

ORDINANCE NO. 2024 – 05

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, TO REVISE THE REGULATIONS RELATED TO WIRELESS COMMUNICATION FACILITIES, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER 1 GENERAL PROVISIONS, INCLUDING SECTION 1.08.02 DEFINITIONS; CHAPTER TWO ZONING DISTRICTS AND USES, INCLUDING SECTION 2.01.03 ESSENTIAL SERVICES, SECTION 2.03.01 AGRICULTURAL DISTRICTS, SECTION 2.03.02 RESIDENTIAL ZONING DISTRICTS, SECTION 2.03.03 COMMERCIAL ZONING DISTRICTS, SECTION 2.03.04 INDUSTRIAL ZONING DISTRICTS, SECTION 2.03.05 CIVIC AND INSTITUTIONAL ZONING DISTRICTS, SECTION 2.03.06 PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 2.03.07 OVERLAY ZONING DISTRICTS, SECTION 2.03.08 RURAL FRINGE ZONING DISTRICTS, AND SECTION 2.03.09 OPEN SPACE ZONING DISTRICTS; CHAPTER FOUR SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.02.01 DIMENSIONAL STANDARDS FOR PRINCIPAL USES IN BASE ZONING DISTRICTS, SECTION 4.02.14 DESIGN STANDARDS FOR DEVELOPMENT IN THE ST AND ACSC-ST DISTRICTS, SECTION 4.06.05 GENERAL LANDSCAPING REQUIREMENTS, AND SECTION 4.08.06 SSA DESIGNATION; AND CHAPTER FIVE SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.05.09 COMMUNICATIONS TOWERS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE. [PL20230013966]

Recitals

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code (hereinafter LDC), which was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as

amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, on March 18, 1997, the Board adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, the Collier County Planning Commission, sitting as the land planning agency, did hold an advertised public hearing on December 7, 2023, and reviewed the proposed amendments for consistency with the Comprehensive Plan and did recommend approval; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold an advertised public hearing on February 27, 2024, and did take action concerning these amendments to the LDC; and

WHEREAS, the subject amendments to the LDC are hereby determined by this Board to be consistent with and to implement the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (1), Florida Statutes; and

WHEREAS, this ordinance is adopted in compliance with and pursuant to the Community Planning Act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w); and

WHEREAS, this ordinance is adopted pursuant to the constitutional and home rule powers of Fla. Const. Art. VIII, § 1(g); and

WHEREAS, all applicable substantive and procedural requirements of the law have otherwise been met.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

SECTION ONE: RECITALS

The foregoing Recitals are true and correct and incorporated by reference herein as if fully set forth.

SECTION TWO: FINDINGS OF FACT

The Board of Commissioners of Collier County, Florida, hereby makes the following findings of fact:

1. Collier County, pursuant to § 163.3161, *et seq.*, F.S., the Florida Community Planning Act (herein after the "Act"), is required to prepare and adopt a comprehensive plan.

2. After adoption of the Comprehensive Plan, the Act and in particular § 163.3202(1), F.S., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.

3. Section 163.3201, F.S., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted comprehensive plan.

4. Section 163.3194(1)(b), F.S., requires that all land development regulations enacted or amended by Collier County be consistent with the adopted comprehensive plan, or element or portion thereof, and any land regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent.

5. Section 163.3202(3), F.S., states that the Act shall be construed to encourage the use of innovative land development regulations.

6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan" or "GMP") as its comprehensive plan pursuant to the requirements of § 163.3161 *et seq.*, F.S.

7. Section 163.3194(1)(a), F.S., mandates that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such comprehensive plan or element shall be consistent with such comprehensive plan or element as adopted.

8. Pursuant to § 163.3194(3)(a), F.S., a development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

9. Section 163.3194(3)(b), F.S., states that a development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991. The Land Development Code adopted in Ordinance 91-102 was recodified and superseded by Ordinance 04-41.

11. Collier County finds that the Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; to encourage the most appropriate use of land, water and resources consistent with the public interest; to overcome present handicaps; and to deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County and it is intended that this Land Development Code preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience and general welfare of Collier County; to prevent the overcrowding of land and avoid the undue concentration of population; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; to conserve, develop, utilize and protect natural resources within the jurisdiction of Collier County; to protect human, environmental, social and economic resources; and to maintain through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

12. It is the intent of the Board of County Commissioners of Collier County to implement the Land Development Code in accordance with the provisions of the Collier County Comprehensive Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., and through these amendments to the Code.

SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

* * * * *

SUBSECTION 3.A. AMENDMENTS TO SECTION 1.08.02 – DEFINITIONS

Section 1.08.02 Definitions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

Section 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.

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SUBSECTION 3.B. AMENDMENTS TO SECTION 2.01.03 - ESSENTIAL SERVICES

Section 2.01.03, Essential Services, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

Section 2.01.03 Essential Services

* * * * *

- 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.

* * * * *

- 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.

SUBSECTION 3.C. AMENDMENTS TO SECTION 2.03.01 – AGRICULTURAL DISTRICTS

Section 2.03.01, Agricultural Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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 LDC section 5.05.09.

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

* * * * *

- 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.

* * * * *

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.

* * * * *

SUBSECTION 3.D. AMENDMENTS TO SECTION 2.03.02 – RESIDENTIAL ZONING DISTRICTS

Section 2.03.02, Residential Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.02 Residential Zoning Districts

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

* * * * *

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

* * * * *

- 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.

