

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20180001993

ORIGIN

Growth Management
Department

HEARING DATES

BCC 10/8/2019 &
10/22/2019
CCPC 8/7/2019
DSAC 4/3/2019
DSAC-LDR 10/16/2018
& 12/18/2018

SUMMARY

This amendment proposes a new review process for airspace obstructions within Collier County and proposes new compatibility regulations based on the requirements within Chapter 333, Florida Statutes (F.S.).

LDC SECTIONS TO BE AMENDED

2.03.07	Overlay Zoning Districts
4.02.06	Standards for Development in Airport Zones
Appendix D	Airport Zoning

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval

DSAC
Approval

CCPC
Approval

BACKGROUND

In 2016, the provisions within Chapter 333, F.S., were modified with the passing of HB 7061. The changes to Chapter 333, F.S., include: modifications and additions to the existing defined terms; updates to the standards for airport land use compatibility zoning regulations; updates to the appeals and judicial review processes; updates to the criteria for Florida Department of Transportation (FDOT) evaluation of airport protection zoning permit applications; and updates to the criteria and processes for political subdivisions' airport protection zoning regulations.

Section 333.03, F.S. states that political subdivisions having airport protection zoning regulations must, at a minimum, require:

- A permit for the construction or alteration of any obstruction;
- Obstruction marking and lighting for obstructions;
- Documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study submitted by each person applying for a permit;
- Consideration of the criteria in section 333.025(6), F.S., when determining whether to issue or deny a permit; and
- That the approval of a permit not be based solely on the determination by the Federal Aviation Administration that the proposed structure is not an airport hazard.

Additionally, section 333.135, F.S., requires any airport zoning regulation that conflicts with Ch. 333, F.S. to be amended for conformity. To comply with the requirements of Ch. 333, F.S., the following changes to LDC section 4.02.06 have been made:

- (1) A new Definitions section that references Ch. 333, F.S. The referenced definitions, as amended, will be applicable to terms utilized within this section.

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- (2) A new Requirements for Airspace Obstructions section was added to create a new process for reviewing potential airspace obstructions and hazards. This process was previously under the jurisdiction of the FDOT and deemed a variance process. The specific considerations for approving or denying airspace obstructions have been established by Ch. 333, F.S., which have been incorporated into this LDC section. This added section also includes the requirements of airspace obstruction marking and lighting.
 - (3) The Airport Land Use Restrictions section was renamed to Airport Land Use Compatibility Regulations. This section has also been updated to address airport land use compatibility regulations that relate to the prohibition of new landfills and the restriction of existing landfills, within a certain proximity to airports.
 - (4) Throughout the text, terminology updates have been made for consistency with state and federal regulations.

The following additional changes, that are not a direct result of the update to Ch. 333, F.S, have been made:

- (1) LDC section 2.03.07 C has been updated to include a reference to the airport maps within Appendix D and to the Official Zoning Atlas, and to the additional regulations set forth within LDC section 4.02.06.
- (2) The information within Tables 4-8 have been updated with assistance from the City of Naples Airport Authority (NAA) and Collier County Airport Authority (CCAA). The updates reflect the accurate runway numbers and correlated runway type.
- (3) The Exemptions section has been relocated for organizational purposes and contains no change to content.
- (4) In coordination with the NAA and the CCAA, the Naples Municipal Airport Map, the Marco Island Executive Airport Map, and the Immokalee Airport Map, located within Appendix D of the LDC, have been replaced with new maps. The existing maps have become outdated and are illegible. The maps play an important role in visually depicting the various airspace surfaces, identified within LDC section 4.02.06, and aid in determining height limitations for obstructions.

The new maps accurately reflect the location and scope of the different airspace surfaces that have changed based on the updates to the airport's master plans. For instance, the existing surface contours on the Naples Municipal Airport Map that extend NE to SW are noticeably missing from the new map, this is due to an approach surface that no longer exists.

FISCAL & OPERATIONAL IMPACTS

There will be operational and fiscal impacts to the County due to this amendment. The amendment will require an additional component of review for airspace obstructions and will require additional zoning reviews for building permits that would not have previously been required.

GMP CONSISTENCY

The proposed amendment is deemed consistent with the GMP.

EXHIBITS: A) Proposed Administrative Code Amendment B) Implementation of Airspace Obstruction Review C) Chapter 333 Florida Statutes

Amend the LDC as follows:

2.03.07 – Overlay Zoning Districts

A. Corridor Management Overlay (CMO).

C. Airport Overlay (APO). The purpose and intent of the {APO} district is to provide both airspace protection and land use compatibility in relation to the normal operation of public-use airports located within the County, including the Naples Municipal Airport, Everglades City Airpark, Marco Island Executive Airport, Immokalee Regional Airport, and all existing and future public-use airports and heliports in the County. The purpose and intent of these regulations shall be as follows:

- 1. To attempt to promote maximum safety of aircraft arriving at and departing from all public-use airports located within the County;
- a2. To attempt to promote maximum safety of residents and property within areas surrounding public-use airports located within the County;
- b3. ~~To attempt to promote full utility of the public-use airports within the County;~~
To protect the full utility and the public investment of the public-use airports within the County;
- e4. To provide development standards for land uses within prescribed noise zones associated with the normal operation of public-use County airports;
- d5. To provide ~~building~~ height standards for use within the approach, transitional, horizontal, and conical ~~zones~~surfaces so as to encourage and promote proper development beneath such areas;
- e6. To provide administrative and enforcement procedures for the efficient and uniform regulation of all development proposals within such areas; and
- f7. That in addition to the regulations applicable to land zoned, as indicated in the Official Zoning Atlas, the following regulations are additionally applicable to lands in the County in the vicinity of the Naples Municipal, Everglades, Marco Island, and Immokalee airports as indicated on the airport zoning maps of the County. The APO is shown on the Airport Zoning Maps in Appendix D, and the boundaries of the APO are identified on the Official Zoning Atlas with a reference to Appendix D. The ~~L~~lands lying within various ~~zones~~surfaces as indicated on the airport zoning maps are subject to the additional regulations set out in ~~this LDC s~~Section 4.02.06.

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4.02.06 - Standards for Development within the Airport Overlay (APO) Zones

A. Definitions. The definitions of Chapter 333, F.S. Airport Zoning, as amended, shall be applicable to the terms of this section, unless the text and/or context of this section requires otherwise.

AB. There are hereby created and established certain surfaces, which include all of the land lying beneath the approach, transitional, primary, horizontal, and conical surfaces, and other surfaces upon which an obstruction may be established as they apply to public-use ~~a particular~~ airports. The surfaces ~~Such zones~~ are shown on the Naples Municipal, Marco Island Executive, Everglades City, and Immokalee Regional Airport zoning maps, contained within Appendix D of the LDC and declared to be made a part of this LDC. An area located in more than one of the described ~~zones~~ surfaces is subject to the most restrictive surface standard ~~considered to be only in the zone with the most restrictive height limitation.~~

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

- 1 ~~BC.~~ Primary surface. An area longitudinally aligned along the runway centerline, extending
 2 200 feet beyond each end of the runway with the width so specified for each runway for
 3 the most precise approach existing or planned for either end of the runway.
 4 ~~CD.~~ Primary surface height. No structure or obstruction will be permitted within the primary
 5 surface area that is not part of the landing and takeoff area and is of greater height than
 6 the nearest point on the runway centerline with the exception of FAA approved navigation
 7 aids.
 8 ~~DE.~~ The width of each primary surface is as follows:
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Table 4. Primary Surface Width

Airports	Runway	Type	Width (feet)
Naples Municipal	14-32	Other than utility/non-precision instrument	500
	5-23	Other than utility/ <u>non</u> -precision instrument	1,000 500
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	500
Everglades City Airpark	15-33	Utility/Visual	250
Immokalee Regional Airport	9-27	Other than utility/ <u>non</u> -precision instrument	1,000 500
	18-36	Other than utility/non-precision instrument	500
	4-22	Utility/Visual	250

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 11 ~~EF.~~ Horizontal ~~zone~~ surface. A horizontal plane 150 feet above the established airport
 12 elevation, the perimeter of which is constructed by swinging arcs for specified radii from
 13 the center of each end of the primary surface of each runway of each airport and
 14 connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is as
 15 follows:
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Table 5. Horizontal Zone Surface Radius

Airports	Runway	Type	Radius (feet)
Naples Municipal	14-32	Other than utility/non-precision instrument	10,000
	5-23	Other than utility/ <u>non</u> -precision instrument	10,000
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	10,000
Everglades City Airpark	15-33	Utility/Visual	5,000
Immokalee Regional Airport	9-27	Other than utility/ <u>non</u> -precision instrument	10,000
	18-36	Other than utility/non-precision instrument	10,000
	4-22	Utility/Visual	5,000

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 18 ~~FG.~~ Horizontal ~~zone~~ surface height. No structure or obstruction will be permitted in the
 19 horizontal ~~zone~~ surface that has a height greater than 150 feet above the airport height.
 20 ~~GH.~~ Conical ~~zone~~ surface. The conical ~~zone~~ surface is the area extending outward and upward
 21 from the periphery of the horizontal ~~zone~~ surface for a distance of 4,000 feet. Height

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1 limitations for structures in the conical ~~zone~~ surface are 150 feet above airport height at
 2 the inner boundary with permitted height increasing one (1) foot vertically for every twenty
 3 (20) feet of horizontal distance measured outward from the inner boundary to a height of
 4 350 feet above airport height at the outer boundary.

5 H₁. Approach ~~zone~~ surface. The approach ~~zone~~ surface is an area longitudinally centered on
 6 the extended runway centerline and extending outward and upward from each end of the
 7 primary surface. An approach ~~zone~~ surface is designated for the end of each runway
 8 based upon the type of approach available or planned for that runway end.

9 1. Approach zone surface width. The inner edge of the approach ~~zone~~ surface is the
 10 same width as the primary surface. The outer width of the approach ~~zone~~ surface
 11 is prescribed for the most precise approach existing or planned for that runway
 12 end expanding uniformly to the following widths:

Table 6. Approach Zone Surface Width (feet)

Airports	Runway	Type	Width
Naples Municipal	14-32	Other than utility/non-precision instrument	3,500
	5	Other than utility/ <u>non</u> -precision instrument	16,000 <u>3,500</u>
	23	Other than utility/ <u>non</u> -precision instrument	16,000 <u>3,500</u>
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	3,500
Everglades City Airpark	15-33	Utility/visual	1,250
Immokalee Regional Airport	9	Other than utility/ <u>non</u> -precision instrument	16,000 <u>3,500</u>
	27	Other than utility/non-precision instrument	3,500
	18	Other than utility/non-precision instrument	3,500
	36	Other than utility/ visual <u>non-precision instrument</u>	4,500 <u>3,500</u>
	4-22	Utility/visual	1,250

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- 1 2. *Approach zone surface lengths.* The approach zone surface extends for the
 2 applicable horizontal distance as follows:

3 **Table 7. Approach Zone Surface Length (feet).**

Airports	Runway	Type	Length
Naples Municipal	14-32	Other than utility/non-precision instrument	10,000
	5	Other than utility/non-precision instrument	10,000
	23	Other than utility/non-precision instrument	50,000 10,000
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	10,000
Everglades City Airpark	15-33	Utility/visual	5,000
Immokalee Regional Airport	27	Other than utility/non-precision instrument	10,000
	9	Other than utility/ <u>non-precision</u> instrument	5,000 10,000
	18	Other than utility/non-precision instrument	10,000
	36	Other than utility/ visual <u>non-precision</u> instrument	5,000 10,000
	4-22	Utility/visual	5,000

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 5 3. *Approach zone surface height.* Permitted height limitation within the approach
 6 zone surface shall not exceed the runway end height at the inner edge and
 7 increases uniformly with horizontal distance outward from the inner edge as
 8 follows:

9 **Table 8. Approach Zone Surface Height.**

Airports	Runway	Type	Height
Naples Municipal	14-32	Other than utility/non-precision instrument	34:1
	5	Other than utility/ <u>non-precision</u> instrument	50:0/40:1 34:1
	23	Other than utility/ <u>non-precision</u> instrument	50:1/40:1 34:1
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	20 34:1
Everglades City Airpark	15-33	Utility/visual	20:1
Immokalee Regional Airport	9	Other than utility/non-precision instrument	50:1/40:1 34:1
	27	Other than utility/non-precision instrument	34:1
	18	Other than utility/non-precision instrument	34:1
	36	Other than utility/ visual <u>non-precision</u> instrument	20 34:1
	4-22	Utility/visual	20:1

