvements if they are in fact constructed and
40 submitted for approval in accordance with the requirements of this Agreement.
41
42 .6. The Developer shall maintain all required improvements for a minimum period of
43 one year after preliminary approval by the County Manager or designee. After the
44 one year maintenance period by the Developer has terminated, the Developer
45 shall petition the County Manager or designee to inspect the required
46 improvements. The County Manager or designee shall inspect the improvements
47 and, if found to be still in compliance with the Collier County Land Development
48 Code as reflected by final approval by the Board, the Board shall release the
49 remaining 10% of the subdivision performance security. The Developer's

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responsibility for maintenance of the required improvements shall continue unless or until the Board accepts maintenance responsibility for and by the County.

7. Six (6) months after the execution of this Agreement and once within every six (6) months thereafter the Developer may request the County Manager or designee to reduce the dollar amount of the subdivision performance security on the basis of work complete. Each request for a reduction in the dollar amount of the subdivision performance security shall be accompanied by a statement of substantial completion by the Developer's engineer together with the project records necessary for review by the County Manager or designee. The County Manager or designee may grant the request for a reduction in the amount of the subdivision performance security for the improvements completed as of the date of the request.
8. In the event the Developer shall fail or neglect to fulfill its obligations under this Agreement, upon certification of such failure, the County Manager or designee may call upon the subdivision performance security to secure satisfactory completion, repair and maintenance of the required improvements. The Board shall have the right to construct and maintain, or cause to be constructed or maintained, pursuant to public advertisement and receipt and acceptance of bids, the improvements required herein. The Developer, as principal under the subdivision performance security, shall be liable to pay and to indemnify the Board, upon completion of such construction, the final total cost to the Board thereof, including, but not limited to, engineering, legal and contingent costs, together with any damages, either direct or consequential, which the Board may sustain on account of the failure of the Developer to fulfill all of the provisions of this Agreement.
9. All of the terms, covenants and conditions herein contained are and shall be binding upon the Developer and the respective successors and assigns of the Developer.

IN WITNESS WHEREOF, the Board and the Developer have caused this Agreement to be executed by their duly authorized representatives this ____ day of _____, 20____.

SIGNED IN THE PRESENCE OF:	(Name of Entity)
_____	By: _____
Printed Name	Print Name/Title (President, VP, or CEO) (Provide Proper Evidence of Authority)

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Printed Name	
ATTEST:	
(Name of Clerk), CLERK	BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA
By: _____	By: _____
____ Deputy Clerk	<u>(Name of Chairman Administrative Official)</u> <u>ADMINISTRATIVE OFFICIAL PER</u> <u>RESOLUTION 2025-131</u>
Approved as to form and legality:	

Assistant County Attorney	

(Ord. No. 15-44, § 3.N; Ord. No. 20-16, § 3.M) Ord. No. 25-XXX, § XX

* * * * *
#

APPENDIX C

FINAL SUBDIVISION PLAT, REQUIRED CERTIFICATIONS AND SUGGESTED TEXT AND FORMATS FOR OTHER REQUIRED INFORMATION

(SEE LDC section 10.02.04 for applicable, specific provisions)

The following text and format are intended as a guide for preparation of those platting materials required to be submitted to reviewing authorities, including the Project Review Services Department, Utilities Division, County Health Department, County Attorney and the Board of County Commissioners. Adherence to this format and text will substantially expedite review. Substantial deviation in substance or form from the suggested text and format may result in delay or disapproval of the submitted plat.

SURVEYOR'S CERTIFICATE

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I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A BOUNDARY SURVEY OF THE PROPERTY PERFORMED BY ME, OR UNDER MY SUPERVISION, AS PROVIDED IN CHAPTER 177.041 FLORIDA STATUTES AND THAT THIS PLAT COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, AS AMENDED, FLORIDA STATUTES. IT IS FURTHER CERTIFIED THAT ALL PERMANENT REFERENCE MONUMENTS WILL BE SET PRIOR TO THE RECORDING OF THIS PLAT AND THAT THE PERMANENT CONTROL POINTS AND LOT CORNERS WILL BE SET PRIOR TO FINAL ACCEPTANCE OF THE REQUIRED IMPROVEMENTS.