* * * * *

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; however, any high school located in this district is subject to a compatibility review as described in LDC section 10.02.03.

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

* * * * *

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

the Collier County GMP. The maximum density permissible or permitted in the RMF-6 district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element.

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

* * * * *

- 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.

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

* * * * *

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

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

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.

* * * * *

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

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

a. Permitted uses.

5. 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.

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

* * * * *

SUBSECTION 3.E. AMENDMENTS TO SECTION 2.03.03 – COMMERCIAL ZONING DISTRICTS

Section 2.03.03, Commercial Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.03 Commercial Zoning Districts

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

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

* * * * *

a. Permitted uses.

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

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

~~412.~~ Any other commercial use or professional service which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business and are associated purely with activities

conducted in an office, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

* * * * *

- B. Commercial Convenience District (C-2). The purpose and intent of the commercial convenience district (C-2) is to provide lands where commercial establishments may be located to provide the small-scale shopping and personal needs of the surrounding residential land uses within convenient travel distance except to the extent that office uses carried forward from the C-1 district will expand the traditional neighborhood size. However, the intent of this district is that retail and service uses be of a nature that can be economically supported by the immediate residential environs. Therefore, the uses should allow for goods and services that households require on a daily basis, as opposed to those goods and services that households seek for the most favorable economic price and, therefore, require much larger trade areas. It is intended that the C-2 district implements the Collier County GMP within those areas designated agricultural/rural; estates neighborhood center district of the Golden Gate Master Plan; the neighborhood center district of the Immokalee Master Plan; and the urban mixed use district of the future land use element permitted in accordance with the locational criteria for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. 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 LDC 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 LDC section 5.05.09.
- ~~934.~~ 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.
- ~~945.~~ 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.
- ~~956.~~ 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.

~~1401.~~ 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.

~~1412.~~ 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.

~~1423.~~ 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.~~

~~98.~~ Dealers not elsewhere classified (5599 outdoor display permitted, excluding Aircraft dealers-retail).

-Remainder of list to be renumbered accordingly-

~~2425.~~ 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.

- ~~181~~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.

- ~~183~~4. Any other heavy commercial use which is comparable in nature with the list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

* * * * *

- 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 section 10.08.00.

* * * * *

~~5. Communications (4812—4841) with communications towers that exceed specified height, subject to section 5.05.09.~~

-Remainder of list to be renumbered accordingly-

4817. Veterinary services (0741 and 0742, without kenneling)

* * * * *

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

* * * * *

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

a. Permitted uses.

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

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

* * * * *

SUBSECTION 3.F. AMENDMENTS TO SECTION 2.03.04 – INDUSTRIAL ZONING DISTRICTS

Section 2.03.04, Industrial Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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.*

* * * * *

9. ~~Communications (4812—4899 including communications towers up to specified heights, subject to section 5.05.09.).~~

* * * * *

56. Wholesale trade—nondurable goods (5111-5159, 5181, 5182, 5191 except that wholesale distribution of chemicals, fertilizers, insecticides, and pesticides must be a minimum of 500 feet from a residential zoning district (5192—5199)).

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

- ~~578.~~ Existing retail uses that were in operation on January 1, 2009, in the Industrial zoning district and which have been continuously and conspicuously operating in the Industrial zoning district as of June 8, 2010, without limitation as to square footage of the retail use. These existing retail businesses shall be treated as legal non-conforming uses in accordance with the LDC, provided however that in the event of destruction or damage due to natural disaster, the structures housing such uses may be rebuilt to their pre-disaster condition.

* * * * *

- 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.

* * * * *

- ~~4. Communications (groups 4812—4899 including communications towers that exceed specified heights subject to all requirements of section 5.05.09.).~~

-Remainder of list to be renumbered accordingly-

- ~~2524.~~ Soup kitchen

* * * * *

- 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:

* * * * *

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

* * * * *

SUBSECTION 3.G. AMENDMENTS TO SECTION 2.03.05 – CIVIC AND INSTITUTIONAL ZONING DISTRICTS

Section 2.03.05, Civic and Institutional Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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.
- 110. Park and recreational service facilities.
- 121. Parking facilities.
- 132. Safety service facilities.
- 1413. 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.

* * * * *

SUBSECTION 3.H. AMENDMENTS TO SECTION 2.03.06 – PLANNED UNIT DEVELOPMENT DISTRICTS

Section 2.03.06, Planned Unit Development Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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 <u>Wireless Communication</u> 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

* * * * *

SUBSECTION 3.I. AMENDMENTS TO SECTION 2.03.07 – OVERLAY ZONING DISTRICTS

Section 2.03.07, Overlay Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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 facilities~~ is are an essential service use as defined by subsection 2.01.03 A.4; and
 - ii. Such ~~tower facilities~~ 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 facilities~~ is are an essential service use as defined by subsection 2.01.03 A.4; and
 - ii. Such ~~tower facilities~~ 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 facilities~~ is are an essential service use as defined by subsection 2.01.03 A.4.; and
- ii. Such ~~tower facilities~~ 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.