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- 1 4. Precision instrument runway(s). One (1) foot vertically for every fifty (50) feet
- 2 horizontally for the first 10,000 feet, increasing to one (1) foot vertically for every
- 3 forty (40) feet horizontally for additional 40,000 feet.
- 4 5. Non-precision instrument runways. One (1) foot vertically for every thirty-four (34)
- 5 feet horizontally.
- 6 6. Visual runways. One (1) foot vertically for every twenty (20) feet horizontally.
- 7 IJ. Transitional ~~zone~~ surfaces. The area extending outward from the sides of the primary
- 8 surface and approach ~~zones~~ surfaces connecting them to the horizontal ~~zone~~ surface or
- 9 for a horizontal distance of 5,000 feet from the side of the part of the precision approach
- 10 ~~zone~~ surface that extends beyond the conical ~~zone~~ surface. Height limits within the
- 11 transitional ~~zone~~ surface are the same as the primary surface or approach ~~zone~~ surface
- 12 at the boundary line where it adjoins and increases at a rate of one (1) foot vertically for
- 13 every seven (7) feet horizontally, with the horizontal distance measured at right angles to
- 14 the runway centerline and extended centerline until the height matches the height of the
- 15 horizontal ~~zone~~ surface or for a horizontal distance of 5,000 feet from the side of the part
- 16 of the precision approach ~~zone~~ surface that extends beyond the conical ~~zone~~ surface.
- 17 JK. Heliport primary ~~zone~~ surface. The area of the primary ~~zone~~ surface coincides in size and
- 18 shape with the designated take-off and landing area of a heliport. This surface is a
- 19 horizontal plane at the established heliport elevation.
- 20 1. Heliport approach ~~zone~~ surface. The approach ~~zone~~ surface begins at each end
- 21 of the heliport primary ~~zone~~ surface with the same width as the primary ~~zone~~ surface
- 22 surface, and extends outward and upward for a horizontal distance of 4,000 feet
- 23 where its width is 500 feet. The slope of the approach ~~zone~~ surface is eight (8) to
- 24 one (1) (one (1) foot vertically for every eight (8) feet horizontally.)
- 25 2. Heliport transitional ~~zone~~ surface. These ~~zones~~ surfaces extend outward and
- 26 upward from the lateral boundaries of the heliport primary ~~zone~~ surface and from
- 27 the approach ~~zone~~ surface at a slope of two (2) to one (1) (one (1) foot vertically
- 28 for every two (2) feet horizontally) for a distance of 250 feet measured horizontally
- 29 from the centerline of the heliport primary and approach ~~zone~~ surface.
- 30 KL. Other areas. In addition to the height limitations imposed in LDC sections 4.02.06(~~EC~~)-
- 31 (~~HK~~) above, no structure or obstruction will be permitted within Collier County that would
- 32 cause a minimum obstruction clearance altitude (MOCA), a minimum descent altitude
- 33 (MDA), decision height (DH), or a minimum vectoring altitude (MVA) to be raised nor which
- 34 would impose either the establishment of restrictive minimum climb gradients or
- 35 nonstandard takeoff minimums.
- 36 1. Except as expressly provided in ~~these APO regulations~~ this section of the LDC, no
- 37 structure or object of natural growth shall be erected, altered, allowed to grow, or
- 38 be maintained to a height which exceeds the height of any ~~zone~~ surface created
- 39 in these ~~APQ~~ regulations.
- 40 2. Except as otherwise provided in ~~these APO regulations~~ this section of the LDC, no
- 41 structure, or object of natural growth shall be erected, altered, allowed to grow or
- 42 be maintained, which is or would ~~be an~~ result in a potential hazard obstruction to
- 43 air navigation within Collier County ~~or of a height greater than~~ by exceeding any of
- 44 the following:
- 45 a. A height of 500 feet above ground level at the site of the object.
- 46 b. A height that is 200 feet above ground level or above the established airport
- 47 elevation, whichever is higher, within three (3) nautical miles of the
- 48 established reference point of an airport, excluding heliports, with its
- 49 longest runway more than 3,200 feet in actual length, and that height

1 increases in the proportion of 100 feet for each additional nautical mile of
2 distance from the airport up to a maximum of 500 feet.
3 c. A height within a terminal obstacle clearance area, including an initial
4 approach segment, a departure area, and a circling approach area, which
5 would result in the vertical distance between any point on the object and
6 an established minimum instrument flight altitude within that area or
7 segment to be less than the required obstacle clearance. (Refer to FAR
8 77.23.(a.)(2)).

9 ~~L. Exemptions.~~

- 10 ~~1. Development of the Marco Shores Golf Course Community that comports with the~~
11 ~~location and height requirements of Ordinance No. 81-6, as amended by~~
12 ~~Ordinance No. 85-56 and Ordinance No. 94-41, is exempted from the provisions~~
13 ~~of section 4.02.06 only to the following extent:~~
 - 14 ~~a. The agreement between Johnson Bay Development Corporation Collier~~
15 ~~County Airport Authority and the BCC, dated August 8, 1995.~~
 - 16 ~~b. Prior issuance of a Federal Aviation Administration "Determination Of No~~
17 ~~Hazard To Air Navigation."~~
- 18 ~~2. Development of the Mini-Triangle Mixed Use Subdistrict of the Urban Designation-~~
19 ~~Urban Mixed Use District of the Growth Management Plan that comports with~~
20 ~~height requirements of Ordinance 2018-25, is exempted from the maximum~~
21 ~~allowable horizontal zone height of 150 feet from the established elevation of the~~
22 ~~Naples Airport, as established in LDC Sections 4.02.06.E. and 4.02.06.F.~~
23 ~~Buildings are allowed up to 160 feet in height from the established elevation of the~~
24 ~~Naples Airport. Development within the Mini-Triangle Mixed Use Subdistrict shall~~
25 ~~comply with the conditions set forth in the Federal Aviation Administration letters~~
26 ~~of "Determination Of No Hazard To Air Navigation", dated January 20, 2017, or~~
27 ~~any subsequent letters or extensions thereof.~~

28 M. Requirements for airspace obstructions.

- 29 1. Applicability. An airspace obstruction approval is required when a proposed
30 airspace obstruction exceeds one or more of the criteria established in LDC section
31 4.02.06 C-L. Review of airspace obstructions shall occur at the time of the site
32 development plan review, if applicable. If a site development plan is not required,
33 the airspace obstruction shall be reviewed at time of building permit submittal.
- 34 2. Airspace obstruction review materials. The Administrative Code shall establish the
35 submittal requirements for an airspace obstruction review during the Site
36 Development Plan review process. When an airspace obstruction review is
37 required at time of building permit, the following items shall be submitted for review:
 - 38 a. A copy of the FAA form 7460-1 'Notice of Proposed Construction or
39 Alteration', and all supporting materials, filed with the FAA;
 - 40 b. A copy of the final FAA Obstruction Evaluation/Airport Airspace Analysis
41 (OE/AAA) determination; and
 - 42 c. A narrative statement with a detailed description/explanation of the
43 proposed airspace obstruction and response to the applicable criteria from
44 LDC section 4.02.06 M.3.
- 45 3. Criteria for review. The airspace obstruction may not be approved solely on the
46 basis that the FAA determined that the proposed construction or alteration of an
47 obstruction was not an airport hazard. In determining whether to approve or deny
48 an airspace obstruction, the County Manager or designee, in coordination with the
49 affected airport, must also consider the following, as applicable:
 - 50 a. The safety of persons on the ground and in the air.

- 1 b. The safe and efficient use of navigable airspace.
- 2 c. The nature of the surrounding terrain and height of existing structures.
- 3 d. The effect of the construction or alteration on the state licensing standards
- 4 for a public-use airport contained in Ch. 330, F.S. and Administrative Code
- 5 rules adopted thereunder.
- 6 e. The character of existing and planned flight operations and developments
- 7 at the public-use airport.
- 8 f. Federal airways, visual flight rules, flyways and corridors, and instrument
- 9 approaches as designated by the FAA.
- 10 g. The effect of the construction or alteration of the proposed structure on the
- 11 minimum descent altitudes or the decision heights at the affected airport.
- 12 h. The cumulative effects on navigable airspace of all existing structures and
- 13 other known proposed structures in the area.
- 14 i. Comments and recommendations from FDOT-ASO, the affected airport(s),
- 15 aviation operations and safety experts, where applicable.

4. Supplemental standards for the development of airspace obstructions:

- a. The owner of the obstruction will be required to install, operate, and
- maintain thereon and at their own expense, obstruction marking and
- lighting in conformance with the specific standards established by the FAA,
- including, but not limited to, FAA Advisory Circular 70/7460-1, as may be
- amended.

5. The County Manager or designee shall not issue an airspace obstruction approval

where the FAA has reviewed the proposed and determined its construction or

alteration would exceed obstruction standards contained in 14 CFR Part 77 and

result in a hazard to air navigation.

MN. Airport land use restrictions. Notwithstanding any other provision of this LDC, no use may be made of land or water within any ~~zone~~ surfaces established by this LDC in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

- 1. All lights or illumination used in conjunction with street, parking, signs, or use of land or structures shall be arranged and operated in such a manner that it is not misleading to pilots or dangerous to aircraft operating to and from a public use airport or in the vicinity thereof.
- 2. All flood lights, spot lights, or any type of pulsating, flashing, rotating, or oscillating light shall be modified or prohibited if determined by the executive director who has authority over that public airport to be a possible risk to safety of aircraft operation.
- 3. No operations of any type shall produce smoke, glare, or other visual impairment to pilots within three (3) miles of any usable runway of a public airport.
- 4. No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft, or other air traffic control facility.
- 5. Land within runway ~~protection~~ clear zones (~~formerly~~ runway clear ~~protection~~ zones) shall be prohibited from use for high density residential use, schools, hospitals, storage of explosives, or flammable material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.
- 6. ~~Based on the possibility that solid waste management facilities may attract birds,~~ any solid waste management facility located so that it places the runways and/or approach and departure pattern of an airport between bird feeding, water, or roosting areas shall be considered as an incompatible use and is therefore

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~~prohibited in and around the airports in Collier County.~~ New landfills shall be prohibited and existing landfills shall be restricted within the following areas:
a. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft.
b. Within 5,000 feet from the nearest point of any runway used by only nonturbine aircraft.
c. Outside the perimeters defined in LDC section 4.02.06 O.6.a-b. but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.19.

7. Where any landfill is located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns or aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.

~~78.~~ Any type of tethered dirigible, balloon, or other type of hovering or floating object the height of which exceeds the ~~airspace notification limits criteria~~ outlined in LDC section 4.02.06 EF. ~~shall be is prohibited limited as provided in section 4.02.06 E.~~

~~89.~~ No structure of any height, type or material shall be constructed or altered ~~which could possibly so as to cause interference to with any radio or airport surveillance radar system electronic navigational aids or systems~~ as determined by the Federal Aviation Administration, or by the executive director who has jurisdiction over the airport deemed to be ~~effected~~ affected.

NO. Naples Municipal Airport noise zones, land use restrictions, sound level requirements (SLR) for buildings or structures, and SLR design requirements.

1. The purpose of this section ~~4.02.06~~ is to establish standards for land use and for sound level reduction requirements with respect to exterior noise resulting from the legal and normal operations at the airports within Collier County. This section establishes noise zones of differing intensities and land use in the vicinity of the Naples Municipal ~~a~~ Airport, as identified in the most recent Naples Municipal Airport FAA Part 150 Study; establishes permitted land uses in the noise zones; establishes soundproofing requirements for residential development within the noise zones; and establishes notification procedures to prospective purchasers of real estate within the noise zones.

2. In addition to the prior three (3) noise zones, there is hereby created and established a fourth noise zone D; there are now noise zones A, B, C, and D. Such zones are shown on the Naples Municipal Airport noise zone map(s), as amended, which are incorporated and made a part herein and are described in LDC section 4.02.06 ~~NO.3.~~ below. The noise zones contained herein are based on a projection of future aircraft operations at the Naples Municipal Airport. The purpose of these noise zones is to define and set forth specific regulations for all properties within the described areas.