(signature) (TYPED OR PRINTED NAME HERE)	DATE
Include Florida Professional Land Surveyor No.	

COUNTY COMMISSION APPROVAL

STATE OF FLORIDA
COUNTY OF COLLIER

THIS PLAT APPROVED FOR RECORDING ~~IN A REGULAR OPEN MEETING BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA~~, THIS _____ DAY OF _____, 20____, PROVIDED THAT THE PLAT IS FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COLLIER COUNTY, FLORIDA.

(Name of Clerk)	(Name of Chairman <u>Administrative Official</u>); CHAIRMAN <u>(Title of Administrative Official)</u> <u>ADMINISTRATIVE OFFICIAL PER</u> <u>RESOLUTION 2025-131</u>
CLERK OF CIRCUIT COURT IN AND FOR COLLIER COUNTY	BOARD OF COUNTY COMMISSIONERS COUNTY, FLORIDA

FILING RECORD

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY ME AND THAT IT COMPLIES IN FORM WITH THE REQUIREMENTS, OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT SAID PLAT WAS FILED FOR RECORD AT _____ (a.m. or p.m.) THIS _____ DAY OF _____, 20____, AND DULY RECORDED IN PLAT BOOK _____ PAGE(S) _____, INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

(Name of Clerk)
CLERK OF CIRCUIT COURT
IN AND FOR COLLIER COUNTY

ENGINEERING SERVICES

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THIS PLAT APPROVED BY THE ENGINEERING SERVICES DEPARTMENT OF THE
COMMUNITY DEVELOPMENT DIVISION OF COLLIER COUNTY, FLORIDA THIS _____
DAY OF _____, 20____.

(TYPED NAME)

ENGINEERING SERVICES DIRECTOR/COUNTY ENGINEER
COLLIER COUNTY, FLORIDA

COUNTY ATTORNEY

THIS PLAT APPROVED BY THE COLLIER COUNTY ATTORNEY THIS _____ DAY OF
_____, 20____.

(TYPED NAME)

ASSISTANT COUNTY ATTORNEY

DEDICATIONS

STATE OF FLORIDA
COUNTY OF COLLIER

KNOW ALL MEN BY THESE PRESENTS THAT (OWNER(S)), THE OWNER(S) OF THE
LANDS DESCRIBED HEREON, HAVE CAUSED THIS PLAT ENTITLED (NAME OF
SUBDIVISION) TO BE MADE AND DO HEREBY:

A. DEDICATE TO THE (insert homeowners' association or legal entity):

1. Private road rights-of-way, as follows:

TRACT "R" AS A PRIVATE ROAD RIGHT-OF-WAY (R.O.W.) (insert street
name) SUBJECT TO THE EASEMENTS DEPICTED HEREON (insert
easements; i.e., R.O.W., C.U.E., P.U.E., D.E., etc.) WITH RESPONSIBILITY
FOR MAINTENANCE.

2. Drainage or stormwater management easements as follows:

ALL DRAINAGE EASEMENTS (D.E.) FOR STORMWATER MANAGEMENT
PURPOSES WITH RESPONSIBILITY FOR MAINTENANCE.

3. Landscape buffer easements as follows:

ALL LANDSCAPE BUFFER EASEMENTS (L.B.E.) WITH RESPONSIBILITY
FOR MAINTENANCE.

4. Lake maintenance easements as follows:

ALL LAKE MAINTENANCE EASEMENTS WITH RESPONSIBILITY FOR
MAINTENANCE.