* * * * *

- l. 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						ADDITIONAL STANDARDS
	RESIDENTIAL				MIXED USE		
	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 Telecommunication Facilities							<u>5.05.09</u>

* * * * *

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	

* * * * *

h) INFRASTRUCTURE				
	1) Automobile Parking Facilities		P	
	2) Boat Launch			
	3) Essential Services	P	P	
	4) Marinas		P	
	5) Transit Station		CU	
	6) Wireless Telecommunication Facilities		CU	<u>5.05.09</u>

* * * * *

SUBSECTION 3.I. AMENDMENTS TO SECTION 2.03.08 – RURAL FRINGE ZONING DISTRICTS

Section 2.03.08, Rural Fringe Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.08 - Rural Fringe Zoning Districts

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

* * * * *

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

a. Outside rural villages.

* * * * *

(3) Allowable Uses.

* * * * *

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

* * * * *

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

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

* * * * *

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:

* * * * *

(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.

(d) 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:

* * * * *

SUBSECTION 3.J. AMENDMENTS TO SECTION 2.03.09 – OPEN SPACE ZONING DISTRICTS

Section 2.03.09, Open Space Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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.

1. Allowable uses. The following uses are allowed in the CON District.

* * * * *

- 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.

* * * * *

SUBSECTION 3.K. AMENDMENTS TO SECTION 4.02.01 – DIMENSIONAL STANDARDS FOR PRINCIPAL USES IN BASE ZONING DISTRICTS

Section 4.02.01, Dimensional Standards for Principal Uses in Base Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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:

* * * * *

SUBSECTION 3.L. AMENDMENTS TO SECTION 4.02.14 – DESIGN STANDARDS FOR DEVELOPMENT IN THE ST AND ACSC-ST DISTRICTS

Section 4.02.14, Design Standards for Development in the ST and ACSC-ST Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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.

* * * * *

SUBSECTION 3.L. AMENDMENTS TO SECTION 4.06.05 – GENERAL LANDSCAPING REQUIREMENTS

Section 4.06.05, General Landscaping Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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 C~~ommunication towers~~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.~~

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SUBSECTION 3.M. AMENDMENTS TO SECTION 4.08.06 – SSA DESIGNATION

Section 4.08.06, SSA Designation, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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

Resident ial Land Uses	General Conditional Uses	Earth Mining and Process ing Uses	Recreatio nal Uses	Agricult ure Group 1	Agricult ure - Support Uses	Agricult ure Group 2	Conser vation, Restor ation and Natural Resour ces
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Residenti al Land Uses	<u>Wireless Communicatio ns towersfacilities (P)(CU)</u>	Earth Mining and Processin g Uses	Recreation al Uses	Agricultur e Group 1	Agricultur e - Support Uses	Agricultur e Group 2	Essenti al services (P and CU)
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SUBSECTION 3.N. AMENDMENTS TO SECTION 5.05.09 – COMMUNICATIONS TOWERS

Section 5.05.09, SSA Designation, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby deleted in its entirety and replaced with text to read as follows:

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, excluding those of a governmental entity where such facilities are utilized to provide intra-governmental communications not generally available to the public.
- C. Exemptions. The following are exempt from this Section:
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 an antenna that is 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.
6. *Temporary Wireless Communication Facility* means any tower, pole, cell-on-wheels (COW), and/or tower-on-wheels antenna designed for use while a permanent wireless communication facility is under construction or

reconstruction, for a large scale special event or conference, or during a County declared emergency.

7. Tower means a structure that is designed and constructed for the purpose of supporting one or more antennas, including but not limited to guyed towers, lattice towers, monopole towers, or alternative tower structures. Except for the abandonment and financial responsibility provisions contained in this section, the term shall not include a pole-attached antenna.
8. Tower, Guyed means a tower supported by one or more levels of braided or stranded steel guy cables that anchor to the ground.
9. Tower, Lattice means a freestanding and segmentally designed with rectangular or triangular base steel lattices.
10. Tower, Monopole means a single pole that can be a tubular section design or a formed, tapered pole.
11. Wireless Communication Facility (WCF) means any equipment or facility used to provide wireless communication services and may include, but is not limited to, antennas, alternative tower structures, guyed towers, lattice towers, monopoles, rooftop or building mounted facilities, and support facilities. Placing a wireless communication facility on an existing structure does not cause the existing structure to become a wireless communication facility.
12. Wireless Communication Facility Site or Site means the tracts of real property, either owned or leased, on which the wireless communication facility is located.
13. Wireless Communication Services means any personal wireless services as defined in the Federal Telecommunications Act of 1996, including but not limited to cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

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

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

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 Facilities may be located in all zoning districts.

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.

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

c. Security.

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

- ii. Security lighting to protect on-ground facilities/equipment shall be fully shielded and directed away from neighboring properties.
- d. Signage.
 - i. Signage must be provided that includes contact information for the WCF. Such signage must be viewable from the outside of the WCF.
 - ii. No commercial signs or advertising shall be allowed.
- e. Emergency backup generators. An emergency backup generator is required to be operated on each wireless communication facility site. The Site Development Plan shall identify the location and connection for the emergency backup generator.
- f. 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 towers.

- a. Co-location of antennas on towers.
 - i. A tower owner shall permit other wireless communication service 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. Towers shall be constructed to accommodate the minimum number of providers required per maximum facility height requirement, as outlined in Table 2.
- b. Height limitations. Towers shall be subject to the height limitations outlined in Table 2.

Table 2. Tower height and co-location.

<u>Zoning District of Proposed Tower</u>	<u>Minimum Number of Providers to Support</u>	<u>Maximum Facility Height (feet)¹</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.