3. Noise zone boundaries.
a. *Zone A.* That area commencing at the outermost boundary of the airport and extending outward therefrom to a boundary indicated on the noise zone map as "B." The outer contour of noise zone A approximates a noise level of seventy-five (75) Ldn.
b. *Zone B.* That area commencing at the boundary indicated on the noise zone map as the outer boundary of noise zone A and extending outward therefrom to the boundary indicated on the noise zone map as "C." The

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- outer contour of noise zone B approximates a noise level of seventy (70) Ldn.
- c. *Zone C.* That area commencing at the boundary indicated on the noise zone map as the outer boundary of noise zone B and extending outward therefrom to the boundary indicated on the noise zone map as "D". The outer contour of noise zone C approximates a noise level of sixty-five (65) Ldn.
- d. *Zone D.* This new noise zone commences at the boundary indicated on the noise zone map as the outer boundary of noise zone C and extending outward therefrom to the furthestmost boundary indicated on the noise zone map. The outer contour of noise zone D approximates a noise level of sixty (60) Ldn and is the Naples Municipal Airport noise zone (This area is referenced in the 1996 Naples Municipal Airport FAA Part 150 Study).
- 4. Where boundaries of a described noise zone are shown to extend over a portion, but not all, of a platted lot or un-subdivided property, the owner or owners of the entire property will be notified of potential noise impact in accordance with notice procedures set forth in Chapter 10.
 - a. Where boundaries of a described noise zone are shown to extend over a portion, but not all of a platted lot or un-subdivided property, the owner or owners of the entire property will be notified of potential noise impact in accordance with notice procedures set forth in Chapter 10.
 - b. Where boundaries of more than one (1) described noise zone are shown on a platted lot or un-subdivided property, provisions of the most restricted zone shall apply.
- 5. Land use restrictions.
 - a. *Permitted and restricted activities.* All land uses shall be permitted in the noise zone pursuant to the applicable zoning district and as provided in the activities and/or land use guidance chart made a part hereof. Those activities and land uses not specifically listed in the land use guidance chart are permitted or restricted in the noise zones based on their similarity to noise tolerance as exhibited by the activities and land uses which are listed in the guidance chart.
 - b. *Nonconforming uses.* The regulations prescribed by this section shall not be construed to require the sound conditioning or other changes or alteration of any preexisting structure not conforming to this part as of the effective date of this section or to otherwise interfere with the continuance of any such preexisting nonconforming use. Nothing herein contained shall require any such change in the construction of or alteration of a structure which has commenced construction prior to the effective date of this section and which is diligently pursued.
- 6. Sound level requirements (SLR) for buildings or structures.
 - a. The provisions of these APO ~~special~~ regulations shall apply to the construction, alteration, moving, demolition, repair, and use of any building or structure within unincorporated Collier County except work located primarily in a public right-of-way, on public utility towers, poles, and mechanical equipment not specifically regulated by these APOs regulations. Additions, alterations, repairs, and changes of use in all buildings and structures shall comply with the provisions of these APOs regulations.

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- b. Buildings or structures constructed prior to the initial adoption of this amended section, to which additions, alteration, or repairs are made to the exterior walls and ceilings of rooms having one (1) or more exterior walls or ceilings shall be required to meet the SLR requirements of these APOs regulations.
- c. Alterations or repairs which are nonstructural and do not affect the exterior walls or ceilings of an existing building or structure may be made with the same materials of which the building or structure is constructed and shall not be required to meet the SLR requirements.
- d. Buildings in existence at the time of the initial adoption of these APOs regulations may have their existing use or occupancy continued if such use or occupancy was legal at the time of the initial adoption of these APOs regulations provided such continued use is not dangerous to life. A change in the use of a structure may require additional sound level reduction.
- e. Buildings or structures moved into or within the vicinity of the established noise zone must comply with applicable provisions of these APOs regulations.
- f. The County Manager or ~~his~~ designee may approve any type construction that complies with the SLR requirements of the activities and/or land use guidance chart (appendix III of Appendix D). The SLR requirements specified in appendix III of Appendix D shall be achieved by the use of assemblies having the South Transmission Class Ratings specified in table 403.2, Minimum Sound Transmission of Assemblies, of the Southern Building Code Congress International, Inc., Standard for Sound Control, SSTD 8-87, incorporated herein and adopted by reference as appendix IV of appendix D.
- g. The SLR requirements of the land use guidance chart at appendix III of Appendix D may be achieved by any suitable combination of building design, choice of building materials, and execution of construction details in accordance with established architectural and acoustical principles. The SLR requirements shall apply to the exterior walls and ceilings only of all rooms having one (1) or more exterior walls or ceilings. Regulations to achieve the SLR requirements specified in appendix III of Appendix D, shall be found in appendix IV of Appendix D and shall be used by the County Manager or ~~his~~ designee during the building plan review process.

P. Exemptions.

- 1. Development of the Marco Shores Golf Course Community that comports with the location and height requirements of Ordinance No. 81-6, as amended by Ordinance No. 85-56 and Ordinance No. 94-41, is exempted from the provisions of section 4.02.06 only to the following extent:
 - a. The agreement between Johnson Bay Development Corporation Collier County Airport Authority and the BCC, dated August 8, 1995.
 - b. Prior issuance of a Federal Aviation Administration "Determination Of No Hazard To Air Navigation."
- 2. Development of the Mini-Triangle Mixed Use Subdistrict of the Urban Designation, Urban Mixed Use District of the Growth Management Plan that comports with height requirements of Ordinance 2018-25, is exempted from the maximum allowable horizontal zone height of 150 feet from the established elevation of the Naples Municipal Airport, as established in LDC Sections 4.02.06 F. and 4.02.06 G. Buildings are allowed up to 160 feet in height from the established elevation of

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the Naples Municipal Airport. Development within the Mini-Triangle Mixed Use Subdistrict shall comply with the conditions set forth in the Federal Aviation Administration letters of "Determination Of No Hazard To Air Navigation", dated January 20, 2017, or any subsequent letters or extensions thereof.

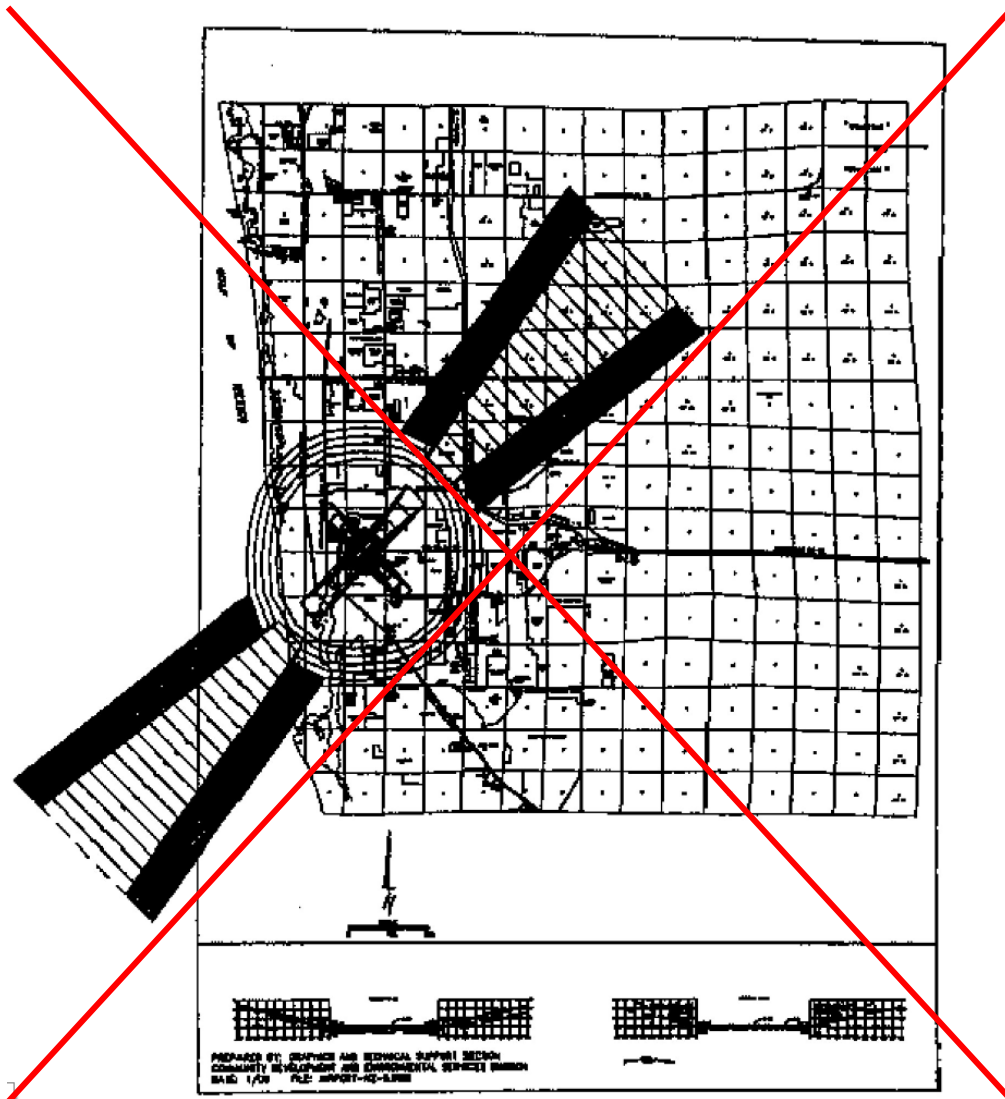
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1 APPENDIX D – Airport Zoning

2 APPENDIX I. – ~~{AIRPORT ZONING MAPS}~~

3 APPENDIX I. ~~{Airport Zoning Maps}~~

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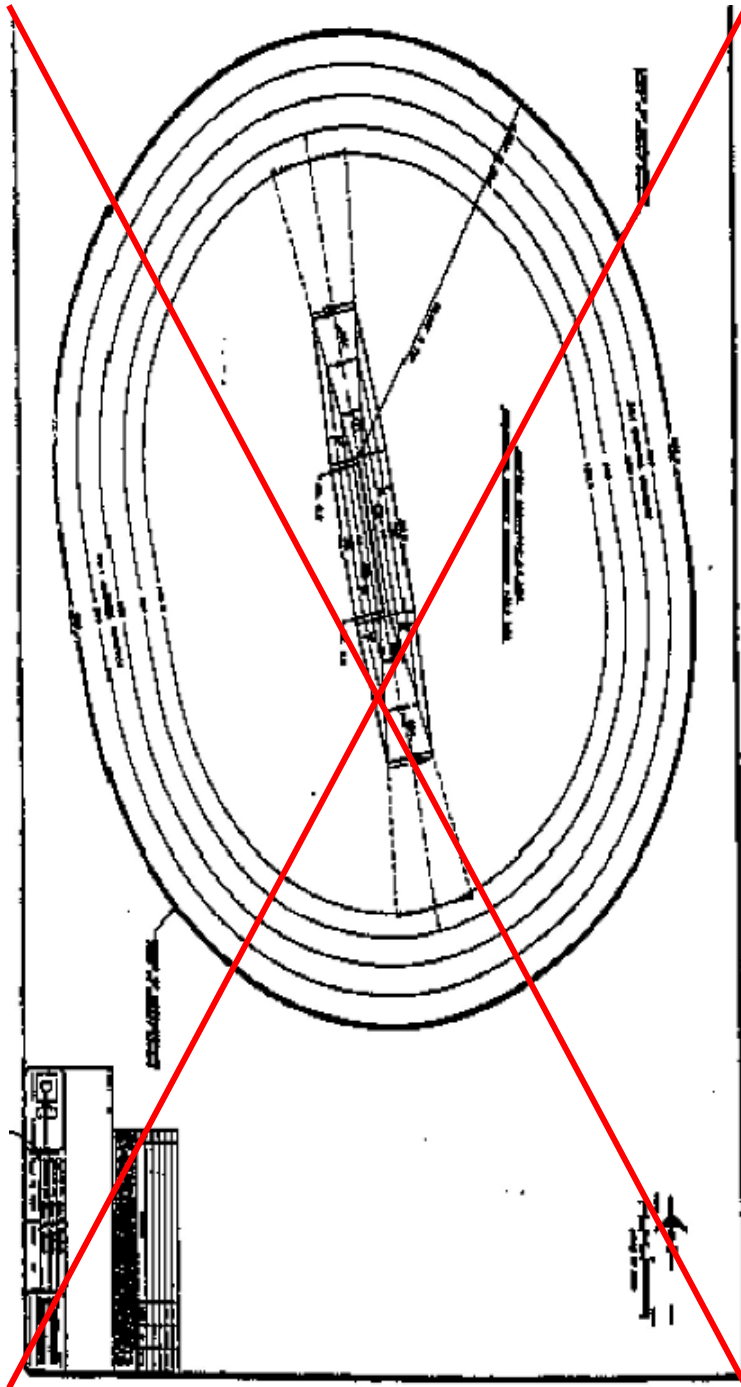
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ZONING MAP A. NAPLES MUNICIPAL AIRPORT NOISE ZONE MAP
(SEE SECTION 4.02.06 (N))

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ZONING MAP B. MARCO ISLAND [EXECUTIVE] AIRPORT
(SEE SECTION 4.02.06 (N))

