



2023 Land Development Code Amendments - Public Meeting -

Development Services Advisory Committee - Land Development Review Subcommittee

**Tuesday, October 17, 2023
3:00 p.m.**

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

Agenda:

1. Call to Order
2. Approve Agenda
3. Old Business
4. New Business
 - a. PL20220005067 – Scrivener’s Errors
 - b. PL20220006373 – Mobile Food Dispensing Vehicles and Food Truck Parks
 - c. PL20230013966 – Wireless Communication Facilities
5. Public Comments
6. Upcoming DSAC-LDR Subcommittee Meeting Date:
 - a. Discuss alternative dates for meeting scheduled for December 19, 2023
7. Adjourn

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20220005067

SUMMARY OF AMENDMENT

This amendment corrects scrivener's errors and updates cross-references related to various Land Development Code (LDC) sections.

ORIGIN

Growth Management
Community Development
Department (GMCDD)

HEARING DATES

BCC	TBD
CCPC	TBD
DSAC	11/02/2022
DSAC-	10/17/2023
LDR	08/24/2022

LDC SECTION TO BE AMENDED

1.08.01	Abbreviations
1.08.02	Definitions
2.02.02	District Nomenclature
2.03.01	Agricultural Districts
2.03.02	Residential Zoning Districts
2.03.03	Commercial Zoning Districts
2.03.07	Overlay Zoning Districts
2.03.08	Rural Fringe Zoning Districts
4.02.14	Design Standards for Development in the ST and ACSC-ST Districts
4.03.03	Subdivision Exemptions
4.06.04	Trees and Vegetation Protection
5.05.15	Conversion of Golf Courses
6.01.02	Easements
10.02.04	Requirements for Preliminary and Final Subdivision Plats
10.02.08	Requirements for Amendments to the Official Zoning Atlas
Appendix C	FINAL SUBDIVISION PLAT, REQUIRED CERTIFICATIONS AND SUGGESTED TEXT AND FORMATS FOR OTHER REQUIRED INFORMATION

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

Approved

DSAC

Approved

CCPC

TBD

BACKGROUND

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

LDC section 1.08.01.: Update the C-1 Zoning District title.

LDC section 1.08.01.: Removal of abbreviation for Residential Neighborhood Commercial Subdistrict.

LDC section 1.08.01.: The "s" in "Village Residential Zoning Districts" should be removed.

LDC section 1.08.02.: This is an editorial correction to correct punctuation.

LDC section 1.08.02.: LDC section 2.05.02 is referenced when the correct reference should be LDC section 2.05.01.

LDC section 2.02.02 D.: Addition of “BP” to include the Business Park District.

LDC section 2.03.01 B.1.c.5.: Removal of reference to LDC section 2.03.01 B.3.f. due to the section not existing.

LDC section 2.03.02 A.1.c.7.: Removal of reference to LDC section 2.03.02 3.h. due to the section not existing.

LDC section 2.03.03 B.1.c.8.: The word “principle” should read “principal.” The word has a different meaning. This section is referring to the primary uses listed in LDC section 2.03.03 B.1.a.

LDC section 2.03.03 C.1.a.42.: The chapter citation of the Florida Administrative Code (F.A.C.) is cited incorrectly. There is no chapter 589A-36. Chapter 59A-36 is appropriate, it being entitled “Assisted Living Facility,” with this LDC section referring to this subject.

LDC section 2.03.07 F.2.b.: LDC section 4.02.06 is referenced as it pertains to the design standards for the GGPOD zoning overlay. This citation is incorrect. The GGPOD zoning overlay should cite LDC section 4.02.26. These design standards have been in this section since their adoption in the LDC.

LDC section 2.03.07 G.6.d.: LDC section 2.03.06 G.6.c.i. is referenced, however section 2.03.06 G.6.c.i. does not exist. The section should read 2.03.07 G.6.c.i.

LDC section 2.03.07 I.3.a.: This section of the LDC references section V.F. from the Future Land Use Element (FLUE). This is an incorrect citation. The FLUE was updated and the referenced V.F. section changed to V.G.

LDC section 2.03.07 N.3.a.: The Future Land Use Element citation is incorrect and needs to be updated.

LDC section 2.03.07 N.4.b.iii.: LDC section 5.05.04 is referenced for guesthouse regulations, however, it should be LDC section 5.03.03.

LDC section 2.03.08 A.2.b.(1)(C): The reference to LDC section 2.03.02(E) is incorrect. The correct reference for the C-4 zoning district is LDC section C-4 is 2.03.03(D).

LDC section 2.03.08 B.1.a.(5): The LDC section citation for 2.03.08 C. is incorrect. The LDC section for Natural resource protection area overlay district (NRPA) was changed from 2.03.08 C. to 2.03.08 B. with Ordinance Number 2005-27 and this citation was not updated with it.

LDC section 2.03.08 B.1.b.: The typo, “eth” has remained in this section since the current, amended LDC Ordinance 2004-41 was adopted.

LDC section 4.02.14 B.: Update the reference to State of Florida “Department of Economic Opportunity” to “Department of Commerce”.

LDC section 4.03.03 G.3.k.: Update the reference to State of Florida “Department of Economic Opportunity” to “Department of Commerce”.

LDC section 4.06.04. A.3.e.: This is an editorial correction, the removal of the word “and”.

LDC section 5.05.15 C.2.a.: This is an editorial correction to correct the labelling.

LDC section 6.01.02 C.: The word “principle” should read “principal.” The word has a different meaning. This section is referring to the primary structures located on a lot.

LDC section 10.02.04 E.2.c.: This is an addition to LDC section 10.02.04 E.2.c. as “B.3 and” was added. Construction plans are reviewed, and approval is pursuant on LDC section 10.02.04 B.3. and B.4., not 10.02.04 B.4. alone.

LDC section 10.02.08 B.1. thru B.3.: This is an editorial correction, the capitalization of proper nouns.

Appendix C A.7.: This is an editorial correction to correct punctuation.

FISCAL & OPERATIONAL IMPACTS

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

GMP CONSISTENCY

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

DRAFT

Text underlined is new text to be added

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

Amend the LDC as follows:

1.08.01 – Abbreviations

* * * * *

C-1	Commercial Districts <u>Commercial Professional and General Office District</u>
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* * * * *

RNG	Residential Neighborhood Commercial Subdistrict
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VR	<u>Village Residential Zoning Districts</u>
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1.08.02 – Definitions

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Family care facility: A residential facility designed to be occupied by not more than 6 persons under care, plus staff as required by rule 59A-36.010, F.A.C., and constituting a single dwelling unit (i.e., adult congregate living facility for: aged persons; developmentally disabled persons; physically disabled or handicapped persons; mentally ill persons; and persons recovering from alcohol and/or drug abuse). Foster care facilities are also included, but not the uses listed under group care facility (category II). This use shall be applicable to single-family dwelling units and mobile homes.

* * * * *

Guesthouse: An accessory dwelling structure which is attached to or detached from, a principal dwelling located on the same residential parcel and which an accessory dwelling serves as an ancillary use providing living quarters for the occupants of the principal dwelling, their temporary guests or their domestic employees and which may contain kitchen facilities. Guesthouses are not permitted in development that is receiving an AHDB. See LDC sections 4.01.02, 5.03.03 and 2.05.021 for additional information.

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2.03.01 – Agricultural Districts

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

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

* * * * *

- c. *Conditional uses.* For Estates zoning within the Golden Gate Estates subdivision, the Golden Gate Area Master Plan in the GMP restricts the location of conditional uses. The following uses are permissible as conditional uses in the estates district (E), subject to the standards and procedures established in LDC section 10.08.00:

* * * * *

5. Group care facilities (category I); care units, ~~subject to the provisions of LDC subsection 2.03.01 B.3.f~~; nursing homes; assisted living facilities pursuant to § 429.402 F.S. and ch. 59A-36 F.A.C.; and continuing care retirement communities pursuant to ch. 651 F.S. and ch. 69O-193 F.A.C.; all subject to LDC section 5.05.04.

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2.02.02 – District Nomenclature

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- D. Where the phrases "industrial districts," "zoned industrially," "industrially zoned," "industrial zoning," or phraseology of similar intent, are used in this LDC, the phrases shall be construed to include: BP and industrial components in PUDs.

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2.03.02 – Residential Zoning Districts

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

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

* * * * *

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

* * * * *

7. Group care facilities (category I); care units subject to the provisions of LDC subsection 2.03.02 3.h; nursing homes; assisted living facilities pursuant to § 429.02 F.S. and ch. 59A-36 F.A.C.; and continuing care retirement communities pursuant to ch. 651 F.S. and ch. 69O-193 F.A.C.; all subject to LDC section 5.05.04.

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2.03.03 – Commercial Zoning Districts

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B. Commercial Convenience District (C-2). The purpose and intent of the commercial convenience district (C-2) is to provide lands where commercial establishments may be located to provide the small-scale shopping and personal needs of the surrounding residential land uses within convenient travel distance except to the extent that office uses carried forward from the C-1 district will expand the traditional neighborhood size. However, the intent of this district is that retail and service uses be of a nature that can be economically supported by the immediate residential environs. Therefore, the uses should

allow for goods and services that households require on a daily basis, as opposed to those goods and services that households seek for the most favorable economic price and, therefore, require much larger trade areas. It is intended that the C-2 district implements the Collier County GMP within those areas designated agricultural/rural; estates neighborhood center district of the Golden Gate Master Plan; the neighborhood center district of the Immokalee Master Plan; and the urban mixed use district of the future land use element permitted in accordance with the locational criteria for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum density permissible in the C-2 district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County GMP. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

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

* * * * *

- c. Conditional uses. The following uses are permissible as conditional uses in the commercial convenience district (C-2), subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

8. Personal services, miscellaneous (7299 - not listed as ~~principle~~ principal uses and limited to babysitting bureaus; birth certificate agencies; car title and tag services; computer photography or portraits; dating service; diet workshops; dress suit rental; tux rental; genealogical investigation service; hair removal; shopping service for individuals only; wardrobe service, except theatrical; wedding chapels, privately operated) with 1,800 square feet or less of gross floor area in the principal structure.

* * * * *

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

GMP. The maximum density permissible in the C-3 district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County GMP. The maximum density permissible or permitted in the C-3 district shall not exceed the density permissible under the density rating system.

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

* * * * *

a. Permitted uses.

* * * * *

42. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § 429.02 F.S. and ch. ~~589A-36~~ 59A-36 F.A.C.; and continuing care retirement communities pursuant to ch. 651 F.S. and ch. 69O-193 F.A.C.; all subject to LDC section 5.05.04.

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2.03.07 – Overlay Zoning Districts

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F. Golden Gate Parkway Overlay District (GGPOD)

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2. Applicability.

* * * * *

- b. Property owners within the GGPOD may establish uses, densities, and intensities in accordance with the underlying zoning classification of the GGPOD. The design standards of the GGPOD pursuant to LDC section 4.02.~~06-26~~ shall apply.

* * * * *

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

- 1 * * * * *
- 2
- 3 6. Nonconforming Mobile Home Site Overlay Subdistrict. Establishment of special
- 4 conditions for these properties which by virtue of actions preceding the adoption
- 5 of Ordinance No. 91-102, on October 30, 1991, were deemed to be nonconforming
- 6 as a result of inconsistencies with the land development code, and are located
- 7 within the Immokalee Urban Boundary as depicted on the Immokalee Area Master
- 8 Plan.
- 9
- 10 * * * * *
- 11
- 12 d. Density. Once the existing conditions site improvement plan is approved,
- 13 owners may replace mobile home units with an approved building permit
- 14 at sites shown on the site plan. Replacement units may be larger than the
- 15 removed unit, so long as the minimum separation standards established in
- 16 LDC section 2.03.067 G.6.c.i are met.
- 17
- 18 * * * * *
- 19
- 20 I. Bayshore Zoning Overlay District (BZO). This section provides special conditions for the
- 21 properties adjacent to Bayshore Drive as identified by the designation "BZO" on the
- 22 applicable official Collier County Zoning Atlas Map or map series.
- 23
- 24 * * * * *
- 25
- 26 3. Relationship to the Underlying Zoning Classification and the GMP.
- 27
- 28 a. The purpose of the BZO is to fulfill the goals, objectives and policies of the
- 29 GMP, as may be amended. Specifically, the BZO implements the
- 30 provisions of section V.FG, Bayshore Gateway Triangle Redevelopment
- 31 Overlay, of the FLUE. Portions of the BZO coincide with Mixed Use Activity
- 32 Center #16 designated in the FLUE. Development in the activity center is
- 33 governed by requirements of the underlying zoning district and the mixed
- 34 use activity center subdistrict requirements in the FLUE, except for site
- 35 development standards as stated in LDC section 4.02.16.
- 36
- 37 N. Gateway Triangle Zoning Overlay District (GTZO). This section contains special
- 38 conditions for the properties in and adjacent to the Gateway Triangle as identified by the
- 39 designation "GTZO" on the applicable official Collier County Zoning Atlas Map or map
- 40 series.
- 41
- 42 * * * * *
- 43
- 44 3. Relationship to the Underlying Zoning Classification and Collier County Growth
- 45 Management Plan.
- 46
- 47 a. The purpose of the GTZO is to fulfill the goals, objectives and policies of
- 48 the GMP, as may be amended. Specifically, the GTZO implements the
- 49 provisions of section V.FG, Bayshore Gateway Triangle Redevelopment
- 50 Overlay, of the Future Land Use Element. Portions of the GTZO that
- 51 coincide with Mixed Use Activity Center #16 as designated in the FLUE of

the GMP. Development standards in the activity center is governed by requirements of the underlying zoning district requirements and the mixed use activity center subdistrict requirements in the FLUE, except for site development standards as stated in LDC section 4.02.16.

* * * * *

4. Gateway Triangle Zoning Overlay District (GTZO) Subdistricts.

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b. Use Categories and Table of Uses.

* * * * *

iii. Table of Uses.

Table 2. Table of Uses for the GTZO Subdistricts

USE TYPE	GTZO SUBDISTRICTS		ADDITIONAL STANDARDS
	RESIDENTIAL	MIXED USE	
a) RESIDENTIAL			

* * * * *

7) Guesthouse	A	A	5.053.043 and 4.02.16 C.2.
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2.03.08 – Rural Fringe Zoning Districts

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

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2. RFMU receiving lands. RFMU receiving lands are those lands within the RFMU district that have been identified as being most appropriate for development and to which residential development units may be transferred from RFMU sending lands. Based on the evaluation of available data, RFMU receiving lands have a lesser degree of environmental or listed species habitat value than RFMU sending lands and generally have been disturbed through development or previous or existing agricultural operations. Various incentives are employed to direct development into RFMU receiving lands and away from RFMU sending

lands, thereby maximizing native vegetation and habitat preservation and restoration. Such incentives include, but are not limited to: the TDR process; clustered development; density bonus incentives; and, provisions for central sewer and water. Within RFMU receiving lands, the following standards shall apply, except as noted in LDC subsection 2.03.08 A.1 above, or as more specifically provided in an applicable PUD.

* * * * *

b. Rural villages. Rural villages, including rural villages within the NBMO, may be approved within the boundaries of RFMU receiving lands, subject to the following:

* * * * *

(1) Allowable Uses:

* * * * *

(c) All permitted and accessory uses listed in the C-4 General Commercial District, section 2.03.023 (ED), subject to the design guidelines and development standards set forth in this Section.

* * * * *

B. Natural resource protection area overlay district (NRPA).

1. Purpose and intent. The purpose and intent of the Natural Resource Protection Area Overlay District (NRPA) is to: protect endangered or potentially endangered species by directing incompatible land uses away from their habitats; to identify large, connected, intact, and relatively unfragmented habitats, which may be important for these listed species; and to support State and Federal agencies' efforts to protect endangered or potentially endangered species and their habitats. NRPAs may include major wetland systems and regional flow-ways. These lands generally should be the focus of any federal, state, County, or private acquisition efforts. Accordingly, allowable land uses, vegetation preservation standards, development standards, and listed species protection criteria within NRPAs set forth herein are more restrictive than would otherwise be permitted in the underlying zoning district and shall to be applicable in addition to any standards that apply in the underlying zoning district.

* * * * *

a. NRPA overlay areas. NRPAs are located in the following areas:

* * * * *

(5) South Golden Gate Estates.

The NRPA lands within the Rural Fringe Mixed Use District to which the Section 2.03.08 ~~C.B.~~ regulations apply (i.e. - numbers 3 and 4 above) are depicted by the following map:

* * * * *

- b. NRPAS designated as RFMU sending lands within the RFMU district. NRPAs located in the RFMU district are identified as RFMU sending lands and are further subject to the provisions, conditions and standards set forth in section 2.03.08 (A)(4). Private property owners within these NRPAs may transfer residential development rights from these important environmentally sensitive lands to other identified "receiving" lands pursuant to ~~eth~~ specific provisions set forth in section 2.01.03 of this Code.

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

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- B. All development orders issued for projects within the ACSC-ST shall be transmitted to the State of Florida, Department of Economic Opportunity Commerce, for review with the potential for appeal to the administration commission pursuant to Florida Administrative Code, development order Requirements for Areas of Critical State Concern.

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4.03.03 – Subdivision Exemptions

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- G. *Rural area subdivision requirements.*

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

* * * * *

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

issuance of any development order by Collier County, a statement of understanding of the ~~DEO~~ Department of Commerce review requirements in the form approved by the ~~DEO~~ Department of Commerce; and

* * * * *
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4.06.04 – Trees and Vegetation Protection

A. Vegetation Removal and Site Filling. Unless exempted by Section 3.05.02, clearing and filling for Site Development Plans (SDP), Site Improvement Plans (SIP), Plans and Plat (PPL) and Vegetation Removal and Site Fill Permits (VRSFP) shall be in accordance with Section 3.05.05 and the following criteria. The following shall not apply to the Golden Gate Estates subdivision.

* * * * *

3. Stabilization:

* * * * *

e. For subdivisions and VRSFPs within subdivisions, excluding VRSFPs for clearing and filling of 5 lots or less or for temporary access pursuant to 4.06.04 A.2.a, b and c (above), a vegetation bond in the form of a performance bond, letter of credit, or cash bond and in the amount of \$5,000.00 per acre must be posted. Bonds shall be released to the applicant on a prorated basis based upon issuance of building permits or stabilization of fill.

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5.05.15 – Conversion of Golf Courses

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C. Application process for conversion applications.

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

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

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

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6.01.02 – Easements

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

* * * * *

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

subdivision plat and final subdivision plats, or only on the final subdivision plat if the applicant chooses not to submit the optional preliminary subdivision plat, may do so by grant or dedication without being bound by the provisions of this section.

10.02.04 – Requirements for Preliminary and Final Subdivision Plats

E. General Requirements for Construction Plans (CNSTR).

2. Application and process.

c. Construction plans shall be reviewed and approved pursuant to LDC section 10.02.04 B.3 and B.4, as applicable.

10.02.08 – Requirements for Amendments to the Official Zoning Atlas

B. Amendment of the zoning atlas. A zoning atlas amendment may be proposed by:

1. Board of ~~e~~County ~~e~~Commissioners.
2. Planning ~~e~~Commission.
3. Board of ~~z~~Zoning ~~a~~Appeals.

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

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

7. All conservation/preserve areas/easements as follows:
ALL (CONSERVATION or PRESERVE) (TRACTS or EASEMENTS) ARE DEDICATED AS COMMON AREAS WITH PERPETUAL RESPONSIBILITY FOR MAINTENANCE. THE (CONSERVATION or PRESERVE) (TRACTS or

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

*	*	*	*	*	*	*	*	*	*	*	*	*	*
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LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20220006373

ORIGIN

Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

This Land Development Code (LDC) amendment shall establish the provisions for Food Truck Parks as a conditional use in the C-3, C-4, C-5 Commercial, BP-Business Park, I-Industrial, and PU-Public Use Zoning Districts. It defines a Food Truck Park, a Mobile Food Dispensing Vehicle (MFDV), sets forth specific development standards for Mobile Food Truck Parks, and provides for the accessory use of MFDVs. This LDC amendment requires a companion amendment to the Administrative Code for Land Development. LDC amendments are reviewed by the Board, Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR).

HEARING DATES

BCC	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	10/17/2023

LDC SECTION TO BE AMENDED

1.08.02	Definitions
2.03.03	Commercial Zoning Districts
2.03.04	Industrial Zoning Districts
2.03.05	Civic and Institutional Zoning Districts
4.05.04	Parking Space Requirements
5.05.16	Mobile Food Dispensing Vehicles (New Section)

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

On October 12, 2021, after hearing an appeal of an official interpretation of a comparable use determination, the Board of Zoning Appeals (BZA) determined that a food truck park is not a permitted use but rather is a site specific use for a parcel of land in the C-3 Zoning district. The BZA directed staff to bring back an LDC amendment supporting the conditional use process for Food Truck Parks. Their primary concern was the impacts that a food truck park would have on the surrounding residential neighborhoods, particularly the issues of noise (outdoor amplified music) and alcohol consumption, occurring at the bar/dance stage area (entertainment) at Celebration Park Food Truck Court off of Bayshore Drive. The Board recognized the need to adopt development standards specific to mobile food dispensing vehicles that permanently operate in a food truck park rather than as temporary and transportable retail food facilities or itinerant catering service. It further became confusing to licensed food truck operators and to the general public that there are no specific standards or existing code provisions for the permanent placement of mobile food dispensing vehicles (MFDVs), and that an active, social, pedestrian friendly, and integrative entertainment environment would be difficult to attain countywide on a daily basis by right of use. Located in a designated area, a concentrated number of mobile food dispensing vehicles eating options can create the feel of a street festival, social interactions, and employment opportunities.

When fixed food trucks, with or without outdoor seating, are sustained in a permanent location, they require a potable water source, waste water disposal site, central propane tank, minimum separation distances between vehicles and fire hydrants, access to restrooms, adequate lighting, landscaping, and off-street parking areas. The

required off-street parking areas must be located in a manner so as not to block accessways, walkways, driveways, loading zones or interfere with the site's circulation ways. An additional consideration is to minimize any unnecessary noise or fumes to surrounding residential properties in working relationship with generators. The Florida Statutes defines a "mobile food dispensing vehicle." This definition and other related definitions are provided in Exhibit A.

Food truck parks can serve as vibrant public spaces where a variety of activities take place and provide a unique setting for the service of food in areas that have historically not been serviced by a concentration of traditional restaurants. In addition, several images of Food Truck Parks are illustrated in Exhibit B. Left unaddressed and unplanned, multiple mobile food dispensing vehicles can congest sidewalks, streets, become unsanitary, and form an imposing wall that can block views and access to the face of other buildings or structures without appropriate screening or design standards.

This amendment addresses the pedestrian-oriented, permanent placement of MFDVs with entertainment activities as opposed to transportable or temporary retail food vehicles that are parked at or nearby an existing restaurant, retail strip center, or allowed by a special event permit. Staff compared site development plans for food truck parks approved in the County and compared them to the requirements and standards that were adopted in other jurisdictions. This research reveals certain commonalities and improvements, which support the proposed design standards and requirements. It sets forth recommendations to protect public health, safety, and evade congestion concerns as hazards to traffic and pedestrian movement, life or property, or an obstruction to the adequate access to fire, refueling of gas tanks, restrooms, parking, and refuse. For example, in 2021, numerous fire code violations had been cited at the Celebration Food Truck Park which eventually had been resolved. Additionally, a notice of violation had been issued for an existing gas station site that had been operating permanently food trucks and outdoor seating without a temporary use permit for special sales event or an approved site development plan. (See Exhibit D).

Per LDC section 10.08.00, this amendment requires a conditional use approval by the BZA for a permanent food truck park with alcohol sales, amplified sound and outdoor entertainment, that if controlled as to the number, area, location, or relation to the neighborhood would be compatible and promote the public health, safety, and general welfare. It introduces specific requirements, a definition for both, a MFDV and MFTP and allows by right, an MFDV as an accessory use to an existing business establishment. Further, it allows a MFTP, as a permitted use, devoid of alcohol sales or outdoor amplified sound with entertainment.

The respective zoning districts where an MFTP may be conditionally approved are in the C-3, C-4, C-5, I, BP, and PU districts. DBPR's Mobile Food Dispensing Vehicle Plan Review Application is provided in Exhibit C.

FISCAL & OPERATIONAL IMPACTS

No fiscal or operational impacts are anticipated. There will be application fees associated with the conditional use approval process.

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff after first review.

EXHIBITS: A) Florida Statutory References B) Food Truck Park Examples C) DBPR HR-7006 - Division of Hotels and Restaurants Mobile Dispensing Vehicle Plan Review Application D) Code Violation Photos E) Administrative Code Amendment

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Amend the LDC as follows:

1.08.02 – Definitions

* * * * *

Flowway: A natural or manmade swath of land, varying in width and length, providing for the conveyance of water, primarily sheet flow, during seasonally wet periods, generally from north to south, and providing beneficial wildlife habitat and aquifer recharge.