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>Type of Facility</u>	<u>Abutting Zoning District</u>	<u>Minimum Separation Distance from Abutting Uses</u>
<u>All Towers</u>	<u>Residential or Estates Zoning</u>	<u>100% of tower height ¹</u>
	<u>All Other Zoning</u>	<u>50% of tower height</u>
<u>Temporary Wireless Communication Facility</u>	<u>No restrictions</u>	<u>None</u>

¹ If an alternative tower structure is proposed, separation distances shall be reduced to 50% of tower height.

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 Chapter 3, towers and support facilities shall be designed, sited, and constructed to minimize habitat loss within the WCF site. At such sites, road access and fencing shall be designed and located to minimize on-site and adjacent habitat fragmentation and/or disturbances.

e. Design. Towers, excluding alternative tower structures, shall maintain a galvanized gray finish or other approved compatible color, except as required by federal rules or regulations.

f. Lighting.

i. No signals, lights, or illumination on towers shall be permitted unless required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required the by FAA, the

alternatives chosen shall be the least obtrusive to the surrounding community.

- ii. Site lighting (not required by FAA) shall be elevated less than 20 feet above grade, fully shielded, and directed downward away from neighboring properties.

g. Screening.

- i. Wireless communication facilities shall be screened with a wall or fence. The wall or fence shall be 100 percent opaque with a minimum height of 8 feet and maximum height of 10 feet. The wall or fence shall be designed to ensure that no unauthorized persons can access the facility. Barbed wire is not a permitted material.
 - ii. Equipment cabinets. The overall height of ground-mounted equipment or equipment enclosure shall not exceed 12 feet.
- h. Landscaping. A minimum 10-foot wide Type A buffer that includes a 3-foot high, continuous hedge planted 3 feet on center along the outside perimeter of the wall or fence shall be required. Tree plantings within the buffer shall be 12 feet in height at time of planting.
- i. Existing, native vegetation on the subject site can be used to meet these screening requirements. If native vegetation is present but not dense enough to meet the requirements, supplemental landscaping must be used to meet the screening requirements.
 - ii. At the discretion of the County Manager or designee, some or all of these landscape buffering requirements may be displaced to a road right-of-way landscape buffer located within the parcel when it better screens the tower.
- i. Access and parking. Each wireless communication facility site shall have access from a paved or unpaved driveway or access easement. The driveway shall extend to an appropriate location on the premises to accommodate a vehicle to be parked at the facility for normal maintenance. One parking space shall be provided for each facility, and new towers exceeding 185 feet in height shall require a minimum of two parking spaces.

3. Standards applicable to all rooftop or building mounted facilities.

- a. Rooftop equipment shall not occupy more than 25 percent of the roof area and shall comply with the exterior building and site design standards.
- b. Height limitations.
 - i. WCF located on a rooftop, structure, or building with a maximum roofline of 20 feet or greater (measured from the average natural

- grade) shall be permitted to have a maximum height of 20 feet above the maximum roofline.
- ii. WCF located on a building or structure with a maximum roofline less than 20 feet (measured from the average natural grade) shall be permitted to have a maximum height equal to the height of the maximum roofline.
 - iii. WCF that are proposed to exceed the height requirements, as provided herein, may be approved as a deviating component through a Conditional Use request pursuant to LDC section 5.05.09 F.4. Distance from RSF-1 through RSF-6, and RMF-6 zoning districts shall be additional criterion for Conditional Use approval.
- c. Rooftop mounted facilities shall be set back from the closest outer edge of the roof a distance of not less than 10 percent of the rooftop length and width, but not less than five feet.
 - d. Antenna structures and dish type antennas shall use camouflage techniques that incorporate architectural treatment to conceal or screen their presence from public view through design to unobtrusively blend in aesthetically with the surrounding environment.
 - e. 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.
 - f. The design elements of the building (i.e., parapet wall, screen enclosures, other mechanical equipment) shall be used to screen the wireless communication facility.
 - g. Co-location is not required for rooftop or building mounted facilities.
4. Relief from design and development standards. An applicant requesting a Conditional Use may request a deviation from the design and development standards of this section as part of the Conditional Use request. Criteria for the deviation will be the criteria set forth in LDC section 10.08.00 D.
- G. Publicly owned property. The applicant of a WCF may proceed at their own risk with the submittal of an application for a WCF located on County-owned lands while the lease agreement is pending; however, no development order shall be issued by the County until such agreement or lease has been fully executed. All terms and provisions of the agreement or lease shall be in a form that is acceptable to the County Attorney, including a release from the County of all liability regarding the WCF.
- 1. Height limitations for wireless communication facilities on property owned, leased, or otherwise controlled by public entities, including but not limited to federal, state, and/or County entities shall be as follows:
 - a. Facilities that are 185 feet or less in height are a permitted use by right in all zoning districts.

- b. Facilities that are greater than 185 feet in height shall require a Conditional Use.
- c. Facilities utilizing this exemption must meet all separation requirements of LDC section 5.05.09 F.2.c. and Airport Overlay regulations in the LDC.

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

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

- 1. The parcel shall be a minimum 2.25 acres and adjacent to an arterial or collector road.
- 2. The wireless communication services provider has provided evidence that the service provider's search radius for the tower location requires placement of the tower in the Estates Zoning District to meet its coverage requirements and that the WCF cannot be co-located on an existing tower and provide the same quality service coverage.