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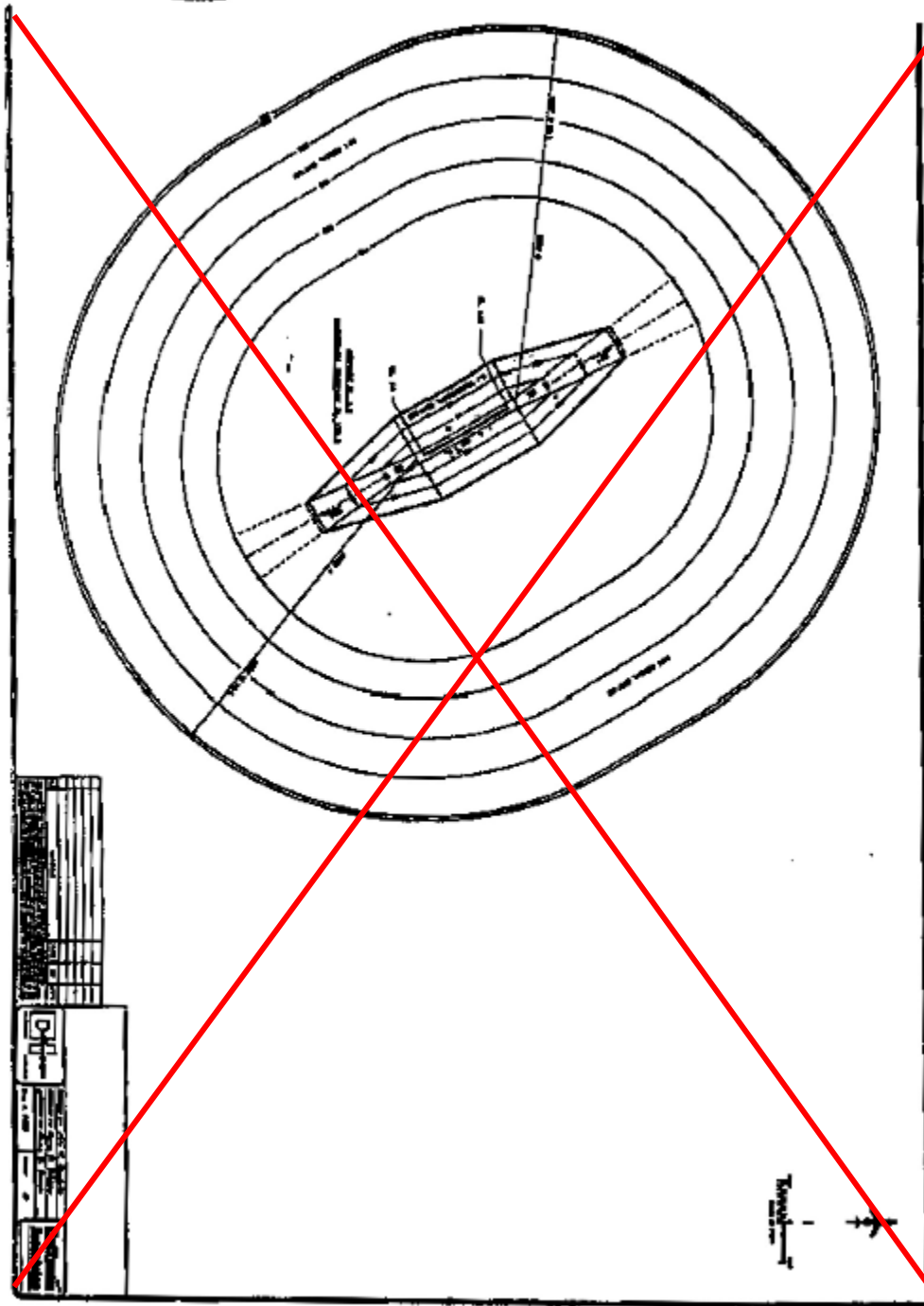


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ZONING MAP C. EVERGLADES AIRPORT
(SEE SECTION 4.02.06 (N))

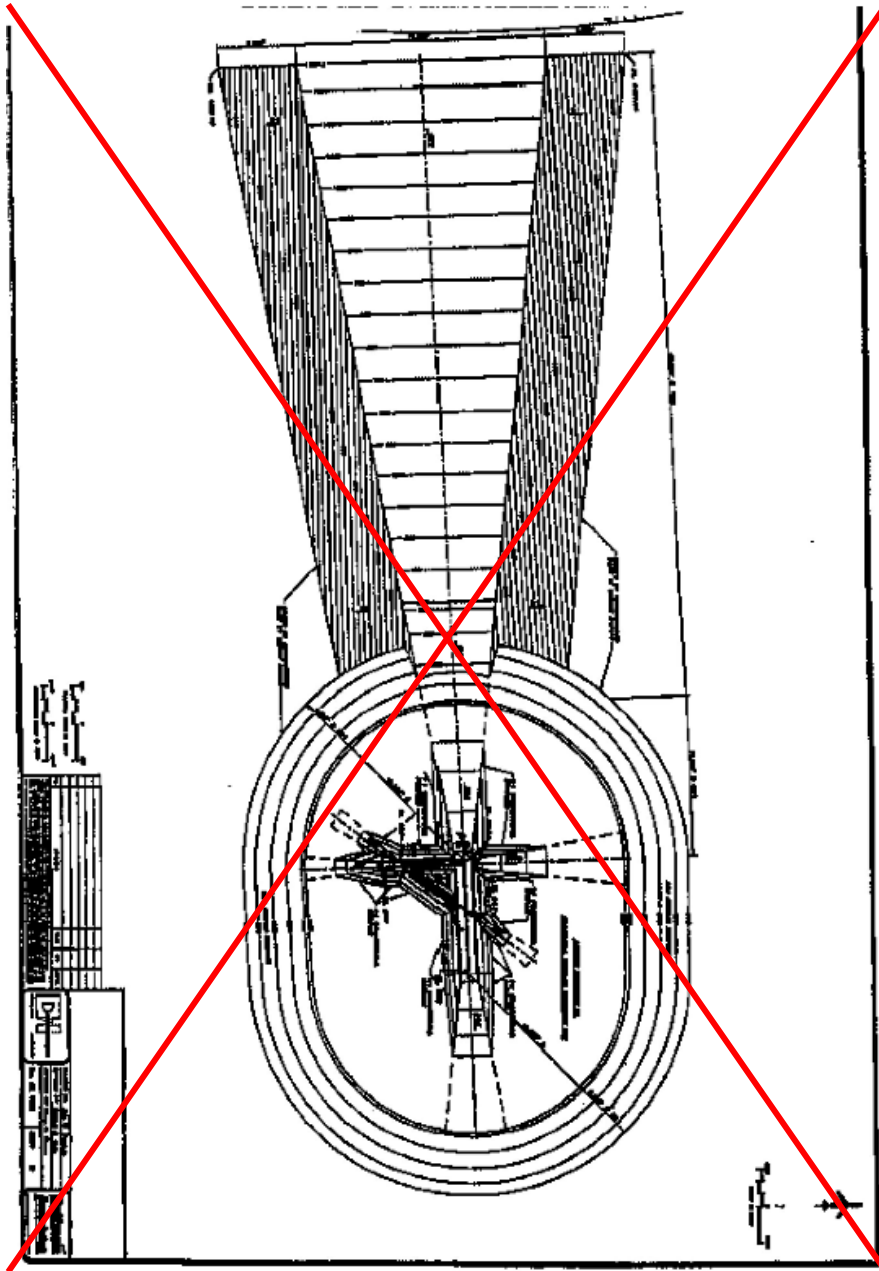
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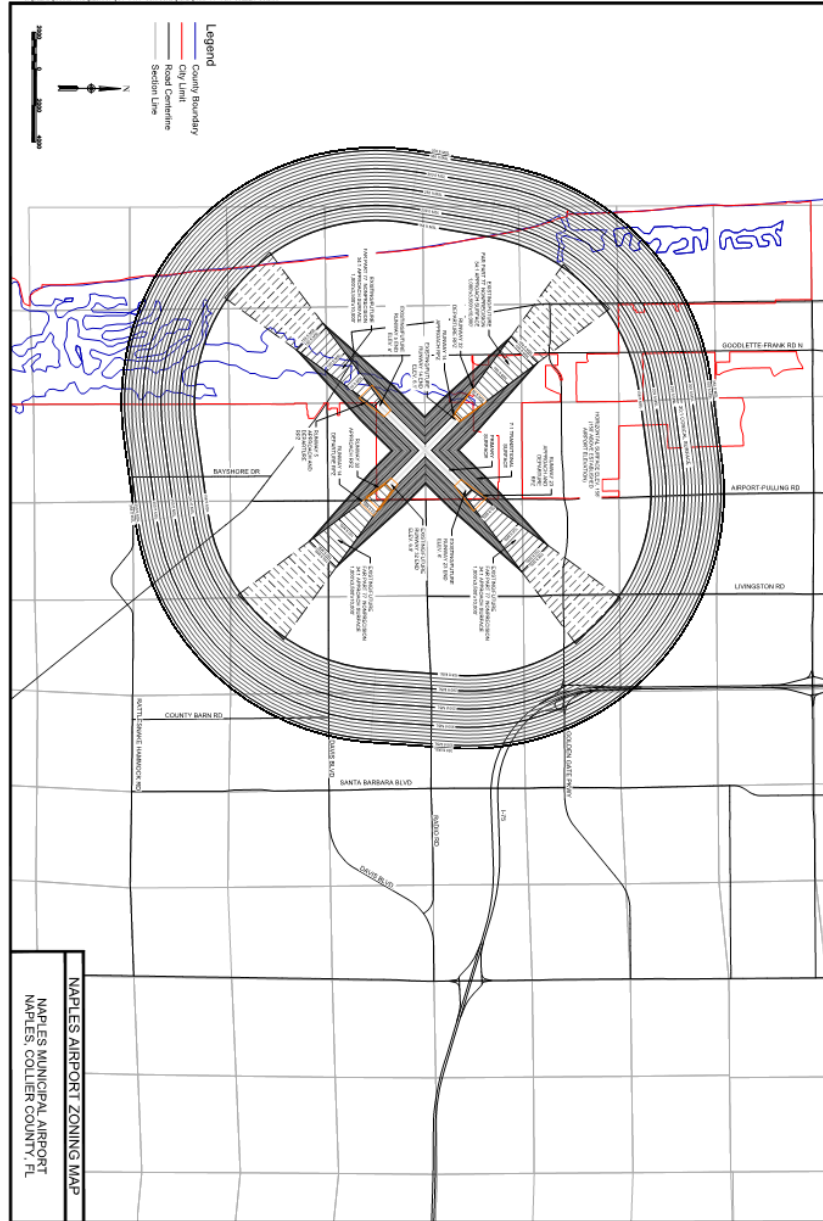
ZONING MAP D- IMMOKALEE AIRPORT
(SEE SECTION 4.02.06 (N))



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ZONING MAP A. NAPLES MUNICIPAL AIRPORT
(SEE LDC SECTION 4.02.06)



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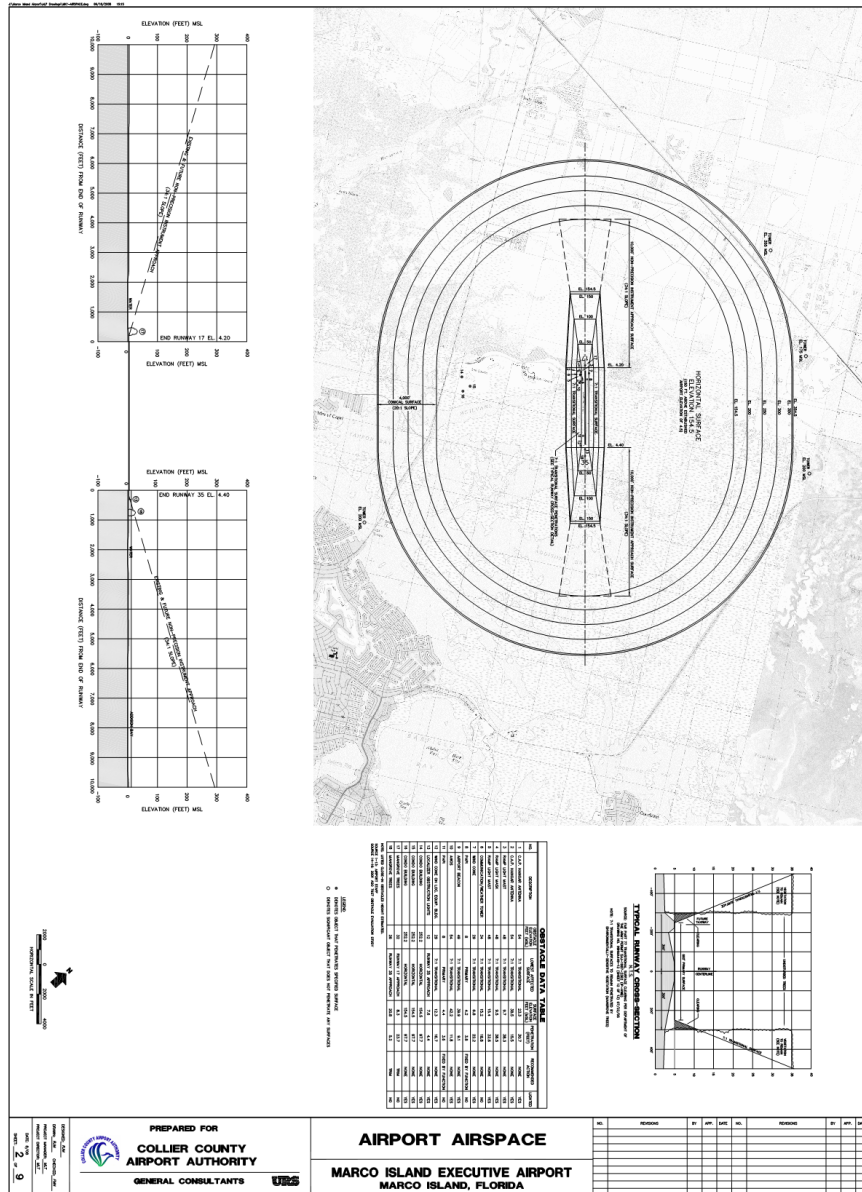
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ZONING MAP B. MARCO ISLAND EXECUTIVE AIRPORT
(SEE LDC SECTION 4.02.06)