Food truck park: A type of establishment under common ownership where food is offered for sale or sold to the public from mobile food dispensing vehicle(s), either self-propelled or non-self-propelled. Food truck parks may include shared accessory uses, such as public seating, permanent utilities, and support services and facilities.

* * * * *

Mixed use project approval process: A process by which a land owner may petition for approval of a mixed use project — a mix of commercial and residential uses, as provided for in certain zoning overlay districts. If located within certain subdistricts in the Bayshore Zoning Overlay District or the Gateway Triangle Zoning Overlay District, such a petition may include a request for increased density by use of density bonus pool units.

Mobile food dispensing vehicle (MFDV): Any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including but not limited to gas, water, electricity, or liquid waste disposal, sometimes referred to as a food truck or trailer or food cart, and otherwise registered and regulated by the Florida Department of Business Regulation requiring a mobile food vendor license subject to F.S. Sections 509.101 and 509.241.

* * * * *

#

2.03.03 – Commercial Zoning Districts

* * * * *

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

element of the Collier County GMP. The maximum density permissible in the C-3 district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County GMP. The maximum density permissible or permitted in the C-3 district shall not exceed the density permissible under the density rating system.

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

a. ***Permitted uses.***

* * * * *

36. Food stores (groups 5411—5499) with 5,000 square feet or less of gross floor area in the principal structure.

37. Food truck parks with no alcohol or amplified sound providing outdoor entertainment, subject to LDC section 5.05.16.

38~~37~~. Funeral services (7261, except crematories).

Renumber remainder of list

* * * * *

c. ***Conditional uses.*** The following uses are permissible as conditional uses in the commercial intermediate district (C-3), subject to the standards and procedures established in LDC sections 4.02.02 and 10.08.00.

* * * * *

10. Food stores with greater than 5,000 square feet of gross floor area in the principal structure (groups 5411—5499).

11. Food truck parks with alcohol or amplified sound providing outdoor entertainment, subject to LDC section 5.05.16.

12~~11~~. Health services (8071, 8092, and 8099).

13~~12~~. Homeless shelters.

Renumber remainder of list

* * * * *

D. General Commercial District (C-4). The general commercial district (C-4) is intended to provide for those types of land uses that attract large segments of the population at the same time by virtue of scale, coupled with the type of activity. The purpose and intent of the C-4 district is to provide the opportunity for the most diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions, at a larger scale than the C-1 through C-3 districts. As such, all of the uses permitted in the C-1 through C-3 districts are also permitted in the C-4 district. The

outside storage of merchandise and equipment is prohibited, except to the extent that it is associated with the commercial activity conducted on-site such as, but not limited to, automobile sales, marine vessels, and the renting and leasing of equipment. Activity centers are suitable locations for the uses permitted by the C-4 district because most activity centers are located at the intersection of arterial roads. Therefore, the uses in the C-4 district can most be sustained by the transportation network of major roads. The C-4 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

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

a. *Permitted uses.*

* * * * *

57. Food stores (groups 5411—5499).

58. Food truck parks with no alcohol or amplified sound providing outdoor entertainment, subject to LDC section 5.05.16.

59~~58~~. Funeral services (7261, except crematories).

Renumber remainder of list

* * * * *

- c. **Conditional uses.** The following uses are permissible as conditional uses in the general commercial district (C-4), subject to the standards and procedures established in LDC sections 4.02.02 and 10.08.00.

* * * * *

11. Fishing, hunting and trapping (0912—0919).

12. Food truck parks with alcohol or amplified sound providing outdoor entertainment, subject to LDC section 5.05.16.

13~~12~~. Fuel dealers (5983-5989)

Renumber remainder of list

- E. Heavy Commercial District (C-5). In addition to the uses provided in the C-4 zoning district, the heavy commercial district (C-5) allows a range of more intensive commercial uses and services which are generally those uses that tend to utilize outdoor space in the conduct of the business. The C-5 district permits heavy commercial services such as full-service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services, and similar uses that typically have a need to store construction-associated equipment and supplies within an enclosed structure or have showrooms displaying the building material for which they specialize. Outdoor storage yards are permitted with the requirement that such yards are completely enclosed or opaquely

screened. The C-5 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP.

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

a. ***Permitted uses.***

* * * * *

68. Food stores (groups 5411—5499).

69. Food truck parks with no alcohol or amplified sound providing outdoor entertainment, subject to LDC section 5.05.16.

70~~69~~. Funeral services (7261).

* * * * *

- c. ***Conditional uses.*** The following uses are permissible as conditional uses in the heavy commercial district (C-5), subject to the standards and procedures established in LDC sections 4.02.02 and 10.08.00.

* * * * *

6. Farm product raw materials (5153—5159).

7. Food truck parks with alcohol or amplified sound providing outdoor entertainment, subject to LDC section 5.05.16.

8~~7~~. Fuel dealers (5983—5989)

Renumber remainder of list

* * * * *
#

2.03.04 – Industrial Zoning Districts

- A. Industrial District (I). The purpose and intent of the industrial district (I) is to provide lands for manufacturing, processing, storage and warehousing, wholesaling, and distribution. Service and commercial activities that are related to manufacturing, processing, storage and warehousing, wholesaling, and distribution activities, as well as commercial uses relating to automotive repair and heavy equipment sales and repair are also permissible in the I district. The I district corresponds to and implements the industrial land use designation on the future land use map of the Collier County GMP.

1. The following uses, as identified within the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as a right, or as accessory or conditional uses within the industrial district (I).

a. **Permitted uses.**

18. Food and kindred products (2011—2099, except slaughtering plants).

19. Food truck parks with no alcohol or amplified sound providing outdoor entertainment, subject to LDC section 5.05.16.

20~~19~~. Furniture and fixtures (2511—2599).

c. **Conditional uses.** The following uses are permitted as conditional uses in the industrial district (I), subject to the standards and procedures established in LDC section 10.08.00.

7. Food and kindred products (2011 and 2048 including slaughtering plants for human and animal consumption).

8. Food truck parks with alcohol or amplified sound providing outdoor entertainment, subject to LDC section 5.05.16.

9~~8~~. Heliports/Helistops, public and private: For restrictions and conditions see LDC section 5.05.14 Heliports and Helistops.

Renumber remainder of list

B. Business Park District (BP). The purpose and intent of the business park district (BP) is to provide a mix of industrial uses, corporate headquarters offices and business/professional offices which complement each other and provide convenience services for the employees within the district; and to attract businesses that create high value-added jobs. It is intended that the BP district be designed in an attractive park-like environment, with low structural density and large landscaped areas for both the functional use of buffering and enjoyment by the employees of the BP district. The BP district is permitted by the urban mixed use, urban commercial, and urban-industrial districts of the future land use element of the Collier County GMP.

1. The following uses, as identified within the latest edition of the Standard Industrial Classification Manual, or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted primary or secondary uses, or are conditional uses within the business park district.

a. **Permitted primary uses.** One hundred percent of the total business park district acreage is allowed to be developed with the following uses:

12. Food manufacturing (2034, 2038, 2053, 2064, 2066, 2068, 2096, 2098, 2099).
13. Food truck parks with no alcohol or amplified sound providing outdoor entertainment, subject to LDC section 5.05.16.
- 14~~13~~. Furniture and fixtures manufacturing (2511—2599).

Renumber remainder of list

* * * * *

d. **Conditional uses:**

1. Ancillary plants.
2. Food truck parks with alcohol or amplified sound providing outdoor entertainment, subject to LDC section 5.05.16.
- 3~~2~~. Vehicle racing - applicable to the Immokalee Regional Airport only.

* * * * *
#

2.03.05 – Civic and Institutional Zoning Districts

A. Public Use District (P). The purpose and intent of public use district (P) is to accommodate only local, state and federally owned or leased and operated government facilities that provide essential public services. The P district is intended to facilitate the coordination of urban services and land uses while minimizing the potential disruption of the uses of nearby properties.

1. Any public facilities that lawfully existed prior to the effective date of this Code and that are not zoned for public use district (P) are determined to be conforming with these zoning regulations.
2. Any future expansion of these public facilities on lands previously reserved for their use shall be required to meet the regulations in effect for the zoning district in which the public facility is located.
3. Government-owned properties rented or leased to nongovernmental entities for purposes not related to providing governmental services or support functions to a primary civic or public institutional use shall not be zoned for the public use district (P), but rather, shall be zoned or rezoned according to the use types or the use characteristics which predominate.
4. The following uses are permitted as of right, or as accessory or conditional uses, in the public use district (P).

a. **Permitted uses.**

* * * * *

9. Libraries.
10. Food truck parks with no alcohol or amplified sound providing outdoor entertainment, subject to LDC section 5.05.16.
- 11~~10~~. Museums

Renumber remainder of list

* * * * *

- c. **Conditional uses.** The following uses are permissible as conditional uses in the public use district (P), subject to the standards and procedures established in LDC [section 10.08.00](#):

* * * * *

9. Mental health and rehabilitative facilities, not for profit.
10. [Food truck parks with alcohol or amplified sound providing outdoor entertainment, subject to LDC section 5.05.16.](#)
11. ~~10.~~ Resource recovery plants.

Renumber remainder of list

* * * * *
#

4.05.04 – Parking Space Requirements

* * * * *

- G. Spaces required.

Table 17. Parking Space Requirements.

* * * * *

Flea market	1 per 50 square feet of sales area or 1 per vendor display booth, whichever is greater.
Food truck parks	3 per mobile food dispensing vehicle and 1 per 4 outdoor seats.
Funeral home/crematories	1 per 75 square feet for room used for services and chapels and 1 per 300 square feet for all other uses.

* * * * *
#

[5.05.16 – Mobile Food Dispensing Vehicles](#)

- A. [Purpose and intent. The purpose and intent of these regulations are to establish the allowable operation, proper placement, and permitting of each mobile food dispensing vehicle \(MFDV\).](#)
B. [Applicability. This section shall be applicable to MFDVs operating as an accessory use or within a Food truck park.](#)

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1 C. Exemptions. MFDVs that are transient in nature and do not stop at a given location for
2 more than four hours (including set up and break down time) are not subject to this section.

3
4 D. Requirements and standards for all MFDVs regulated under this section.

5
6 1. One trash receptacle is required for each MFDV.

7
8 2. To reduce the potential impact on abutting residential uses, MFDVs shall not
9 operate a generator within 20 feet of a property developed with a residential use,
10 unless there is at least an intervening 6-foot tall concrete or masonry wall.

11
12 3. No MFDV shall be placed upon or operate from any of the following:

13
14 a. Vacant or unimproved lots with the exception of a food truck park;

15
16 b. Required yards, open space, preserves, landscape buffers, or within
17 conservation or drainage easements;

18
19 c. Required parking spaces;

20
21 d. Public or private road rights-of-way or access easements; or

22
23 e. In such a manner as to block accessways, walkways, driveways, loading
24 zones, or otherwise interfere with vehicular or pedestrian circulation.

25
26 E. Accessory use Mobile food dispensing vehicles requirements and standards.

27
28 1. Accessory use MFDVs shall operate from within a permanent pad constructed of
29 material in conformance with LDC section 4.05.02 B.1., which is to be shown on
30 the site development plan.

31
32 2. The principal use shall provide restroom access for the operator and patrons of the
33 MFDV(s).

34
35 3. Accessory use MFDVs shall only operate during the principal use's hours of
36 operation.

37
38 F. Design standards for food truck parks. Food truck parks shall be subject to the following
39 additional standards and requirements:

40
41 1. Each MFDV shall operate from within a permanent pad constructed of material in
42 conformance with LDC section 4.05.02 B.1., which is to be shown on the site
43 development plan. Each MFDV pad shall provide electrical hookup, water and
44 sewer connections, and connection to propane. If a central propane tank is
45 utilized, it shall be buried underground.

46
47 2. A maximum of five MFDV pads shall be permitted for each acre of a food truck
48 park.

49
50 3. A minimum of two spaces for bicycle parking shall be required for each MFDV pad.

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4. Lighting fixtures shall be full shield cut-offs to direct glare and excessive lighting away from adjacent property. Lighting, such as but not limited to, flashing or strobing lights, that creates a nuisance shall be prohibited.

#

Exhibit A – Florida Statutory and Florida Administrative Code

References

The Division of Hotels and Restaurants within the State Department of Business and Professional Regulations (DBPR) is charged with enforcing the applicable laws relating to the inspection and regulation of public food service establishments for the purpose of protecting the public health, safety, and welfare.

Food Trucks are regulated by DBPR as “*mobile food dispensing vehicles*” (MFDVs). Section 509.102 (1) F.S. defines the term to mean “...any vehicle that is a public food service establishment and that is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity and liquid waste disposal.”

Pursuant to Section 509.102 (2) F.S., “Regulation of MFDVs involving licenses, registrations, permits and fees is preempted to the state. A municipality, county, or other local governmental entity may not require a separate license, registration, or permit other than the license required under s.509.241, or require the payment of any license, registration, or permit fee other than the fee required under s. 509.251, as a condition for the operation of a mobile food dispensing vehicle within the entity’s jurisdiction. A municipality, county, or other local governmental entity may not prohibit mobile food dispensing vehicles from operation within the entirety of the entity’s jurisdiction.”

As defined by Section 509.013 (5)(a), a “public food service establishment” means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises: called for or taken out by customers; or prepared prior to being delivered to another location for consumption.” Pursuant to Chapter 61 C-1.022 (5) F.A.C. Licensing and Inspection Requirements, mobile food dispensing vehicles are classified as (a.1) Nonseating public food service establishments as opposed to (b.1) Permanent seating establishments. All MFDVs are required to have vehicle identification numbers and submit this number to the division on the application for license.

A “temporary food service event” is defined in Section 509.013 F.S.(8) as “...any event of 30 days or less in duration where food is sold is prepared, served, or sold to the general public.” DBPR’s guide to temporary food service events states: “A *temporary food service event* is an event (carnival, fair, or other celebration) of 30 days or less in duration where food is prepared, served, or sold to the general public and is advertised and recognized in the community. A temporary food service establishment or vendor is a participant at a temporary food service event.”

Pursuant to the State of Florida Department of Business and Professional Regulations HR-7031 Division of Hotels and Restaurants, the Application for MFDV License with Plan Review states the following:

“A Mobile Food Dispensing Vehicle is a vehicle-mounted public food service establishment. Some are self-propelled and built to travel on streets and others are not self-propelled but can be moved from place to place. *MFDVs may even be Watercraft.*”

“Self-sufficient MFDVs are identified as those units that contain, as part of the vehicle, a three-compartment sink with drain boards for washing, rinsing, and sanitizing equipment and utensils; a separate handwash sink; a solid sliding customer service window; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP gas, or a portable power generation unit; a potable water holding tank; a hot water tank or on demand water heater and a liquid waste disposal system in accordance with Subparts 5-3 and 5-4 of the Food Code. Self-Sufficient vehicles must have a location where water can be safely procured and where wastewater can be legally disposed of. *This location cannot be a private residence.* Mobile food dispensing vehicles are not allowed to obtain water from or dispose of wastewater at a private

Exhibit A – Florida Statutory and Florida Administrative Code References

residence, or prepare food; store food products, equipment or utensils; or conduct ware washing or any other activities related to the public food service in a private residence.”

“Unless Self-sufficient, MFDVs need a support site called a *commissary*. A commissary is a public food service establishment licensed by the division or a food establishment permitted by the Department of Agriculture and Consumer Services (FDACS) where the MFDV goes for services that are not done on the vehicle.”

“A commissary is an approved food service establishment or other commercial location where the MFDV goes for services that are not done on the vehicle. A *commissary* may provide a potable water source or a wastewater disposal site. *The MFDV’s operator* may prepare, package or store food at this location and use a three-compartment sink on the premises to wash and sanitize equipment or utensils. Food containers or other supplies may be stored at the commissary.”

Hot Dog Carts are MFDVs that limit food preparation to frankfurters (hot dogs and precooked sausages) only. Hot dog carts must have, as part of the vehicle, a handwash sink; power utilities including electrical, LP-gas, or a portable power generation unit; a portable water holding tank; and a liquid waste disposal system in accordance with Subparts 5-3 and 5-4 of the Food Code. A hot dog cart may be an open-air unit with overhead protection or a fully enclosed unit, but may not be equipped with a three-compartment sink.”

F.A.C. Chapter 5K-4 Food

Pursuant to F.A.C. 5K-4.0010 Definitions.

(3) “Commissary means a support service location for a *Mobile Food Establishment (MFE)* that meets all applicable requires of Chapter 500, F.S. and Chapter 5K-4, F.A.C.

The Florida Department of Agriculture and Consumer Services (FDACS), Division of Food Safety states: “These approved Food Establishments must be permitted or licensed by Florida Department of Agriculture and Consumer Services, Department of Business and Professional Regulation (DBPR), or the Florida Department of Health (DOH). Locations such as catering operations, restaurants, or grocery stores can be considered for approval as an MFE Commissary. When not required at the MFE, Commissaries may provide a three compartment sink for washing, rinsing, and sanitation of equipment/utensils in addition to hand wash and restroom facilities. Services required of the Commissary will be based on the food sold and the MFE type and capabilities. *A private residence may not be used as a Commissary.*”

(8) “Mobile Food Establishments are Food Establishments that are self-propelled or otherwise moveable from place to place such as a truck, trailer, or similar self-propelled conveyance or non-permanent kiosk or table where pre-packaged food products are sold.”

Pursuant to F.A.C. 5K-4.0041 Mobile Food Establishments and Commissaries.

(1)(d), “Each Mobile Food Establishment shall report to a Commissary each day of operation, to store or replenish supplies, clean utensils, and equipment, or dispose of liquid and solid waste, with the exception of Mobile Food Establishments that sell only prepackaged foods and have all necessary support equipment located in the unit.”

Exhibit A – Florida Statutory and Florida Administrative Code References

Pursuant to F.A.C. 5K-4.020 Food Permits; Required Fees.

(1) (r) defines: “**Mobile Vendor**” as “Persons selling foods other than fresh fruits or vegetables from trucks, trailers or similar self-propelled conveyances.”

F.A.C. Chapter 64E-11 Food Hygiene

Pursuant to F.A.C. 64E-11.002, Definitions.

(8) “Commissary - A food service establishment or any other commercial establishment where food, containers, or supplies are stored, prepared, or packaged, or where utensils are sanitized for transit to, and sale or service at, other locations.”

(22) “Mobile Food Unit - Any food service which is self-propelled or otherwise moveable from place to place and is self-sufficient for utilities, such as gas, water, electricity and liquid waste disposal, whose commissary is a DOH regulated food service establishment.”

(31) “Temporary food service event - Any event offering food service on the premises of a food service establishment approved by the department. These events are at a fixed location for a temporary period of time not to exceed any combination of 18 days within a calendar year and in conjunction with a single event or celebration.”

Pursuant to F.A.C. 64E-11.014 Mobile Food Units.

(8), “MFUs may temporarily connect to an approved utility system for a time period not to exceed one day’s operation, provided the utility system is adequate to meet the needs of the unit, sanitary facilities are available for employees and patrons in accordance with the applicable plumbing authority, and the unit returns to its base commissary in accordance with subsection (5).”

(5) “Mobile food units must operate from an approved commissary that meets all applicable requirements of this rule. The commissary must be provided with potable water and adequate facilities for disposal of liquid and solid waste. The mobile food unit must report to the commissary to store or replenish supplies, clean the interior of the unit, or dispose of liquid or solid wastes. Mobile food units which are self-sufficient for equipment, storage, and utilities must report to the commissary at least once weekly or as often as needed to replenish supplies, clean the interior of the unit, or dispose of liquid or solid wastes. A letter from the commissary must be submitted as part of the application confirming the arrangements above. A mobile food unit which is self-sufficient includes a three compartment sink for washing, rinsing, and sanitizing of equipment and utensils, a separate handwash sink, adequate refrigeration and storage capacity, full provision of power utilities including electrical, LP gas, or a portable power generation unit, and a liquid waste disposal system, and potable water holding tank in accordance with subsections (1) and (2). Mobile food units which are not self-sufficient must report to their commissary at least once daily. The exterior of the unit may be washed in any location, provided the waste water does not create a sanitary nuisance.

Exhibit B – Food Truck Park Examples



AIA AIA

Celebration Park - AIA

CELEBRATION PARK- NAPLES



WORLD FOOD TRUCK PARK- KISSIMMEE


Exhibit B – Food Truck Park Examples

MIDPOINT EATERY- INNOVATION DISTRICT-GAINESVILLE



ROOF TOP - BONITA SPRINGS



 Naples Daily News

Bonita Springs food truck park approved by city council for downtown

[Visit](#)

UNDERCONSTRUCTION: 11,000 S.F. OPEN COURTYARD, TWO STORY 5,386 S.F. RESTAURANT/BAR, 8-MOBILE FOOD VENDORS, PLAYGROUND, 24 OUTDOOR DINNING SEATS. Total .90 +/- Acres. Above photo encompasses .45 acres at Reynolds Street and Old U.S. 41. An additional .45 +/- acres is located offsite at Childers Street and Old U.S. 41 to accommodate 25 out of the 42 required parking spaces.