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

- 1. Supplemental tower application requirements.
 - a. Evidence from a Radio Frequency Engineer that the proposed facilities cannot be installed on another structure in Collier County and shall be located at the proposed site to meet coverage requirements with a composite propagation study illustrating, graphically, existing, and proposed coverage in industry-accepted median received signal ranges.
 - b. If co-location is not available, the applicant shall submit an affidavit stating that the applicant made diligent efforts for permission to install or co-locate the WCF on all existing support structures located within the search radius for the proposed tower. The applicant shall establish in the application that: they are unable to provide service at existing sites nearby; no other existing tower is available (including utility poles); and that no reasonable alternative technology can accommodate the WCF due to one or more of the following factors:
 - i. Insufficient height to allow the WCF to function reasonably in parity with similar facilities;
 - ii. Insufficient structural strength to support the WCF;
 - iii. Insufficient space to allow the WCF 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 facility application requirements.

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

3. A copy of each application for a WCF that is greater than 150 feet in height shall be supplied by the applicant to the Collier Mosquito Control District or designee.

J. Inspections.

1. All guyed towers exceeding 185 feet in height shall be inspected every three years. All other towers shall be inspected every five years. Each inspection shall be conducted by a qualified professional engineer or other qualified professional inspector, and any inspector-recommended repairs and/or maintenance should be completed without unnecessary delay. At a minimum, each inspection shall include the following:

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

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).

2. A copy of each inspection report shall be filed with the County Manager or designee no 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 or designee 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.

K. Abandonment.

1. Collier County may require removal of any abandoned or unused wireless communications facility by the owner within 60 calendar days of confirming abandonment. A WCF shall be considered abandoned if use has been discontinued for 180 consecutive calendar days as determined by Collier County.

2. Where a WCF is abandoned but not removed within the specified timeframe, the County may remove it and place a lien on the property following procedures set forth in the Collier County Code of Laws and Ordinances, Article VI, Sec. 22-245.
 3. Where a WCF is utilized for other purposes, including but not limited to lighting standards and power poles, it shall not be considered abandoned if still being maintained in good condition.
 4. Where a WCF is removed by an owner, the owner shall restore the area to as good of a condition as prior to the placement of the facility, unless otherwise instructed by Collier County.
- A. ~~Purpose and intent. This section applies to specified communication towers that support any antenna designed to receive or transmit electromagnetic energy, such as, but not limited to, telephone, television, radio, or microwave transmissions. This section sets standards for construction and facilities siting; and is intended to minimize, where applicable, adverse visual impacts of towers and antennas through careful design, siting, and vegetation screening; to avoid potential damage to adjacent properties from tower failure; to maximize the use of specified new communication towers and, thereby, to minimize the need to construct new towers; to maximize the shared use of specified tower sites to minimize the need for additional tower sites; to lessen impacts new ground mounted towers could have on migratory and other species of birds; to prevent unnecessary habitat fragmentation and/or disturbance in siting and designing new towers; and to consider the concerns of the Collier Mosquito Control District as to low flying mosquito control aircraft safety.~~
- B. ~~Definitions unique to communications towers, section 5.05.09.~~
1. ~~As used herein "antenna" does not include (a) wire antennas or (b) "receive only" dishes that have an outside diameter of less than 40 inches.~~
 2. ~~Effective radius means a radius of 6 miles from the respective tower unless a lesser radius is approved.~~
 3. ~~Lesser effective radius means an approved radius of less than 6 miles.~~
 4. ~~"Unavailable to the applicant" means a tower that cannot accommodate the applicant's proposed antenna or a site that cannot accommodate the applicant's tower, antenna, and related facilities.~~
 5. ~~"Unavailable" means that no additional tower or site capacity is available to anyone.~~
- C. ~~Migratory Birds and other Wildlife Considerations.~~
1. ~~Ground Mounted towers. Except to the extent not feasible for the respective new ground mounted tower's intended purpose(s), each new ground mounted tower that will exceed a height of 75 feet (above ground), exclusive of antennas, but will not exceed a height of 199 feet above natural grade, exclusive of antennas, should not be guyed. If the applicant proposes that a new ground mounted tower within this height range be guyed, the applicant shall have the burden of proving the necessity of guying the tower.~~