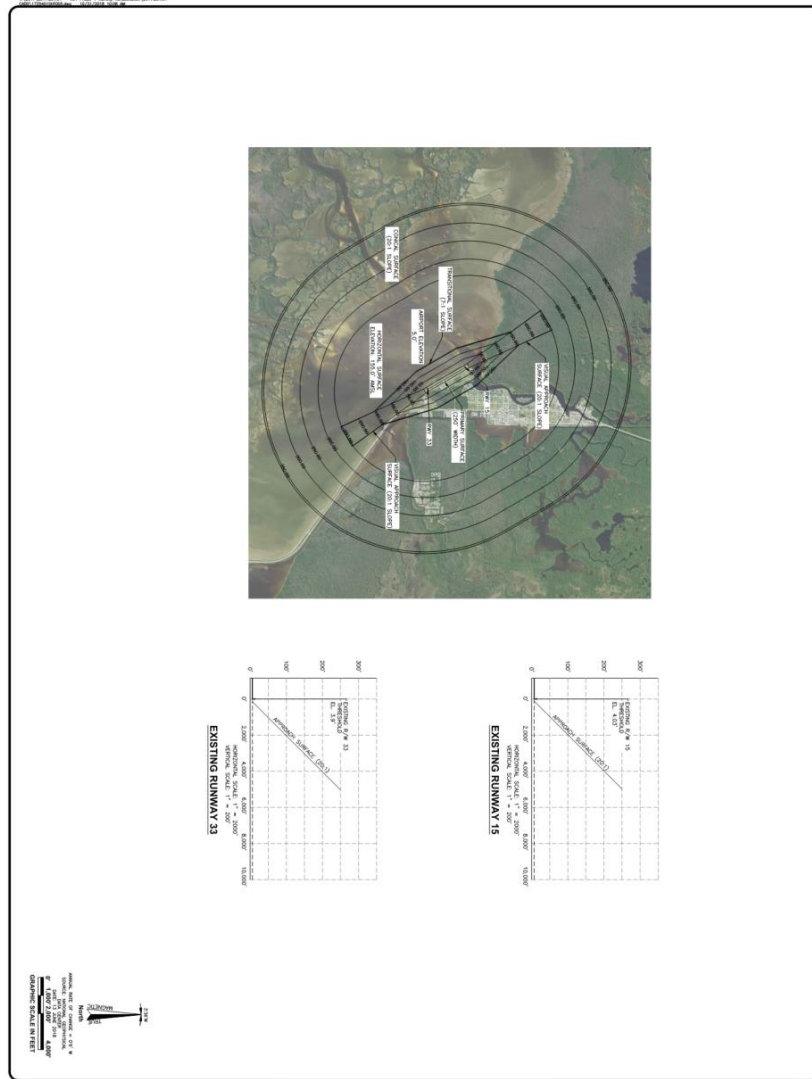


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**ZONING MAP C. EVERGLADES AIRPARK
 (SEE LDC SECTION 4.02.06)**



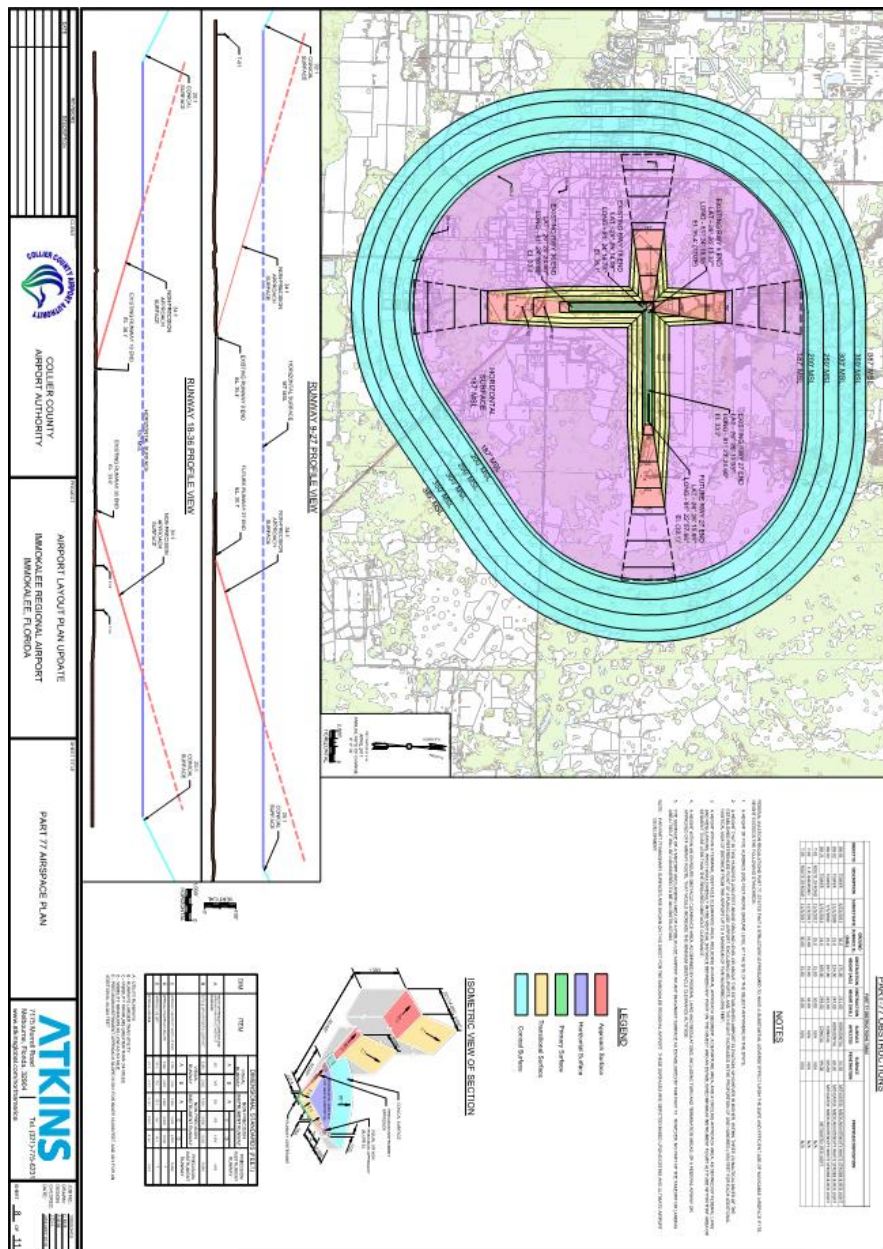
<p>EVERGLADES AIRPARK INTERM. A.P. UPDATE FAR PART 77 SURFACES</p>		
<p>DESIGNED BY: M.E. DRAWN BY: J.P. CHECKED BY: M.E. APPROVED BY: M.E. DATE: AUGUST 2018</p>	<p>PLA AIRPARK NO. N/A FOOTPRINT NO. N/A AVCON PROJECT NO. 201724M1</p>	<p>SHEET NUMBER</p>

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ZONING MAP D. IMMOKALEE AIRPORT
(SEE LDC SECTION 4.02.06)



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1.2. Site Development Plans (SDP)

Reference LDC section 10.02.03 and other provisions of the LDC.

Applicability All development is subject to this subchapter, unless it is exempt pursuant to LDC subsection 10.02.03 A.3.

Pre-Application A pre-application meeting is required unless waived by the County Manager or designee at the request of the **applicant**, pursuant to LDC subsection 10.02.03 D.

Initiation The **applicant** files an “*Application for Site Development Plan*” with the Development Review Division.

Application Contents and Site Plan Requirements Submittal Credentials: The engineering plans shall be signed and sealed by the **applicant’s** professional **engineer** licensed to practice in the State of Florida. The landscape plans shall be signed and sealed by a **landscape architect** registered in the State of Florida. For projects subject to LDC section 5.05.08, architectural drawings, shall be signed and sealed by a licensed **architect**, registered in the State of Florida.

Sheet size: The site development plan and the coversheet shall be prepared on a maximum size sheet measuring 24 inches by 36 inches, drawn to scale.

The application shall include the following, if applicable:

1. **Applicant contact information.**
2. **Addressing checklist.**
3. Warrant deed.
4. Property information, including:
 - Project title;
 - Legal description;
 - **Property identification number;**
 - Section, township and range;
 - Subdivision name, unit, lot and block; and
 - Scale, north arrow, and date.
5. **Electronic copies of all documents.**
6. **Proof of ownership**, including a copy of the recorded deed, contract for sale or agreement for sale, or a notarized statement of ownership clearly demonstrating ownership and control of the subject lot or parcel of land.
 - The **applicant** shall also present a notarized letter of authorization from the **property owner(s)** designating the **applicant** as the agent acting on behalf of the owner(s).
7. Owner/agent affidavit as to the correctness of the application.
8. **PUD Ordinance and Development Commitment Information.**

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9. PUD Monitoring Report and Schedule, if applicable.
10. A Cover Sheet with the following information:
 - The project title and the name, address and phone number of the firm or agent preparing the plans and the name, address and telephone number of the **property owner**;
 - Zoning designation of the subject property. In the event that the property is zoned PUD, the name of the PUD and the number of the ordinance approving the PUD;
 - Vicinity map clearly identifying the location of the development and its relationship to the surrounding community; and
 - A legal description and the property appraiser's **property identification number(s)/folio number(s)** for the subject property or properties.
11. The following information shall be set forth on the site development plan and/or on a separate data sheet used exclusively for that purpose:
 - A narrative statement on the plan identifying the provisions of ownership and maintenance of all common areas, open space, preservation areas, private streets, and easements;
 - A site summary in chart form which shall include the following information, with development and dimensional standards based on the provisions of the **LDC** and/or applicable PUD ordinance:
 - Total site acreage;
 - Total square footage of impervious area (including all parking areas, drive-aisles, and internal streets) and its percentage of the total site area;
 - Total square footage of landscape area/open space and its percentage of the total site area;
 - For projects that include residential uses, total number of units, density, units per acre, and a unit breakdown by square footage and number of bedrooms, as well as minimum/maximum (as applicable) floor area required and floor area proposed;
 - For projects that include non-residential uses, total building footage and a square footage breakdown by use (i.e., office, retail, storage, etc.) and its percentage of the total building; for hotels and motels, the minimum/maximum (as applicable) floor area, or proposed floor area ratio, required, and floor areas;
 - All required and provided setbacks and separations between buildings and structures in matrix form;
 - Maximum zoned building height allowed and actual building height as defined in **LDC** section 1.08.00;
 - Zoning and land use of the subject property and adjacent properties, including properties abutting an adjacent right-of-way or right-of-way easement; and

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- North arrow, scale, and date.
- A parking summary in matrix form which shall include:
 - Type of use;
 - Total square footage per use;
 - Required parking ratio, number of standard spaces required by use, and number provided;
 - Number of loading spaces required and provided (if applicable); and
 - Total number of spaces provided by use.
- The following building construction information must be included in the SDP packet:
 - Information in the Standard Building Code, type of construction, number of stories, total square footage under roof, occupancy/use and fire sprinkler intentions of all proposed structures so that a needed fire flow may be determined;
 - A fire hydrant flow test report from the applicable fire district for the closest hydrant(s) to the project so that the available fire flow may be determined; and
 - Location of existing and proposed fire hydrants.
- Illustrative information accurately depicted unless waived at the pre-application meeting:
 - A boundary survey, prepared by a professional surveyor, showing the location and dimensions of all property lines, existing streets or roads, easements, rights-of-way, and areas dedicated to the public. This survey shall be accompanied either by an attorney's opinion of title, or by a sworn statement from the **property owner(s)** stating that he or she has provided sufficient information to the surveyor to allow the accurate depiction of the above information on the survey;
 - Name, alignment and existing/proposed rights-of-way of all streets which border the development (including raised islands, striping, right/left turn lanes, median cuts and nearby intersections), the location of all existing driveways or access points on the opposite sides of all streets which border the development, and the location of all traffic calming devices;
 - Location and configuration of all development ingress and egress points;
 - Location and arrangement of all proposed buildings (including existing buildings that are to remain);
 - Location and configuration of all parking and loading areas;