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5. Access easements as follows:

ALL ACCESS EASEMENTS WITH RESPONSIBILITY FOR MAINTENANCE,

6, Or any other similar easement or tract intended to be dedicated for a set purpose, or purposes.

7. All conservation/preserve areas/easements as follows:

ALL (CONSERVATION or PRESERVE) (TRACTS or EASEMENTS) ARE DEDICATED AS COMMON AREAS WITH PERPETUAL RESPONSIBILITY FOR MAINTENANCE. THE (CONSERVATION or PRESERVE) (TRACTS or EASEMENTS) MAY IN NO WAY BE ALTERED FROM THEIR NATURAL OR PERMITTED STATE. ACTIVITIES PROHIBITED WITHIN THE (CONSERVATION or PRESERVE) AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING OR REMOVAL OF SOIL MATERIAL DIKING OR FENCING; ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

Such tracts, or easements must be dedicated to a homeowners' association, or to any other lawfully existing entity which has, or would have at the time of final plat recording, the power or authority to perform the obligation to maintain, along with the responsibility for such maintenance.

* * * * *

(Ord. No. 20-16, § 3.N; Ord. No. 24-11, § 3.HH, Ord. No. 25-XXX, § XX)

#

Exhibit A– Administrative Code Amendments

Chapter 5 | Subdivision Procedures

Collier County Land Development Code | *Administrative Procedures Manual*

D. Construction Plan and Final Subdivision Plat (PPL)

D.1. Construction Plans and Final Subdivision Plat – Standard

Reference LDC sections 10.02.04 B and 10.02.04 C, [Resolution No. 2025-131](#), and other provisions of the LDC.

Completeness and Processing of Application

↔ See Chapter 1 D.5 for the acceptance and processing of an application. [The County Manager or designee shall send written notice in response to the application submittal within seven days, acknowledging receipt, identifying missing documents or information required to process the application for final subdivision plat or replat.](#)

Notice

~~No notice is required.~~

Public Hearing

~~The BCC shall hold at least 1 advertised public hearing.~~ [None.](#)

Decision Maker

The ~~BCC.~~ [Administrative Official per Resolution 2025-131.](#)

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~~ [Administrative Official](#) will ~~provide a recommendation to the Board of County Commissioners to~~ approve, approve with conditions, or deny the final subdivision plat.

For **applicants** requesting building permits before plat recording, the county will stamp the final plat as "Preliminary Plat for Building Permit Issuance" after ~~Board~~ [administrative](#) approval of the plat and receipt of the fully executed construction and maintenance agreement and performance security after County Attorney approval.

Updated

[Res. 2025-XXX](#)

D.2. Construction Plans and Final Subdivision Plat Amendment (PPLA)

Reference LDC sections 10.02.04 B and [Resolution No. 2025-131](#), and other provisions of the LDC.

Exhibit A– Administrative Code Amendments

Application Contents and Requirements for Construction Plans and Final Subdivision Plat Amendments

A Construction Plans and Final Subdivision Plat Amendment application must include the following, in addition to the Application Contents and Requirements for Construction Plans and Final Subdivision Plat, as applicable. ⇔ *See Chapter 5 D.1 of the Administrative Code.*

The application must include the following:

1. **Applicant contact information.**
2. **Addressing checklist.**
3. Name of development.
4. Amendment to PPL Number (original PPL 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. The County Manager or designee shall send written notice in response to the application submittal within seven days, acknowledging receipt, identifying missing documents or information required to process the application for final subdivision plat amendment.*

Public Hearing

~~The BCC shall hold at least 1 advertised public hearing.~~ None.

Decision Maker

The ~~BCC.~~ Administrative Official per Resolution 2025-131.

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 amendment application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within ~~270~~ 120 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~~ Administrative Official will ~~provide a recommendation to the Board of County Commissioners to~~ approve, approve with conditions, or deny the final subdivision plat.

Updated

Res. 2025-XXX

D.3 Final Subdivision Plat – For Townhouse Fee Simple Development

Reference

LDC sections **10.02.04 B** and **10.02.04 C**, Resolution No. 2025-131, and other provisions of the **LDC**.

Exhibit A– Administrative Code Amendments

Completeness and Processing of Application ⇔ See Chapter 1 D.5 for the acceptance and processing of an application. The County Manager or designee shall send written notice in response to the application submittal within seven days, acknowledging receipt, identifying missing documents or information required to process the application for final subdivision plat.

Notice No notice is required.

Public Hearing ~~The BCC shall hold at least 1 advertised public hearing.~~ None.

Decision Maker The ~~BCC.~~ Administrative Official per Resolution 2025-131.

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 townhouse 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 review 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~~ Administrative Official will ~~provide a recommendation to the Board of County Commissioners to~~ approve, approve with conditions, or deny the final subdivision plat.

1	*	*	*	*	*	*	*	*	*	*	*	*	*
2			Updated	<u>Res. 2025-XXXX</u>									
3													
4	#	#	#	#	#	#	#	#	#	#	#	#	#
5													

F. Minor Final Subdivision Plat (FP)

Reference **LDC** section 10.02.04 D and Resolution No. 2025-131.

8													
9	*	*	*	*	*	*	*	*	*	*	*	*	*

Completeness and Processing of Application ⇔ See Chapter 1 D.5 for the acceptance and processing of an application. The County Manager or designee shall send written notice in response to the application submittal within seven days, acknowledging receipt, identifying missing documents or information required to process the application for minor final subdivision plat.

Notice No notice is required.

Public Hearing ~~The BCC shall hold 1 public hearing~~ None.

Decision Maker ~~BCC with an approval from~~ The Administrative Official per Resolution 2025-131 ~~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 and shall approve, approve with conditions, or deny the minor final subdivision plat.

Exhibit A– Administrative Code Amendments

Once submitted for review, the minor 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 for review 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~~ Administrative Official will ~~provide a recommendation to the BCC to~~ approve, approve with conditions, or deny the minor final subdivision plat.

1	*	*	*	*	*	*	*	*	*	*	*	*	*
2			Updated	Res. 2025-XXX									
3	#	#	#	#	#	#	#	#	#	#	#	#	#

Exhibit B— F.S. Chapter 2025-164

CHAPTER 2025-164

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 784

An act relating to platting; amending s. 177.071, F.S.; requiring that certain plat or replat submittals be administratively approved with no further action by certain entities under certain circumstances; requiring the governing body of such county or municipality to designate an administrative authority to receive, review, and process plat or replat submittals; providing requirements for such designation; defining the term “administrative authority”; requiring the administrative authority to submit a certain notice to an applicant; providing requirements for such notice; requiring the administrative authority to approve, approve with conditions, or deny a plat or replat submittal in accordance with the timeframe in the initial written notice to the applicant; requiring the administrative authority to notify the applicant in writing if it declines to approve a plat or replat submittal; requiring that the written notification contain the reasons for denial and other information; prohibiting the administrative authority or other official, employee, agent, or designee from requesting or requiring that the applicant request an extension of time; amending s. 177.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 177.071, Florida Statutes, is amended to read:

177.071 Administrative approval of plats ~~plat~~ by designated county or municipal official governing bodies.—

(1)(a) A plat or replat submitted under this part must be administratively approved and no further action or approval by the governing body of a county or municipality is required if the plat or replat complies with the requirements of s. 177.091. The governing body of the county or municipality shall designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.

(b) As used in this section, the term “administrative authority” means a department, division, or other agency of the county or municipality. For purposes of issuing a final administrative approval of a plat or replat submittal, the term also includes an administrative officer or employee designated by the governing body of a county or municipality, including but not limited to, a county administrator or manager, a city manager, a deputy county administrator or manager, a deputy city manager, an assistant county administrator or manager, an assistant city manager, or other high-ranking county or city department or division director with direct or indirect

Exhibit B– F.S. Chapter 2025-164

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oversight responsibility for the county's or municipality's land development, housing, utilities, or public works programs.

(2) Within 7 business days after receipt of a plat or replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

(3) Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (2). If the administrative authority does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The administrative authority, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time.

(4)(1) Before a plat or replat is offered for recording, it must be administratively approved as required by this section by the appropriate governing body, and evidence of such approval must be placed on the plat or replat. If not approved, the governing body must return the plat or replat to the professional surveyor and mapper or the legal entity offering the plat or replat for recordation. For the purposes of this part:

(a) When the plat or replat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat or replat.

(b) When a plat or replat lies wholly within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat or replat.

(c) When a plat or replat lies within the boundaries of more than one county, municipality, or both governing body, two plats or replats must be prepared and each county or municipality governing body has exclusive jurisdiction to approve the plat or replat within its boundaries, unless each county or municipality with jurisdiction over the plat or replat agrees the governing bodies having said jurisdiction agree that one plat is mutually acceptable.

(5)(2) Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the

2

CODING: Words stricken are deletions; words underlined are additions.

Exhibit B— F.S. Chapter 2025-164

Ch. 2025-164

LAWS OF FLORIDA

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State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.

Section 2. Section 177.111, Florida Statutes, is amended to read:

177.111 Instructions for filing ~~plats~~ plat.—After the approval by the appropriate administrative authority governing body required by s. 177.071, the plat or replat must ~~shall~~ be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat or replat. The circuit court clerk or other recording officer shall maintain in his or her office a book of the proper size for such papers so that they will ~~shall~~ not be folded, to be kept in the vault. A print or photographic copy must be filed in a similar book and kept in his or her office for the use of the public. The clerk shall make available to the public a full size copy of the record plat or replat at a reasonable fee.

Section 3. This act shall take effect July 1, 2025.

Approved by the Governor June 20, 2025.

Filed in Office Secretary of State June 20, 2025.

Exhibit C– Resolution 2025-131

RESOLUTION NO. 2025- 131

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA DESIGNATING THE DEVELOPMENT REVIEW DIVISION WITHIN THE GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT AS THE ADMINISTRATIVE AUTHORITY TO REVIEW AND PROCESS PLAT OR REPLAT SUBMITTALS, AND DESIGNATE THE COUNTY MANAGER, DEPUTY COUNTY MANAGER, COMMUNITY DEVELOPMENT DEPARTMENT HEAD, DEVELOPMENT REVIEW DIRECTOR AND/OR ZONING DIVISION DIRECTOR AS THE ADMINISTRATIVE AUTHORITY TO ADMINISTRATIVELY APPROVE, APPROVE WITH CONDITIONS, OR DENY PROPOSED SUBDIVISION PLATS OR REPLATS AND SIGN THE PLAT/REPLAT AND CONSTRUCTION AND MAINTENANCE AGREEMENT IN ACCORDANCE WITH FLORIDA STATUTE SECTION 177.071(1)(a), ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS.

WHEREAS, the Development Review Division within the Growth Management Community Development Department as the County Manager's designee under Land Development Code (LDC) Section 10.02.04.B.3 is currently responsible for the review of the subdivision plat and replat process, including, but not limited to, engineering review, planning review, environmental review, and the County Surveyor review; and

WHEREAS, the LDC requires the Board of County Commissioners to consider approval of a subdivision plat, along with the approval of the Construction Maintenance Agreement, and approve the amount of the performance security for the required improvements, based on the estimate of probable cost; and

WHEREAS, during the 2025 Legislative session, Senate Bill 784 was approved, which updated Section 177.071(1)(a) of the Florida Statutes to require administrative approval, approval with conditions, or denial of a proposed plat or replat.

WHEREAS, the Board desires to comply with the statute by designating the reviewing division and those persons authorized to administratively approve, approve with conditions, or deny subdivision plats or replats pursuant to Florida Statutes Section 177.071(1)(a).

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

1. The Development Review Division within the Growth Management Community Development Department is designated as the Administrative Authority to review and

[25-LDS-00372/1955695/1]4
7/1/25

1 of 2

Exhibit C– Resolution 2025-131

process the plat or replat submittal pursuant to Florida Statutes Section 177.071(1)(a) after the Client Services team of the Growth Management Community Development Department receives the application and deems the it complete.

2. The County Manager, Deputy County Manager, Community Development Department Head, Development Review Director and/or Zoning Division Director are each delegated authority to administratively approve, approve with conditions, or deny subdivision plats or replats pursuant to Florida Statutes Section 177.071(1)(a), and to execute the plat/replat and the Construction and Maintenance Agreement, on behalf of the Board.

This Resolution adopted after motion, second and majority vote favoring same, this 8th day of July, 2025.

ATTEST:
CRYSTAL K. KINZEL, CLERK

By: 
Attest as to Chairman's signature only Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

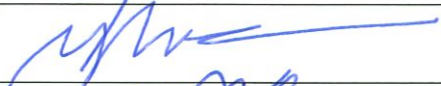
By: 
Burt L. Saunders, Chairman

Approved as to form and legality:


Heidi Ashton-Cicko 7-1-25
Managing Assistant County Attorney

DSAC – Land Development Review Subcommittee

****Must have (3) members for a quorum****

Committee Members	
Name	Signature
Clay Brooker:	
Blair Foley: Excused	
Robert Mulhere:	
Mark McLean:	
Jeffrey Curl:	

Staff Members	
Mike Bosi, Planning and Zoning Division Director, GMCD	Did not Attend
Eric Johnson, LDC Planning Manager, GMCD	
Richard Henderlong, Planner III, GMCD	
Angela Galiano, Planner II, GMCD	Present
Heather Cartwright-Yilmaz, Management Analyst/Liaison, GMCD	Present
Jaime Cook Director, Development Review	Present

DSAC – Land Development Review Subcommittee

Public Sign-in Sheet

Please Print

[illegible]



Collier County Government

Communications, Government & Public Affairs
3299 Tamiami Trail E., Suite 102
Naples, Florida 34112-5746

July 21, 2025

FOR IMMEDIATE RELEASE

Notice of Public Meeting Development Services Advisory Committee Land Development Review Subcommittee Collier County, Florida

**August 19, 2025
3:00 p.m.**

Notice is hereby given that the **Collier County Development Services Advisory Committee - Land Development Review Subcommittee (DSAC-LDR)** will meet on **Tuesday, August 19, 2025, at 3:00 p.m.** in Conference Room 609/610 of the Growth Management Community Development Department building, 2800 N. Horseshoe Drive, Naples, Florida.

Individuals who would like to participate in person must complete and submit a speaker form prior to the beginning of the discussion about the item.

About the public meeting:

Two or more members of the Board of County Commissioners may be present and may participate in the meeting. The subject matter of this meeting may be an item for discussion and action at a future Board of County Commissioners meeting.

All interested parties are invited to attend, and to register to speak. All registered public speakers will be limited to three minutes unless changed by the chairman.

Collier County Ordinance No. 2004-05 requires that all lobbyists shall, before engaging in any lobbying activities (including, but not limited to, addressing the Board of County Commissioners, an advisory board or quasi-judicial board), register with the Clerk to the Board at the Board Minutes and Records Department.

Anyone who requires an auxiliary aid or service for effective communication, or other reasonable accommodations in order to participate in this proceeding, should contact the Collier County Facilities Management Division, located at 3335 Tamiami Trail E., Suite 101, Naples, Florida 34112, or (239) 252-8380 as soon as possible, but no later than 48 hours before the scheduled event. Such reasonable accommodations will be provided at no cost to the individual.

For more information, call Eric Johnson at (239) 252-2931.

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