2. ~~*Bird Diverter Devices.* Each new ground mounted guyed tower installed on or after February 20, 2004, greater than 75 feet in height above natural grade, exclusive of antennas, shall have installed and maintained bird diverter devices on each guy wire (to reduce injuries to flying birds).~~
 3. ~~*Habitat Loss.* In addition to the requirements in Chapters 3 and 10, towers and other on-site facilities shall be designed, sited, and constructed to minimize habitat loss within the tower footprint. At such sites, road access and fencing, to the extent feasible, shall be utilized to minimize on-site and adjacent habitat fragmentation and/or disturbances.~~
 4. ~~*Security Lighting.* When feasible, security lighting to protect on-ground facilities/equipment shall be down-shielded to try to keep such light within the outermost geographic boundaries of the tower's footprint.~~
- D. ~~Shared use of towers. A tower with a height in excess of 185 feet above natural grade shall not be approved, unless the applicant demonstrates that no old or approved tower within the effective radius can accommodate the applicant's proposed antenna and ancillary equipment. Towers owned by or leased to any government are exempt from these shared use provisions, except as to sharing with other governments.~~
1. ~~For the purpose of discovering availability for use of towers within the effective radius, the applicant shall contact the owner of all old and approved towers, within the effective radius, that can possibly accommodate the needs of the applicant. The county manager or designee may preapprove the minimum allowable height to determine which towers may be available for use by the applicant. A list of all owners contacted, the date of each contact, the form and content of each contact, and all responses shall be a part of the conditional use application. As an accommodation to applicants, the county manager or designee shall retain all shared use plans, records of past responses, and a list of old and approved towers. If the owner of an old tower does not respond to the applicant's inquiry within a reasonable time, generally 30 days or less, or the owner of an old tower will not rent space to the applicant at a reasonable rental for a reasonable time period, such old tower shall be deemed unavailable to that applicant. If the old tower is a nonconforming structure, additional antennas may be installed thereon in accordance with an approved shared use plan, provided however, no structural alterations may be made to the tower, and the height of the tower inclusive of its antennas may not be increased.~~
 2. ~~Lesser effective radius. If the applicant asserts that the effective radius for the intended use is less than 6 miles, the applicant shall provide evidence that the asserted lesser effective radius is based on physical and/or electrical characteristics. Based on the evidence submitted by the applicant, the County Manager or designee may establish a lesser effective radius. If a radius can be increased by signal amplification or other means, such means must be considered in determining the lesser effective radius. The antenna manufacturer's specifications shall be conclusive, unless the applicant can prove they are incorrect in the specific case.~~
 3. ~~If an approved tower within the applicant's approved effective radius may have capacity available for the antenna proposed by the applicant, the application for a~~

~~new tower shall not be complete without the following information regarding each such possibly available approved tower. Such information shall also be provided for old towers to the extent it can be obtained.~~

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

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

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

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

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

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

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

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

3. ~~If the site owner, or owner of a tower on the respective site, asserts that the site cannot accommodate the applicant's needs, the respective owner shall specify in meaningful detail reasons why the site cannot accommodate the applicant. To the extent information is current and correct in the respective tower site's approved shared use plan, the site owner or tower owner can refer the applicant to the respective shared use plan. If the shared use plan is not then up-to-date, the plan shall be brought up-to-date immediately by the owner and the written~~

reply to the applicant shall specify to what extent the shared use plan is incorrect, incomplete, or otherwise not up-to-date.

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

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

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 equipment shall be submitted by an appropriate professional engineer certified to practice in the State of Florida; and~~
 - f. ~~A site development plan shall be submitted for review and approval if an increase in tower height requires placement of, or addition to, an antenna equipment building or support building.~~
5. ~~Filing shared use plans. Each approved shared use plan shall be filed and recorded in the Office of the Collier County Clerk of Court prior to any site development plan approval. A copy of the initial shared use plan shall be filed with, and approved by, the County Manager or designee prior to conditional use approval.~~
6. ~~Shared use plans for old towers and old tower sites. Initial shared use plans and amendments for old towers require approval of the County Manager or designee. Initial shared use plans and amendments for old tower sites require approval of the BCC, except where an amendment reduces site and/or antenna capacity.~~
7. ~~Transmitting and receiving equipment serving similar kinds of uses shall, to the extent reasonable and commercially practicable, be placed on a shared use tower in such a manner that any of the users in a group can operate approximately equal to other users in the group utilizing substantially similar equipment.~~
8. ~~Once a shared use plan for a tower is approved, additional antennas may be added to that tower in accordance with the approved shared use plan without additional conditional use approval even if the tower is then a nonconforming structure. The shared use plan shall be immediately updated to reflect each such change. Likewise, once a new shared use plan for a tower site is approved, additional towers and accessory buildings and uses may be added to that site in accordance with the plan without additional conditional use approval, even if the site is then nonconforming. The shared use plan shall be immediately updated to reflect each change.~~

9. ~~For each tower with a height in excess of 185 feet that is approved, the tower owner shall be required, as a condition of approval, to file an approved shared use plan, except when a government tower is approved to be perpetually unavailable. To the extent that there is capacity for other antennas on the tower, the plan shall commit the tower owner and all successor owners to allow shared use of the tower in accordance with the shared use plan for antennas of others at reasonable rates. The initial proposed rates (or a range of reasonable rates) shall be specified in the shared use plan, and shall be amended each time the rates are changed. When antenna space on a tower is rented to others, each rental agreement shall be filed with the shared use plan. Any agreement that purports to reserve antenna space for future use must be approved by the County Manager or designee.~~
10. ~~For each new shared use tower site that is approved, the owner shall be required, as a condition of approval, to file an approved shared use plan, except as to a government site that is approved to be perpetually unavailable. If there is land available on the site to accommodate additional towers and accessory facilities, the plan shall commit the landowner and successor owners to accommodate such additional facilities on the site at reasonable rents (or a range of reasonable rents) 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 respective zoning district, and the base of such tower is separated from the nearest boundary of any parcel of land zoned RSF-1 through RSF-6, RMF-6, E, RMF-12, RMF-16, RT, VR, MH, TTRVC, or PUD zoning of six (6) residential dwelling units or less, by a minimum distance in feet determined by multiplying the height of the tower (in feet) by a factor of two and one-half (2.5). (The minimum separation distance is two and one-half (2 ½) times the height of the tower.) towers which do not meet the separation requirement may apply for a variance in accordance with section 9.04.00.~~
 - ~~b. Agricultural zoning districts within the rural designated area: Towers shall not exceed 250 feet in height.~~
 - ~~c. All agricultural zoning districts: No tower that exceeds 250 feet in height exclusive, of any antenna affixed thereto, shall be allowed on any site comprising less than ten (10) acres under common ownership or control, except such towers can be approved as a conditional use on sites of less than ten (10) acres if the applicant cannot, with economic feasibility, acquire title to, or control of, a suitable tower site of at least ten (10) acres in the required geographic vicinity of the proposed tower site.~~
- ~~3. Essential services—Specified conditional uses Except in the RSF-1 through RSF-6, and RMF-6 zoning districts, towers may be allowed to any height as a conditional use on sites approved for a conditional use essential service for any of the following conditional uses: safety service facilities including, but not necessarily limited to, fire stations, sheriff's substation or facility, emergency medical services facility, and all other similar uses where a communications tower could be considered an accessory or logically associated use with the safety service conditional use on the site. In addition, communications towers can be approved as a conditional use for a stand-alone essential service facility,~~