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- Name, alignment, and existing/proposed right-of-way of all internal streets and alleys;
 - Directional movement of internal vehicular traffic and its separation from pedestrian traffic;
 - Location and configuration of recreational facilities (including related buildings, golf course areas, tennis courts, pools, etc.);
 - Location and general configuration of all water and drainage retention/detention areas as well as all existing and proposed easements, and water and sewer lines intended to serve the development;
 - Location and general configuration of such natural features as preservation/conservation areas, water bodies, and wetlands;
 - Location of emergency access lanes, fire hydrants and fire lanes;
 - Location of all handicapped parking spaces;
 - Location of trash enclosures;
 - Location and heights of proposed walls or fences; and
 - Accurate dimensions which include the following:
 - All building setbacks;
 - Distance between buildings and accessory structures;
 - Width of all internal streets;
 - All parking areas and drive-aisles; and
 - Landscape areas adjacent to all vehicular drives, interior property lines and all parking areas.
 - Traffic circulation, signing and marking plan, to include outside and inside radii for all turn movements using a common pivot point for both radii at each location;
 - Access Management Exhibit, identifying existing and proposed access points, nearest U turns and legal access to the site;
 - Roadway elevations; and
 - Any additional relevant information required by the Development Review.
- 12.** Architectural Plans. ⇔ *See Chapter 4.A of the Administrative Code for Architectural Plan submittals.* The plans shall also include:
- If proposed, dumpster enclosure details depicting height and material and color of walls and gates; and
 - If proposed, light pole details depicting height and colors of pole and housing.
- 13.** Stormwater management information as follows:

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- The South Florida Water Management District Environmental Resource Permit or General Permit number, if obtained;
 - Stormwater management control structure(s) location (referenced to State Plane Coordinates, Florida East Zone, North American Datum 1983 (NAD '83), latest adjustment);
 - Stormwater management control elevation(s) and overflow elevation(s) (referenced to the North American Vertical Datum, 1988 (NAVD '88), latest adjustment), and NGVD;
 - Twenty-five-year/3-day design discharge at control structure(s);
 - Drainage calculations, including pipe sizing calculations;
 - Estimated cost of construction of roadways, paving, and drainage;
 - Engineer's Report with Assumptions and Explanations;
 - Engineering Review Checklist, signed by a professional **engineer**;
 - Hydraulic Grade Line Pipe calculations for culverts; and
 - Streetlight plan, for multi-family housing.
14. For residential projects subject to the provisions of **LDC** section 10.04.09, a completed School Impact Analysis (SIA) application, location map and review fee.
15. Certificate of Adequate Public Facilities application, if applicable.
16. Landscaping Plan. A landscape plan which shall contain the following:
- Landscape summary. A landscape summary in matrix form which shall include:
 - Graphic symbol to indicate each type of plant material;
 - Botanical name;
 - Common name;
 - Total number of each type of plant material;
 - Height and spread of each type of plant material; and
 - Spacing of each type of plant material.
 - Illustrative information. Illustrative information consisting of the following shall be accurately depicted on the landscape plan:
 - The location, configuration, and arrangement of all proposed buildings, internal streets and parking areas as reflected on the site plan;
 - The location and dimensions of all proposed landscaped areas with appropriate graphic symbols including existing trees that are being credited toward the development's landscaping requirements;
 - Location and configuration of all special or textured paving areas;
 - Provisions for site irrigation; and

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- Any additional relevant information as may be required by the County Manager or designee.
17. Vegetation inventory. A generalized vegetation inventory of the property shall be required to the extent necessary, as determined at the pre-application meeting, indicating the approximate location, densities and species of the following:
- Upland, wetland and estuarine vegetation including prohibited exotic vegetation, mapped using FLUCFCS terminology;
 - Any type of vegetation identified for preservation;
 - Conservation easement including signed and sealed legal description and boundary survey for preserve, include protective language, and provide a sketch and description in construction plans.
 - Projects containing the following shall provide a survey identifying species and locations on a current aerial photograph at a scale of 1 inch equals 200 feet or larger or superimposed on the site plan:
 - Plants specified to remain in place or to be transplanted to other locations on the property as specified in the applicable development order.
 - Specimen trees designated by the BCC, pursuant to **LDC** section 3.05.09.
 - State or federal rare, threatened or endangered plan species surveyed according to accepted Florida Fish and Wildlife Conservation Commission or U.S. Fish and Wildlife Service methods.
 - Existing trees that may be credited toward the development's landscaping requirements.
 - For proposed site alteration(s) within the coastal zone as depicted on the future land use map, in addition to the foregoing requirements, the vegetation inventory shall depict the categories of impact in accordance with **LDC** sections 3.03.03-3.03.04.
18. A recent aerial photo shall be provided at the same scale as the plan delineating the development boundaries, unless waived at the pre-application meeting.
19. Density bonus. If a residential bonus is requested, as provided for in the Growth Management Plan, a certified survey that clearly illustrates the location and relationship of the development to the appropriate activity center and the related activity band shall be required.
20. Building plans. Plans showing proposed building footprints, spatial relationship to one another when there are multiple buildings and building heights.
21. Traffic Impact Study. ↔ *See Chapter 7 of the Administrative Code.*
22. Soil erosion and sediment control plan. ↔ *See Chapter 7 of the Administrative Code.*
23. Construction Plans. Detailed on-site and off-site infrastructure improvement plans and construction documents prepared in conformance with the design standards

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identified in LDC section 10.02.04 and any current county ordinances, regulations, policies and procedures, which consist of, but are not limited to, the following items:

- A cover sheet setting forth the development name, **applicant** name, name of Engineering firm, and vicinity map;
 - Improvements for water and sewer service as needed or as may have been specified during a site development plan review prepared in conformance with the Utilities Standards and Procedures Ordinance, 2004-31, as amended;
 - Improvements for roadway, motor vehicle and non-motorized circulation, ingress and egress, parking and other transportation needs, including traffic calming devices, required or as may have been specified during the site development plan review, prepared in conformance with the subdivision design requirements. Non-motorized circulation is defined as movement by persons on foot, bicycle, or other human-powered device. Non-motorized circulation depicting sidewalks and bicycle facilities shall be consistent with LDC subsection 5.05.08 A.5. Cross sections and details for improvements are required;
 - The absence of obstructions in the public right-of-way shall be demonstrated, including provisions for safe and convenient street crossing;
 - Cross sections and details for improvements required in LDC subsections 6.06.02 A.7 through 6.06.02 A.9;
 - Improvements for water management purposes as needed or as may have been specified during the site development plan review, prepared in conformance with subdivision design requirements and pursuant to South Florida Water Management District rules, chapter 40E-4, 40E-40 and 40E-41, Florida Administrative Code;
 - Citation to the applicable technical specifications for all infrastructure improvements to be constructed;
 - Engineering design computations and reports for water, sewer, roads, and water management facilities, as required by federal, state, and local laws and regulations.
 - Topographical map of the property including:
 - Existing features, such as, watercourses, drainage ditches, lakes, marshes.
 - Existing contours or representative ground elevations at spot locations and a minimum of 50 feet beyond the property line.
 - Benchmark locations and elevations (to both NGVD and NAVD).
 - Site clearing plan and methods of vegetation protection.
 - Where jurisdictional wetlands occur onsite, approved wetland jurisdictional lines shall be shown on the construction plans.
24. County-Permits: All necessary permits and applications requiring County approval and other permitting and construction related items, including but not limited to the

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following, shall be submitted and approved with the site development plan. These permits may include, but are not limited to the following:

- Excavation permit;
 - A Collier County right-of-way permit;
 - Blasting permit, prior to commencement of any blasting operation;
 - Interim wastewater and/or water treatment plant construction or interim septic system and/or private well permits prior to building permit approval;
 - Any additional state and federal permits which may be required prior to commencement of construction, addressing the impacts on jurisdictional wetlands and habitat involving protected species;
 - All other pertinent data, computations, plans, reports, and the like necessary for the proper design and construction of the development that may be submitted; and
 - All necessary performance securities required by Collier County ordinances in effect at the time of construction.
25. Non-County Permits: All Federal, State, and other local permits shall be submitted prior to construction and before the pre-construction meeting. If approved by the County Manager or designee, an **applicant** may submit Federal, State and local agency permits at the pre-construction meeting.
- Florida Department of Environmental Protection water and sewer facilities construction permit application;
 - Notice of Intent (NOI) to issue either a Florida Department of Transportation Right-of-Way permit;
 - South Florida Water Management District permit, if required or, Collier County general permit for water management prior to site development plan approval; and
 - Any additional state and federal permits which may be required prior to commencement of construction, addressing the impacts on jurisdictional wetlands and habitat involving protected species, such as:
 - USACOE permit and exhibits. If no USACOE permit, SFWMD permit and exhibits shall be submitted; and
 - For the RFMUD, Agency accepted UMAM/WRAP scores.
26. Airspace obstruction review materials, if applicable. An airspace obstruction review is required for any proposed obstruction that exceeds the criteria established in LDC 4.02.06 and shall be reviewed by the FAA in the form and manner prescribed in 14 CFR Part 77. See “Who Needs to File” at <https://oeaaa.faa.gov/oeaaa>.” The following items shall be provided for review:
- A copy of the FAA form 7460-1 ‘Notice of Proposed Construction or Alteration’, and all supporting materials, filed with the FAA;
 - A copy of the final FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) determination; and

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- A narrative statement with a detailed description/explanation of the proposed airspace obstruction and response to the applicable review criteria from LDC section 4.02.06 M.3.

Completeness and Processing of Application The Planning & Zoning Department will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the **applicant** will receive a mailed or electronic response notifying the **applicant** that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

Notice No notice is required.

Public Hearing No public hearing is required.

Decision maker The County Manager or designee.

Review Process The Planning & Zoning Department will review the application, identify whether additional materials are needed and approve, approve with conditions or deny the application utilizing the criteria identified in the applicable **LDC** sections.

Pre-Construction Meeting A pre-construction meeting shall be scheduled with the Engineering Services Department prior to the commencement of construction. All Federal, State, and local permits shall be submitted prior to construction and before the pre-construction meeting. If approved by the County Manager or designee, an **applicant** may submit Federal, State and local agency permits at the pre-construction meeting.

The following permits, if applicable, require final approval and issuance prior to the County pre-construction meeting:

1. Florida Department of Transportation **Right-Of-Way** Construction Permit.
2. Collier County **right-of-way** [ROW] permit.

Digital Submittal Requirements After the final site development plan has been approved by the County Manager or designee for compliance with the **LDC** as provided in section **10.02.03**, the **applicant's** professional **engineer** shall submit:

1. Digitally created construction/site plan documents, and
2. 1 disk (CDROM) of the master plan file, including, where applicable, easements, water/wastewater facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered surveyor and mapper. All information

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shall have a maximum dimensional error of +0.5 feet. Files shall be in an AutoCad (DWG) or Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. right-of-way—ROW, centerlines—CL, edge-of-pavement—EOP, etc.). For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (parcels, lots, and requisite annotation) shall be drawn on a unique information layer, with all linework pertaining to the property feature located on that layer. Example: parcels—All lines that form the parcel boundary will be located on 1 parcel layer. Annotations pertaining to property information shall be on a unique layer. Example: Lot dimensions—Lottxt layer.

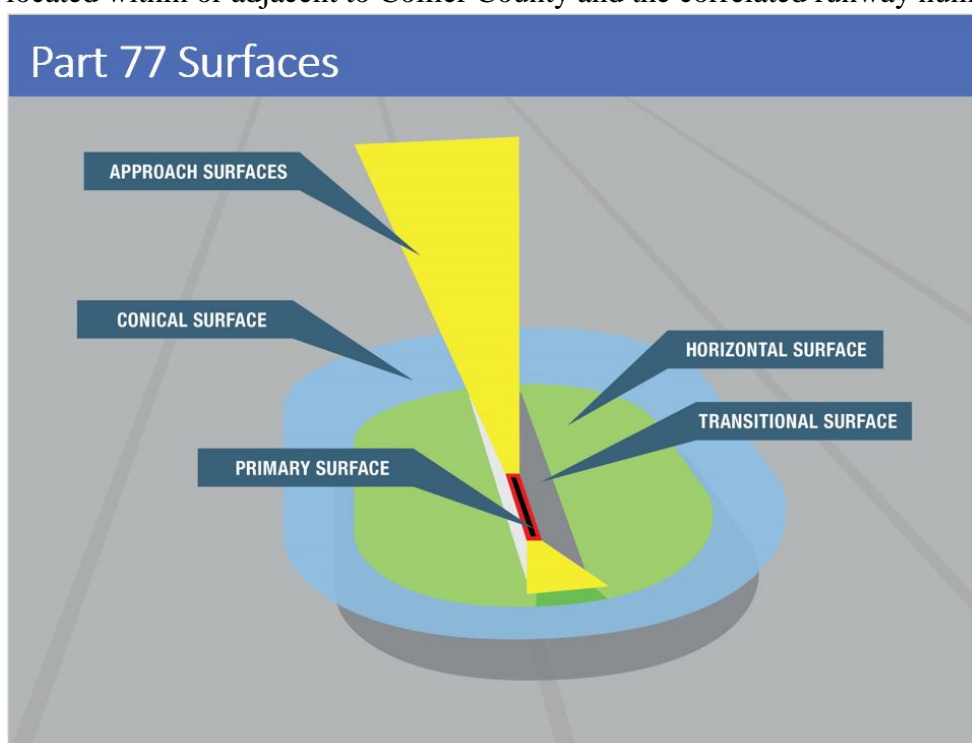
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Exhibit B – Implementation of Airspace Obstruction Review

As the changes to Chapter 333, F.S., shifted the responsibility of airspace obstruction review from the Florida Department of Transportation - Aviation and Spaceports Office (FDOT-ASO) to the local level, it is important to include the details of how this LDC amendment will be implemented.

Updates to Runway Surfaces and Map Data

In coordination with the City of Naples Airport Authority (NAA) and the Collier County Airport Authority (CCAA), this amendment updates the existing Airport Zoning Maps located within Appendix D of the LDC, as well as Tables 4-8 within LDC Section 4.02.06. Tables 4-8 within LDC Section 4.02.06 provides the primary surface width, horizontal surface radius, approach surface width, approach surface length, and approach surface height for each of the airports, or airspaces, located within or adjacent to Collier County and the correlated runway number.



(Image Source: Published FDOT-ASO PowerPoint *Chapter 333 FS – Airport Zoning PowerPoint Presentation*)

Each of the surface standards described within LDC Section 4.02.06 C.-J., and Tables 4-8, reflect the federal obstruction standards contained in 14 C.F.R. part 77, subpart C, and are visually depicted on the maps found within Appendix D. The content within Tables 4-8 were updated due to the changes in runway numbers and runway types at the different airports, which also had an impact to location of the various surfaces on the Airport Zoning Maps.

Exhibit B – Implementation of Airspace Obstruction Review

As this is a new process, certain safeguards will be implemented to ensure that a building permit for an airspace obstruction will not be issued without the necessary review. When a building permit or site development plan application is submitted, the property address and/or folio number will be linked in CityView to that specific application. Depending on the specific permit type, if a property is located within the area covered by the Airport Zoning overlay, a property alert and permit condition will automatically load.

To determine if an airspace obstruction review is required, the assigned staff member will utilize the site plan, aerial photography, or any other documentation as part of the SDP or building permit, in conjunction with the Airport Zoning Maps obstruction contours. Additionally, the Federal Aviation Administration's (FAA) website has a Notice Criteria Tool to assist in applying the Part 77 Notice Criteria.

Required Correspondence with FDOT-ASO

Pursuant to Ch. 333, F.S., upon receipt of a complete permit application, the local government shall provide a copy of the application to the Florida Departments of Transportation - Aviation and Spaceports Office (FDOT-ASO) by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. In lieu of sending FDOT-ASO this information by certified mail, it has been confirmed that staff may send this information to a dedicated email address, with a return receipt. This will serve as meeting the intent of Ch. 333, F.S.

Coordination with Naples Airport Authority and Collier County Airport Authority

During the review of airspace obstructions, staff will coordinate with the applicable airport authority to determine whether to approve or deny an airspace obstruction based on the considerations within LDC section 4.02.06 M. If the proposed airspace obstruction is required to be reviewed as part of a SDP, the applicable airport authority will be contacted after the Pre-Application Meeting to start the coordination efforts with the applicant, prior to the finalization and submittal of the proposed plans. If the airspace obstruction is proposed at time of building permit, the applicable airport authority will be notified at time of review.

Exhibit C – Chapter 333 Florida Statutes

CHAPTER 333

AIRPORT ZONING

- 333.01 Definitions.
- 333.02 Airport hazards and uses of land in airport vicinities contrary to public interest.
- 333.025 Permit required for obstructions.
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- 333.04 Comprehensive zoning regulations; most stringent to prevail where conflicts occur.
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- 333.09 Administration of airport protection zoning regulations.
- 333.11 Judicial review.
- 333.12 Acquisition of air rights.
- 333.13 Enforcement and remedies.
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333.01 Definitions.—As used in this chapter, the term:

(1) “Aeronautical study” means a Federal Aviation Administration study, conducted in accordance with the standards of 14 C.F.R. part 77, subpart C, and Federal Aviation Administration policy and guidance, on the effect of proposed construction or alteration upon the operation of air navigation facilities and the safe and efficient use of navigable airspace.

(2) “Airport” means any area of land or water designed and set aside for the landing and taking off of aircraft and used or to be used in the interest of the public for such purpose.

(3) “Airport hazard” means an obstruction to air navigation which affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities.

(4) “Airport hazard area” means any area of land or water upon which an airport hazard might be established.

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- (5) “Airport land use compatibility zoning” means airport zoning regulations governing the use of land on, adjacent to, or in the immediate vicinity of airports.
- (6) “Airport layout plan” means a set of scaled drawings that provides a graphic representation of the existing and future development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport.
- (7) “Airport master plan” means a comprehensive plan of an airport which typically describes current and future plans for airport development designed to support existing and future aviation demand.
- (8) “Airport protection zoning regulations” means airport zoning regulations governing airport hazards.
- (9) “Department” means the Department of Transportation as created under s. 20.23.
- (10) “Educational facility” means any structure, land, or use that includes a public or private kindergarten through 12th grade school, charter school, magnet school, college campus, or university campus. The term does not include space used for educational purposes within a multitenant building.
- (11) “Landfill” has the same meaning as provided in s. 403.703.
- (12) “Obstruction” means any existing or proposed object, terrain, or structure construction or alteration that exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C. The term includes:
- (a) Any object of natural growth or terrain;
 - (b) Permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or
 - (c) Alteration of any permanent or temporary existing structure by a change in the structure’s height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.
- (13) “Person” means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- (14) “Political subdivision” means the local government of any county, municipality, town, village, or other subdivision or agency thereof, or any district or special district, port commission, port authority, or other such agency authorized to establish or operate airports in the state.

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(15) “Public-use airport” means an airport, publicly or privately owned, licensed by the state, which is open for use by the public.

(16) “Runway protection zone” means an area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground.

(17) “Structure” means any object constructed, erected, altered, or installed, including, but not limited to, buildings, towers, smokestacks, utility poles, power generation equipment, and overhead transmission lines.

(18) “Substantial modification” means any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the repair, reconstruction, rehabilitation, or improvement of the structure equals or exceeds 50 percent of the market value of the structure.

History.—s. 1, ch. 23079, 1945; s. 2, ch. 75-16; s. 1, ch. 88-356; s. 70, ch. 90-136; s. 84, ch. 91-221; s. 482, ch. 95-148; s. 1, ch. 2016-209; s. 21, ch. 2016-239.

333.02 Airport hazards and uses of land in airport vicinities contrary to public interest.—

(1) It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity and also, if of the obstruction type, in effect reduces the size of the area available for the taking off, maneuvering, or landing of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. It is further found that certain activities and uses of land in the immediate vicinity of airports as enumerated in s. 333.03(2) are not compatible with normal airport operations, and may, if not regulated, also endanger the lives of the participants, adversely affect their health, or otherwise limit the accomplishment of normal activities. Accordingly, it is hereby declared:

(a) That the creation or establishment of an airport hazard and the incompatible use of land in airport vicinities are public nuisances and injure the community served by the airport in question;

(b) That it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards and incompatible land uses be prevented; and

(c) That this should be accomplished, to the extent legally possible, by the exercise of the police power, without compensation.

(2) It is further declared that the limitation of land uses incompatible with normal airport operations, the prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein, or air rights thereover.

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History.—s. 2, ch. 23079, 1945; s. 2, ch. 88-356; s. 71, ch. 90-136.

333.025 Permit required for obstructions.—

(1) A person proposing the construction or alteration of an obstruction must obtain a permit from the department, subject to subsections (2), (3), and (4). However, permits from the department will be required only within an airport hazard area where federal obstruction standards are exceeded and if the proposed construction or alteration is within a 10-nautical-mile radius of the airport reference point, located at the approximate geometric center of all usable runways of a public-use airport or military airport.

(2) Existing, planned, and proposed facilities on public-use airports contained in an airport master plan, in an airport layout plan submitted to the Federal Aviation Administration, or in comparable military documents shall be protected from airport hazards.

(3) A permit is not required for existing structures that received construction permits from the Federal Communications Commission for structures exceeding federal obstruction standards before May 20, 1975; a permit is not required for any necessary replacement or repairs to such existing structures if the height and location are unchanged.

(4) If political subdivisions have, in compliance with this chapter, adopted adequate airport protection zoning regulations, placed such regulations on file with the department's aviation office, and established a permitting process, a permit for the construction or alteration of an obstruction is not required from the department. Upon receipt of a complete permit application, the local government shall provide a copy of the application to the department's aviation office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. To evaluate technical consistency with this subsection, the department shall have a 15-day review period following receipt of the application, which must run concurrently with the local government permitting process. Cranes, construction equipment, and other temporary structures in use or in place for a period not to exceed 18 consecutive months are exempt from the department's review, unless such review is requested by the department.

(5) The department shall, within 30 days after receipt of an application for a permit, issue or deny a permit for the construction or alteration of an obstruction. The department shall review permit applications in conformity with s. 120.60.

(6) In determining whether to issue or deny a permit, the department shall consider:

(a) The safety of persons on the ground and in the air.

(b) The safe and efficient use of navigable airspace.

(c) The nature of the terrain and height of existing structures.

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- (d) The effect of the construction or alteration of an obstruction on the state licensing standards for a public-use airport contained in chapter 330 and rules adopted thereunder.
- (e) The character of existing and planned flight operations and developments at public-use airports.
- (f) Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the Federal Aviation Administration.
- (g) The effect of the construction or alteration of an obstruction on the minimum descent altitude or the decision height at the affected airport.
- (h) The cumulative effects on navigable airspace of all existing obstructions and all known proposed obstructions in the area.
- (7) When issuing a permit under this section, the department shall require the owner of the obstruction to install, operate, and maintain, at the owner's expense, marking and lighting in conformance with the specific standards established by the Federal Aviation Administration.
- (8) The department may not approve a permit for the construction or alteration of an obstruction unless the applicant submits documentation showing both compliance with the federal requirement for notification of proposed construction or alteration and a valid aeronautical study. A permit may not be approved solely on the basis that the Federal Aviation Administration determined that the proposed construction or alteration of an obstruction was not an airport hazard.
- (9) The denial of a permit under this section is subject to administrative review pursuant to chapter 120.

History.—s. 3, ch. 75-16; s. 3, ch. 88-356; s. 7, ch. 92-152; s. 2, ch. 2016-209; s. 22, ch. 2016-239.

333.03 Requirement to adopt airport zoning regulations.—

- (1)(a) Every political subdivision having an airport hazard area within its territorial limits shall adopt, administer, and enforce, under the police power and in the manner and upon the conditions prescribed in this section, airport protection zoning regulations for such airport hazard area.
- (b) If an airport is owned or controlled by a political subdivision and if any other political subdivision has land upon which an obstruction may be constructed or altered which underlies any surface of the airport as provided in 14 C.F.R. part 77, subpart C, the political subdivisions shall either:
 - 1. By interlocal agreement, adopt, administer, and enforce a set of airport protection zoning regulations; or

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2. By ordinance, regulation, or resolution duly adopted, create a joint airport protection zoning board that shall adopt, administer, and enforce a set of airport protection zoning regulations. The joint airport protection zoning board shall have as voting members two representatives appointed by each participating political subdivision and a chair elected by a majority of the members so appointed. The airport manager or a representative of each airport in the affected participating political subdivisions shall serve on the board in a nonvoting capacity.

(c) Airport protection zoning regulations adopted under paragraph (a) must, at a minimum, require:

1. A permit for the construction or alteration of any obstruction;
2. Obstruction marking and lighting for obstructions;
3. Documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study submitted by each person applying for a permit;
4. Consideration of the criteria in s. 333.025(6), when determining whether to issue or deny a permit; and
5. That approval of a permit not be based solely on the determination by the Federal Aviation Administration that the proposed structure is not an airport hazard.

(d) The department shall be available to provide assistance to political subdivisions regarding federal obstruction standards.

(2) In the manner provided in subsection (1), political subdivisions shall adopt, administer, and enforce airport land use compatibility zoning regulations. Airport land use compatibility zoning regulations shall, at a minimum, address the following:

(a) The prohibition of new landfills and the restriction of existing landfills within the following areas:

1. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft.
2. Within 5,000 feet from the nearest point of any runway used by only nonturbine aircraft.
3. Outside the perimeters defined in subparagraphs 1. and 2., but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.19. Case-by-case review of such landfills is advised.

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(b) Where any landfill is located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.

(c) Where an airport authority or other governing body operating a public-use airport has conducted a noise study in accordance with 14 C.F.R. part 150, or where a public-use airport owner has established noise contours pursuant to another public study approved by the Federal Aviation Administration, the prohibition of incompatible uses, as established in the noise study in 14 C.F.R. part 150, Appendix A or as a part of an alternative Federal Aviation Administration-approved public study, within the noise contours established by any of these studies, except if such uses are specifically contemplated by such study with appropriate mitigation or similar techniques described in the study.

(d) Where an airport authority or other governing body operating a public-use airport has not conducted a noise study, the prohibition of residential construction and any educational facility, with the exception of aviation school facilities, within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

(e) The restriction of new incompatible uses, activities, or substantial modifications to existing incompatible uses within runway protection zones.

(3) Political subdivisions shall provide a copy of all airport protection zoning regulations and airport land use compatibility zoning regulations, and any related amendments, to the department's aviation office within 30 days after adoption.

(4) Subsection (2) may not be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational facility or site in existence on July 1, 1993.

(5) This section does not prohibit an airport authority, a political subdivision or its administrative agency, or any other governing body operating a public-use airport from establishing airport zoning regulations more restrictive than prescribed in this section in order to protect the health, safety, and welfare of the public in the air and on the ground.

History.—s. 3, ch. 23079, 1945; s. 4, ch. 75-16; s. 4, ch. 88-356; s. 72, ch. 90-136; s. 8, ch. 92-152; s. 10, ch. 93-164; s. 1, ch. 94-201; s. 958, ch. 95-148; s. 971, ch. 2002-387; s. 3, ch. 2016-209; s. 23, ch. 2016-239.

333.04 Comprehensive zoning regulations; most stringent to prevail where conflicts occur.—

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(1) INCORPORATION.—In the event that a political subdivision has adopted, or hereafter adopts, a comprehensive plan or policy regulating, among other things, the height of buildings, structures, and natural objects, and uses of property, any airport zoning regulations applicable to the same area or portion thereof may be incorporated in and made a part of such comprehensive plan or policy, and be administered and enforced in connection therewith.

(2) CONFLICT.—In the event of conflict between any airport zoning regulations adopted under this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or vegetation, the use of land, or any other matter, and whether such regulations were adopted by the political subdivision that adopted the airport zoning regulations or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail.

History.—s. 4, ch. 23079, 1945; s. 4, ch. 2016-209; s. 24, ch. 2016-239.

333.05 Procedure for adoption of airport zoning regulations.—

(1) NOTICE AND HEARING.—Airport zoning regulations may not be adopted, amended, or repealed under this chapter except by action of the legislative body of the political subdivision or affected subdivisions, or the joint board provided in s. 333.03(1)(b)2. by the political subdivisions therein provided and set forth, after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the hearing shall be published at least once a week for 2 consecutive weeks in a newspaper of general circulation in the political subdivision or subdivisions where the airport zoning regulations are to be adopted, amended, or repealed.

(2) AIRPORT ZONING COMMISSION.—Before the initial zoning of any airport area under this chapter, the political subdivision or joint airport zoning board that is to adopt, administer, and enforce the regulations must appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the legislative body of the political subdivision or the joint airport zoning board may not hold its public hearings or take any action until it has received the final report of such commission, and at least 15 days shall elapse between the receipt of the final report of the commission and the hearing to be held by the latter board. If a planning commission, an airport commission, or a comprehensive zoning commission already exists, it may be appointed as the airport zoning commission.

History.—s. 5, ch. 23079, 1945; s. 74, ch. 90-136; s. 23, ch. 90-279; s. 39, ch. 95-143; s. 5, ch. 2016-209; s. 25, ch. 2016-239.

333.06 Airport zoning regulation requirements.—

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(1) **REASONABLENESS.**—All airport zoning regulations adopted under this chapter shall be reasonable and may not impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this chapter. In determining what regulations it may adopt, each political subdivision and joint airport zoning board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area and runway protection zones, the character of the neighborhood, the uses to which the property to be zoned is put and adaptable, and the impact of any new use, activity, or construction on the airport’s operating capability and capacity.

(2) **INDEPENDENT JUSTIFICATION.**—The purpose of all airport zoning regulations adopted under this chapter is to provide both airspace protection and land uses compatible with airport operations. Each aspect of this purpose requires independent justification in order to promote the public interest in safety, health, and general welfare. Specifically, construction in a runway protection zone which does not exceed airspace height restrictions is not conclusive that such use, activity, or construction is compatible with airport operations.

(3) **NONCONFORMING USES.**—An airport protection zoning regulation adopted under this chapter may not require the removal, lowering, or other change or alteration of any obstruction not conforming to the regulation when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in s. 333.07(1) and (3).

(4) **ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED LOCAL GOVERNMENTS.**—An airport master plan shall be prepared by each public-use airport licensed by the department under chapter 330. The authorized entity having responsibility for governing the operation of the airport, when either requesting from or submitting to a state or federal governmental agency with funding or approval jurisdiction a “finding of no significant impact,” an environmental assessment, a site-selection study, an airport master plan, or any amendment to an airport master plan, shall submit simultaneously a copy of said request, submittal, assessment, study, plan, or amendments by certified mail to all affected local governments. As used in this subsection, the term “affected local government” is defined as any municipality or county having jurisdiction over the airport and any municipality or county located within 2 miles of the boundaries of the land subject to the airport master plan.

History.—s. 6, ch. 23079, 1945; s. 75, ch. 90-136; s. 76, ch. 2002-20; s. 6, ch. 2016-209; s. 26, ch. 2016-239.

333.07 Local government permitting of airspace obstructions.—

(1) **PERMITS.**—

(a) A person proposing to construct, alter, or allow an airport obstruction in an airport hazard area in violation of the airport protection zoning regulations adopted under this chapter must apply

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for a permit. A permit may not be issued if it would allow the establishment or creation of an airport hazard or if it would permit a nonconforming obstruction to become a greater hazard to air navigation than it was when the applicable airport protection zoning regulation was adopted which allowed the establishment or creation of the obstruction, or than it is when the application for a permit is made.

(b) If the political subdivision or its administrative agency determines that a nonconforming obstruction has been abandoned or is more than 80 percent torn down, destroyed, deteriorated, or decayed, a permit may not be granted if it would allow the obstruction to exceed the applicable height limit or otherwise deviate from the airport protection zoning regulations. Whether or not an application is made for a permit under this subsection, the owner of the nonconforming obstruction may be required, at his or her own expense, to lower, remove, reconstruct, alter, or equip such obstruction as may be necessary to conform to the current airport protection zoning regulations. If the owner of the nonconforming obstruction neglects or refuses to comply with such requirement for 10 days after notice, the administrative agency may report the violation to the political subdivision involved, which subdivision, through its appropriate agency, may proceed to have the obstruction so lowered, removed, reconstructed, altered, or equipped and assess the cost and expense thereof upon the owner of the obstruction or the land whereon it is or was located.

(2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.—In determining whether to issue or deny a permit, the political subdivision or its administrative agency must consider the following, as applicable:

- (a) The safety of persons on the ground and in the air.
- (b) The safe and efficient use of navigable airspace.
- (c) The nature of the terrain and height of existing structures.
- (d) The effect of the construction or alteration on the state licensing standards for a public-use airport contained in chapter 330 and rules adopted thereunder.
- (e) The character of existing and planned flight operations and developments at public-use airports.
- (f) Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the Federal Aviation Administration.
- (g) The effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport.
- (h) The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area.

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(i) Additional requirements adopted by the political subdivision or administrative agency pertinent to evaluation and protection of airspace and airport operations.

(3) **OBSTRUCTION MARKING AND LIGHTING.**—In issuing a permit under this section, the political subdivision or its administrative agency shall require the owner of the obstruction to install, operate, and maintain thereon, at his or her own expense, marking and lighting in conformance with the specific standards established by the Federal Aviation Administration.

History.—s. 7, ch. 23079, 1945; s. 5, ch. 88-356; s. 76, ch. 90-136; s. 483, ch. 95-148; s. 33, ch. 2016-10; s. 7, ch. 2016-209; s. 28, ch. 2016-239.

333.09 Administration of airport protection zoning regulations.—

(1) **ADMINISTRATION.**—All airport protection zoning regulations adopted under this chapter shall provide for the administration and enforcement of such regulations by the political subdivision or its administrative agency. The duties of any administrative agency designated pursuant to this chapter must include that of hearing and deciding all permits under s. 333.07, as they pertain to such agency, and all other matters under this chapter applying to said agency.

(2) **LOCAL GOVERNMENT PROCESS.**—

(a) A political subdivision required to adopt airport zoning regulations under this chapter shall provide a process to:

1. Issue or deny permits consistent with s. 333.07.
2. Provide the department with a copy of a complete application consistent with s. 333.025(4).
3. Enforce the issuance or denial of a permit or other determination made by the administrative agency with respect to airport zoning regulations.

(b) If a zoning board or permitting body already exists within a political subdivision, the zoning board or permitting body may implement the airport zoning regulation permitting and appeals processes.

(3) **APPEALS.**—

(a) A person, a political subdivision or its administrative agency, or a joint airport zoning board that contends a decision made by a political subdivision or its administrative agency is an improper application of airport zoning regulations may use the process established for an appeal.

(b) All appeals taken under this section must be taken within a reasonable time, as provided by the political subdivision or its administrative agency, by filing with the entity from which the appeal is taken a notice of appeal specifying the grounds for appeal.

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(c) An appeal shall stay all proceedings in the underlying action appealed from, unless the entity from which the appeal is taken certifies pursuant to the rules for appeal that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings may not be stayed except by order of the political subdivision or its administrative agency on notice to the entity from which the appeal is taken and for good cause shown.

(d) The political subdivision or its administrative agency shall set a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.

(e) The political subdivision or its administrative agency may, in conformity with this chapter, affirm, reverse, or modify the decision on the permit or other determination from which the appeal is taken.

History.—s. 9, ch. 23079, 1945; s. 8, ch. 2016-209; s. 30, ch. 2016-239.

333.11 Judicial review.—

(1) Any person, political subdivision, or joint airport zoning board affected by a decision of a political subdivision or its administrative agency may apply for judicial relief to the circuit court in the judicial circuit where the political subdivision is located within 30 days after rendition of the decision. Review shall be by petition for writ of certiorari, which shall be governed by the Florida Rules of Appellate Procedure.

(2) The court has exclusive jurisdiction to affirm, reverse, or modify the decision on the permit or other determination from which the appeal is taken and, if appropriate, to order further proceedings by the political subdivision or its administrative agency. The findings of fact by the political subdivision or its administrative agency, if supported by substantial evidence, shall be accepted by the court as conclusive, and an objection to a decision of the political subdivision or its administrative agency may not be considered by the court unless such objection was raised in the underlying proceeding.

(3) If airport zoning regulations adopted under this chapter are held by a court to interfere with the use and enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the State Constitution or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land, or such regulations as are not involved in the particular decision.

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(4) A judicial appeal to any court may not be permitted under this section until the appellant has exhausted all of its remedies through application for local government permits, exceptions, and appeals.

History.—s. 11, ch. 23079, 1945; s. 43, ch. 63-512; s. 7, ch. 88-356; s. 485, ch. 95-148; s. 9, ch. 2016-209; s. 32, ch. 2016-239.

333.12 Acquisition of air rights.—If a nonconforming obstruction is determined to be an airport hazard and the owner will not remove, lower, or otherwise eliminate it; the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this chapter; or it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or nonconforming obstruction is located, or the political subdivision owning or operating the airport or being served by it, may acquire, by purchase, grant, or condemnation in the manner provided by chapter 73, such property, air right, aviation easement, or other estate, portion, or interest in the property or nonconforming obstruction or such interest in the air above such property, in question, as may be necessary to effectuate the purposes of this chapter, and in so doing, if by condemnation, to have the right to take immediate possession of the property, interest in property, air right, or other right sought to be condemned, at the time, and in the manner and form, and as authorized by chapter 74. In the case of the purchase of any property, easement, or estate or interest therein or the acquisition of the same by the power of eminent domain, the political subdivision making such purchase or exercising such power shall, in addition to the damages for the taking, injury, or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility that is required to be moved to a new location.

History.—s. 12, ch. 23079, 1945; s. 10, ch. 2016-209; s. 33, ch. 2016-239.

333.13 Enforcement and remedies.—

(1) Each violation of this chapter or of any airport zoning regulations, orders, or rulings adopted or made pursuant to this chapter shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and each day a violation continues to exist shall constitute a separate offense.

(2) In addition, the political subdivision or agency adopting the airport zoning regulations under this chapter may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this chapter or of airport zoning regulations adopted under this chapter or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts and circumstances of the case in order to fully

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effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto.

(3) The department may institute a civil action for injunctive relief in the appropriate circuit court to prevent violation of any provision of this chapter.

History.—s. 13, ch. 23079, 1945; s. 232, ch. 71-136; s. 5, ch. 75-16; s. 11, ch. 2016-209; s. 34, ch. 2016-239.

333.135 Transition provisions.—

(1) Any airport zoning regulation in effect on July 1, 2016, which includes provisions in conflict with this chapter shall be amended to conform to the requirements of this chapter by July 1, 2017.

(2) Any political subdivision having an airport within its territorial limits which has not adopted airport zoning regulations shall, by July 1, 2017, adopt airport zoning regulations consistent with this chapter.

(3) For those political subdivisions that have not yet adopted airport zoning regulations pursuant to this chapter, the department shall administer the permitting process as provided in s. 333.025.

History.—s. 12, ch. 2016-209; s. 35, ch. 2016-239.