Exhibit B – Food Truck Park Examples

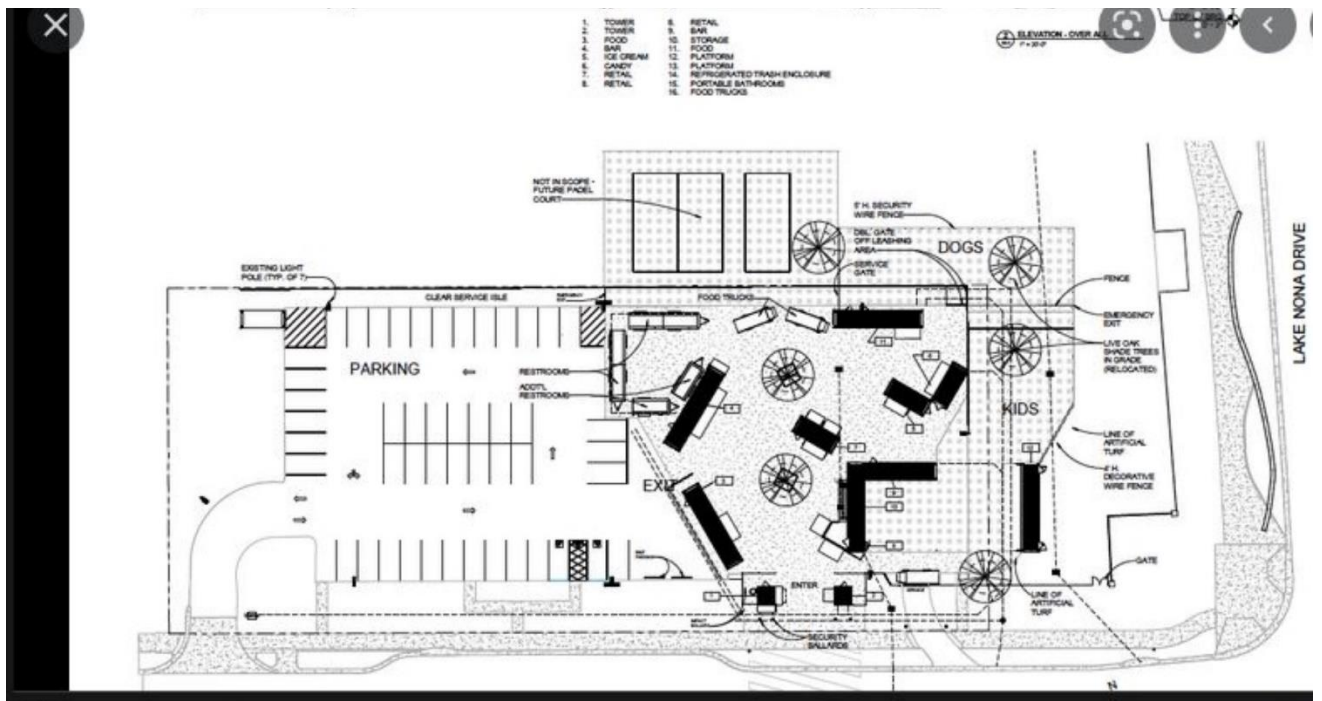
LAKE NONA LAKE- BOXI PARK WITH FOOD TRUCKS/12 SHIPPING CONTAINERS, BAR, LIVE ENTERTAINMENT, FOOD TRUCKS, KIDS PLAY AREA (30,000 S.F)



The Daily City

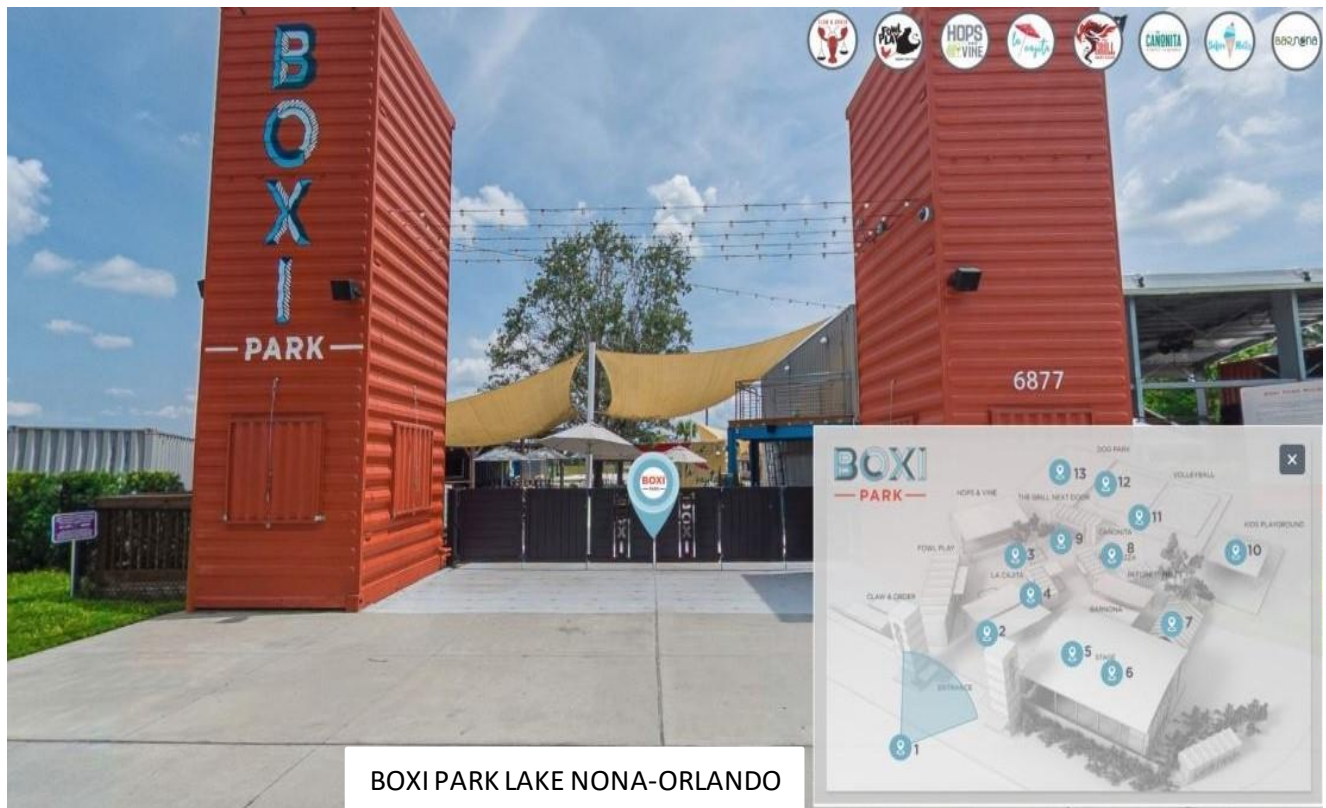
A La Carte Orlando Food Truck Park Opening July

A LA CARTE FOOD TRUCK PARK- ORLANDO



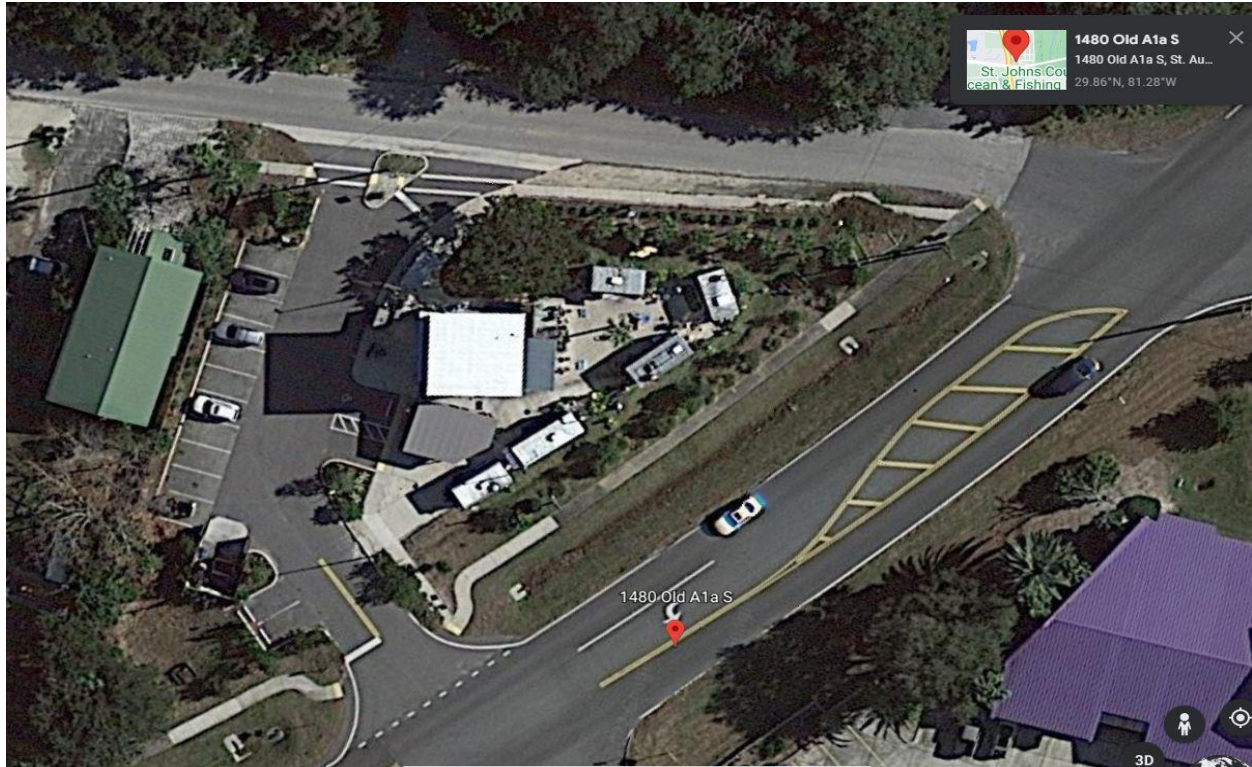
LAKE NONA LAKE- BOXI PARK WITH FOOD TRUCKS/12 SHIPPING CONTAINERS, BAR, LIVE ENTERTAINMENT, FOOD TRUCKS, KIDS PLAY AREA (30,000 S.F)

Exhibit B – Food Truck Park Examples



VILLAGE GARDEN- ST. AUGUSTINE: On .59 Acres, up to 7 Food Trucks, Two Story 1,173 S.F. Building, 1st Floor is Commissary and 3,533 Gallons- Contained Rain Water Harvest System. Approved for 45 outdoor seats.

Exhibit B – Food Truck Park Examples



VILLAGE GARDEN- ST. AUGUSTINE



Exhibit C – DBPR HR-7006 – Division of Hotels and Restaurants Mobile Food Dispensing Vehicle Plan Review Application

DBPR HR-7006 – Division of Hotels and Restaurants Mobile Food Dispensing Vehicle Plan Review Application DBPR HR-7006 DIVISION OF HOTELS AND RESTAURANTS MOBILE FOOD DISPENSING VEHICLE PLAN REVIEW APPLICATION

Application begins on page 6

Congratulations on your decision to consider a new business venture! As you explore this opportunity, the Department of Business and Professional Regulation's (DBPR) Division of Hotels and Restaurants (H&R) is ready to assist you through the licensing and regulatory process.

Our responsibility is to work with the business community to achieve the highest levels of health and safety for all Floridians and tens of millions annual visitors. Toward that goal, we are a resource you can use to see that your new business operates within the requirements of the law.

Plan reviewers will assist you in design and inspectors will provide educational support on site to help you meet the minimum requirements for healthy and safe conditions and products.

This packet contains information regarding the legal requirements of operating your business. It is very important that you familiarize yourself with this information before you begin operating. If you have questions, or need any clarification, please contact the DBPR Customer Contact Center at 850.487.1395 Monday through Friday or go online to <http://www.myfloridalicense.com/DBPR/hotels-restaurants/>. Because our knowledge and authority are in state government requirements, it is very important that you also contact local officials regarding any city and county requirements for a new business.

Important note - An Online Account is required to self-print and maintain your license. We encourage you to create your DBPR account now, start here www.myfloridalicense.com/DBPR/hotels-restaurants/. All food and lodging license applications are available online.

We wish you the best of luck and success in your venture.

GENERAL INSTRUCTIONS

A **Mobile Food Dispensing Vehicle (MFDV)** is a vehicle-mounted public food service establishment. Some MFDVs are self-propelled and built to travel on public streets. Other MFDVs are not self-propelled but can be moved from place to place. MFDVs may even be watercraft.

Self-sufficient MFDVs are identified as those units that contain, as part of the vehicle, a three-compartment sink with drainboards for washing, rinsing, and sanitizing equipment and utensils; a separate handwash sink; a solid sliding customer service window; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP gas, or a portable power generation unit; a potable water holding tank; a hot water tank or on demand water heater and a liquid waste disposal system in accordance with Subparts 5-3 and 5-4 of the Food Code. Self-Sufficient vehicles must have a location where water can be safely procured and where wastewater can be legally disposed of. This location **cannot** be a private residence. Mobile food dispensing vehicles are not allowed to obtain water from or dispose of wastewater at a private residence, or prepare food; store food products, equipment or utensils; or conduct warewashing or any other activities related to the public food service in a private residence.

Hot Dog Carts are MFDVs that limit food preparation to frankfurters (hot dogs and precooked sausages) only. Hot dog carts must have, as part of the vehicle, a handwash sink; power utilities including electrical, LP-gas, or a portable power generation unit; a potable water holding tank; and a liquid waste disposal system in accordance with Subparts 5-3 and 5-4 of the Food Code. A hot dog cart may be an open-air unit with overhead protection or a fully-enclosed unit, but may not be equipped with a three-compartment sink.

Hot Dog Carts and Florida Trucks need a support site called a **commissary**. A **commissary** is a public food service establishment licensed by the division or a food establishment permitted by the Department of Agriculture and Consumer Services where the MFDV goes for services that are not done on the vehicle. A commissary may provide a potable water source or a wastewater disposal site. You may prepare, package or store food at this location or use a three-compartment sink on the premises to wash and sanitize equipment or utensils. Food containers or other supplies may be stored at the commissary. **The Division does not allow food service activities, including procurement of water or disposal of wastewater, to occur in a private residence.**

Exhibit C– DBPR HR-7006 – Division of Hotels and Restaurants

Mobile Food Dispensing Vehicle Plan Review Application

To begin Florida's food service licensing process, the law requires the division to review unit plans for sanitation and safety concerns. Plan review is required when the unit is:

- Newly built,
- Converted from another use,
- Remodeled or
- Re-opened after being closed at least 1 year

Please use the checklist below to make sure you provide all necessary requirements for plan review.

APPLICATION

- **Online Account** – Necessary to self-print and maintain your license. Visit our website www.myfloridalicense.com/DBPR/hotels-restaurants/.
- **HR-7006 Mobile Food Dispensing Vehicle Plan Review Application (hard-copy submission)**. For other types of food service, including fixed establishments and caterers, please complete form DBPR HR-7005 Application for Plan Review (this may be found in a separate application packet). Please be sure to complete all items on the application, especially finishes for the floors, walls and ceiling.

License Application – This application is for plan review only and does not include a license. If you want to apply for your food service license at the same time as your plan review, please complete form DBPR HR-7031, Application for Mobile Food Dispensing Vehicle License with Plan Review, or apply online instead of this form. If you are not ready to apply for your license yet, remember to submit a license application later. We have to receive and process your license application and fee before you can open your business.

- If the vehicle is not self-sufficient, you must complete **form DBPR HR-7022—Division of Hotels and Restaurants Commissary Notification** for all commissaries to be used by this vehicle to store food, dump wastewater, etc. The form is included in this packet and also available on our website: <http://www.myfloridalicense.com/DBPR/hotels-restaurants/forms-publications/>. We cannot approve the plans without the information on the form.
- **Equipment specifications**, if the proposed equipment is not customary for food service operations.

FEES

- There are no fees for plan review. A license fee and license application will be required prior to licensing.

PLANS

- Scaled drawings. Label all areas of the vehicle and equipment (e.g., stoves, refrigerators, steam tables, prep tables, barbeque grills, portable fire extinguishers, ventilation hoods, etc.). Label all plumbing fixtures. Plans must include a hand wash sink and a three-compartment sink for dishwashing (if applicable). Indicate size and location of the service opening(s) and how the opening(s) will be protected when not in use. Indicate size (in gallons) of the potable water and wastewater holding tanks. Wastewater holding tanks must be at least 15% larger than the potable water holding tank. Indicate the location of the gas supply and/or water heating device, if applicable. For hot dog carts, indicate the type of overhead protection provided (e.g., umbrella, etc.). Include a side view of the vehicle.
- If self-sufficient, please indicate this on your plans.

After we approve your plans, we will send you a letter (by email if possible). This letter will give you the address in Tallahassee to send your completed license application and fees (this is a separate application packet). For faster processing, please attach a copy of the plan review letter to the application and fee. We have to receive and process your license application and fee before you can open your business.

After we approve your plans, it is important that you construct the vehicle exactly as approved and meet all other local code requirements. When construction is completed, the division must inspect the vehicle to verify that you have constructed the vehicle according to the approved plans and any provisos. The inspection will also confirm that the vehicle complies with code requirements and is ready to operate. You may schedule an inspection by request to our Customer Contact Center at 850.487.1395 when we approve your plans and have processed the license application and fees.

When we complete the inspection successfully, the inspector will approve you to operate and give you a temporary license so you can obtain local authorizations and licenses.

Exhibit C– DBPR HR-7006 – Division of Hotels and Restaurants Mobile Food Dispensing Vehicle Plan Review Application

HOW TO DRAW A FLOOR PLAN

The completed drawing should be a good representation of exactly how your vehicle looks in real life or how you intend it to look when completed. By following these simple instructions, you will be able to draw an accurate, scaled floor plan yourself.

A floor plan is a measured drawing that is an exact miniature representation of your unit as seen from an overhead view and/or side view. The plan must be drawn "to scale", which means that everything must be in the correct proportions. For example, if the unit is 20 feet long and 10 feet wide, then the length would be drawn twice as long as the width on your paper. The same is true for all of the equipment and sinks.

Begin by measuring the length and width of your unit with a tape measure as well as the lengths and widths of all equipment, etc. Note: Write down all the measurements taken on a piece of paper for future reference. If your unit does not yet exist, or you have not yet decided upon the exact equipment, your measurements will be estimates.

You may use any size graph paper, but the most common (and simple) graph paper is labeled as ¼ inch grid. Each small square is ¼ inch long. You can find this type of graph paper in office supply stores. To draw your plan "to scale", make each ¼ inch square equal to a real life distance. For example, if you decide that 1 foot is equal to a ¼ inch square, then a grill two feet long and one foot wide is drawn to cover 2 squares across and 1 square deep. Remember to show all doors and windows.

Identify all pieces of equipment with a number and create a list identifying to what each number refers. As an alternative, you may label each item like in the sample to the right. Provide two (2) copies of the floor plans to include the location of all sinks, potable and wastewater tanks, food storage areas, refrigerators, cooking equipment, work surfaces, propane tanks (if applicable), doors, windows and any other equipment present. Wastewater holding tanks must be 15% larger than the potable water holding tank (indicate size in gallons).

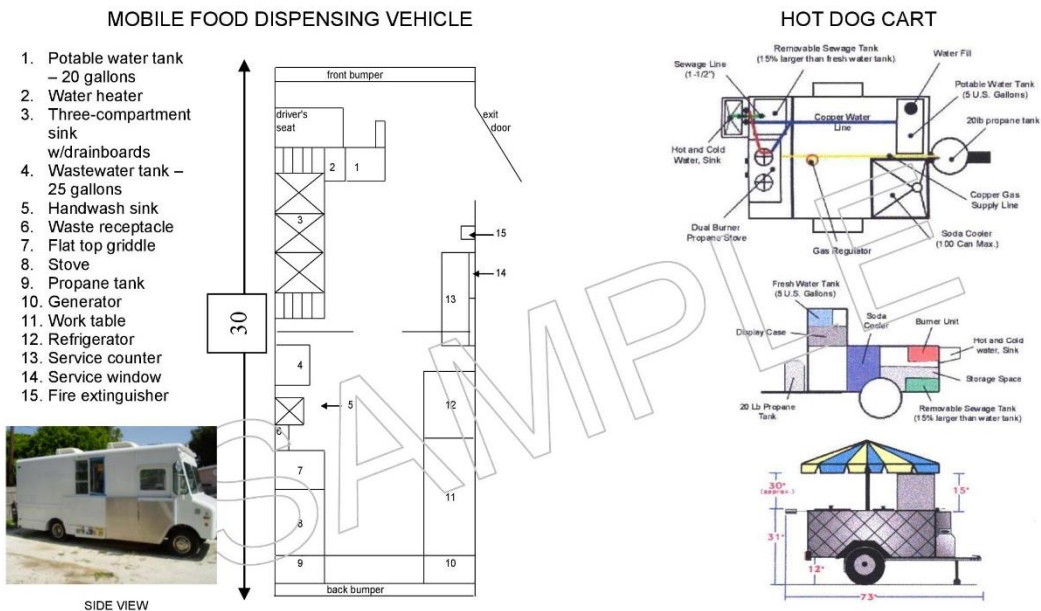


Exhibit C– DBPR HR-7006 – Division of Hotels and Restaurants Mobile Food Dispensing Vehicle Plan Review Application

INSTRUCTIONS FOR COMPLETING THE MFDV PLAN REVIEW APPLICATION

SECTION 1 – OFFICE USE ONLY

This is for division office use only. Please do not complete this section.

SECTION 2 – FOOD SERVICE LICENSE TYPE

Indicate the type of license that best describes your vehicle. A mobile food dispensing vehicle is an enclosed trailer or vehicle mounted unit that contains equipment and is closed up when not in operation. A hot dog cart is an open-air vehicle that prepares frankfurters only. A theme park food cart must be located in a theme park or entertainment complex. (Required)

Self-sufficient: It is important that you answer this question as it relates to the self-sufficiency of your vehicle as defined in this application packet. If you do not answer "Yes", the division will assume your vehicle is not self-sufficient and require the commissary form. (Required)

SECTION 3 – PLAN REVIEW TYPE

Indicate the type of plan review requested that best describes your unit. When reopening or remodeling an existing vehicle, please provide the name of the previous owner and their license number (if known), this information will help us process your plan review faster.

SECTION 4 – OWNER AND MAIN ADDRESS

Complete the mailing information as completely as possible. If you submit incomplete information, your plans will be delayed or denied.

- Owner Federal Employer Identification Number (FEIN) – businesses are required to have an FEIN before operating in Florida. If you already have this number, please provide it on the application. This will help the division identify your business later in the process. To obtain an FEIN, contact the U. S. Internal Revenue Service at 800.829.4933 for an application. (Optional)
- Owner Name – individual person or organization that currently owns the establishment. Also, check the appropriate box indicating whether the owner is legally a corporation, partnership or individual person. For establishments owned or operated by partnerships, corporations or cooperatives, please attach a separate sheet or sheets listing the name, address, and social security number of each person who owns 10% or more of the outstanding stocks or equity interest in the licensed activity. (Required)
- Routing Name – if contact name is different than the owner, please indicate in the space provided. (Optional)
- Street Address or Post Office Box, City, State, Zip Code, Florida County (if applicable), Country – address of record for purpose of official communications from the department. (Required)
- Phone Number – primary contact number for questions or concerns about the application. (Required)
- E-Mail Address – primary email contact for communications about your application.

SECTION 5 – ESTABLISHMENT LOCATION INFORMATION

Complete the establishment information as completely as possible. Incomplete information will result in the application being delayed or denied.

- Establishment Name – DBA (Doing Business As) – the proposed name of business. If the mobile unit is part of a chain, please indicate a unique identifier (e.g., Burger King #103). (Required)
- Vehicle Identification Number (VIN) – the 17-digit number assigned to the vehicle when built. (Required if the vehicle has a VIN)
- Florida Driver License # – the driver license number of the primary operator. (Required)
- Florida License Tag # – the license tag number of the vehicle. (Required if present)
- Street Address, City, Zip Code, and Florida County: **For mobile food dispensing vehicles that are not self-sufficient, this should be the commissary address in Florida. For mobile food dispensing vehicles which are self-sufficient, this should be the commercial water/sewer location.** (Required)
- Phone Number and E-Mail Address – alternate contact information if available. (Optional)

Exhibit C– DBPR HR-7006 – Division of Hotels and Restaurants Mobile Food Dispensing Vehicle Plan Review Application

SECTION 6 – MAILING INFORMATION

This is an optional additional address for mailing if applicable. If this information is the same as Section 3 or Section 4, please indicate.

- Routing Name – if correspondence should be mailed to a different name than the owner, please indicate in the space provided. (Optional)
- Street Address or Post Office Box, City, State, Zip Code, Florida County (if applicable), Country – address of record for purpose of official communications from the department. (Required)
- Phone Number and E-Mail Address – alternate contact information if available. (Optional)

SECTION 7 – SUPPORTING DOCUMENTS

This section is a checklist of the additional documents that you must provide with the plan review application. (Required)

SECTION 8 – GENERAL INFORMATION

Complete all information as indicated. Approved plans are valid for one (1) year. The division may grant a one-time extension up to an additional six months if requested in writing before expiration of the initial one-year approval. (Required)

SECTION 9 – SIGNATURE

Please print your name, and then sign and date the application before submitting. (Required)

If applying by mail, please submit your application, plans and supporting documents to:

**Department Of Business and Professional Regulation
Division of Hotels and Restaurants
2601 Blair Stone Road
Tallahassee, Florida 32399-1011**

Reminder: An Online Account is required to print and manage your license, visit our website at www.myfloridalicense.com/DBPR.

Approval of your plans means that your plans appear to meet the minimum requirements of the Division of Hotels and Restaurants. You must make sure that you meet all other requirements that apply. **Plan approval does not guarantee that the division will approve the completed vehicle's structure or equipment. In addition, the division requires a separate LICENSE APPLICATION, payment of LICENSE FEES and an INSPECTION of your vehicle and equipment prior to licensing.** See rules 61C-1.002, FAC, and 61C-1.008, FAC, for more licensing information.

Be sure to send the completed plan review application, plans and supporting documents. Providing complete information will help us process your plan review faster.

NOTE: All units are required to meet the sanitation and safety standards provided by law.

- All refrigeration must maintain potentially hazardous foods at 41°F or colder. You must install thermometers in the warmest part of all refrigeration/freezer units. A probe-type thermometer that is scaled for its intended use is required for employees to check food temperatures. Be sure all thermometers are calibrated and present at the time of the opening inspection.
- If you intend to have bare hand contact with ready-to-eat food, you must first have an approved Alternative Operating Procedure (AOP). DBPR Form HR 5022-049, Alternative Operating Procedure (AOP), incorporated by reference in rule 61C-4.010(1), FAC, and available on the division's website, explains the requirements. If you do not have an approved AOP, food employees may not touch ready-to-eat foods with their bare hands. Employees in units without an AOP must use utensils such as deli tissue, spatulas, tongs, single-use gloves or other dispensing equipment.
- A self-sufficient Mobile Food Dispensing Vehicle includes:
 1. A three compartment sink for dishwashing;
 2. A separate handwashing sink;
 3. Adequate refrigeration and storage;
 4. Full utilities including electrical, LP gas or a portable power generation unit;
 5. Potable water holding tank; and
 6. A wastewater tank in accordance with subparts 5-3 and 5-4 of the FDA Food Code

Exhibit C– DBPR HR-7006 – Division of Hotels and Restaurants Mobile Food Dispensing Vehicle Plan Review Application

DBPR HR-7006 – Division of Hotels and Restaurants Mobile Food Dispensing Vehicle Plan Review Application

STATE OF FLORIDA, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Division of Hotels and Restaurants
2601 Blair Stone Road, Tallahassee, Florida 32399-1011
Phone: 850.487.1395 – E-mail: thr.planreview@myfloridalicense.com
Internet: www.myfloridalicense.com/DBPR/hotels-restaurants/

For Office Use Only
Log Number
File Number

NOTE – Please submit completed application with plans, fees and supporting documents in Section 7.

Section 1 – Office Use Only

Date Received	Month	Day	Year	Initials
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Section 2 – License Type

Please check the appropriate box and provide information as applicable.

☐ Mobile Food Dispensing Vehicle (2014/MFDV) ☐ Hot Dog Cart (2014/HTDG) ☐ Theme Park Food Cart (2012)

Is this vehicle self-sufficient? ☐ Yes ☐ No If "No", you are required to provide commissary information for plan approval.

Section 3 – Plan Review Type

Please check the box that best describes your vehicle. Please check only one box.

☐ New ☐ Closed More than 1 Year ☐ Change owner with remodel* ☐ Same owner remodel

Have you recently become the owner of this vehicle? * ☐ Yes ☐ No If the Division of Hotels and Restaurants licensed this vehicle before, please provide the following information *.

Projected Opening Date	* Name of Business Under Previous Owner	* License Number
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OFFICE USE ONLY – TRANSACTION CODES

1030 – Hot Dog Cart & Theme Park Food Cart – New or Closed More than 1 Year	3020 – Change of Owner: Hot Dog Cart & Theme Park Food Cart
1032 – MFDV – New or Closed More than 1 Year	3021 – Change of Owner: MFDV
	3027 – Same Owner remodel

Section 4 – Owner and Main Address (MA)

Note: This address will be designated as the "address of record" for the owner of this establishment.

Owner Federal Employer Identification Number (FEIN) – optional

Owner Name (please check one: ☐ Corporation ☐ Partnership ☐ Individual)

Routing Name (e.g., Management Company, contact name)

Street Address or Post Office Box

City	State	Zip Code (+4 optional)
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Florida County (if applicable)	Country
--------------------------------	---------

Phone Number	E-Mail Address
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Section 5 – DBA Name, Vehicle and Location Information (LL)

For mobile food dispensing vehicles and hot dog carts, enter the commissary address. For self-sufficient vehicles that do not use a commissary, enter the water/sewer location address.

Establishment Name (DBA)	Vehicle Identification Number (VIN)
--------------------------	-------------------------------------

Florida Driver License #	Florida License Tag #
--------------------------	-----------------------

Street Address (primary commissary address for mobile food dispensing vehicles or hot dog carts)

City	Zip Code (+4 optional)	Florida County
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Phone Number	E-Mail Address
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Exhibit C– DBPR HR-7006 – Division of Hotels and Restaurants Mobile Food Dispensing Vehicle Plan Review Application

DBPR HR-7006 – Division of Hotels and Restaurants Mobile Food Dispensing Vehicle Plan Review Application

Section 6 – Mailing Information (LM)

Note: This address will be used by the department for all mailings.

Complete below or check here if: Same as Section 4 – Owner and Main Address ☐ Same as Section 5 – Establishment Location ☐

Routing Name (e.g., Management Company, contact name)

Street Address or Post Office Box

City	State	Zip Code (+4 optional)
Florida County (if applicable)	Country	
Phone Number	E-Mail Address	

Section 7 – Supporting Documents

Attach the following documents:

- Scaled plan, for both new and remodeled, showing all kitchen equipment, plumbing fixtures, bars, storage areas, etc. You may submit as many sets of plans that you need stamped for local authorities.
- For Hot Dog Carts and vehicles that are not self-sufficient:** include **DBPR HR-7022—Division of Hotels and Restaurants Commissary Notification** for all commissaries to be used by this vehicle. We cannot approve the plans without the information on this form.

Section 8 – General Information

Menu Information (list all foods that will be served from your vehicle)

Water Tanks: The wastewater tank must be at least 15% larger than the fresh water tank. Water tanks must be a part of the vehicle.

Water Tank Size (gallons) and Location

Water Heating Device Size (gallons) and Location

Wastewater Tank Size (gallons) and Location

Vehicle Interior Finishes (for enclosed units only - for example: FRP, vinyl, painted metal, etc.)

Floor	
Cove Base (Baseboards)	
Walls	
Ceiling	

Section 9 - Signature

I certify that I am empowered to execute this application as required by Section 559.79, Florida Statutes. I understand that my signature on this written declaration has the same legal effect as an oath or affirmation. Under penalties of perjury, I declare that I have read the foregoing application and the facts stated in it are true. **I understand that falsification of any material information on this application may result in criminal penalty or administrative action, including a fine, suspension or revocation of the license.** I understand that if I failed to complete the application or submit the required supporting documents, my plan review will be delayed.

Print Name	Signature	Date
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Approval of your plans means that your plans appear to meet the minimum requirements of the Division of Hotels and Restaurants. You must make sure that you meet all other requirements that may also apply.

**A separate LICENSE APPLICATION, payment of LICENSE FEES
and an INSPECTION of your vehicle and equipment is required prior to licensing.**

Exhibit C– DBPR HR-7006 – Division of Hotels and Restaurants Mobile Food Dispensing Vehicle Plan Review Application

DBPR HR-7022 –Division of Hotels and Restaurants Commissary Notification

DBPR HR-7022 DIVISION OF HOTELS AND RESTAURANTS COMMISSARY NOTIFICATION

Form begins on next page

GENERAL INSTRUCTIONS

A **Mobile Food Dispensing Vehicle (MFDV)** is a vehicle-mounted public food service establishment. Some MFDVs are self-propelled and built to travel on public streets. Other MFDVs are not self-propelled but can be moved from place to place. Other MFDVs may even be watercrafts.

Commissary: Some MFDVs require a support site called a commissary. A commissary is an approved food service establishment or other commercial location where the MFDV goes for services that are not done on the vehicle. A commissary may provide a potable water source or a wastewater disposal site. You may prepare, package or store food at this location or use a three-compartment sink to wash and sanitize equipment or utensils. Food containers or other supplies may be stored at the commissary.

All Hot Dog Carts and Florida Trucks require a commissary to operate. Food service activities, including procurement or water or disposal of wastewater, **cannot occur in a private residence.**

Self-sufficient: If your MFDV contains all the following equipment, it is considered to be self-sufficient and is exempt from commissary requirements.

- ▶ Three-compartment sink
- ▶ Adequate dry storage
- ▶ Potable water holding tank
- ▶ Separate handwash sink
- ▶ Power (LP-gas, generator, etc.)
- ▶ Wastewater holding tank
- ▶ Adequate refrigeration
- ▶ Hot Water Heater

Commissary Reporting Frequency: If your vehicle is not fully equipped as listed above, then your MFDV must report to its commissary every day that it is operated.

Responsibility of Public Food Service Establishment Commissaries & MFDV Operators: Any public food service operator who provides commissary services for an MFDV must keep track of when vehicles are serviced. A daily registry must show that the Division of Hotels and Restaurants properly licenses all vehicles receiving services. To help food service operators know that a vehicle is properly licensed, each MFDV operator must put their license number on the side of the vehicle. The license number must be permanently attached and prominent. The figures must be at least 2 inches high and in a contrasting color from the background. Prior to providing commissary services, the public food service establishment who provides these services must verify that the license number displayed on the vehicle matches the number on the vehicle operator's public food service establishment license.

INSTRUCTIONS FOR COMPLETING THE COMMISSARY NOTIFICATION FORM

SECTION 1 – Mobile Food Dispensing Vehicle Information

- ▶ Owner Name – corporation, partnership or individual that currently owns the vehicle.
- ▶ Phone Number – primary contact number for questions about the plan review.
- ▶ Vehicle Name – DBA (Doing Business As) – the proposed name of business. If the unit is part of a chain, please indicate a unique identifier (e.g., Burger King #103, Bill's Mobile BBQ #2).
- ▶ License Number – if previously licensed, indicate the license number of the vehicle.

SECTION 2 – Commissary Information

Complete all information as indicated for the primary commissary for this vehicle. The primary commissary is the support site where food preparation, food storage or dishwashing occurs

SECTION 3 – Commissary Activities

Describe the activities to be conducted at your commissary.

SECTION 4 – Signature

Please print your name and then sign and date the form before submitting.

This form replaces DBPR Form HR 5021-019

Page 2 of 2

Exhibit C– DBPR HR-7006 – Division of Hotels and Restaurants Mobile Food Dispensing Vehicle Plan Review Application

DBPR HR-7022 –Division of Hotels and Restaurants Commissary Notification

STATE OF FLORIDA, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Division of Hotels and Restaurants
2601 Blairstone Road, Tallahassee, Florida 32399-1011
Phone: 850.487.1395 – E-mail: dhr.planreview@myfloridalicense.com
Internet: www.myfloridalicense.com/DBPR/hotels-restaurants/

For Office Use Only
Log Number
File Number

NOTE – This form must be submitted as part of an application packet.

Section 1– Mobile Food Dispensing Vehicle Information

Owner Name	Phone Number (include area code)
Vehicle Name (DBA)	License Number

Section 2 – Primary Commissary Information

Commissary Name		
Commissary Address		
City	Zip Code (+4 optional)	County
Phone Number (include area code)		
Commissary License Number (if available)		E-Mail Address
Licensed By:	<input type="checkbox"/> DBPR <input type="checkbox"/> Department of Agriculture & Consumer Services	

Section 3 – Commissary Activities

I intend to conduct the following activities at my commissary:					
Dish or equipment washing	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Storing food (including ice or drinks)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Dumping wastewater	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Storing dry goods	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Receiving potable water	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Cooking and/or reheating food	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Washing the outside of the vehicle	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Other (Describe below)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Section 4 – Signature

I certify that I am empowered to execute this application as required by Section 559.79, Florida Statutes. I understand that my signature on this written declaration has the same legal effect as an oath or affirmation. Under penalties of perjury, I declare that I have read the foregoing application and the facts stated in it are true. **I understand that falsification of any material information on this application may result in criminal penalty or administrative action, including a fine, suspension or revocation of the license.** I understand that failure to complete the application or submit required documentation will delay processing or approval of plans and licensure.

Print Name	Signature	Date
------------	-----------	------

For additional commissaries submit a new form, use as many as needed.

Exhibit D— Code Violation Photos



Celebration Park off of Bayshore Road-Fire Code Violations



Exhibit D– Code Violation Photos



Shell Gas Station at 7392 Radio Road-Multiple Trucks Without Permits



Exhibit D– Code Violation Photos



No permit for outdoor seating, tables, chairs, or mobile food trucks.



Exhibit E— Collier County Land Development Code | *Administrative Procedures Manual*

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R. Mobile Food Dispensing Vehicles (MFDVs) and Food Truck Park (FTP)

Reference	LDC subsections 5.05.16 and F.S. § 509.013, 509.101, 509.102 and 509.241.
Applicability	Mobile food dispensing vehicles are a public food service establishment and maintain a license with the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants. This procedure applies to a request for temporary or permanent placement or accessory use of mobile food dispensing vehicles (MFDVs). The Zoning or Development Review Division may approve the placement of one or more MFDVs for the following activities: <ul style="list-style-type: none">a. Temporary use location for more than four hours at one location and without overnight parking or permanent location of two or less MFDVs. The applicant files a “Site Development Plan (SDP), Site Improvement Plan (SIP) or Insubstantial Change to a SDP or SIP” application with the Development Review Division.b. Temporary events. The applicant files a “Temporary Use Permit (TUP)” application.c. Mobile food truck park that requires conditional use approval by the Board. The applicant files an “Application for Public Hearing for: Conditional Use” with the Zoning Division.
Pre-Application	For a SDPI or SIPI, a pre-application is not required, but the applicant must obtain pre-submittal authorization from the Development Review Division. A pre-application meeting is required for SDP, SDPA, or SIP and Conditional Use applications.
Initiation	The applicant files either an application for public hearing for conditional use or an application for either SDP, SIP, SDPI, or SIPI approval, or application for temporary use permit for the type of event. ↔ See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.
Application Contents	The application contents are based upon the specific type of application: ↔ See Chapter 3 C. for Conditional Use application contents submittal. ↔ See Chapter 4 I.2 for SDP application contents submittal. ↔ See Chapter 4 I.3 for SIP application contents submittal. ↔ See Chapter 4 I.5 for SDPI or SIPI application contents submittal. In addition to the application contents for the SDP, SIP, SDPI, or SIPI plan, the following information shall be provided on the plan: <ul style="list-style-type: none">a. Whether the MFDV is self-sufficient or not and operating in conjunction with a permitted Food Establishment or on an institutional property or use of a commissary that is licensed by the Florida Department of Agriculture and Consumer Services (FDACS)-Division of Food Safety, Florida Department of Business and Professional (DBPR)-Division of Hotels and Restaurants or Florida Department of Health (DOH).b. When applicable, a notarized commissary letter of agreement confirming the mobile

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food dispensing vehicle is operating in conjunction with a Florida licensed commissary and the commissary's location and address. For self-sufficient vehicles that do not use a commissary, provide the water/sewer location and address.

- c. Desired mobile vending days/hours of operation, and the MFDV's location.
- d. Surrounding business(es) days/hours of operation when located at a specific site for more than four hours and if utilizing parking spaces, demonstration that the parking space(s) is not used during the time and/or days the MFDV's location is permitted.
- e. The distance from property boundary line and any other on-site MFDV.
- f. The number of MFDVs and location of parking and bicycle spaces.
- g. Location of onsite public restrooms, waste receptacle, and applicable temporary emergency generator.
- h. If proposed, the number of outdoor seats and tables.
- i. A notarized affidavit by the **property owner** indicating the mobile food dispensing vehicle has permission to operate on the site and documentation that employees of the operation have access to a restroom.
- j. The current contact information including name, address, phone numbers (business and cell), email and any other information reasonably required by the County Manager or his/her designee for a designated "on-call person" to be a principal point of contact for County staff and the individual mobile food dispensing vehicle.
- k. An updated certificate of inspection from Collier County's Department of Health and Florida Department of Business and Professional Regulations, Division of Hotels and Restaurants.
- l. Proof of valid insurance, business tax receipt (BTR), MFDV's vehicle registration and food service license or permit.
- m. Fire District's Life Safety Division and Collier County's Department of Health Inspection Report. When applicable, a Letter of Agreement with an approved grease disposal facility.
- n. If a watercraft mobile food boat is proposed, the location of the MFDV and where it may be launched, docked, or stored.
- o. For a temporary food service event (TFSE), an approved application which serves as the basis for licensure from the Florida Department of Health, Florida's Public Food Establishments, Business and Professional Regulations, Division of Hotels and Restaurants.
- p. For a MFTP with alcohol sales or amplified sound providing entertainment, the conditional use at a specific location shall run with the property itself and not the

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MFDV. If a permanent MFDV moves to a different location, another conditional use must be approved for the new location by the new **property owner**.

Completeness and Processing of Application	<u>⇔ See Chapter 1 D.5 for acceptance and processing of an application.</u>
Notice	<u>Notice is required for conditional use approval, otherwise none.</u>
Public Hearing	<u>Public hearing is required for conditional use approval, otherwise none.</u>
Decision Maker	<u>For an application that does not require a public hearing, the County Manager or designee, otherwise the BCC or Hearing Examiner.</u>
Review Process	<u>For the SDP or SIP application, the Development Review Division will review the application for compliance with LDC section 10.02.03. and whether additional materials are required.</u> <u>For the Conditional Use application, the Zoning Division will review the application, identify whether additional materials are needed, and prepare a Staff Report or Executive Summary to present to the Decision Maker.</u> <u>The Operations and Regulatory Management Division will review the application, identify whether additional materials are needed and prepare a letter of approval or denial utilizing the criteria identified in LDC section 5.05.16.</u>
Digital Submittal Requirements	<u>⇔ See Chapters 4.1.2 and 4.1. Digital Requirements for a SDP or SIP, otherwise none.</u>
Recording	<u>⇔ See Chapter 3.C.1 Recording of Developer Commitments for Conditional Use.</u> <u>For all other applications not requiring a public hearing, none.</u>
Updated	<u>Resolution [2023-XX]</u>

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20230013966

ORIGIN

Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

This amendment introduces comprehensive updates to the current provisions in the Land Development Code (LDC) related to telecommunication towers. LDC amendments are reviewed by the Board, Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR).

HEARING DATES

Board	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	10/17/2023

LDC SECTION TO BE AMENDED

1.08.02	Definitions
2.01.03	Essential Services
2.03.01	Agricultural Districts
2.03.02	Residential Zoning Districts
2.03.03	Commercial Zoning Districts
2.03.04	Industrial Zoning Districts
2.03.05	Civic and Institutional Zoning Districts
2.03.06	Planned Unit Development Districts
2.03.07	Overlay Zoning Districts
2.03.08	Rural Fringe Zoning Districts
2.03.09	Open Space Zoning Districts
4.02.01	Dimensional Standards for Principal Uses in Base Zoning Districts
4.02.14	Design Standards for Development in the ST and ACSC-ST Districts
4.06.05	General Landscaping Requirements
4.08.06	SSA Designation
5.05.09	Communications Towers

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

On October 14, 1992, the Board adopted Ordinance No. 92-73 which included the first regulations for communications towers in the County. On January 24, 2023, the Board directed staff to develop Amendments to the current LDC regulations for Communication Towers to promote a stronger wireless communication network throughout the County. Staff reviewed current statewide best practices, engaged with industry experts, and determined that the current provisions in the LDC for Communication Towers are outdated with modern day industry practices.

Wireless communication facilities are considered essential services. This LDC amendment modernizes the language and simplifies the application and review processes in an effort to allow for a stronger wireless communication network throughout the County. Substantive changes include but are not limited to the following: renaming “communication towers” to “wireless communication facilities” to include facilities that are not towers;

providing definitions and establishing regulations for the various wireless communication facility types; updating permitted use and conditional use lists for Zoning Districts to allow for new wireless communication facilities; removal of shared tower requirements to instead encourage co-location by allowing increased heights; and reorganizing the section to allow for easier interpretation of the regulations. Corresponding cross-references are also added to various LDC sections to maintain consistency.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts to the County associated with this amendment. The amendment may have fiscal impacts on property owners who will now be eligible to apply for approval of a wireless communication facility.

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff after first review.

EXHIBITS: None.

Amend the LDC as follows:

1.08.02 – Definitions

~~Monopole communications tower: A commercial vertical single tubular self-supporting tower for nonparabolic antennas with small effective radii.~~

Wireless communication facilities: See all related definitions in LDC section 5.05.09.

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

2.01.03 - Essential Services

*	*	*	*	*	*	*	*	*	*	*	*	*
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A. The following uses shall be deemed permitted uses in all zoning districts, except CON districts, RFMU sending lands, NRPAS, HSAS, and FSAS:

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

~~4. Wireless communication facilities Communication towers, limited to those providing wireless emergency telephone service, subject to all applicable provisions in section 5.05.09 of this Code.~~

~~54.~~ Electrical transmission and distribution lines, substations, and emergency power structures;

~~-Remainder of list to be renumbered accordingly-~~

~~98.~~ Conservation Collier lands which provide for permitted nondestructive, passive natural resource based recreational and educational activities, exclusive of major improvements. Permitted minor improvements shall be limited to one (1) ground sign, not to exceed eight (8) feet in height with a maximum sign area of thirty-two (32) square feet; a parking area, not to exceed twenty (20) parking spaces; hiking trails; a fully accessible trail or trail section; educational kiosks not to exceed one hundred (100) square feet; and public restroom facilities not to exceed five hundred (500) square feet. The provisions for Conservation Collier lands in this Code do not affect the underlying zoning districts or land use designations in any district where Conservation Collier lands are established. Such that no expansion or diminution of the various zoning district permitted uses is intended or implied by these provisions, except as stated above with respect to minor improvements. Oil and gas exploration as defined and regulated in this Code remains a permitted use on or beneath Conservation Collier lands established in any zoning district providing for oil and gas exploration as a permitted use pursuant to subsection 2.03.09 B.1.a.viii.

*	*	*	*	*	*	*	*	*	*	*	*	*
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H. Wireless communication facilities, limited to those providing wireless emergency telephone service, are considered an essential service and shall be permitted and subject to all applicable provisions in LDC section 5.05.09.

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

2.03.01 - Agricultural Districts.

A. Rural Agricultural District (A). The purpose and intent of the rural agricultural district (A) is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of the County, are permissible as conditional uses in the A district. The A district corresponds to and implements the Agricultural/Rural land use designation on the future land use map of the Collier County GMP, and in some instances, may occur in the designated urban area. The maximum density permissible in the rural agricultural district within the urban mixed use district shall be guided, in part, by the density rating system contained in the future land use element of the GMP. The maximum density permissible or permitted in A district shall not exceed the density permissible under the density rating system. The maximum density permissible in the A district within the agricultural/rural district of the future land use element of the Collier County GMP shall be consistent with and not exceed the density permissible or permitted under the agricultural/rural district of the future land use element.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as accessory or conditional uses in the rural agricultural district (A).

a. *Permitted uses.*

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

7. Family care facilities, subject to section 5.05.04.

8. ~~Communications towers up to specified height~~ Wireless communication facilities, subject to section 5.05.09.

9. Essential services, as set forth in section 2.01.03.

*	*	*	*	*	*	*	*	*	*	*	*	*	*
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c. Conditional uses. The following uses are permitted as conditional uses in the rural agricultural district (A), subject to the standards and procedures established in LDC section 10.08.00 and the Administrative Code.

*	*	*	*	*	*	*	*	*	*	*	*	*	*
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12. Collection and transfer sites for resource recovery.

~~13. Communication towers above specified height, subject to section 5.05.09.~~

143. Social and fraternal organizations.

-Remainder of list to be renumbered accordingly-

287. Ancillary plants.

* * * * *

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

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

* * * * *

c. Conditional uses. For Estates zoning within the Golden Gate Estates subdivision, the Golden Gate Area Master Plan in the GMP restricts the location of conditional uses. The following uses are permissible as conditional uses in the estates district (E), subject to the standards and procedures established in LDC section 10.08.00:

* * * * *

11. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply.

12. ~~Communication towers up to specified heights~~ Wireless communication facilities, subject to LDC section 5.05.09.

* * * * *

#

2.03.02 Residential Zoning Districts

A. Residential Single-Family Districts (RSF-1; RSF-2; RSF-3; RSF-4; RSF-5; RSF-6). The purpose and intent of the residential single-family districts (RSF) is to provide lands

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

17 * * * * *

18
19
20 1. The following subsections identify the uses that are permissible by right and the
21 uses that are allowable as accessory or conditional uses in the residential single-
22 family districts (RSF).

23 * * * * *

24
25
26 c. *Conditional uses.* The following uses are permissible as conditional uses
27 in the residential single-family districts (RSF), subject to the standards and
28 procedures established in LDC section 10.08.00.

29 * * * * *

30
31
32 11. Public schools without an agreement with Collier County, as
33 described in LDC section 5.05.14. Additional standards in LDC
34 section 5.05.14 shall also apply; however, any high school located
35 in this district is subject to a compatibility review as described in
36 LDC section 10.02.03.

37
38 12. Wireless communication facilities, subject to LDC section 5.05.09.

39 * * * * *

40
41
42 B. Residential Multi-Family-6 District (RMF-6). The purpose and intent of the residential multi-
43 family-6 district (RMF-6) is to provide for single-family, two-family and multi-family
44 residences having a low profile silhouette, surrounded by open space, being so situated
45 that it is located in close proximity to public and commercial services and has direct or
46 convenient access to collector and arterial roads on the county major road network. The
47 RMF-6 district corresponds to and implements the urban mixed use land use designation
48 on the future land use map of the Collier County GMP. The maximum density permissible
49 in the RMF-6 district and the urban mixed use land use designation shall be guided, in
50 part, by the density rating system contained in the future land use element of the Collier
51 County GMP. The maximum density permissible or permitted in the RMF-6 district shall

not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element.

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

* * * * *

- c. *Conditional uses.* The following uses are permissible as conditional uses in the RMF-6 district, subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

10. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply; however, any high school located in this district is subject to a compatibility review as described in LDC section 10.02.03.

11. Wireless communication facilities, subject to LDC section 5.05.09.

* * * * *

- C. Residential Multi-Family-12 District (RMF-12). The purpose and intent of the residential multi-family 12 district (RMF-12) is to provide lands for multiple-family residences having a mid-rise profile, generally surrounded by lower structures and open space, located in close proximity to public and commercial services, with direct or convenient access to collector and arterial roads on the county major road network. Governmental, social, and institutional land uses that serve the immediate needs of the multi-family residences are permitted as conditional uses as long as they preserve and are compatible with the mid-rise multiple-family character of the district. The RMF-12 district corresponds to and implements the urban mixed use land use designation on the future land use map of the Collier County GMP. The maximum density permissible in the RMF-12 district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County GMP. The maximum density permissible or permitted in the RMF-12 district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element.

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

- a. Permitted uses.

* * * * *

6. Educational plants and public schools with an agreement with Collier County, as described in LDC section 5.05.14; however, any

high school located in this district is subject to a compatibility review as described in LDC section 10.02.03

7. Wireless communication facilities, subject to LDC section 5.05.09.

* * * * *

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

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

a. Permitted uses.

4. Educational plants and public schools with an agreement with Collier County, as described in LDC section 5.05.14; however, any high school located in this district is subject to a compatibility review as described in LDC section 10.02.03.

5. Wireless communication facilities, subject to LDC section 5.05.09.

* * * * *

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

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

a. Permitted uses.

5. Townhouses subject to section 5.05.07.

1
2 6. Wireless communication facilities, subject to LDC section 5.05.09.
3

4 * * * * *
5

6 F. Village Residential District (VR). The purpose and intent of the village residential district
7 (VR) is to provide lands where a mixture of residential uses may exist. Additionally, uses
8 are located and designed to maintain a village residential character which is generally low
9 profile, relatively small building footprints as is the current appearance of Goodland and
10 Copeland. The VR district corresponds to and implements the mixed residential land use
11 designation on the Immokalee future land use map of the Collier County GMP. It is
12 intended for application in those urban areas outside of the coastal urban area designated
13 on the future land use map of the Collier County GMP, though there is some existing VR
14 zoning in the coastal urban area. The maximum density permissible in the VR district and
15 the urban mixed use land use designation shall be guided, in part, by the density rating
16 system contained in the future land use element of the Collier County GMP. The maximum
17 density permissible or permitted in the VR district shall not exceed the density permissible
18 under the density rating system, except as permitted by policies contained in the future
19 land use element, or as designated on the Immokalee future land use map of the GMP.
20

21 1. The following subsections identify the uses that are permissible by right and the
22 uses that are allowable as accessory or conditional uses in the village residential
23 district (VR).
24

25 a. Permitted uses.

26
27 6. Educational plants and public schools with an agreement with
28 Collier County, as described in LDC section 5.05.14; however, any
29 high school located in this district is subject to a compatibility
30 review as described in LDC section 10.02.03.
31

32 7. Wireless communication facilities, subject to LDC section 5.05.09.
33

34 * * * * *
35

36 G. Mobile Home District (MH). The purpose and intent of the mobile home district (MH) is to
37 provide land for mobile homes and modular built homes, as defined in this Land
38 Development Code, that are consistent and compatible with surrounding land uses. The
39 MH District corresponds to and implements the urban mixed-use land use designation on
40 the future land-use map of the Collier County GMP. The maximum density permissible in
41 the MH district and the urban mixed use land use designation shall be guided, in part, by
42 the density rating system contained in the future land use element of the Collier County
43 GMP. The maximum density permissible or permitted in the MH district shall not exceed
44 the density permissible under the density rating system, except as permitted by policies
45 contained in the future land use element, or as identified in the Immokalee future land use
46 map of the GMP.
47

48 1. The following subsections identify the uses that are permissible by right and the
49 uses that are allowable as accessory or conditional uses in the mobile home district
50 (MH).
51

1 a. Permitted uses.

- 2
3 5. Educational plants and public schools with an agreement with
4 Collier County, as described in LDC section 5.05.14; however, any
5 high school located in this district is subject to a compatibility
6 review as described in LDC section 10.02.03.

7
8 6. Wireless communication facilities, subject to LDC section 5.05.09.
9

10 * * * * *
11 # # # # #
12

13 2.03.03 Commercial Zoning Districts

14
15 A. Commercial Professional and General Office District (C-1). The purpose and intent of the
16 commercial professional and general office district C-1 is to allow a concentration of office
17 type buildings and land uses that are most compatible with, and located near, residential
18 areas. Most C-1 commercial, professional, and general office districts are contiguous to,
19 or when within a PUD, will be placed in close proximity to residential areas, and, therefore,
20 serve as a transitional zoning district between residential areas and higher intensity
21 commercial zoning districts. The types of office uses permitted are those that do not have
22 high traffic volumes throughout the day, which extend into the evening hours. They will
23 have morning and evening short-term peak conditions. The market support for these office
24 uses should be those with a localized basis of market support as opposed to office
25 functions requiring inter-jurisdictional and regional market support. Because office
26 functions have significant employment characteristics, which are compounded when
27 aggregations occur, certain personal service uses shall be permitted, to provide a
28 convenience to office-based employment. Such convenience commercial uses shall be
29 made an integral part of an office building as opposed to the singular use of a building.
30 Housing may also be a component of this district as provided for through conditional use
31 approval.
32

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

37 * * * * *
38
39

40 a. Permitted uses.

- 41
42 40. Travel agencies (4724, no other transportation services).

43
44 41. Wireless communication facilities, subject to LDC section 5.05.09.

- 45
46 ~~41~~2. Any other commercial use or professional service which is
47 comparable in nature with the foregoing uses including those that
48 exclusively serve the administrative as opposed to the operational
49 functions of a business and are associated purely with activities
50 conducted in an office, as determined by the Hearing Examiner or
51 CCPC, pursuant to LDC section 10.02.06 K.

* * * * *

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

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

a. Permitted uses.

* * * * *

72. Wallpaper stores (5231) with 1,800 square feet or less of gross floor area in the principal structure.

73. [Wireless communication facilities, subject to section 5.05.09.](#)

~~73~~⁷⁴. Any other commercial use or professional services which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business and are associated purely with activities conducted in an office.

-Remainder of list to be renumbered accordingly-

~~75~~⁷⁶. An existing lawful structure over 1,800 sq. ft. as of July 14, 2014 may be occupied by any C-2 permitted use with a 1,800 sq. ft. or greater limitation.

* * * * *

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

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

- a. Permitted uses.

* * * * *

92. Wallpaper stores (5231) with 5,000 square feet or less of gross floor area in the principal structure.

93. [Wireless communication facilities, subject to section 5.05.09.](#)

~~93~~4. Any use which was permissible under the prior General Retail Commercial (GRC) zoning district, as identified by Zoning Ordinance adopted October 8, 1974, and which was lawfully existing prior to the adoption of this Code.

~~94~~5. Any of the foregoing uses that are subject to a gross floor area limitation shall be permitted by right without the maximum floor area limitation if the use is developed as a component of a shopping center.

~~95~~6. Any other commercial use or professional services which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business and are associated purely with activities conducted in an office.

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

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

* * * * *

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

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

a. *Permitted uses.*

* * * * *

27. Cable and other pay television services (4841) ~~including communications towers up to specified height, subject to section 5.05.09.~~

* * * * *

130. Telegraph and other message communications (4822) ~~including communications towers up to specified height, subject to section 5.05.09.~~

131. Telephone communications (4812 and 4813) ~~including communications towers up to specified height, subject to section 5.05.09.~~

* * * * *

140. Wireless communication facilities, subject to LDC section 5.05.09.

~~140~~1. Any use which was permissible under the prior General Retail Commercial (GRC) zoning district, as identified by Zoning Ordinance adopted October 8, 1974, and which was lawfully existing prior to the adoption of this Code.

~~141~~2. Any other commercial use or professional services which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business and are purely associated with activities conducted in an office.

~~142~~3. Any other general commercial use which is comparable in nature with the list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

* * * * *

c. *Conditional uses.* The following uses are permitted as conditional uses in the general commercial district (C-4), subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

7. Bottle clubs. (All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of section 5.05.01.).

~~8. Communication towers above specified height, subject to section 5.05.09.~~

~~9~~8. Dealers not elsewhere classified (5599 outdoor display permitted, excluding Aircraft dealers-retail).

-Remainder of list to be renumbered accordingly-

~~25~~4. Veterinary services (0741 and 0742, with outside kenneling).

* * * * *

E. Heavy Commercial District (C-5). In addition to the uses provided in the C-4 zoning district, the heavy commercial district (C-5) allows a range of more intensive commercial uses and services which are generally those uses that tend to utilize outdoor space in the conduct

of the business. The C-5 district permits heavy commercial services such as full-service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services, and similar uses that typically have a need to store construction associated equipment and supplies within an enclosed structure or have showrooms displaying the building material for which they specialize. Outdoor storage yards are permitted with the requirement that such yards are completely enclosed or opaquely screened. The C-5 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP.

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

a. *Permitted uses.*

* * * * *

32. Cable and other pay television services (4841) ~~including communications towers up to specified height, subject to section 5.05.09.~~

* * * * *

166. Telegraph and other message communications (4822) ~~including communications towers up to specified height, subject to LDC section 5.05.09.~~

167. Telephone communications (4812 and 4813) ~~including communications towers up to specified height, subject to LDC section 5.05.09.~~

* * * * *

180. Welding repair (7692).

181. [Wireless communication facilities, subject to LDC section 5.05.09.](#)

- ~~184~~2. Any use which was permissible under the prior General Retail Commercial (GRC) zoning district, as identified by Zoning Ordinance adopted October 8, 1974, and which was lawfully existing prior to the adoption of this Code.

- ~~182~~3. Any other commercial use or professional services which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business and are purely associated with activities conducted in an office.

1
2 1834. Any other heavy commercial use which is comparable in nature with
3 the list of permitted uses and consistent with the purpose and intent
4 statement of the district, as determined by the Hearing Examiner or
5 CCPC, pursuant to LDC section 10.02.06 K.
6

7 * * * * *

8
9 c. *Conditional uses.* The following uses are permissible as conditional uses
10 in the heavy commercial district (C-5), subject to the standards and
11 procedures established in LDC section 10.08.00.
12

13 * * * * *

14
15 5. Communications (4812—4841) with wireless communications
16 ~~towers~~ facilities that exceed specified height, subject to LDC section
17 5.05.09.
18

19 * * * * *

20
21 F. Travel Trailer-Recreational Vehicle Campground District (TTRVC).
22

23 * * * * *

24
25 2. The following uses are permissible by right, or as accessory or conditional
26 uses within the travel trailer-recreational vehicle campground district (TTRVC).
27

28 a. Permitted uses.

29
30 1. Travel trailers, park model travel trailers, pickup coaches, motor
31 homes and other recreational vehicles.
32

33 2. Wireless communication facilities, subject to LDC section 5.05.09.
34

35 * * * * *

36 # # # # #

37 38 2.03.04 Industrial Zoning Districts 39

40 A. Industrial District (I). The purpose and intent of the industrial district (I) is to provide lands
41 for manufacturing, processing, storage and warehousing, wholesaling, and distribution.
42 Service and commercial activities that are related to manufacturing, processing, storage
43 and warehousing, wholesaling, and distribution activities, as well as commercial uses
44 relating to automotive repair and heavy equipment sales and repair are also permissible
45 in the I district. The I district corresponds to and implements the industrial land use
46 designation on the future land use map of the Collier County GMP.
47

48 1. The following uses, as identified within the Standard Industrial Classification
49 Manual (1987), or as otherwise provided for within this section, are permitted as a
50 right, or as accessory or conditional uses within the industrial district (I).
51

1		a.	Permitted uses.										
2													
3	*	*	*	*	*	*	*	*	*	*	*	*	*
4													
5			9.	Communications (4812—4899 including communications towers									
6				up to specified heights, subject to section 5.05.09.)									
7													
8	*	*	*	*	*	*	*	*	*	*	*	*	*
9													
10			56.	Wholesale trade—nondurable goods (5111-5159, 5181, 5182,									
11				5191 except that wholesale distribution of chemicals, fertilizers,									
12				insecticides, and pesticides must be a minimum of 500 feet from a									
13				residential zoning district (5192—5199).									
14													
15			57.	<u>Wireless communication facilities, subject to LDC section 5.05.09.</u>									
16													
17			57 8.	Existing retail uses that were in operation on January 1, 2009, in									
18				the Industrial zoning district and which have been continuously and									
19				conspicuously operating in the Industrial zoning district as of June									
20				8, 2010, without limitation as to square footage of the retail use.									
21				These existing retail businesses shall be treated as legal non-									
22				conforming uses in accordance with the LDC, provided however									
23				that in the event of destruction or damage due to natural disaster,									
24				the structures housing such uses may be rebuilt to their pre-disaster									
25				condition.									
26													
27	*	*	*	*	*	*	*	*	*	*	*	*	*
28													
29			c.	Conditional uses. The following uses are permitted as conditional uses in									
30				the industrial district (I), subject to the standards and procedures									
31				established in LDC section 10.08.00.									
32													
33	*	*	*	*	*	*	*	*	*	*	*	*	*
34													
35			4.	Communications (groups 4812—4899 including <u>wireless</u>									
36				communications towers <u>facilities</u> that exceed specified heights									
37				subject to all requirements of <u>LDC</u> section 5.05.09.).									
38													
39	*	*	*	*	*	*	*	*	*	*	*	*	*
40													
41	B.			Business Park District (BP). The purpose and intent of the business park district (BP) is to									
42				provide a mix of industrial uses, corporate headquarters offices and business/professional									
43				offices which complement each other and provide convenience services for the employees									
44				within the district; and to attract businesses that create high value added jobs. It is intended									
45				that the BP district be designed in an attractive park-like environment, with low structural									
46				density and large landscaped areas for both the functional use of buffering and enjoyment									
47				by the employees of the BP district. The BP district is permitted by the urban mixed use,									
48				urban commercial, and urban-industrial districts of the future land use element of the									
49				Collier County GMP.									
50													

1. The following uses, as identified within the latest edition of the Standard Industrial Classification Manual, or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted primary or secondary uses, or are conditional uses within the business park district.

a. *Permitted primary uses.* One hundred percent of the total business park district acreage is allowed to be developed with the following uses:

* * * * *

4. Communications (4812—4899 including wireless communications ~~towers~~ facilities, ~~limited in height to 100 feet and~~ subject to LDC section 5.05.09.).

* * * * *
#

2.03.05 - Civic and Institutional Zoning Districts

A. *Public Use District (P).* The purpose and intent of public use district (P) is to accommodate only local, state and federally owned or leased and operated government facilities that provide essential public services. The P district is intended to facilitate the coordination of urban services and land uses while minimizing the potential disruption of the uses of nearby properties.

* * * * *

4. The following uses are permitted as of right, or as accessory or conditional uses, in the public use district (P).

a. *Permitted uses.*

* * * * *

~~4. Communication towers.~~

~~54.~~ Education facilities.

~~65.~~ Educational plants.

~~76.~~ Essential public service facilities.

~~87.~~ Fairgrounds.

~~98.~~ Libraries.

~~109.~~ Museums.

~~1110.~~ Park and recreational service facilities.

~~1211.~~ Parking facilities.

~~43~~12. Safety service facilities.

~~44~~13. [Wireless communication facilities, subject to LDC section 5.05.09.](#)

14. Any other public structures and uses which are comparable in nature with the list of permitted uses, and consistent with the purpose and intent statement of the district, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

* * * * *

B. Community Facility District (CF). The purpose and intent of (CF) district is to implement the GMP by permitting nonresidential land uses as generally identified in the urban designation of the future land use element. These uses can be characterized as public facilities, institutional uses, open space uses, recreational uses, water-related or dependent uses, and other such uses generally serving the community at large. The dimensional standards are intended to insure compatibility with existing or future nearby residential development. The CF district is limited to properties within the urban mixed use land use designation as identified on the future land use map.

1. The following uses are permitted as of right, or as accessory or conditional uses, in the community facility district (CF).

a. Permitted uses.

* * * * *

9. Educational services (groups 8211—8231).

10. [Wireless communication facilities, subject to LDC section 5.05.09.](#)

* * * * *
#

2.03.06 Planned Unit Development Districts

* * * * *

D. The following are permissible uses in the Research and Technology Park PUD:

Identified Use	Special Notes Or Regulation	RTPPUD
Accessory uses and structures	4.07.02 and 5.03.00	P

* * * * *

Communication groups 4812—4841		T
--------------------------------	--	---

Communication towers and other Wireless Communication Facilities: 75 feet or less in height More than 75 feet in height	5.05.09	P CU
Computer and data processing services, Computer related services, not elsewhere classified		T

2.03.07 Overlay Zoning Districts

F. Golden Gate Parkway Overlay District (GGPOD).

* * * * *

6. Prohibited uses. These uses are prohibited, except that uses existing as of March 16, 2021 may continue to operate as a permitted use until the use ceases for a period of one year. This section does not apply to the uses allowed in the underlying zoning district.

- a. Prohibited uses in the GGPOD-AC and GGPOD-DT.

- xi. ~~Communication towers~~ [Wireless communication facilities, subject to LDC section 5.05.09.](#)

* * * * *

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

* * * * *

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

- a. Permitted uses. For all properties within the Main Street Overlay Subdistrict, except for properties hatched as indicated on Map 7, the Main Street Overlay Subdistrict, all permitted uses within the uses within the underlying zoning districts contained within this Subdistrict, and the following uses may be permitted as of right in this Subdistrict:

1. Hotel and motels (7011)
2. ~~Communication towers~~ Wireless communication facilities, as defined in LDC section 5.05.09, subject to the following:
 - i. Such tower is an essential service use as defined by subsection 2.01.03 A.4; and
 - ii. Such tower may not exceed a height of 75 feet above grade including any antennas attached thereto.
- b. Permitted uses. For hatched properties within the Main Street Overlay Subdistrict, all permitted uses within the underlying zoning districts contained within this Subdistrict, and the following uses are permitted as of right in this Subdistrict:
 1. All uses allowed in the Commercial Professional District (C-1), of this Code, except for group 7521.
 2. ~~Communication towers~~ Wireless communication facilities, as defined in LDC section 5.05.09 subject to the following:
 - i. Such tower is an essential service use as defined by subsection 2.01.03 A.4; and
 - ii. Such tower may not exceed a height of 75 feet above grade including any antennas attached thereto.
- c. Prohibited uses. All uses prohibited within the underlying residential and commercial zoning districts contained within this Subdistrict, and the following uses, shall be prohibited on properties with frontage on Main Street in between First Street and Ninth Street in the Main Street Overlay Subdistrict:

*	*	*	*	*	*	*	*	*	*	*	*	*
---	---	---	---	---	---	---	---	---	---	---	---	---
10. ~~Communication towers~~ Wireless communication facilities, as defined in LDC section 5.05.09 of this Code, except as otherwise permitted in this Subdistrict.

*	*	*	*	*	*	*	*	*	*	*	*	*
---	---	---	---	---	---	---	---	---	---	---	---	---
- d. Accessory uses.

*	*	*	*	*	*	*	*	*	*	*	*	*
---	---	---	---	---	---	---	---	---	---	---	---	---
2. ~~Communication towers~~ Wireless communication facilities, as defined in LDC section 5.05.09 subject to the following:
 - i. Such tower is an essential service use as defined by subsection 2.01.03 A.4.; and

ii. Such tower may not exceed a height of 75 feet above grade including any antennas attached thereto.

e. Conditional uses.

1. Conditional uses of the underlying zoning districts contained within the subdistrict, subject to the standards and procedures established in LDC section 10.08.00 and as set forth below:

i. Local and suburban passenger transportation (4131, 4173) located upon commercially zoned properties within the Main Street Overlay Subdistrict.

ii. ~~Communication towers~~ Wireless communication facilities, as defined in LDC section 5.05.09 of this Code for essential service uses as defined by subsection 2.01.03 A.4 that exceed a height of 75 feet above grade including any antennas attached thereto.

iii. The following conditional uses may be permitted only on properties with frontage on North First Street, South First Street, and North Ninth Street within the Main Street Overlay Subdistrict:

* * * * *

i. ~~Communication towers~~ Wireless communication facilities, as defined in LDC section 5.05.09, except as otherwise permitted in this Subdistrict.

* * * * *

I. Bayshore Zoning Overlay District (BZO). This section provides special conditions for the properties adjacent to Bayshore Drive as identified by the designation "BZO" on the applicable official Collier County Zoning Atlas Map or map series.

* * * * *

4. Bayshore Zoning Overlay District (BZO) Subdistricts.

* * * * *

b. Use Categories and Table of Uses.

* * * * *

iii. Table of Uses. Table 1. Table of Uses for the BZO Subdistricts

USE TYPE	BZO SUBDISTRICTS	
----------	------------------	--

	RESIDENTIAL				MIXED USE		ADDITIONAL STANDARDS
	R1	R2	R3	R4	NC	W	

* * * * *

<i>h) INFRASTRUCTURE</i>								
1) Automobile Parking Facilities					CU			
2) Boat Launch						A		
3) Essential Services	P	P	P	P	P	P		
4) Marinas and Boatyards					P	P		4.02.16 C.7.
5) Transit Station								
6) Wireless Tele Communication Facilities								

* * * * *

N. Gateway Triangle Zoning Overlay District (GTZO). This section contains special conditions for the properties in and adjacent to the Gateway Triangle as identified by the designation "GTZO" on the applicable official Collier County Zoning Atlas Map or map series.

* * * * *

4. Gateway Triangle Zoning Overlay District (GTZO) Subdistricts.

* * * * *

b. Use Categories and Table of Uses.

* * * * *

iii. Table of Uses. Table 2. Table of Uses for the GTZO Subdistricts

USE TYPE	GTZO SUBDISTRICTS		ADDITIONAL STANDARDS
	RESIDENTIAL	MIXED USE	

* * * * *

<i>h) INFRASTRUCTURE</i>				
1) Automobile Parking Facilities		P		
2) Boat Launch				
3) Essential Services	P	P		
4) Marinas		P		
5) Transit Station		CU		
6) Wireless Tele Communication Facilities		CU		

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2 * * * * *
3 # # # # #
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5 **2.03.08 - Rural Fringe Zoning Districts**
6

7 A. Rural Fringe Mixed-Use District (RFMU District).
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9 * * * * *

10
11 2. RFMU receiving lands. RFMU receiving lands are those lands within the RFMU
12 district that have been identified as being most appropriate for development and
13 to which residential development units may be transferred from RFMU sending
14 lands. Based on the evaluation of available data, RFMU receiving lands have a
15 lesser degree of environmental or listed species habitat value than RFMU sending
16 lands and generally have been disturbed through development or previous or
17 existing agricultural operations. Various incentives are employed to
18 direct development into RFMU receiving lands and away from RFMU sending
19 lands, thereby maximizing native vegetation and habitat preservation and
20 restoration. Such incentives include, but are not limited to: the TDR
21 process; clustered development; density bonus incentives; and, provisions for
22 central sewer and water. Within RFMU receiving lands, the following standards
23 shall apply, except as noted in LDC subsection 2.03.08 A.1 above, or as more
24 specifically provided in an applicable PUD.
25

26 a. Outside rural villages.
27

28 * * * * *
29

30 (3) Allowable Uses.
31

32 * * * * *
33

34 (c) Conditional uses. The following uses are permissible
35 as conditional uses subject to the standards and
36 procedures established in LDC section 10.08.00.
37

38 * * * * *
39

40 ix. In RFMU receiving lands other than those within the
41 NBMO, earth mining and extraction.
42

43 x. Wireless communication facilities, subject to LDC
44 section 5.05.09.
45

46 * * * * *
47

48 b. Rural villages. Rural villages, including rural villages within the NBMO, may
49 be approved within the boundaries of RFMU receiving lands, subject to the
50 following:
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(1) Allowable Uses:

* * * * *

(b) CONDITIONAL USES 1 through 5, ~~and 7~~, and 10 identified in section 2.03.08A.2.a.(3)(c), when specifically identified in, and approved as part of a RURAL VILLAGE PUD.

* * * * *

3. Neutral lands. Neutral lands have been identified for limited semi-rural residential development. Available data indicates that neutral lands have a higher ratio of native vegetation, and thus higher habitat values, than lands designated as RFMU receiving lands, but these values do not approach those of RFMU sending lands. Therefore, these lands are appropriate for limited development, if such development is directed away from existing native vegetation and habitat. Within neutral lands, the following standards shall apply:

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

* * * * *

(3) Conditional uses. The following uses are permissible as conditional uses subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

(k) Earth mining and extraction and related processing.

(l) Wireless communication facilities, subject to LDC section 5.05.09.

* * * * *

4. RFMU sending lands. RFMU sending lands are those lands that have the highest degree of environmental value and sensitivity and generally include significant wetlands, uplands, and habitat for listed species. RFMU sending lands are the principal target for preservation and conservation. Density may be transferred from RFMU sending lands as provided in LDC section 2.03.07 D.4.c. All NRPAs within the RFMU district are also RFMU sending lands. With the exception of specific provisions applicable only to NBMO neutral lands, the following standards shall apply within all RFMU sending lands:

a. Allowable uses where TDR credits have not been severed.

* * * * *

(3) Conditional uses.

* * * * *

(d) Commercial uses accessory to permitted uses 1.a, 1.c. and 1.d above, such as retail sales of produce accessory to farming, or a restaurant accessory to a park or preserve, so long as restrictions or limitations are imposed to insure the commercial use functions as an accessory, subordinate use.

(e) [Wireless communication facilities, subject to LDC section 5.05.09.](#)

b. Allowable uses where TDR credits have been severed.

* * * * *

(2) Conditional uses:

* * * * *

(b) Oil and gas field development and production, subject to applicable state and federal field development permits and Collier County non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on Oct. 3, 2005 [*the effective date of this provision*], regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)(1) through (12), F.A.C.

(c) [Wireless communication facilities, subject to LDC section 5.05.09.](#)

(ed) Conditional use approval criteria: In addition to the criteria set forth in section 10.08.00 of this Code, the following additional criteria shall apply to the approval of conditional uses within RFMU sending lands:

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

2.03.09 - Open Space Zoning Districts

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

B. Conservation District "CON". The purpose and intent of the conservation district "CON" is to conserve, protect and maintain vital natural resource lands within unincorporated Collier County that are owned primarily by the public. All native habitats possess ecological and physical characteristics that justify attempts to maintain these important natural resources. Barrier islands, coastal bays, wetlands, and habitat for listed species deserve particular attention because of their ecological value and their sensitivity to perturbation. All proposals for development in the CON district must be subject to rigorous review to ensure that the impacts of the development do not destroy or unacceptably degrade the inherent functional values. The CON District includes such public lands as Everglades National Park, Big Cypress National Preserve, Florida Panther National Wildlife Refuge, portions of the Big Cypress Area of Critical State Concern, Fakahatchee Strand State Preserve, Collier-Seminole State Park, Rookery Bay National Estuarine Sanctuary Research Reserve, Delnor-Wiggins State Park, and the National Audubon's Corkscrew Swamp Sanctuary (privately owned), and C.R.E.W. It is the intent of the CON District to require review of all development proposed within the CON District to ensure that the inherent value of the County's natural resources is not destroyed or unacceptably altered. The CON District corresponds to and implements the conservation land use designation on the future land use map of the Collier County GMP.

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

c. Conditional uses. The following uses are permitted as conditional uses in the CON, subject to the standards and procedures established in LDC section 10.08.00 and further subject to: 1) submission of a plan for development as part of the required EIS that demonstrates that wetlands, listed species and their habitat are adequately protected; and 2) conditions which may be imposed by the Board of County Commissioners, as deemed appropriate, to limit the size, location, and access to the conditional use.

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

4. Staff housing in conjunction with safety service facilities and essential services.

[5. Wireless communication facilities, subject to LDC section 5.05.09.](#)

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

4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts

* * * * *

D. Exemptions and exclusions from design standards.

1. The height limitations contained in LDC subsection 4.02.01 A. Table 2. Building Dimension Standards for Principal Uses in Base Zoning Districts do not apply to infrastructure in support of the building, such as mechanical penthouses, elevator shafts, stair shafts, mechanical equipment, mechanical screening, spires, belfries, cupolas, flagpoles, antennas, ~~communications towers~~ wireless communication facilities, water tanks, fire towers when operated by a branch of government, ventilators, chimneys, feed storage structures, silos, windmills, airport control towers, or other appurtenances placed above the roof level and not intended for human occupancy or for commercial purposes as provided below:

* * * * *
#

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

* * * * *

H. Exceptions from public hearing requirements. The County Manager or designee may administratively approve a site alteration plan or site development plan for land designated ST or ACSC-ST without the public hearing otherwise required by this section if:

* * * * *

4. Site alteration or site development around existing ~~communication towers~~ wireless communication facilities to expand or construct accessory structures associated with an already existing ~~tower~~ facility, not to exceed five acres.

* * * * *
#

4.06.05 - General Landscaping Requirements

* * * * *

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

* * * * *

2. Wireless Communication facilities. See LDC section 5.05.09 for landscape requirements that are specific to wireless communication facilities. An 8-foot high, 100-percent architecturally finished opaque wall must screen the security fencing that surrounds a tower base. In addition, landscaping must be located on the

~~outside of such wall. The hedge requirement must also be planted around any ground level guy anchors. The entire perimeter of this wall shall be landscaped in at least one of the following ways so as to provide the equivalent of minimum code size trees located 25 feet on center and a 3-foot high hedge planted 3 feet on center.~~

~~a. If native vegetation is present within the parcel, a minimum 20 foot wide buffer strip must be preserved and used toward meeting the tree and hedge planting requirement.~~

~~b. If native vegetation is present, but not dense enough to meet the equivalent of the tree and hedge requirements, it must be supplemented with plantings to meet the tree and hedge requirements.~~

~~c. On sites where no native vegetation is present, a 15 foot wide landscape buffer with minimum code size trees located 25 feet on center and a 3 foot high hedge planted 3 feet on center must be planted.~~

~~At the discretion of the county landscape architect, some or all of these landscape buffering requirements may be displaced to a right-of-way landscape buffer located within the parcel when it better serves the public interest of screening the communication tower.~~

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

4.08.06 - SSA Designation

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

B. SSA Credit Generation - Stewardship Credit System. Stewardship Credits (Credits) are created from any lands within the RLSA District from which one or more Land Use Layers are removed and that are designated as SSAs. Once land is designated as an SSA and Credits or other compensation consistent with Policy 3.8 of the RLSA Overlay is granted to the owner, no increase in density or additional uses not expressly identified in the Stewardship Agreement shall be allowed on such property. A methodology has been adopted in the GMP for the calculation of credits based upon: 1) the Natural Resource Index Value of the land being designated as an SSA, and 2) the number of land use layers being eliminated.

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

4. Land Use Layers to be Eliminated. A set of Land Use Layers has been established as part of the Stewardship Credit Worksheet and adopted as the *Land Use Matrix* set forth below. Each Layer incorporates a number of the permitted or conditional uses allowed under the Baseline Standards. Each Layer listed below has an established credit value (percentage of a base credit) developed during the RLSA Study. At the time of designation application, a landowner wishing to have his/her land designated as an SSA determines how many of the Land Use Layers are to be removed from the designated lands. A Land Use Layer can only be

removed in its entirety (all associated activities/land use are removed), and Layers shall be removed sequentially and cumulatively in the order listed below.

* * * * *

b. Land Use Matrix

Residential Land Uses	General Conditional Uses	Earth Mining and Processing Uses	Recreational Uses	Agriculture Group 1	Agriculture - Support Uses	Agriculture Group 2	Conservation, Restoration and Natural Resources
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* * * * *

	Wireless Communications towers facilities (P)(CU)						Essential services (P and CU)
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* * * * *
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5.05.09 – ~~Communications Towers~~ Wireless Communication Facilities

A. Purpose and intent. The purpose and intent of this section is to regulate the siting, construction, and modification of wireless communication facilities in the unincorporated area of Collier County, to minimize adverse impacts to adjacent and nearby properties and to otherwise protect the public health, safety, and welfare, while accommodating the growing need for wireless communication services.

B. Applicability. These regulations are applicable to wireless communication facilities located within the County, excluding those of a governmental entity where such facilities are utilized to provide intra-governmental communications not generally available to the public, to protect the health, safety, and welfare of the public.

C. Exemptions. This LDC section shall regulate the location, construction, and modification of wireless communication facilities within the County for the following:

1. Noncommercial freestanding and structure-mounted "receive only" antennas that receive direct broadcast satellite service or video programming services via multi-point distribution services, which are one meter or less in diameter in residential zoning districts and three meters or less in diameter in nonresidential zoning

districts. These Antennas shall meet all other requirements of the zoning district as set forth in the LDC.

2. Amateur radio antennas and any tower to support the antenna that is owned and operated by a federally licensed amateur radio station operator used exclusively for noncommercial purposes.
3. Any tower or antenna that is owned, operated, or licensed by the Federal Aviation Administration (FAA) and used exclusively for aircraft navigation (NAVAIDS).
4. Any antenna and any tower to support the antenna, not greater than 35 feet in height, and used exclusively as an accessory use to Essential Services.
5. Wireless communication facilities within County Rights-of-Way as set forth in the Code of Laws and Ordinances, Chapter 110, Article V. Communications Facilities in the County Rights-of-Way.

D. Definitions specific to LDC section 5.05.09.

1. *Alternative Tower Structure* means manmade trees, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that accommodate, camouflage, minimize, or conceal the presence of wireless communication facility equipment. This does not include existing structures erected for another primary purpose, but which subsequently have antennas attached to or located within them, without any reconstruction of the original structure.
2. *Antenna* means a transmitting and/or receiving device mounted on a tower, building, or structure and used in wireless communication services that radiates or captures electromagnetic waves, digital signal, analog signals, and radio frequencies. Antennas include, but are not limited to, directional antennas such as panel and microwave dish antennas, omni-directional antennas such as whips, radar antennas, amateur radio antennas, and satellite earth stations.
3. *Rooftop or Building Mounted Facility* means antennas that are attached to an existing non-tower rooftop, structure, or building. The Facility includes all Support Facilities regardless of where they are located with respect to the antennas.
4. *Search Radius Area* means the limited area certified by the provider's Radio Frequency Engineer within which the proposed wireless communication facility needs to be located in order to resolve the provider's coverage and/or capacity issues in the surrounding area. There is not a standard numeric distance for a search radius, but instead the search radius for a particular site depends on many factors including, but not limited to, population to be served, geography, and topography.
5. *Support Facilities* means any on-site or off-site building, cabinet, or equipment enclosure that houses the electronics, backup power, power generators, and other freestanding equipment associated with the operation of a Wireless Communication Facility.

- 1 6. Temporary Wireless Communication Facility means any tower, pole, cell-on-
2 wheels (COW), and/or tower-on-wheels antenna designed for use while a
3 permanent wireless communication facility is under construction or reconstruction,
4 for a large scale special event or conference, or during a County declared
5 emergency.
- 6
- 7 7. Tower means a structure that is designed and constructed for the purpose of
8 supporting one or more antennas, including but not limited to lattice towers, guyed
9 towers, or monopole towers. Except for the abandonment and financial
10 responsibility provisions contained in this section, the term shall not include a pole-
11 attached antenna.
- 12
- 13 8. Tower, Guyed means a tower supported by one or more levels of braided or
14 stranded steel guy cables that anchor to the ground.
- 15
- 16 9. Tower, Lattice means a freestanding and segmentally designed with rectangular
17 or triangular base steel lattices.
- 18
- 19 10. Tower, Monopole means a single pole that can be a tubular section design or a
20 formed, tapered pole.
- 21
- 22 11. Wireless Communication Facility (WCF) means any equipment or facility used to
23 provide wireless communication services and may include, but is not limited to,
24 antennas, alternative tower structures, guyed towers, lattice towers, monopoles,
25 rooftop or building mounted facilities, and support facilities. Placing a wireless
26 communication facility on an existing structure does not cause the existing
27 structure to become a wireless communication facility.
- 28
- 29 12. Wireless Communication Facility Site or Site means the tracts of real property,
30 either owned or leased, on which the wireless communication facility, support
31 facility, and related improvements are located.
- 32
- 33 13. Wireless Communication Services means any personal wireless services as
34 defined in the Federal Telecommunications Act of 1996, including but not limited
35 to cellular, personal communications services (PCS), specialized mobile radio
36 (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services
37 that currently exist or that may in the future be developed.
- 38

39 E. Table of allowable wireless communication facilities by zoning district.

40

- 41 1. Table 1. identifies the type of wireless communication facility and where it is
42 allowed, either as permitted by right (P) or by Conditional Use (CU) approval.
43 Conditional Uses shall require approval in accordance with the procedures set
44 forth in LDC section 10.08.00. The term "NP" means the tower type is not
45 permitted.
- 46
- 47
- 48
- 49
- 50
- 51

Table 1. Allowable wireless communication facilities by zoning district.

<u>Zoning District</u>		<u>Monopole¹</u>	<u>Lattice or Guyed¹</u>	<u>Alternative Tower Structures¹</u>	<u>Rooftop or Building Mounted Antenna¹</u>
<u>Agricultural</u>	<u>A</u>	<u>P</u>			
	<u>E</u>	<u>CU²</u>			
<u>Residential</u>	<u>RSF-1</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>CU</u>
	<u>RSF-2</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>CU</u>
	<u>RSF-3</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>CU</u>
	<u>RSF-4</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>CU</u>
	<u>RSF-5</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>CU</u>
	<u>RSF-6</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>CU</u>
	<u>RMF-6</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>CU</u>
	<u>RMF-12</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>P</u>
	<u>RMF-16</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>P</u>
	<u>RT</u>	<u>CU</u>	<u>NP</u>	<u>CU</u>	<u>P</u>
	<u>VR</u>	<u>CU</u>	<u>NP</u>	<u>CU</u>	<u>P</u>
	<u>MH</u>	<u>CU</u>	<u>NP</u>	<u>CU</u>	<u>P</u>
<u>Commercial</u>	<u>C-1</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>C-2</u>				
	<u>C-3</u>				
	<u>C-4</u>				
	<u>C-5</u>				
	<u>TTRVC</u>	<u>NP</u>		<u>P</u>	
<u>Industrial</u>	<u>I</u>	<u>P</u>			
	<u>BP</u>				
<u>Civic and Institutional</u>	<u>P</u>	<u>P</u>			
	<u>CF</u>				
<u>Planned Unit Development</u>	<u>PUD</u>	<u>Pursuant to the applicable PUD Ordinance</u>			
<u>Rural Fringe</u>	<u>RFMU</u>	<u>CU</u>			
<u>Open Space</u>	<u>CON</u>	<u>CU</u>			

¹ Temporary Wireless Communication Towers may be located in all zoning districts on a temporary basis for the purposes stated in LDC section 5.05.09. D.6.

² See LDC section 5.05.09 H. for additional standards specific to the Estates (E) zoning district.

F. Design and development standards.

1. General standards applicable to all types of wireless communication facilities.

- a. Any new WCF or modification to an existing WCF that requires both a Site Development Plan and building permit review may be processed concurrently but at the applicant's risk.

1
2 b. Setbacks. Except as otherwise specified within this section, wireless
3 communication facilities must satisfy the minimum setback requirements of
4 the zoning district as set forth in the LDC, as well as the requirements of
5 this section.

6
7 c. Security.

8
9 i. All wireless communication facilities and support facilities shall be
10 secured to prevent public access.

11
12 ii. Security lighting to protect on-ground facilities/equipment shall be
13 fully shielded and directed away from neighboring properties.

14
15 d. Sidewalks, bike lane, and pathway requirements. All WCF shall comply
16 with LDC section 6.06.02, except for facilities meeting the following
17 requirements:

18
19 i. The facility is proposed to be located on a parcel that is currently
20 undeveloped; and

21
22 ii. The facility is proposed to be located on a leased area that is less
23 than 25 percent of the total parcel area.

24
25 Such facilities may defer the requirements until the remainder of the parcel
26 is developed through a Site Development Plan.

27
28 e. Signage.

29
30 i. Signage must be provided that includes contact information for the
31 facility.

32
33 ii. No commercial signs or advertising shall be allowed.

34
35 f. Emergency backup generators. An emergency backup generator is
36 required to be operated on each wireless communication facility site. The
37 Site Development Plan shall identify the location and connection for the
38 emergency backup generator.

39
40 g. Relief from dimensional standards. The purpose of this section is to
41 identify the appropriate process for applicants requesting relief from certain
42 dimensional requirements of the LDC for a proposed WCF.

43
44 i. Relief from setbacks.

45
46 a) Where the wireless communication facility is a permitted use
47 by right, reductions of the required setback distances may
48 be approved through a Variance.

49
50 b) Where the wireless communication facility requires a
51 Conditional Use, reductions of the required setback

distances may be approved as a deviating component through the same Conditional Use request.

ii. Relief from tower separation requirements. Reductions in the required separation distances may be approved as a deviating component through a Conditional Use request.

iii. Relief from height limitations. Any WCF that is proposed to exceed the height requirements of this LDC section may be approved as a deviating component through a Conditional Use request. Distance from RSF-1 through RSF-6, and RMF-6 zoning districts shall be additional criterion for Conditional Use approval.

iv. Relief from other related LDC requirements. Wireless communication facilities requesting relief from any other LDC requirement may be approved through a Variance.

h. Prohibition. No equipment or materials shall be stored or parked on the site of a wireless communications facility unless used in direct support for repairs of a facility.

2. Standards applicable to all tower facilities.

a. Co-location of antennas on towers.

i. A tower owner shall permit other wireless communications providers to co-locate facilities on a tower if space and structural capacity exists. However, co-location requirements shall not apply to towers or structures used as power transmission poles or structures owned or operated by Florida Power and Light or other power companies.

ii. Facilities shall be constructed to accommodate the minimum number of providers required per maximum facility height requirement, as outlined in Table 2.

b. Height limitations. New towers and alternative tower structures shall be subject to the height limitations outlined in Table 2.

Table 2. Tower height and co-location requirements.

<u>Zoning District of Proposed Tower</u>	<u>Minimum Number of Providers to Support</u>	<u>Maximum Facility Height (feet)^{1, 2}</u>
<u>Agricultural</u>	<u>One</u>	<u>100</u>
	<u>Two</u>	<u>130</u>
	<u>Three</u>	<u>185</u>
	<u>Four</u>	<u>250</u>
<u>All other Zoning Districts</u>	<u>One</u>	<u>100</u>
	<u>Two</u>	<u>130</u>
	<u>Three</u>	<u>185</u>

¹ Lightning rods may exceed the height limitation provided the rods are no greater than 10 feet in length.

² A Conditional Use permit is required for any wireless communications tower or alternative tower structure that does not comply with these requirements pursuant to LDC section 5.05.09 F.1.g.

c. Separation from off-site abutting uses. Towers shall be separated from abutting uses in conformance with the minimum distances specified in Table 3., measured from the outside of the tower base to the property line of the abutting use.

Table 3. Tower Separation Requirements from Off-Site Abutting Uses

<u>All Tower Types</u>	<u>Abutting Land Use Designation</u>	<u>Minimum Separation Distance from Abutting Uses</u>
	<u>Residential Land Uses¹ or Estates Zoned Lots</u>	<u>100% of tower height^{2, 3}</u>
	<u>All Other Land Uses</u>	<u>50% of tower height^{2,3}</u>
<u>Temporary Wireless Communication Facility</u>	<u>No restrictions</u>	<u>None</u>

¹ Excludes residential land uses on Agricultural-zoned lands.

² If an alternative tower structure is proposed, separation distances shall be reduced to 50% of tower height.

³ The Conditional Use process may be used for applications requesting reductions to the minimum required separation distances in Table 3 pursuant to LDC section 5.05.09 F.1.g.

d. Migratory birds and other wildlife considerations.

i. Wireless communication facility towers. Each new tower that will exceed a height of 75 feet (above ground), but will not exceed a height of 199 feet above natural grade, shall not be guyed.

ii. Bird diverter devices. Each guyed tower greater than 75 feet in height above natural grade, shall have installed and maintained bird diverter devices on each guy wire.

iii. Habitat loss. In addition to the requirements in Chapters 3 and 10, towers and support facilities shall be designed, sited, and constructed to minimize habitat loss within the WCF site. At such

1 sites, road access and fencing shall be designed and located to
2 minimize on-site and adjacent habitat fragmentation and/or
3 disturbances.

4
5 e. Design.

- 6
7 i. Towers, not including alternative tower structures, shall maintain a
8 galvanized gray finish or other approved compatible color, except
9 as required by federal rules or regulations.

10
11 f. Lighting.

- 12
13 i. No signals, lights, or illumination shall be permitted unless required
14 by the Federal Aviation Administration (FAA) or other applicable
15 authority. If lighting is required the by FAA, the alternatives chosen
16 shall be the least obtrusive to the surrounding community.
17
18 ii. Site lighting (not required by FAA) shall be elevated less than 20
19 feet above grade, fully shielded, and directed downward away from
20 neighboring properties.

21
22 g. Screening.

- 23
24 i. Wireless communication facilities and support facilities shall be
25 screened with landscaping and a wall, fence, or combination of
26 both. The wall or fence shall be 100 percent opaque with a
27 minimum height of 8 feet and maximum height of 10 feet. The wall
28 or fence shall be designed to ensure that no unauthorized persons
29 can access the facility. Barbed wire is not a permitted material.
30
31 ii. Equipment cabinets. The overall height of ground-mounted
32 equipment or equipment enclosure shall not exceed 12 feet.
33
34 iii. Landscaping. A minimum 10-foot wide Type A buffer along the
35 outside perimeter of the wall or fence shall be required. Tree
36 plantings within the buffer shall be 12 feet in height at time of
37 planting.
38
39 a) Existing, native vegetation on the subject site can be used
40 to meet these screening requirements. If native
41 vegetation is present but not dense enough to meet the
42 requirements, supplemental landscaping must be used to
43 meet the screening requirements.
44
45 b) At the discretion of the County Manager or designee, some
46 or all of these landscape buffering requirements may be
47 displaced to a road right-of-way landscape buffer located
48 within the parcel when it better screens the tower.

49
50 h. Access and parking. Each wireless communication facility site shall have
51 access from a paved or unpaved driveway or access easement. The

1 driveway shall extend to an appropriate location on the premises to
2 accommodate a vehicle to be parked at the facility for normal maintenance.
3 One parking space shall be provided for each facility, and new towers
4 exceeding 185 feet in height shall require a minimum of two parking
5 spaces.

6
7 3. Standards applicable to all rooftop or building mounted facilities.
8

9 a. Rooftop equipment shall not occupy more than 25 percent of the roof area
10 and shall comply with the exterior building and site design standards.
11

12 b. Height limitations.
13

14 i. Facilities located on a rooftop, structure, or building with a maximum
15 roofline of 20 feet or greater (measured from the average natural
16 grade) shall be permitted to have a maximum height of 20 feet
17 above the maximum roofline.
18

19 ii. Facilities located on a building or structure with a maximum roofline
20 less than 20 feet (measured from the average natural grade) shall
21 be permitted to have a maximum height equal to the height of the
22 maximum roofline.
23

24 iii. Any facility that is proposed to exceed the height requirements, as
25 provided herein, may be approved as a deviating component
26 through a Conditional Use request pursuant to LDC section 5.05.09
27 F.1.g. Distance from RSF-1 through RSF-6, and RMF-6 zoning
28 districts shall be additional criterion for Conditional Use approval.
29

30 c. Facilities shall be set back from the closest outer edge of the roof a distance
31 of not less than 10 percent of the rooftop length and width, but not less than
32 five feet.
33

34 d. Antenna structures and dish type antennas shall use camouflage
35 techniques that incorporate architectural treatment to conceal or screen
36 their presence from public view through design to unobtrusively blend in
37 aesthetically with the surrounding environment.
38

39 e. Except for antennas that cannot be seen from street level, such as panel
40 antennas on parapet walls, antennas shall not extend out beyond the
41 vertical plane of any exterior wall.
42

43 f. The design elements of the building (i.e., parapet wall, screen enclosures,
44 other mechanical equipment) shall be used to screen the wireless
45 communication facility and support facility.
46

47 g. Co-location is not required for rooftop or building mounted facilities.
48

49 G. Publicly owned property. The applicant of a WCF may proceed at their own risk with the
50 submittal of an application for a WCF located on County-owned lands without having a

1 fully executed agreement or lease in place with the County; however, no development
2 order shall be issued by the County until such agreement or lease has been fully executed.
3 All terms and provisions of the agreement or lease shall be in a form that is acceptable to
4 the County Attorney, including a release from the County of all liability regarding the WCF.

5
6 1. Height limitations for wireless communication facilities on property owned, leased,
7 or otherwise controlled by public entities, including but not limited to federal, state,
8 and/or County entities shall be as follows:

9
10 a. Facilities that are 185 feet or less in height are a permitted use by right in
11 all zoning districts.

12
13 b. Facilities that are greater than 185 feet in height shall require a Conditional
14 Use.

15
16 c. Facilities utilizing this exemption must meet all separation requirements of
17 LDC section 5.05.09 F.2.d. and Airport Overlay regulations in the LDC.
18

19 H. Wireless communication facilities in the Estates (E) Zoning District.

20
21 Wireless communication facilities are allowed on parcels designated in the Urban or Rural
22 Golden Gate Estates Sub-element in the Golden Gate Area Master Plan and are subject
23 to the following:

24
25 1. The parcel shall be a minimum 2.25 acres and adjacent to an arterial or collector
26 road.

27
28 2. The wireless communication services provider has provided evidence that the
29 service provider's search radius for the tower location requires placement of the
30 tower in the Estates Zoning District to meet its coverage requirements and that the
31 WCF cannot be co-located on an existing tower and provide the same quality
32 service coverage.

33
34 I. Application requirements in addition to the requirements of LDC section 10.02.00.

35
36 1. Supplemental tower application requirements.

37
38 a. Evidence from a Radio Frequency Engineer that the proposed facilities
39 cannot be installed on another structure in Collier County and shall be
40 located at the proposed site to meet coverage requirements with a
41 composite propagation study illustrating, graphically, existing, and
42 proposed coverage in industry-accepted median received signal ranges.

43
44 b. If co-location is not available, the applicant shall submit an affidavit stating
45 that the applicant made diligent efforts for permission to install or co-locate
46 the facilities on all existing support structures located within the search
47 radius for the proposed facility. The applicant shall establish in the
48 application that: they are unable to provide service at existing sites nearby;
49 no other existing structure is available (including utility poles); and that no
50 reasonable alternative technology can accommodate the facility due to one
51 or more of the following factors:

- i. Insufficient height to allow the facility to function reasonably in parity with similar facilities;
- ii. Insufficient structural strength to support the facility;
- iii. Insufficient space to allow the facility to function effectively and reasonably in parity with similar equipment;
- iv. Resulting electromagnetic interference which cannot reasonably be corrected;
- v. Unavailability of a reasonable leasing agreement; and/or
- vi. Other limiting factors.

2. Supplemental rooftop or building mounted application requirements.

- a. These facilities shall require a Site Development Plan approval, pursuant to LDC subsection 10.02.03 E or F.

J. Modifications and replacements.

1. Owners of existing facilities shall comply with the procedures herein to replace or re-locate a facility, co-locate an antenna on a facility, or expand a wireless communication facility.
2. Any increase in height requires a building permit and may only be permitted if within the allowable height unless approved by Conditional Use pursuant to LDC section 5.05.09 F.1.g.

K. Routine maintenance. Routine maintenance, which includes readjusting antenna heights or locations and adding new antennas, shall be permitted on existing and new WCF. New construction other than routine maintenance on an existing facility shall comply with the requirements of this LDC section.

L. Inspections.

1. Collier County may, upon a 30-day notice to the wireless communication facility owner, request to inspect any wireless communication facility to ensure its structural integrity. The owner or owner's representative shall be present at all times during the inspection. If the County determines that the facility fails to comply with any applicable codes or standards and that such failure constitutes a danger to persons or property, the owner shall receive written notice that they have 60 days to bring the facility into compliance with the applicable codes and standards. Owner shall provide proof of compliance with written affidavit. Failure to bring the facility into compliance within 60 days shall constitute cause for the removal of the structure or facility at the owner's expense.
2. All guyed towers exceeding 185 feet in height shall be inspected every three years. Self-supporting towers shall be inspected every five years. Each inspection shall

1 be conducted by a qualified professional engineer or other qualified professional
2 inspector, and any inspector-recommended repairs and/or maintenance should be
3 completed without unnecessary delay. At a minimum, each inspection shall include
4 the following:

- 5
- 6 a. Tower structure: Including bolts, loose, or damaged members, and signs
7 of unusual stress or vibration.
- 8
- 9 b. Guy wires and fittings: Check for age, strength, rust, wear, general
10 condition, and any other signs of possible failure.
- 11
- 12 c. Guy anchors and foundations: Assess for cracks in concrete, signs of
13 corrosion, erosion, movement, secure hardware, and general site
14 condition.
- 15
- 16 d. Condition of antennas, transmission lines, lighting, painting, insulators,
17 fencing, grounding, and elevator, if any.
- 18
- 19 e. For guyed towers: Tower vertical alignment and guy wire tension (both
20 required tension and present tension).
- 21

22 M. Abandonment.

- 23
- 24 1. Collier County may require removal of any abandoned or unused wireless
25 communications facility by the owner within 60 calendar days of confirming
26 abandonment. A WCF shall be considered abandoned if use has been
27 discontinued for 180 consecutive calendar days as determined by Collier County.
- 28
- 29 2. Where a WCF is abandoned but not removed within the specified timeframe, the
30 County may remove it and place a lien on the property following procedures for
31 demolition of an unsafe structure.
- 32
- 33 3. Where a WCF is utilized for other purposes, including but not limited to, lighting
34 standards and power poles it shall not be considered abandoned if still being
35 maintained in good condition.
- 36
- 37 4. Where a WCF is removed by an owner, the owner shall restore the area to as good
38 of a condition as prior to the placement of the facility, unless otherwise instructed
39 by Collier County.
- 40

41 ~~A. Purpose and intent. This section applies to specified communication towers that support~~
42 ~~any antenna designed to receive or transmit electromagnetic energy, such as, but not~~
43 ~~limited to, telephone, television, radio, or microwave transmissions. This section sets~~
44 ~~standards for construction and facilities siting; and is intended to minimize, where~~
45 ~~applicable, adverse visual impacts of towers and antennas through careful design, siting,~~
46 ~~and vegetation screening; to avoid potential damage to adjacent properties from tower~~
47 ~~failure; to maximize the use of specified new communication towers and, thereby, to~~
48 ~~minimize the need to construct new towers; to maximize the shared use of specified tower~~
49 ~~sites to minimize the need for additional tower sites; to lessen impacts new ground~~
50 ~~mounted towers could have on migratory and other species of birds; to prevent~~
51 ~~unnecessary habitat fragmentation and/or disturbance in siting and designing new towers;~~

1 and to consider the concerns of the Collier Mosquito Control District as to low flying
2 mosquito control aircraft safety.

3
4 ~~B. Definitions unique to communications towers, section 5.05.09.~~

5
6 1. ~~As used herein "antenna" does not include (a) wire antennas or (b) "receive only"~~
7 ~~dishes that have an outside diameter of less than 40 inches.~~

8
9 2. ~~Effective radius means a radius of 6 miles from the respective tower unless a lesser~~
10 ~~radius is approved.~~

11
12 3. ~~Lesser effective radius means an approved radius of less than 6 miles.~~

13
14 4. ~~"Unavailable to the applicant" means a tower that cannot accommodate the~~
15 ~~applicant's proposed antenna or a site that cannot accommodate the applicant's~~
16 ~~tower, antenna, and related facilities.~~

17
18 5. ~~"Unavailable" means that no additional tower or site capacity is available to~~
19 ~~anyone.~~

20
21 ~~C. Migratory Birds and other Wildlife Considerations.~~

22
23 1. ~~Ground Mounted towers. Except to the extent not feasible for the respective new~~
24 ~~ground mounted tower's intended purpose(s), each new ground mounted tower~~
25 ~~that will exceed a height of 75 feet (above ground), exclusive of antennas, but will~~
26 ~~not exceed a height of 199 feet above natural grade, exclusive of antennas, should~~
27 ~~not be guyed. If the applicant proposes that a new ground mounted tower within~~
28 ~~this height range be guyed, the applicant shall have the burden of proving the~~
29 ~~necessity of guying the tower.~~

30
31 2. ~~Bird Diverter Devices. Each new ground mounted guyed tower installed on or after~~
32 ~~February 20, 2004, greater than 75 feet in height above natural grade, exclusive~~
33 ~~of antennas, shall have installed and maintained bird diverter devices on each guy~~
34 ~~wire (to reduce injuries to flying birds).~~

35
36 3. ~~Habitat Loss. In addition to the requirements in Chapters 3 and 10, towers and~~
37 ~~other on-site facilities shall be designed, sited, and constructed to minimize habitat~~
38 ~~loss within the tower footprint. At such sites, road access and fencing, to the extent~~
39 ~~feasible, shall be utilized to minimize on-site and adjacent habitat fragmentation~~
40 ~~and/or disturbances.~~

41
42 4. ~~Security Lighting. When feasible, security lighting to protect on-ground~~
43 ~~facilities/equipment shall be down-shielded to try to keep such light within the~~
44 ~~outermost geographic boundaries of the tower's footprint.~~

45
46 ~~D. Shared use of towers. A tower with a height in excess of 185 feet above natural grade~~
47 ~~shall not be approved, unless the applicant demonstrates that no old or approved tower~~
48 ~~within the effective radius can accommodate the applicant's proposed antenna and~~
49 ~~ancillary equipment. Towers owned by or leased to any government are exempt from~~
50 ~~these shared use provisions, except as to sharing with other governments.~~

1 ~~1. For the purpose of discovering availability for use of towers within the effective~~
2 ~~radius, the applicant shall contact the owner of all old and approved towers, within~~
3 ~~the effective radius, that can possibly accommodate the needs of the applicant.~~
4 ~~The county manager or designee may preapprove the minimum allowable height~~
5 ~~to determine which towers may be available for use by the applicant. A list of all~~
6 ~~owners contacted, the date of each contact, the form and content of each contact,~~
7 ~~and all responses shall be a part of the conditional use application. As an~~
8 ~~accommodation to applicants, the county manager or designee shall retain all~~
9 ~~shared use plans, records of past responses, and a list of old and approved towers.~~
10 ~~If the owner of an old tower does not respond to the applicant's inquiry within a~~
11 ~~reasonable time, generally 30 days or less, or the owner of an old tower will not~~
12 ~~rent space to the applicant at a reasonable rental for a reasonable time period,~~
13 ~~such old tower shall be deemed unavailable to that applicant. If the old tower is a~~
14 ~~nonconforming structure, additional antennas may be installed thereon in~~
15 ~~accordance with an approved shared use plan, provided however, no structural~~
16 ~~alterations may be made to the tower, and the height of the tower inclusive of its~~
17 ~~antennas may not be increased.~~

18
19 ~~2. Lesser effective radius. If the applicant asserts that the effective radius for the~~
20 ~~intended use is less than 6 miles, the applicant shall provide evidence that the~~
21 ~~asserted lesser effective radius is based on physical and/or electrical~~
22 ~~characteristics. Based on the evidence submitted by the applicant, the County~~
23 ~~Manager or designee may establish a lesser effective radius. If a radius can be~~
24 ~~increased by signal amplification or other means, such means must be considered~~
25 ~~in determining the lesser effective radius. The antenna manufacturer's~~
26 ~~specifications shall be conclusive, unless the applicant can prove they are incorrect~~
27 ~~in the specific case.~~

28
29 ~~3. If an approved tower within the applicant's approved effective radius may have~~
30 ~~capacity available for the antenna proposed by the applicant, the application for a~~
31 ~~new tower shall not be complete without the following information regarding each~~
32 ~~such possibly available approved tower. Such information shall also be provided~~
33 ~~for old towers to the extent it can be obtained.~~

34
35 ~~Identification of the site of each possibly available tower by coordinates, street~~
36 ~~address or legal description, existing uses, and tower height.~~

37
38 ~~Whether shared use by the applicant of the tower is prohibited (or is not feasible)~~
39 ~~for any reason.~~

40
41 ~~If it has been determined that the tower owner will allow structural changes,~~
42 ~~whether the tower can accommodate the proposed antenna if reasonable~~
43 ~~structural changes are made. If so, the applicant shall specify what structural~~
44 ~~changes would be required and an approximation of the costs of such changes. If~~
45 ~~the costs of the required changes are financially impracticable, such tower shall be~~
46 ~~deemed unavailable to the applicant.~~

47 ~~4. The applicant shall contact the owner of each possibly available approved tower~~
48 ~~to request the needed information. To enable the tower owner to respond, the~~
49 ~~applicant shall provide the following information regarding the applicant's proposed~~
50 ~~antenna and equipment:~~
51

- a. ~~All output frequencies of transmitter.~~
- b. ~~Type of modulation, polarization of radiation, and proposed use of antenna.~~
- c. ~~Manufacturer, type, manufacturer's model number, a diagram of the antenna's radiation pattern, and the manufacturer's specifications.~~
- d. ~~Power input to antenna and gain of antenna in decibels with respect to an isotropic radiator.~~
- e. ~~Range in feet of maximum and minimum height of antenna above base of tower.~~
- f. ~~A list of necessary ancillary equipment and description of the type of transmission cable to be used.~~
- g. ~~Any other pertinent information needed to enable the owner to respond in full to the inquiry.~~

~~E. Shared use of tower sites. A tower with a height in excess of 185 feet above natural grade shall not be approved on a new tower site unless the applicant demonstrates that the proposed tower, antennas, and accessory structures or uses cannot be located on any conforming old site or approved site situated within the effective radius. Sites owned by any government or leased to any government are exempt from these shared use provisions except to other governments.~~

~~1. Except as to each old site or approved site determined by the County Manager or designee, or in a shared use plan to be unavailable to the applicant, the applicant shall contact the owner of all other conforming old sites and approved tower sites, within the effective radius, containing sufficient land area to possibly accommodate the needs of the applicant.~~

~~2. For each such possibly available tower site, the application for a new tower site shall not be complete without the following information:~~

- a. ~~Identification of the proposed new tower site by coordinates, street address or legal description, area, existing uses, topography, and significant natural features.~~
- b. ~~Evidence that no old and no approved tower site within the effective radius can accommodate the applicant's needs.~~
- c. ~~If the owner of an old tower site does not respond to the applicant's simple letter of interest inquiry within thirty (30) days, or the owner of an old tower site will not rent land to accommodate the applicant's needs for a reasonable period of time at reasonable rentals, such old tower site shall be deemed unavailable to the applicant.~~
- d. ~~The applicant is not required to supply this information to owners of conforming old sites unless the old site appears to be available to the applicant by a shared use plan or the site's owner has responded positively~~

1 to the applicant's initial letter of inquiry. To enable the site owner to
2 respond, the applicant shall provide the site owner (and the owner of any
3 tower on the site) with the dimensional characteristics and other relevant
4 data about the tower, and a report from a professional engineer licensed in
5 the State of Florida, or other qualified expert, documenting the following:

6
7 e. ~~tower height and design, including technical, engineering, and other~~
8 ~~pertinent factors governing the intended uses and selection of the proposed~~
9 ~~design. An elevation and a cross section of the towers structure shall be~~
10 ~~included.~~

11
12 f. ~~Total anticipated capacity of the tower, including number and types of~~
13 ~~antennas and needed transmission lines, accessory use needs including~~
14 ~~specification of all required ancillary equipment, and required building and~~
15 ~~parking space to accommodate same.~~

16
17 g. ~~Evidence of structural integrity of the proposed tower as required by the~~
18 ~~building official and, for metal towers, a statement promising full~~
19 ~~compliance with the then latest edition of the standards published by the~~
20 ~~Electronic Industries Association (currently EIA/TIA 222-E), or its~~
21 ~~successor functional equivalent, as may be amended for local application.~~

22
23 3. ~~If the site owner, or owner of a tower on the respective site, asserts that the site~~
24 ~~cannot accommodate the applicant's needs, the respective owner shall specify in~~
25 ~~meaningful detail reasons why the site cannot accommodate the applicant. To the~~
26 ~~extent information is current and correct in the respective tower site's approved~~
27 ~~shared use plan, the site owner or tower owner can refer the applicant to the~~
28 ~~respective shared use plan. If the shared use plan is not then up-to-date, the plan~~
29 ~~shall be brought up-to-date immediately by the owner and the written reply to the~~
30 ~~applicant shall specify to what extent the shared use plan is incorrect, incomplete,~~
31 ~~or otherwise not up-to-date.~~

32
33 4. ~~No provision in a shared use plan, land lease, mortgage, option to purchase, lease-~~
34 ~~option, contract for deed, or other controlling document shall provide, or have the~~
35 ~~effect, that the site is exclusive to one (1) tower, unless there is good reason for~~
36 ~~such restriction, other than the prevention of competition or a desire or inclination~~
37 ~~not to cooperate in good faith. If the site size is physically and electrically~~
38 ~~compatible with the installation on-site of any other tower, no such document shall~~
39 ~~prevent other towers, except for reasons approved by the County Manager or~~
40 ~~designee. An unapproved document provision of tower exclusivity shall be grounds~~
41 ~~to disapprove an application for tower site approval.~~

42
43 F. ~~Required sharing. Each new tower in excess of 185 feet in height (shared use tower),~~
44 ~~except towers that are approved to be perpetually unavailable, shall be designed to~~
45 ~~structurally accommodate the maximum amount of additional antenna capacity~~
46 ~~reasonably practicable. Although it is not required that a new tower be constructed at~~
47 ~~additional expense to accommodate antennas owned by others, no new tower shall be~~
48 ~~designed to accommodate only the tower owner's proposed antennas when, without~~
49 ~~additional expense, antenna space for other owners can be made available on the tower.~~
50

- ~~1. Shared use plans. Each shared use plan shall be in a standard format that has been approved by the County Manager or designee. Each shared use plan shall specify in detail to what extent there exists tower and/or site capacity to accommodate additional antennas and/or additional towers, ancillary equipment, and accessory uses. Available antenna capacity on a tower shall be stated in detailed clearly understandable terms, and may be stated in equivalent flat plate area and total additional available transmission line capacity. The tower owner (as to tower shared use plans) and the landowner (as to site shared use plans) shall update its respective approved shared use plans by promptly filing pertinent update information with the County Manager or designee. Owners of old towers and/or old sites may file shared use plans in accord with this section.~~
- ~~2. Reservation of capacity. If an applicant for a shared use tower does not plan to install all of its proposed antennas during initial construction of the tower, the applicant must specify the planned schedule of installing such later added antennas as part of the shared use plan. An applicant cannot indefinitely prevent the use of unused available antenna space on a tower by reserving to itself such space. No available space can be reserved for the owner or anyone else, unless approved in the shared use plan. If an antenna is not installed by the scheduled deadline, the reserved space shall automatically be rendered available for use by others, unless the shared use plan has, by the deadline, been amended with the approval of the County Manager or designee. Deadlines may be extended even if the tower is a nonconforming structure. If space has been reserved in a shared use plan for future additional antenna use by the tower owner and it becomes clear that such space will not be utilized by the owner, the shared use plan shall be amended promptly to reflect the availability of such space.~~
- ~~3. Reservation of site capacity. The policy stated above applies also to additional tower space on an approved tower site to prevent indefinite reservation of available site space.~~
- ~~4. Height bonus for sharing. Notwithstanding anything to the contrary in any County ordinance, any existing conforming or nonconforming tower may be permitted a one-time increase in height, provided:
 - ~~a. Any such increase in height does not exceed thirty (30) feet or twenty (20) percent of the height of the existing tower, whichever is less;~~
 - ~~b. The cost of such increase in height does not exceed fifty (50) percent of the actual replacement cost of the tower at the time of the application;~~
 - ~~c. A shared use plan covering the tower with the increased height is first approved by the County Manager or designee;~~
 - ~~d. The increase in height does not cause the proposed tower to exceed any required maximum height requirement for towers or make a legally conforming tower become nonconforming;~~
 - ~~e. Substantiated proof that such proposed antenna(s) may not be placed on the existing tower by relocating or adjusting existing antennas and~~~~

1 equipment shall be submitted by an appropriate professional engineer
2 certified to practice in the State of Florida; and
3

4 f. ~~A site development plan shall be submitted for review and approval if an~~
5 ~~increase in tower height requires placement of, or addition to, an antenna~~
6 ~~equipment building or support building.~~
7

8 ~~5. Filing shared use plans. Each approved shared use plan shall be filed and~~
9 ~~recorded in the Office of the Collier County Clerk of Court prior to any site~~
10 ~~development plan approval. A copy of the initial shared use plan shall be filed with,~~
11 ~~and approved by, the County Manager or designee prior to conditional use~~
12 ~~approval.~~
13

14 ~~6. Shared use plans for old towers and old tower sites. Initial shared use plans and~~
15 ~~amendments for old towers require approval of the County Manager or designee.~~
16 ~~Initial shared use plans and amendments for old tower sites require approval of~~
17 ~~the BCC, except where an amendment reduces site and/or antenna capacity.~~
18

19 ~~7. Transmitting and receiving equipment serving similar kinds of uses shall, to the~~
20 ~~extent reasonable and commercially practicable, be placed on a shared use tower~~
21 ~~in such a manner that any of the users in a group can operate approximately equal~~
22 ~~to other users in the group utilizing substantially similar equipment.~~
23

24 ~~8. Once a shared use plan for a tower is approved, additional antennas may be added~~
25 ~~to that tower in accordance with the approved shared use plan without additional~~
26 ~~conditional use approval even if the tower is then a nonconforming structure. The~~
27 ~~shared use plan shall be immediately updated to reflect each such change.~~
28 ~~Likewise, once a new shared use plan for a tower site is approved, additional~~
29 ~~towers and accessory buildings and uses may be added to that site in accordance~~
30 ~~with the plan without additional conditional use approval, even if the site is then~~
31 ~~nonconforming. The shared use plan shall be immediately updated to reflect each~~
32 ~~change.~~
33

34 ~~9. For each tower with a height in excess of 185 feet that is approved, the tower~~
35 ~~owner shall be required, as a condition of approval, to file an approved shared use~~
36 ~~plan, except when a government tower is approved to be perpetually unavailable.~~
37 ~~To the extent that there is capacity for other antennas on the tower, the plan shall~~
38 ~~commit the tower owner and all successor owners to allow shared use of the tower~~
39 ~~in accordance with the shared use plan for antennas of others at reasonable rates.~~
40 ~~The initial proposed rates (or a range of reasonable rates) shall be specified in the~~
41 ~~shared use plan, and shall be amended each time the rates are changed. When~~
42 ~~antenna space on a tower is rented to others, each rental agreement shall be filed~~
43 ~~with the shared use plan. Any agreement that purports to reserve antenna space~~
44 ~~for future use must be approved by the County Manager or designee.~~

45 ~~10. For each new shared use tower site that is approved, the owner shall be required,~~
46 ~~as a condition of approval, to file an approved shared use plan, except as to a~~
47 ~~government site that is approved to be perpetually unavailable. If there is land~~
48 ~~available on the site to accommodate additional towers and accessory facilities,~~
49 ~~the plan shall commit the landowner and successor owners to accommodate such~~
50 ~~additional facilities on the site at reasonable rents (or a range of reasonable rents)~~
51 ~~which shall be specified in the shared use plan. When land is rented for facilities~~

on the site, the rental agreement shall be filed with the shared use plan. Any agreement that purports to reserve land for future use of a tower and other facility space must be approved by the County Manager or designee.

- ~~11. Each new tower owner or site owner, as the case may be, shall agree, as a condition of approval, to respond, in writing, in a comprehensive manner within thirty (30) days to each request for information from a potential shared use applicant. Government owners need to reply only to requests from another government. To the extent that correct and up-to-date information is contained in an approved shared use plan, the owner may refer the applicant to the shared use plan for the information. If the shared use plan is incorrect, incomplete, or otherwise not up-to-date, the respective owner shall, in the response, specify, in detail, such information, and shall immediately bring the shared use plan up-to-date.~~
- ~~12. The tower owner or site owner, as the case may be, shall, as a condition of approval, negotiate in good faith for shared use of tower space and/or site space by applicants in accordance with its shared use plan.~~
- ~~13. All conditions of approval regarding a tower shall run with the ownership of the tower and be binding on all subsequent owners of the tower. All conditions of approval regarding an approved tower site shall run with the land and be binding on all subsequent owners of the tower site.~~

~~G. Development standards for communication towers:~~

- ~~1. Except to the extent that amateur radio towers, and ground-mounted antennas with a height not to exceed twenty (20) feet, are exempted by subsection 5.05.09 herein, no new tower of any height shall be permitted in the RSF-1 through RSF-6, RMF-6, VR, MH, TTRVC, and E zoning districts. However, notwithstanding other provisions of this section, including the separation requirements of subsection 5.05.09 G.7. below, towers may be allowed to any height as a conditional use in the Estate (E) zoning district only on parcels designated as Urban or Rural Golden Gate Estates Sub-Element in the Golden Gate Area Master Plan or sites approved for a specified essential service listed in subsection 5.05.09 G.3. below. There shall be no exception to this subsection except for conditional use applications by a government for a governmental use.~~
- ~~2. Permitted ground-mounted towers. Towers not exceeding the stated maximum heights are a permitted use, subject to other applicable provisions of this section, including separate requirements and shared use provisions. towers that exceed those specified maximum heights require a variance in accordance with section 9.04.00.~~
 - ~~a. All commercial and industrial zoning districts and urban designated area agricultural zoning districts: Any tower up to seventy-five (75) feet in height is a permitted use, provided the base of such tower is separated a minimum distance of seventy-five (75) feet from the nearest boundary with any parcel of land zoned RSF-1 through RSF-6, RMF-6, E, RMF-12, RMF-16, RT, VR, MH, TTRVC, or PUD permitting six (6) residential dwelling units or less. Any tower that exceeds seventy-five (75) feet in height, up to a height of 185 feet, is a lawful use, only if permitted or otherwise provided in the~~

1 ~~respective zoning district, and the base of such tower is separated from the~~
2 ~~nearest boundary of any parcel of land zoned RSF-1 through RSF-6, RMF-~~
3 ~~6, E, RMF-12, RMF-16, RT, VR, MH, TTRVC, or PUD zoning of six (6)~~
4 ~~residential dwelling units or less, by a minimum distance in feet determined~~
5 ~~by multiplying the height of the tower (in feet) by a factor of two and one-~~
6 ~~half (2.5). (The minimum separation distance is two and one-half (2 ½)~~
7 ~~times the height of the tower.) towers which do not meet the separation~~
8 ~~requirement may apply for a variance in accordance with section 9.04.00.~~
9

10 ~~b. Agricultural zoning districts within the rural designated area: Towers shall~~
11 ~~not exceed 250 feet in height.~~
12

13 ~~c. All agricultural zoning districts: No tower that exceeds 250 feet in height~~
14 ~~exclusive, of any antenna affixed thereto, shall be allowed on any site~~
15 ~~comprising less than ten (10) acres under common ownership or control,~~
16 ~~except such towers can be approved as a conditional use on sites of less~~
17 ~~than ten (10) acres if the applicant cannot, with economic feasibility,~~
18 ~~acquire title to, or control of, a suitable tower site of at least ten (10) acres~~
19 ~~in the required geographic vicinity of the proposed tower site.~~
20

21 ~~3. Essential services—Specified conditional uses Except in the RSF-1 through RSF-~~
22 ~~6, and RMF-6 zoning districts, towers may be allowed to any height as a conditional~~
23 ~~use on sites approved for a conditional use essential service for any of the following~~
24 ~~conditional uses: safety service facilities including, but not necessarily limited to,~~
25 ~~fire stations, sheriff's substation or facility, emergency medical services facility, and~~
26 ~~all other similar uses where a communications tower could be considered an~~
27 ~~accessory or logically associated use with the safety service conditional use on the~~
28 ~~site. In addition, communications towers can be approved as a conditional use for~~
29 ~~a stand-alone essential service facility, provided the tower is to be owned by, or to~~
30 ~~be leased to, a governmental entity, and the primary uses of the tower are for~~
31 ~~governmental purposes.~~
32

33 ~~4. New towers shall be installed only on rooftops in the RMF-12, RMF-16, and RT~~
34 ~~zoning districts, except amateur radio towers with a height not to exceed seventy-~~
35 ~~five (75) feet above the natural grade, and ground-mounted antennas with a height~~
36 ~~not to exceed twenty (20) feet above the natural grade, are permitted within these~~
37 ~~zoning districts.~~
38

39 ~~5. Ground-mounted monopole communication towers up to 150 feet in height above~~
40 ~~the natural grade, including antennas affixed thereto, may be allowed as a~~
41 ~~conditional use within these zoning districts. The height of each monopole~~
42 ~~communication tower shall be limited to the height necessary for its use at its~~
43 ~~location.~~
44

45 ~~6. Rooftop towers, antenna structures, and antennas.~~
46

47 ~~a. Rooftop towers, antenna structures, and antennas are allowed in all zoning~~
48 ~~districts except the RSF-1 through RSF-6, RMF-6, and E zoning districts.~~
49
50

~~b. Rooftop towers, antenna structures, and antennas are, as specified, subject to the following:~~

~~i. Permitted uses. Rooftop antenna structures and antennas are a permitted use up to a height of twenty (20) feet above the maximum roofline, provided the height of the maximum roofline is twenty (20) feet or more above the average natural grade. If the maximum roofline is less than twenty (20) feet above the average natural grade, an antenna structure and/or antenna is a permitted use up to a height that equals the distance from the average natural grade to the maximum roofline. For example, if the distance from the average natural grade to the maximum point of the roofline is fifteen (15) feet, an antenna structure and/or antenna is a permitted use up to a height of fifteen (15) feet above the maximum roofline. Any antenna structure, tower, or antenna that exceeds its permitted use height, as provided herein, shall require conditional use approval, and the maximum allowable height of the structure, tower, and all antennas shall be determined in each specific case. Distance from RSF-1 through RSF-6, and RMF-6 zoning districts shall be a major consideration in determining the allowable height of rooftop facilities.~~

~~ii. Towers and antenna structures shall be set back from the closest outer edge of the roof a distance of not less than ten (10) percent of the rooftop length and width, but not less than five (5) feet, if the antenna can function at the resulting location.~~

~~iii. Antenna structures and dish type antennas shall be painted to make them unobtrusive.~~

~~iv. Except for antennas that cannot be seen from street level, such as panel antennas on parapet walls, antennas shall not extend out beyond the vertical plane of any exterior wall.~~

~~v. Where technically feasible, dish type antennas shall be constructed of open mesh design.~~

~~vi. Where feasible, the design elements of the building (i.e., parapet wall, screen enclosures, other mechanical equipment) shall be used to screen the communications tower, structure, and antennas.~~

~~vii. The building and roof shall be capable of supporting the roof-mounted antenna, structure, and tower.~~

~~i. No rooftop shall be considered a tower site. This section does not require any sharing of any rooftop, rooftop tower, or antenna structure.~~

~~7. With the exception of rooftop towers and towers on essential services sites, each new communication tower shall meet the following separation requirements:~~

- ~~a. Each new tower that exceeds 185 feet in height shall be located not less than two and one-half (2.5) times the height of the tower from all RSF-1 through RSF-6, and RMF-6 zoning districts, including PUDs where the adjacent use(s) is/are, or comparable to, the RSF-1 through RSF-6 and RMF-6 zoning districts. If a part of a PUD is not developed, and it is inconclusive whether the part of a PUD area within such minimum separation distance from the proposed tower site may be developed with a density of six (6) units per acre or less, it shall be presumed that the PUD area nearest to the proposed site will be developed at the lowest density possible under the respective PUD.~~
- ~~b. In addition, each such new tower that exceeds a height of seventy-five (75) feet, excluding antennas, shall be separated from all boundaries of surrounding property zoned RMF-12, RMF-16, E, RT, VR, MH, TTRVC, H, and the residential areas of PUDs with existing or planned densities greater than six (6) units per acre by not less than the total height of the tower including its antennas; and from all other surrounding property boundaries by a distance not less than one-half (½) the height of the tower and its antennas, or the tower's certified collapse area, whichever distance is greater.~~
- ~~c. Communication towers in the Estate (E) zoning district shall be separated from residentially zoned properties as follows:~~
- ~~i. New towers up to 75 feet in height shall be located not less than the total height of the tower and antennas from all residentially zoned properties.~~
- ~~ii. New towers over 75 feet in height shall be located not less than two and one-half times the height of the tower and antennas, or the certified collapse area, whichever distance is greater, from all residentially zoned properties.~~
- ~~8. All owners of approved towers are jointly and severally liable and responsible for any damage caused to off-site property as a result of a collapse of any tower owned by them.~~
- ~~9. Placement of more than one (1) tower on a land site is preferred and encouraged, and may be permitted, provided, however, that all setbacks, design, and landscape requirements are met as to each tower. structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not likely result in multiple tower failures in the event that one (1) tower fails, or will not otherwise present an unacceptable risk to any other tower on the site. It shall be the policy of the County to make suitable County-owned land available for towers and ancillary facilities at reasonable rents.~~
- ~~10. Any accessory buildings or structures shall meet the minimum yard requirements for the respective zoning district. accessory uses shall not include offices, long-term vehicle storage, outdoor storage, broadcast studios except for temporary emergency purposes, or other structures and/or uses that are not needed to send~~

1 or receive transmissions, and in no event shall such uses exceed twenty-five (25)
2 percent of the floor area used for transmission or reception equipment and
3 functions. Transmission equipment shall be automated, to the greatest extent
4 economically feasible, to reduce traffic and congestion. Where the site abuts, or
5 has access to, a collector street, access for motor vehicles shall be limited to the
6 collector street. All equipment shall comply with the then applicable noise
7 standards.
8

9 ~~11. For new commercial towers exceeding 185 feet in height, a minimum of two (2)~~
10 ~~parking spaces shall be provided on each site. An additional parking space for~~
11 ~~each two (2) employees shall be provided at facilities which require on-site~~
12 ~~personnel. Facilities which do not require on-site personnel may utilize impervious~~
13 ~~parking.~~
14

15
16 ~~12. All new tower bases, guy anchors, outdoor equipment, accessory buildings, and~~
17 ~~accessory structures shall be fenced. This provision does not apply to amateur~~
18 ~~radio towers, or to ground-mounted antennas that do not exceed twenty (20) feet~~
19 ~~above grade.~~
20

21 ~~13. Tower lighting. Towers and antennas with a height greater than 150 feet shall be~~
22 ~~required to have red beacon or dual mode lights, unless exempted, in writing, by~~
23 ~~the Collier County Mosquito Control District. Such lights shall meet the then~~
24 ~~existing Federal Aviation Administration ("FAA") technical standards. No other~~
25 ~~towers or antennas shall be artificially lighted, except as required by the FAA, the~~
26 ~~Federal Communications Commission, or other applicable laws, ordinances, or~~
27 ~~regulations. If the FAA rules require lighting, then the applicant shall comply with~~
28 ~~such rules.~~
29

30 ~~New towers exceeding 199 feet. Each new tower that will have a height in excess~~
31 ~~of one hundred and ninety-nine (199) feet above ground, exclusive of antennas,~~
32 ~~and such tower shall be lighted no more than is otherwise required by state and/or~~
33 ~~federal law, rule, or regulation. Unless otherwise then required by law, rule or~~
34 ~~regulation, only white strobe lights shall be used at night, unless otherwise required~~
35 ~~by the FAA, in which case red strobe type lights shall be used. Such lights shall~~
36 ~~not exceed the minimum number, minimum intensity, and minimum light flashes~~
37 ~~per interval of time (requiring the longest allowable duration between light flashes)~~
38 ~~required by state or federal law, rule, or regulation. Solid red (or pulsating red)~~
39 ~~warning lights shall not be used at night.~~
40

41 ~~14. All guyed towers exceeding 185 feet in height shall be inspected every three (3)~~
42 ~~years. Self-supporting towers shall be inspected every five (5) years. Each~~
43 ~~inspection shall be conducted by a qualified professional engineer or other~~
44 ~~qualified professional inspector, and any inspector recommended repairs and/or~~
45 ~~maintenance should be completed without unnecessary delay. At a minimum, each~~
46 ~~inspection shall include the following:~~
47

48 ~~a. Tower structure: Including bolts, loose or damaged members, and signs of~~
49 ~~unusual stress or vibration.~~
50

- ~~b. Guy wires and fittings: Check for age, strength, rust, wear, general condition, and any other signs of possible failure.~~
- ~~c. Guy anchors and foundations: Assess for cracks in concrete, signs of corrosion, erosion, movement, secure hardware, and general site condition.~~
- ~~d. Condition of antennas, transmission lines, lighting, painting, insulators, fencing, grounding, and elevator, if any.~~
- ~~e. For guyed towers: Tower vertical alignment and guy wire tension (both required tension and present tension).~~
- ~~15. A copy of each inspection report shall be filed with the County Manager not later than December 1 of the respective inspection year. If the report recommends that repairs or maintenance are required, a letter shall be submitted to the County Manager to verify that such repairs and/or maintenance have been completed. The County shall have no responsibility under this section regarding such repairs and/or maintenance.~~
- ~~16. Any tower that is voluntarily not used for communications for a period of one (1) year shall be removed at the tower owner's expense. If a tower is not removed within three (3) months after one (1) year of such voluntary non-use, the County may obtain authorization, from a court of competent jurisdiction, to remove the tower and accessory items, and, after removal, shall place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower and accessory items, plus court costs and attorney's fees.~~
- ~~17. For all ground-mounted guyed towers in excess of seventy-five (75) feet in height, the site shall be of a size and shape sufficient to provide the minimum yard requirements of that zoning district between each guy anchor and all property lines.~~
- ~~18. All new metal towers, including rooftop towers, except amateur radio towers, shall comply with the standards of the then latest edition published by the Electric Industries Association (currently EIA/TIA 222-E) or the publication's successor functional equivalent, unless amended for local application by resolution of the BCC. Each new amateur radio tower with a height of seventy-five (75) feet or less shall require a building permit specifying the exact location and the height of the tower exclusive of antennas. Each new ground-mounted dish type antenna that does not exceed a height of twenty (20) feet shall require a building permit.~~
- ~~19. Within the proposed tower's effective radius, information that specifies the tower's physical location, in respect to public parks, designated historic buildings or districts, areas of critical concern, and conservation areas, shall be submitted as part of the conditional use application. This shall also apply to site plan applications and/or permit applications for rooftop installations that do not require conditional use approval.~~
- ~~20. No communication tower shall be located on any land or water if such location thereon creates, or has the potential to create, harm to the site as a source of~~

1 biological productivity, as indispensable components of various hydrologic
2 regimes, or as irreplaceable and critical habitat for native species of flora or fauna.
3

4 ~~21. Any existing native vegetation on the site shall be preserved and used to meet the~~
5 ~~minimum landscape requirements as required by section 4.06.00. The site plan~~
6 ~~shall show existing significant vegetation to be removed and vegetation to be~~
7 ~~replanted to replace that lost. native vegetation may constitute part or all of the~~
8 ~~required buffer area if its opacity exceeds eighty (80) percent.~~
9

10 ~~22. As to communications towers and antennas, including rooftop towers, antenna~~
11 ~~structures, and antennas, the height provisions of this section supersede all other~~
12 ~~height limitations specified in this Code.~~
13

14 ~~23. All existing and proposed ground mounted and rooftop towers and antennas with~~
15 ~~a height greater than 150 feet shall be required to have a solid red beacon or dual~~
16 ~~mode lights unless exempted in writing by the Collier Mosquito Control District.~~
17 ~~Such lights shall meet the then existing Federal Aviation Administration (FAA)~~
18 ~~technical standards. The total structure height shall include all appendages and~~
19 ~~attachments, such as antennas, lights, lightening rods, or any other accessory~~
20 ~~device that would extend the height of the tower. All existing towers shall have six~~
21 ~~months (180 days) from June 16, 2005, to comply with the requirement. If the FAA~~
22 ~~rules require lighting, then the applicant shall comply with such rules.~~
23

24 ~~24. A copy of each application for a tower in excess of 150 feet shall be supplied by~~
25 ~~the applicant to the Collier Mosquito Control District or designee.~~
26

27 ~~25. Communication towers in the Estates (E) Zoning District.~~
28

29 ~~Communication towers are allowed on parcels designated as Urban or Rural~~
30 ~~Golden Gate Estates Sub-element in the Golden Gate Area Master Plan and are~~
31 ~~subject to the following:~~
32

33 ~~a. The parcel is a minimum 2.25 acres and adjacent to an arterial or collector~~
34 ~~road.~~
35

36 ~~b. The communications provider has provided evidence that the~~
37 ~~communication provider's search radius for tower placement requires~~
38 ~~placement of the tower in the Estates Zoning District to meet its coverage~~
39 ~~requirements and the tower cannot be co-located on an existing tower and~~
40 ~~provide the same service coverage.~~
41

42 ~~c. All security and site lighting shall be less than 20 feet above grade, fully~~
43 ~~shielded, and directed away from neighboring properties.~~
44

45 ~~d. Fencing height and landscaping. The required perimeter wall or fence~~
46 ~~height shall be a minimum of eight feet from finished grade of base~~
47 ~~supporting structure and no greater than 10 feet. A minimum 15 foot~~
48 ~~landscape Type B buffer along the perimeter of wall or fence is required~~
49 ~~and tree plantings within the buffer shall be 12 feet tall at time of planting.~~
50

51 ~~e. Equipment cabinets. Overall height of ground-mounted equipment or~~
~~equipment enclosure shall not exceed 12 feet.~~

~~H. Alligator Alley communication towers.~~

- ~~1. Notwithstanding other provisions of section 5.05.09, and irrespective of the zoning classification(s) of the underlying fee at each respective tower site, two (2) new communication towers shall be permitted at locations and heights herein specified within the I-75 right-of-way east of the toll booth (Alligator Alley). Two (2) of the four (4) towers shall be constructed to replace two (2) existing Florida Department of Transportation towers. The four (4) new telecommunication tower sites shall be located approximately at:
 - ~~a. Mile marker 52.2. The height of the tower shall not exceed 250 feet, including antennas;~~
 - ~~b. Mile marker 92.6 (Everglades Blvd). The height shall not exceed 250 feet, including antennas;~~
 - ~~c. The site of an existing FDOT tower located on State Road 29. The height shall not exceed 310 feet, including antennas;~~
 - ~~d. The site of an existing FDOT tower located at mile marker 63.2 at the I-75 Rest Area. It will replace an existing tower located on the north side of I-75 at mile marker 63.3. The height shall not exceed 280 feet, including antennas;~~
 - ~~e. Each tower shall be constructed with a capacity to provide for a minimum of four (4) to eight (8) co-users, including Florida Department of Transportation ("FDOT"), the U.S. Fish and Wildlife Service ("FWS"), the National Park Service ("NPS"), the Department of Forestry ("DOF"), and County agencies, where practical.~~~~
- ~~2. Each tower shall be constructed in accordance with the standards and requirements of section 5.05.09 and other applicable sections of this Code, except as expressly provided otherwise in this section.~~
- ~~3. Minimum yard requirements. There shall be no minimum yard requirement for these towers at these locations because each tower and all ancillary facilities must be contained within the I-75 right-of-way, and each proposed tower must maintain a separation distance from all adjacent residential property lines equal to one-half (½) of the tower's height or equal to a Florida professional engineer's certified collapse area (fall zone), whichever is greater, or a clear zone is maintained on adjoining property by a use easement applicable to such adjoining property owner. No habitable residential or non-residential structure, including offices, shall be allowed within any certified collapse area (fall zone) for any of these towers.~~
- ~~4. Access. Physical access to each tower site shall be as approved by FDOT.~~
- ~~5. Parking. Sufficient unpaved area shall be provided on, or adjacent to, each tower site to accommodate temporary parking for one (1) vehicle for servicing or maintaining the communication tower.~~

- 1 ~~6. Landscape buffer. A landscape buffer no less than ten (10) feet wide with trees~~
2 ~~planted twenty-five (25) feet on center shall be developed and maintained around~~
3 ~~the perimeter of each tower site and other related equipment, structures, and~~
4 ~~buildings. This buffer shall encompass all structures including the tower base. At~~
5 ~~least one (1) row of native vegetation shall be planted within the buffer to form a~~
6 ~~continuous hedge of at least three (3) feet in height at planting. The buffer must be~~
7 ~~maintained in good condition. This landscape buffer may be waived by the County~~
8 ~~Manager or designee where the buffer is not practical due to public safety~~
9 ~~concerns.~~
- 10
11 ~~7. A site development plan and construction plans shall be submitted to the County~~
12 ~~Manager or designee for review and approval prior to any construction of any such~~
13 ~~tower. No changes, additions, or alterations may be made to any approved site~~
14 ~~development plan or construction plans for any such tower without County~~
15 ~~approval.~~
- 16
17 ~~8. Tower lighting. In addition to the requirements for tower lights specified in section~~
18 ~~5.05.09 of this Code, towers located in the Big Cypress Preserve and the Florida~~
19 ~~Panther National Wildlife Preserve shall be lighted in accordance with the USFWS~~
20 ~~guidance system requirements for tower lighting.~~
- 21
22 ~~9. Notwithstanding any other provision in this Code, and notwithstanding the~~
23 ~~underlying zoning of the respective tower site, subject to the following, the~~
24 ~~communication towers and accessory facilities ("facilities") listed above, and all~~
25 ~~such future facilities, are lawful uses, if located within the confines of the I-75 right-~~
26 ~~of-way east of the Alligator Alley toll booth to the eastern boundary of Collier~~
27 ~~County.~~
- 28
29 ~~10. The tower and related facilities shall be subject to conditional use approval~~
30 ~~whenever the tower is to exceed a height of twenty (20) feet. Towers that are to be~~
31 ~~twenty (20) feet or less in height require only building permit approval from the~~
32 ~~County.~~
- 33
34 ~~a. As all such facilities must be located within the I-75 right-of-way, the~~
35 ~~facilities must be subject to approval from the owner of that right-of-way,~~
36 ~~including such conditions as may be required by that owner. The owner of~~
37 ~~said right-of-way is the State of Florida, by and through the Florida~~
38 ~~Department of Transportation.~~
- 39
40 ~~b. The facilities must be owned by, or leased to, a governmental entity. The~~
41 ~~primary uses of the facilities shall be governmental uses. Private uses of~~
42 ~~the facilities, if any, shall always be incidental and subordinate to the~~
43 ~~governmental uses.~~
- 44
45 ~~c. Notwithstanding any other provision in section 5.05.09, the facilities shall~~
46 ~~be subject to the tower sharing requirements of section 5.05.09 if the tower~~
47 ~~is to exceed a height of 120 feet, unless the tower is a monopole. If the~~
48 ~~tower is to be used only for governmental uses, the tower need be shared~~
49 ~~only with other governmental entities. If the tower is to be occupied by an~~
50 ~~antenna under control of a non-governmental occupant of the tower and is~~
51 ~~to be used for any non-governmental use(s), the tower sharing~~

requirements that apply to non-government occupants shall be adhered to as a prerequisite to occupancy of the tower.

~~I. Wireless emergency telephone service. Notwithstanding any other provisions of this section 5.05.09, the following provisions shall apply to communications towers that provide wireless emergency telephone service.~~

~~1. These facilities are essential services.~~

~~2. Each applicant for these permits is required to clearly inform County staff by means of an emboldened "notice" in a cover letter or on the first page of the permit application, substantially as follows: *This Application is subject to the expedited timelines specified in Chapter 365.172, Florida Statutes.*~~

~~3. Applicants for these permits need not provide staff with evidence that a proposed wireless communications facility complies with federal regulations, but staff may require from such applicant proof of proper FCC licensure, and staff may request the FCC to provide information as to the provider's compliance with federal regulations to the extent then authorized by federal law. The County has no permitting jurisdiction with regard to wireless communications facilities located (or to be located) on property owned by the State of Florida, including State-owned rights-of-way.~~

~~4. Co-located facilities. Provided the then existing zoning applicable to the proposed site allows E911 facilities without a need to rezone, a need to obtain conditional use approval, or any other required process (such as, for example, having an agreement amended), the County shall grant or deny a properly completed application requesting co-location of E911 Service, or co-location for wireless telephone service, not later than forty-five (45) business days after the date that a properly completed application is initially submitted to staff in accordance with all applicable permit application requirements in this section 5.05.09. Co-location of such facilities on a then existing above-ground tower or other above-ground structure shall not be subject to the land development regulations pursuant to Section 163.3202, Florida Statutes, provided the height of the then existing tower or structure is not thereby increased. Co-location of such antenna, or co-location of related equipment, shall be subject to applicable building regulations, and with all then existing permits or agreements applicable to that tower or to the underlying property. Nothing herein, including the forty-five (45) business days timeline, shall relieve the permit holder for, or owner of, the then existing tower or structure from complying with applicable permit requirements, or applicable agreement(s), or with applicable land development regulation (including aesthetic requirement), or compliance with any other then applicable law(s).~~

~~5. New towers or antennas. Pursuant to Section 365.172, Florida Statutes, the County shall grant or deny an application requesting location of a new wireless telephone service tower, or for location of antenna(s) for wireless telephone service, not later than ninety (90) business days after the date that an application that fully complies with the requirements of this section 5.05.09 is submitted, provided the then existing zoning applicable to the proposed site allows the E911 facilities without need to rezone, the need to apply for conditional use approval, or other required procedures. Provided further that nothing herein shall affect permit~~

1 compliance of such facilities with applicable federal regulations, applicable zoning
2 and/or land development regulations (including aesthetic requirements), or with
3 applicable building regulations.
4

5 ~~6. Sufficiency notice. Within twenty (20) business days of receiving the permit~~
6 ~~application for any facility listed above in paragraphs (4) and (5) above, staff shall~~
7 ~~in writing notify the permit applicant whether the application is, or is not, properly~~
8 ~~completed. If such permit application is not properly completed, staff shall with~~
9 ~~specificity notify the applicant of any and all deficiencies, which if cured will thereby~~
10 ~~render the application being properly completed. Staff should also notify the~~
11 ~~applicant whether the applicable zoning classification allows the applied for use(s)~~
12 ~~without rezoning, without conditional use approval, or without any other related~~
13 ~~ancillary approval process or permission.~~
14

15 ~~7. Default approval.~~
16

17 ~~a. An application for E911 service, co-location of wireless telephone service,~~
18 ~~or new location for wireless telephone service or antennae shall be deemed~~
19 ~~to have been automatically granted provided that:~~
20

21 ~~i. Such service or facility is allowed in the applicable zoning district~~
22 ~~without a rezone, without the need to apply for a conditional use, or~~
23 ~~without the need to apply for some other permit;~~
24

25 ~~ii. The County fails to either grant or deny the applied for permit within~~
26 ~~the time frames set forth in paragraphs (4) and (5) above, as~~
27 ~~applicable; and~~
28

29 ~~iii. The applicant has not agreed to an extension of time, as provided~~
30 ~~in paragraph (8) below.~~
31

32 ~~b. However, the applied for permit shall not be deemed granted if final action~~
33 ~~requires action by the BCC, but such action is prevented due to emergency~~
34 ~~conditions beyond the County's control. In such instance, the time for final~~
35 ~~action on the application shall be extended until the next regularly~~
36 ~~scheduled meeting of the BCC. The permit shall be deemed to be granted~~
37 ~~if the BCC fails to take final action at that time.~~
38

39 ~~8. Waiver. Extensions of the above-described applicable timelines (deadlines) shall~~
40 ~~not be effective except to the extent voluntarily agreed to by the permit applicant.~~
41 ~~Narrow exception: a one-time timeline waiver may be required if there then exists~~
42 ~~an emergency that directly affects the administration of all of the County's~~
43 ~~communications tower permitting activities which had been formally declared by~~
44 ~~the County, by the State of Florida, or by the federal government.~~
45

46 # # # # # # # # # # # # #