~~provided the tower is to be owned by, or to be leased to, a governmental entity, and the primary uses of the tower are for governmental purposes.~~

- ~~4. New towers shall be installed only on rooftops in the RMF-12, RMF-16, and RT zoning districts, except amateur radio towers with a height not to exceed seventy-five (75) feet above the natural grade, and ground-mounted antennas with a height not to exceed twenty (20) feet above the natural grade, are permitted within these zoning districts.~~
- ~~5. Ground-mounted monopole communication towers up to 150 feet in height above the natural grade, including antennas affixed thereto, may be allowed as a conditional use within these zoning districts. The height of each monopole communication tower shall be limited to the height necessary for its use at its location.~~
- ~~6. Rooftop towers, antenna structures, and antennas.~~
 - ~~a. Rooftop towers, antenna structures, and antennas are allowed in all zoning districts except the RSF-1 through RSF-6, RMF-6, and E zoning districts.~~
 - ~~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 (1/2) 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.~~
8. ~~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.~~

- ~~9. 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.~~
- ~~10. 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.~~
- ~~11. 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 or receive transmissions, and in no event shall such uses exceed twenty-five (25) percent of the floor area used for transmission or reception equipment and functions. Transmission equipment shall be automated, to the greatest extent economically feasible, to reduce traffic and congestion. Where the site abuts, or has access to, a collector street, access for motor vehicles shall be limited to the collector street. All equipment shall comply with the then applicable noise standards.~~
- ~~12. For new commercial towers exceeding 185 feet in height, a minimum of two (2) parking spaces shall be provided on each site. An additional parking space for each two (2) employees shall be provided at facilities which require on-site personnel. Facilities which do not require on-site personnel may utilize impervious parking.~~
- ~~13. All new tower bases, guy anchors, outdoor equipment, accessory buildings, and accessory structures shall be fenced. This provision does not apply to amateur radio towers, or to ground-mounted antennas that do not exceed twenty (20) feet above grade.~~
- ~~13. Tower lighting. Towers and antennas with a height greater than 150 feet shall be required to have red beacon or dual mode lights, unless exempted, in writing, by the Collier County Mosquito Control District. Such lights shall meet the then existing Federal Aviation Administration ("FAA") technical standards. No other towers or antennas shall be artificially lighted, except as required by the FAA, the Federal Communications Commission, or other applicable laws, ordinances, or regulations. If the FAA rules require lighting, then the applicant shall comply with such rules.~~

~~New towers exceeding 199 feet. Each new tower that will have a height in excess of one hundred and ninety-nine (199) feet above ground, exclusive of antennas, and such tower shall be lighted no more than is otherwise required by state~~

~~and/or federal law, rule, or regulation. Unless otherwise then required by law, rule or regulation, only white strobe lights shall be used at night, unless otherwise required by the FAA, in which case red strobe-type lights shall be used. Such lights shall not exceed the minimum number, minimum intensity, and minimum light flashes per interval of time (requiring the longest allowable duration between light flashes) required by state or federal law, rule, or regulation. Solid red (or pulsating red) warning lights shall not be used at night.~~

- ~~14. All guyed towers exceeding 185 feet in height shall be inspected every three (3) years. Self-supporting towers shall be inspected every five (5) years. Each inspection shall be conducted by a qualified professional engineer or other qualified professional inspector, and any inspector recommended repairs and/or maintenance should be completed without unnecessary delay. At a minimum, each inspection shall include the following:~~
 - ~~a. Tower structure: Including bolts, loose or damaged members, and signs of unusual stress or vibration.~~
 - ~~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 biological productivity, as indispensable components of various hydrologic regimes, or as irreplaceable and critical habitat for native species of flora or fauna.~~
- ~~21. Any existing native vegetation on the site shall be preserved and used to meet the minimum landscape requirements as required by section 4.06.00. The site plan shall show existing significant vegetation to be removed and vegetation to be replanted to replace that lost. native vegetation may constitute part or all of the required buffer area if its opacity exceeds eighty (80) percent.~~
- ~~22. As to communications towers and antennas, including rooftop towers, antenna structures, and antennas, the height provisions of this section supersede all other height limitations specified in this Code.~~
- ~~23. All existing and proposed ground mounted and rooftop towers and antennas with a height greater than 150 feet shall be required to have a solid red beacon or dual mode lights unless exempted in writing by the Collier Mosquito Control District. Such lights shall meet the then existing Federal Aviation Administration (FAA) technical standards. The total structure height shall include all appendages and attachments, such as antennas, lights, lightening rods, or any other accessory device that would extend the height of the tower. All existing towers shall have six months (180 days) from June 16, 2005, to comply with the requirement. If the FAA rules require lighting, then the applicant shall comply with such rules.~~
- ~~24. A copy of each application for a tower in excess of 150 feet shall be supplied by the applicant to the Collier Mosquito Control District or designee.~~
- ~~25. Communication towers in the Estates (E) Zoning District.~~

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

- a. ~~The parcel is a minimum 2.25 acres and adjacent to an arterial or collector road.~~
- b. ~~The communications provider has provided evidence that the communication provider's search radius for tower placement requires placement of the tower in the Estates Zoning District to meet its coverage requirements and the tower cannot be co-located on an existing tower and provide the same service coverage.~~
- c. ~~All security and site lighting shall be less than 20 feet above grade, fully shielded, and directed away from neighboring properties.~~
- d. ~~Fencing height and landscaping. The required perimeter wall or fence height shall be a minimum of eight feet from finished grade of base supporting structure and no greater than 10 feet. A minimum 15 foot landscape Type B buffer along the perimeter of wall or fence is required and tree plantings within the buffer shall be 12 feet tall at time of planting.~~
- 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;~~

~~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~~

- d. ~~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 (1/2) 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.~~
- ~~6. Landscape buffer. A landscape buffer no less than ten (10) feet wide with trees planted twenty-five (25) feet on center shall be developed and maintained around the perimeter of each tower site and other related equipment, structures, and buildings. This buffer shall encompass all structures including the tower base. At least one (1) row of native vegetation shall be planted within the buffer to form a continuous hedge of at least three (3) feet in height at planting. The buffer must be maintained in good condition. This landscape buffer may be waived by the County Manager or designee where the buffer is not practical due to public safety concerns.~~
- ~~7. A site development plan and construction plans shall be submitted to the County Manager or designee for review and approval prior to any construction of any such tower. No changes, additions, or alterations may be made to any approved site development plan or construction plans for any such tower without County approval.~~
- ~~8. Tower lighting. In addition to the requirements for tower lights specified in section 5.05.09 of this Code, towers located in the Big Cypress Preserve and the Florida Panther National Wildlife Preserve shall be lighted in accordance with the USFWS guidance system requirements for tower lighting.~~
- ~~9. Notwithstanding any other provision in this Code, and notwithstanding the underlying zoning of the respective tower site, subject to the following, the communication towers and accessory facilities ("facilities") listed above, and all such future facilities, are lawful uses, if located within the confines of the I-75 right-of-way east of the Alligator Alley toll booth to the eastern boundary of Collier County.~~
- ~~10. The tower and related facilities shall be subject to conditional use approval whenever the tower is to exceed a height of twenty (20) feet. Towers that are to~~

be twenty (20) feet or less in height require only building permit approval from the County.

- a. ~~As all such facilities must be located within the I-75 right-of-way, the facilities must be subject to approval from the owner of that right-of-way, including such conditions as may be required by that owner. The owner of said right-of-way is the State of Florida, by and through the Florida Department of Transportation.~~
- b. ~~The facilities must be owned by, or leased to, a governmental entity. The primary uses of the facilities shall be governmental uses. Private uses of the facilities, if any, shall always be incidental and subordinate to the governmental uses.~~
- c. ~~Notwithstanding any other provision in section 5.05.09, the facilities shall be subject to the tower sharing requirements of section 5.05.09 if the tower is to exceed a height of 120 feet, unless the tower is a monopole. If the tower is to be used only for governmental uses, the tower need be shared only with other governmental entities. If the tower is to be occupied by an antenna under control of a non-governmental occupant of the tower and is 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.~~
- d. ~~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 compliance of such facilities with applicable federal regulations, applicable zoning and/or land development regulations (including aesthetic requirements), or with applicable building regulations.~~

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

~~7. Default approval.~~

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

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

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

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

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

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

SECTION FOUR: CONFLICT AND SEVERABILITY

In the event that any provisions of this ordinance should result in an unresolved conflict with the provisions of the Land Development Code (LDC) or Growth Management Plan (GMP), the applicable provisions of the LDC or GMP shall prevail. In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FIVE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE


The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION SIX: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 27th day of February, 2024.

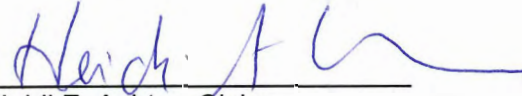
ATTEST:
CRYSTAL KINZEL, CLERK

By: 
as to Chairman's Deputy Clerk
signature only


BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: 
Chris Hall, Chairman

Approved as to form and legality:


Heidi F. Ashtori-Cicko
Managing Assistant County Attorney

04-CMD-01077/1983 (02/27/24)
23-LDS-00284/86 (02/27/24)

This ordinance filed with the
Secretary of State's Office the
4th day of March, 2024
and acknowledgement of that
filing received this 4th day
of March, 2024
By: 
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

March 5, 2024

Crystal K. Kinzel, Clerk of Court
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, FL 34112

Dear Ms. Kinzel,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2024-05, which was filed in this office on March 4, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh