

LAND DEVELOPMENT CODE AMENDMENT

PETITION PL20230014143	SUMMARY OF AMENDMENT: This amendment eliminates the floodplain management provisions from the Land Development Code (LDC) that are duplicative to the flood provisions in Chapter 62 of the Collier County Code of Laws and Ordinances (Code of Laws) or the Florida Building Code.
ORIGIN Growth Management Community Department (GMCD)	

HEARING DATES	LDC SECTIONS TO BE AMENDED
Board 02/27/2024 01/23/2024 CCPC 01/04/2024	1.08.01 Abbreviations 1.08.02 Definitions 2.03.03 Commercial Zoning Districts 3.02.01 Findings of Fact 3.02.02 Purpose 3.02.03 Applicability 3.02.04 Exemptions 3.02.05 Basis for Establishing the Areas of Special Flood Hazard 3.02.06 General Standards for Flood Hazard Reduction 3.02.07 Specific Standards for Construction Within Coastal High Hazard Areas 3.02.08 Regulations Within the Floodways 3.02.09 Regulations for Mobile Homes and Recreational Vehicles 3.02.10 Standards for Subdivision Plats 3.04.02 Species Specific Requirements 3.05.07 Preservation Standards 3.07.02 Interim Watershed Regulations 4.01.01 Elevation Requirements for All Developments 4.02.11 Design Standards for Hurricane Shelters Within Mobile Home Rental Parks 4.02.14 Design Standards for Development in the ST and ACSC-ST Districts 4.02.16 Design Standards for Development in the Bayshore Gateway Triangle Community Redevelopment Area 9.04.05 Specific Requirements for Variances to Flood Hazard Protection Requirements 10.04.04 Applications Subject to Type III Review

COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION

Approved with recommendation

BACKGROUND

The National Flood Insurance Program (NFIP) is managed by the Federal Emergency Management Agency

(FEMA) to provide “insurance to help reduce the socio-economic impact of floods.” As of August 2023, there are currently 22,642 communities participating in the NFIP nationwide, including 468 in Florida. Collier County has been participating in the NFIP since 1979, which is when the County first adopted a flood damage prevention ordinance (Ord. 79-62). Subsequent repeals and amendments to the ordinance occurred in 1985, 1986, 1987, 1990, and 2005.

The Florida Division of Emergency Management (FDEM) serves as the State Coordinating Agency for the NFIP and works with communities to ensure that local floodplain ordinances either meet or exceed the minimum requirements of the NFIP. In 2010, the FDEM drafted a model ordinance, to provide guidance to local jurisdictions throughout the State of Florida to assist in adopting the State’s higher regulatory standards. In 2011, the Board voted to repeal the County’s flood damage prevention ordinance (Ord. 86-28) and adopt a new ordinance (Ord. 2011-07) to ensure greater consistency between the County regulations and the State of Florida Model Flood Damage Prevention Ordinance. The new County regulations were then amended twice in 2012 and repealed in 2019 to adopt (to the extent applicable) the regulations and policies set forth in the new and revised State of Florida Model Flood Damage Prevention Ordinance.

In 2021, RCQuinn Consulting, Inc., a consultant working on behalf of the FDEM, contacted the County regarding the County’s floodplain provisions in the LDC and advised staff to remove any provisions that were either duplicative or in conflict with the flood damage prevention provisions in Chapter 62 of the Code of Laws and Ordinance. This recommendation to amend the LDC was initiated by the FDEM, because FEMA had determined that it can be problematic for a jurisdiction to have multiple regulatory instruments governing the same subject matter. As such, this LDC amendment represents the implementation of the collaborative effort between staff and the FDEM to further designate Chapter 62 of the Code of Laws and Ordinances as the main repository for “flood” regulations. In addition to removing duplication, this LDC amendment also proposes to help clarify the provisions related to mobile homes and recreational vehicles (in LDC section 2.03.09). The proposed text was recommended by the RCQuinn Consulting, Inc., who is working on behalf of FDEM.

CCPC Recommendation: On January 4, 2024, the CCPC recommended approval of the LDC amendment, contingent upon relocating the proposed text below into Chapter 62 of the Code of Laws and Ordinances:

“If the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced, existing mobile homes shall not be required to comply with the requirements of Chapter 62 of the Code of Laws and Ordinances unless those homes are substantially improved or substantially damaged.”

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal impacts to the County, except for the cost of advertising an ordinance amending the LDC and Code of Laws and Ordinances.

GMP CONSISTENCY

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

EXHIBITS: A) Letter from FDEM

Amend the LDC as follows:

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1.08.01 – Abbreviations

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FIHS	Florida Interstate Highway System
FIRM	Flood Insurance Rate Map
FIS	Flood insurance study
FISH	Florida Inventory of School Houses

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1.08.02 – Definitions

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Area of environmental sensitivity. An area where environmental quality may be highly susceptible to degradation and where alteration may cause predictable losses of natural resources.

~~*Area of special flood hazard.* The area/land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. These areas are designated on the Flood Insurance Rate Map.~~

Arterial road or street. A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road. See Figure 1.

* * * * *

Awning. Temporary canvas or other material covering extending from and attached to the facade of a building, without ground supports.

~~*Base flood elevation.* A flood elevation having a one percent chance of being equaled or exceeded in any given year.~~

Beach. The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

* * * * *

Bonus credit. A unit representing the right to increase the density or intensity of development within a Rural Village to an extent equal to that achieved through TDR Credits, up to the minimum required density. [sec. 2.03.08 A.2.b.(3)(b)]

~~*Breakaway wall.* A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces.~~

1 ~~without causing damage to the elevated portion of the building or the supporting foundations~~
2 ~~system.~~
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4 *Buffer (also, landscape buffer):* Land or a combination of land and vegetation for the
5 separation of 1 use from another and the alleviation of adverse effects of 1 use to another.

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9 *Cluster development:* A design technique allowed within residential zoning districts or
10 where residential development is an allowable use. This form of development employs a more
11 compact arrangement of dwelling units by allowing for, or requiring as the case may be, reductions
12 in the standard or typical lot size and yard requirements of the applicable zoning district, in order
13 to: increase common open space; reduce the overall development area; reduce alterations and
14 impacts to natural resources on the site; to preserve additional native vegetation and habitat
15 areas; and, to reduce the cost of providing services, including but not limited to central sewer and
16 water.

17
18 *Coastal high hazard areas:* The evacuation zone for a Category 1 hurricane as may be
19 established in the regional hurricane evacuation study applicable to the local government. For
20 floodplain management purposes, the term is defined in Chapter 62 of the Collier County Code
21 of Laws and Ordinances.
22

23 *Coastal zone:* Refers to all land and territorial waters west of SLOSH zone 1 line
24 (approximately U.S. 41, for most of the county), including water and submerged lands of oceanic
25 water bodies or estuarine water bodies; shorelines adjacent to oceanic waters or estuaries;
26 coastal barriers; living marine resources; marine wetlands; water-dependent facilities or water-
27 related facilities on oceanic or estuarine waters; or public access facilities to oceanic beaches or
28 estuarine shorelines; and all lands adjacent to such occurrences where development activities
29 would impact the integrity or quality of the above.

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33 *Fire station services, ancillary:* Fire protection activities imperative to carry out the
34 purposes of a government establishment primarily engaged in firefighting, such as fire training
35 camps, but which is not required to be located at a fire station for that fire station to serve its
36 function. However, services designed to repair any firefighting equipment is not an ancillary fire
37 station service.

38
39 *Flood:* A general and temporary condition of partial or complete inundation of normally dry
40 land area from the overflow of inland or tidal waters or the unusual and rapid accumulation or
41 runoff of surface waters from any source.

42
43 ~~*Flood elevation determination:* A determination by the County Manager or designee of the~~
44 ~~water surface elevations of the base flood, that is, the flood level that has a one-percent or greater~~
45 ~~chance of occurrence in any given year.~~

46
47 ~~*Flood insurance rate map (FIRM):* An official map of Collier County, Florida, on which the~~
48 ~~County Manager or designee has delineated both the special hazard areas and the risk premium~~
49 ~~zone applicable to the community.~~

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2 ~~*Flood insurance study (FIS):* The official report provided in which the Federal Emergency~~
3 ~~Management Agency (FEMA) has provided flood profiles, as well as the Flood Insurance Rate~~
4 ~~Maps and the water surface elevation of the base flood.~~

5
6 *Flood-plain:* Area inundated during a 100-year flood event or identified by the National
7 Flood Insurance Program as a special flood hazard area ~~an A Zone or V Zone~~ on Flood Insurance
8 Rate Maps ~~or Flood Hazard Boundary Maps.~~

9
10 ~~*Flood-prone area:* Any land area susceptible to being inundated by water from any source~~
11 ~~(see definition of "flood").~~

12
13 ~~*Floodway:* The channel of a river or other watercourse and the adjacent land areas that~~
14 ~~must be reserved in order to discharge the base flood without cumulatively increasing the water~~
15 ~~surface elevation more than one foot.~~

16
17 *Floor area:* The sum of the gross horizontal areas of the several floors of a building
18 measured from the exterior faces of the exterior walls or from the centerline of common walls
19 separating 2 buildings, excluding attic areas with a headroom of less than 7 feet, enclosed or
20 unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air
21 conditioning, ventilating or heating or other building machinery and equipment, parking structures,
22 and crawl space where the ceiling is not more than an average of 48 inches above the general
23 finished grade level of the adjacent portion of the lot, except as may be otherwise indicated in
24 relation to particular districts and uses.

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27

28 *Subdivision:* The division of land, whether improved or unimproved, into 3 or more
29 contiguous lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land any of which
30 do not equal or exceed 10 acres, for the purpose, whether immediate or future, of transfer of
31 ownership or development; or any division of land if the extension of an existing street or the
32 establishment of a new street is involved to provide access to the land. The term includes
33 resubdivision, the division of land into 3 or more horizontal condominium parcels or horizontal
34 cooperative parcels, and the division or development of residential or nonresidential zoned land,
35 whether by deed, metes and bounds description, devise, intestacy, map, plat, horizontal
36 condominium parcels, horizontal cooperative parcels, or other recorded instrument, and, when
37 appropriate to the context, means the process of subdividing or to the lands or areas subdivided.

38
39 ~~*Substantial damage:* Damage of any origin sustained by a structure whereby the cost of~~
40 ~~restoring the structure to its before damaged condition would equal or exceed 50 percent of the~~
41 ~~market value of the structure before the damage occurred.~~

42
43 ~~*Substantial improvement:* Any reconstruction, rehabilitation, addition, or other~~
44 ~~improvement of a structure, the cost of which equals or exceeds 50 percent of the market value~~
45 ~~of the structure before the start of construction of the improvement, this term includes structures~~
46 ~~which have incurred "substantial damage", regardless of the actual repair work performed. The~~
47 ~~term does not, however, include any project for improvement of a structure to correct existing~~
48 ~~violations of state or local health, sanitary, or safety code specifications which have been identified~~

1 ~~by the local code enforcement official and which are the minimum necessary to assure safe living~~
2 ~~conditions; or any alteration of a historic structure.~~

3
4 *Take or Taking:* A parcel of land or a lot or portion thereof, or parcels or lots in combination
5 or a portion thereof, that Collier County (or other governmental agency with eminent domain
6 powers), or a private party or parties under agreement with Collier County or other government
7 entity, has acquired or proposes to acquire for public use, whether by fee simple title or by
8 easement, regardless of whether that acquisition occurs through dedication, condemnation,
9 purchase, gift, or some similar manner.

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14 **2.03.03 – Commercial Zoning Districts**

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

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21
22 2. The following uses are permissible by right, or as accessory or conditional uses
23 within the travel trailer-recreational vehicle campground district (TTRVC).

24 * * * * *

25
26
27 c. Conditional uses. The following uses are permissible as conditional uses
28 in the travel trailer recreational vehicle campground district (TTRVC),
29 subject to the standards and procedures established in LDC section
30 10.08.00:

31
32 1. Camping cabins subject to the following standards:

33 * * * * *

34
35
36 x. If camping cabins are to be located in a flood hazard zone
37 as delineated on the most recent flood insurance rate maps,
38 all requirements of Chapter 62 of the Code of Laws and
39 Ordinances and Florida Building Code ~~Section 3.02.00 of~~
40 ~~this LDC~~ must be met.

41 * * * * *

42
43
44 3. Plan approval requirements. Layout plans for a TTRVC park shall be submitted to
45 the County Manager or designee and construction shall be in accordance with
46 approved plans and specifications and further subject to the provisions of site
47 development plans in section 10.02.03. Such plans shall meet the requirements of
48 this district and shall show, at a minimum, those items identified herein.

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3 10. Flood program requirements. All travel trailers, park model travel trailers,

4 recreational vehicles and accessory structures shall comply with the current Collier

5 County Flood Damage Prevention Ordinance [Code ch. 62, art. II] ~~if permanently~~

6 ~~attached to the ground or utility facilities.~~

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11 **3.02.00 – FLOODPLAIN PROTECTION**

13 **3.02.01 – Reserved ~~Findings of Fact~~**

15 ~~A. The flood hazard areas of the County are subject to periodic inundation, which could result in loss of life, property damage, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which could adversely affect the public health, safety, and general welfare.~~

21 ~~B. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by structures vulnerable to floods or hazardous to the lands which are inadequately elevated, floodproofed, or otherwise inadequately protected from flood damages.~~

26 **3.02.02 – Reserved Purpose**

28 ~~It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:~~

32 ~~A. To protect human life and health;~~

34 ~~B. To minimize expenditure of public money for costly and environmentally unsound flood control projects;~~

37 ~~C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;~~

40 ~~D. To minimize prolonged business interruptions;~~

42 ~~E. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;~~

45 ~~F. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;~~

48 ~~G. To ensure, to the greatest degree possible, that potential home buyers are notified that property is in an area of special flood hazard; and~~

1
2 ~~H. To ensure that those who occupy the areas of special flood hazard assume responsibilities~~
3 ~~for their actions.~~

4
5 **3.02.03 – Reserved Applicability**

6
7 ~~This section shall apply to all areas of special flood hazard in the unincorporated area of the~~
8 ~~County, and identified by the Federal Insurance Administration in its flood insurance rate map~~
9 ~~(FIRM), dated November 17, 2005, and any revisions thereto.~~

10
11 ~~(Ord. No. 08-08, § 3.D)~~

12
13 **3.02.04 – Reserved Exemptions**

14
15 ~~Mobile homes to be placed in an existing mobile home park shall be exempt from the~~
16 ~~requirements of this section, provided such mobile home park is not expanded or undergoes~~
17 ~~substantial improvement as defined herein.~~

18
19 **3.02.05 – Reserved Basis for Establishing the Areas of Special Flood Hazard**

20
21 ~~The areas of special flood hazard, are identified by the Federal Insurance Administration, in a~~
22 ~~scientific and engineering report entitled "The flood insurance study" for the County's~~
23 ~~unincorporated area, dated June 3, 1986, with accompanying FIRM, dated November 17, 2005,~~
24 ~~The flood insurance study and accompanying FIRM shall be on file and be open for public~~
25 ~~inspection in the office of the Clerk to the BCC located in Building "F", Collier County Courthouse,~~
26 ~~3301 Tamiami Trail, East, Naples, Florida 34112.~~

27
28 ~~(Ord. No. 08-08, § 3.E)~~

29
30 **3.02.06 – Reserved General Standards for Flood Hazard Reduction**

31
32 ~~In all areas of special flood hazards, the following provisions are required:~~

33
34 ~~A. All new construction and substantial improvements shall be anchored to prevent flotation,~~
35 ~~collapse, or lateral movement of the structure.~~

36
37 ~~B. New construction and substantial improvements in the A Zones may be built on~~
38 ~~unconstrained, but compacted, fill, if in compliance with the Collier County Building Code~~
39 ~~Ordinance. No significant water is permitted to flow from the subject premises onto~~
40 ~~abutting properties or into adjoining waters which are not County approved drainage~~
41 ~~system(s).~~

42
43 ~~C. Residential Construction – new construction or substantial improvement of any residential~~
44 ~~structure shall have the lowest floor elevated to or above the base flood elevation.~~

45
46 ~~D. Non-residential Construction – new construction and substantial improvements of non-~~
47 ~~residential structures shall have the lowest floor (including basement) elevated to or above~~
48 ~~the base flood level or, together with the attendant utility and sanitary facilities, be~~
49 ~~designed so that, below the base flood level, the structure is essentially waterproofed with~~

1 walls substantially impermeable to the passage of water and with structural components
2 having the capability of resisting hydrostatic and hydrodynamic loads and effects of
3 buoyancy. Floodproofing is prohibited in the velocity (V) zones. The property owners shall
4 provide a certification by a registered professional engineer or registered professional
5 architect that the design standards of this section are satisfied.
6

7 ~~E. All new construction and substantial improvements shall be constructed with electrical,
8 heating, ventilation, plumbing, air conditioning equipment, and other service facilities that
9 are designed and/or located so as to prevent water from entering or accumulating within
10 the components during conditions of flooding.~~

11
12 ~~F. All new construction or substantial improvements shall be constructed by methods and
13 practices that will minimize flood damage.~~

14
15 ~~G. Openings all new construction and substantial improvements with fully enclosed areas
16 below the lowest floor that are subject to flooding shall be designed to automatically
17 equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of
18 floodwaters. Designs for meeting this requirement must either be certified by a registered
19 professional engineer or architect, or meet or exceed the following minimum criteria: a
20 minimum of two (2) openings having a total net area of not less than one (1) square inch
21 for every square foot of enclosed area subject to flooding shall be provided. The bottom
22 of all openings shall be no higher than one (1) foot above the level of the floor they are to
23 service. Openings may be equipped with screens, louvers, valves, or other coverings or
24 devices, provided that they permit the automatic entry and exit of floodwaters.~~

25
26 ~~H. All new and replacement water supply systems shall be designed to minimize or eliminate
27 infiltration of flood waters into the system.~~

28
29 ~~I. New and replacement sanitary sewage systems shall be designed to minimize or eliminate
30 inflow of flood waters into the systems and discharges from the systems into flood waters.~~

31
32 ~~J. On-site waste disposal systems (including septic tanks) shall be designed and/or located
33 to minimize or eliminate impairment to, or contamination from, them during flooding.~~

34
35 ~~K. Emergency generators for standpipe systems, in accordance with the requirements of the
36 Collier County Building Code or other applicable County Ordinances, must be located
37 above the base flood elevation level, and all fuel tanks for said generators must be
38 waterproofed and vented above the base flood elevation level.~~

39
40 ~~L. Electrical transformer and/or switching vaults, pad-mounted transformers, pad-mounted
41 switches, and related facilities shall be permitted as independent units below the minimum
42 flood elevation level. Such structures may be located within or outside a building, and are
43 not required to be waterproofed or constructed with breakaway walls, provided registered
44 professional engineer or registered professional architect certifies that they will not
45 adversely affect the structural integrity of the building in which they are located or any part
46 thereof.~~

47
48 ~~M. All meter enclosures for self-contained electric kilowatt-hour meters serving buildings shall
49 be located above the base flood elevation. If complying with this regulation results in a~~

~~vertical distance from finished grade to the center of the meter or meters of more than six (6) feet, the meter enclosure shall be located on the outside of an exterior wall with an unobstructed and ready access from an open exterior stairway. When it is necessary to use a stairway for access to a meter, the vertical distance from the tread of the stairway to the center of the meter shall be four (4) to six (6) feet. The meter shall be placed in a position that will not obstruct stairway traffic. On multi-unit buildings, meters and meter Enclosures will be allowed within the building, provided they are above the base flood elevation and located in meter rooms.~~

3.02.07 – Reserved ~~Specific Standards for Construction Within Coastal High Hazard Areas~~

~~A. Coastal high hazard areas within the areas of special flood hazard have special flood hazards associated with high velocity waters from tidal surge and hurricane wave wash. Therefore, the following provisions shall apply:~~

~~1. All new construction and substantial improvements in the coastal high hazard area shall be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one (1) percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions this paragraph.~~

~~2. All new construction and substantial improvements within the coastal high hazard area shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20), pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by local or State Codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:~~

~~a. Breakaway wall collapse shall result from a water load less than that which could occur during the base flood; and~~

~~b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind on building components (structural and non-structural). Maximum wind and water loading values to be used in this determination~~

1 shall each have one (1) percent chance of being equaled or exceeded in
2 any given year (100-year mean recurrence interval). Such enclosed space
3 shall be usable solely for parking of vehicles, building access, or storage.

4
5 ~~3. All swimming pools within the coastal high hazard area shall be anchored to a pile
6 or column foundation to resist flotation, collapse, and lateral movement due to the
7 effects of wind and water loads acting simultaneously on the pool. Exception:
8 above-ground pools, for the private use of one or two family dwellings that are
9 constructed with a vinyl liner as the main component.~~

10
11 ~~4. It is prohibited to use fill for structural support of buildings within the coastal high
12 hazard area. It is prohibited to alter sand dunes and mangrove stands, within the
13 coastal high hazard area, if the County Manager or designee determines that such
14 alteration would increase potential flood damage.~~

15
16 **3.02.08 – Reserved Regulations Within the Floodways**

17
18 ~~A. When floodways are designated within areas of special flood hazard, additional criteria
19 shall be met. Since the floodway is an extremely hazardous area due to the velocity of
20 flood waters, which carry debris, potential projectiles, and erosion potential, the following
21 provision shall apply:~~

22
23 ~~1. Encroachments, including fill, new construction, substantial improvements and
24 other developments, are prohibited, unless the property owner provides a
25 certification by a professional registered engineer demonstrating that such
26 encroachments shall not result in a significant increase in flood levels during
27 occurrence of the base flood discharge.~~

28
29 **3.02.09 - Regulations for Mobile Homes and Recreational Vehicles**

30
31 A. No mobile home shall be placed in the coastal high hazard area, as depicted on the
32 county-wide Future Land Use Map, or in a floodway, except in an existing mobile home
33 park or existing mobile home subdivision, or land already zoned to allow mobile home
34 development.

35
36 ~~B. All mobile homes placed, or substantially improved, on individual lots or parcels, in
37 expansions to existing mobile home parks or subdivisions, must meet all the requirements
38 for new construction, including elevation and anchoring.~~

39
40 B.G. All mobile homes to be placed, or substantially improved, in an existing mobile home park
41 or subdivision must be elevated on a permanent foundation such that the lowest floor of
42 the mobile home complies with the minimum requirements of Chapter 62 of the Code of
43 Laws and Ordinances. ~~is at or above the base flood elevation, and securely anchored to
44 an adequately anchored foundation system in accordance with the provisions of this LDC.~~
45 This paragraph applies to:

46
47 ~~1. Mobile homes to be placed, or substantially improved, in an existing mobile home
48 park or subdivision.~~

1 2. ~~Mobile homes to be placed, or substantially improved, in an existing mobile home~~
2 ~~park or subdivision, except where the repair, reconstruction, or improvement of the~~
3 ~~streets, utilities, and pads equals or exceeds 50 percent of the value of the streets,~~
4 ~~utilities, and pads before the repair, reconstruction, or improvement has~~
5 ~~commenced. Existing mobile homes that are substantially improved will require~~
6 ~~reinforced piers or other foundation elements that are no less than 36 inches in~~
7 ~~height above grade, or have their lowest floor at or above the base flood elevation,~~
8 ~~if this allows for use of a lower foundation.~~

9
10 ~~3. Mobile homes in existing mobile home parks or subdivisions shall be elevated 36~~
11 ~~inches above finished grade on reinforced piers when the repair, reconstruction,~~
12 ~~or improvement of the streets, utilities, and pads equals or exceeds 50 percent of~~
13 ~~the value of the streets, utilities, and pads before the repair, reconstruction, or~~
14 ~~improvement has commenced.~~

15
16 CD. Evacuation plans shall be included in applications for new manufactured home parks and
17 subdivisions, and for expansions to manufactured home parks and subdivisions, in flood
18 hazard areas. The County Manager or designee shall review and approve such
19 evacuation plans. ~~All mobile home parks or subdivisions must develop, and have~~
20 ~~approved by the County Manager or designee, a plan for evacuating the residents of~~
21 ~~existing mobile home parks or subdivisions.~~

22
23 ~~E.~~ ~~All recreational vehicles placed on sites within Zones AI-30, AH, and AE on the~~
24 ~~community's FIRM shall either:~~

- 25
26 ~~1. Be on the site for fewer than 180 consecutive days;~~
27
28 ~~2. Be fully licensed and ready for highway use; or~~
29
30 ~~3. Meet the permit requirements of this section, and the elevation and anchoring~~
31 ~~requirements for "mobile homes" in accordance with this section.~~

32
33 ~~F.~~ ~~A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is~~
34 ~~attached to the site only by quick disconnect type utilities and security devices, and has~~
35 ~~no permanently attached additions.~~

36
37 **3.02.10 – Reserved Standards for Subdivision Plats**

38
39 ~~A.~~ ~~All subdivision plats shall be consistent with the need to minimize flood damage.~~

40
41 ~~B.~~ ~~All subdivision plats shall have public utilities and facilities, such as sewer, gas, electrical,~~
42 ~~and water systems, located and constructed to minimize flood damage.~~

43
44 ~~C.~~ ~~All subdivision plats shall have adequate drainage provided to reduce exposure to flood~~
45 ~~hazards.~~

46
47 ~~D.~~ ~~Base flood elevation data shall be shown on the Master Subdivision Plan.~~
48

~~E. All final plats presented for approval shall clearly indicate the finished elevation of the roads and the average finished elevation of the lots or homesite. All grades must be shown in NAVD.~~

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3.04.02 - Species Specific Requirements

B. Sea Turtle Protection.

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5. It shall be unlawful, during the nesting season, to construct any structure, add any fill, mechanically clean any beach, or grade any dirt within 100 feet of the nesting zone of a beach where sea turtles nest or may nest, without obtaining a construction in sea turtle nesting area permit from the County Manager or designee.

* * * * *

e. Minor structures, as defined by ~~Florida Statutes Subsection 161.055~~, of the Coastal Zone Protection Act of 1985, shall be approved, provided that they also comply with:

i. Chapter 62 of the Collier County Code of Laws and Ordinances.
~~Federal requirements for elevations above the 100-year flood level,~~

ii. Florida Building Code ~~Collier County Building Code requirements for flood proofing,~~

~~iii. Current building and life safety codes,~~

iii.iv. Collier County and State of Florida Department of Environmental Protection CCSL/CCCL regulations,

iv. Applicable disability access regulations of the American Disability Act (ADA), and

vi. Any required Collier County zoning and other development regulations with the exception of existing density or intensity requirements established, unless compliance with such zoning or other development regulations would preclude reconstruction otherwise intended by the Build back Policy as determined by the Emergency Review Board established herein.

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3.05.07 – Preservation Standards

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H. Preserve standards.

1. Design standards.

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

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

* * * * *

(b) Where the existing vegetation required by this policy is located where proposed site improvements are to be located and such improvements cannot be relocated as to protect the existing native vegetation;

(c) To provide for flood plain compensation as required by ~~the~~ LDC section 3.07.02.

* * * * *

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3.07.02 – Interim Watershed Regulations

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C. Floodplain storage compensation calculation shall be provided on a case by case basis, based upon historical flooding and drainage problem area information, as determined by staff, for developments within flood hazard areas established in Chapter 62 of the Collier County Code of Laws and Ordinances ~~the designated flood zones "A", "AE", and "VE" as depicted on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency with an effective date of November 17, 2005.~~ Floodplain storage compensation calculations shall be provided on a case by case basis, based upon historical flooding and drainage problem area information, as determined by staff, for areas known to be periodically inundated by intense rainfall or sheetflow conditions.

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5 **4.01.01 - Elevation Requirements for All Developments**

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7 The elevation of all building sites and public or private roadways included within a
8 subdivision or development for which a use other than conservation or recreation is proposed
9 shall be not less than such minimum elevations as adopted by the BCC, Florida Building Code,
10 Chapter 62 of the Code of Laws and Ordinances, ~~FEMA/FIRM,~~ or South Florida Water
11 Management District (SFWMD) criteria. All lawful regulations with reference to bulkhead lines,
12 saltwater barrier lines, and other appropriate regulations regarding land filling, conservation,
13 excavations, demolition, and related regulations shall be observed during the construction of any
14 improvements within Collier County.

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18 **4.02.11 - Design Standards for Hurricane Shelters Within Mobile Home Rental Parks**

19
20 * * * * *
21

22 C. The design and construction of the required shelters shall be guided by the wind loads
23 applied to buildings and structures designated as "essential facilities" in the Florida
24 Building Code ~~Standard Building Code/1988 edition, table 1205.~~

25
26 * * * * *
27 # # # # #
28

29 **4.02.14 - Design Standards for Development in the ST and ACSC-ST Districts**

30
31 * * * * *
32

33 C. Site alteration within the ACSC-ST.

34
35 * * * * *
36

37 11. Structure installation.

38
39 a. Placement of structures shall be accomplished in a manner that will not
40 adversely affect surface water flow or tidal action.

41
42 b. Minimum lowest floor elevation permitted for structures shall be at or above
43 the elevation required by the Florida Building Code ~~100-year flood level, as~~
44 ~~established by the administrator of the federal flood Insurance~~
45 ~~Administration.~~ The construction of any structure in a flood hazard area
46 shall meet additional requirements of Chapter 62 of the Code of Laws and
47 Ordinances ~~federal flood insurance land management and use criteria.~~
48

1 c. This rule shall not apply to structures used or intended for use in connection
2 with the agricultural use of the land except as provided in Chapter 62 of the
3 Code of Laws and Ordinances.

4
5 * * * * *
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8 **4.02.16 - Design Standards for Development in the Bayshore Gateway Triangle Community**
9 **Redevelopment Area**

10 * * * * *
11

12
13 C. Additional Standards for Specific Uses. Certain uses may be established, constructed,
14 continued, and/or expanded provided they meet certain mitigating standards specific to
15 their design and/or operation. These conditions ensure compatibility between land uses
16 and building types and minimize adverse impacts to surrounding properties.

17 * * * * *
18

19
20 2. Accessory Uses to Residential Structures. An accessory structure located on the
21 property and related to the primary residence (single-family detached only) for
22 uses which include, but are not limited to: library, studio, workshop, playroom,
23 screen enclosure, detached garage, swimming pool or guesthouse.

24 * * * * *
25

26
27 d. The guesthouse must be of new construction and must meet the
28 requirements of the Florida Building Code National Flood Insurance
29 ~~Program (NFIP) first habitable floor elevation requirements.~~ The
30 guesthouse may be above a garage or may be connected to the primary
31 residence by an enclosed breezeway or corridor not to exceed 8 feet in
32 width.

33 * * * * *
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36 D. Building Types and Architectural Standards

37 * * * * *
38

39
40 4. Building Type: HOUSE.

41 * * * * *
42

43
44 c. Façade Requirements:

45
46 i. A maximum of two feet of fill shall be allowed on sites in flood
47 hazard areas to meet the elevation requirements of the Florida
48 Building Code towards meeting National Flood Insurance Program
49 ~~(NFIP) requirements.~~ Additional ~~NFIP finished habitable~~ lowest

1 floor height requirements shall be accomplished through stem wall
2 construction. Stem walls shall be finished in material and color
3 complimentary to the principal structure.

4
5 ii. Open stilt-type construction is not permitted. On front yards, the
6 foundation area below the first floor must be treated with a solid
7 façade or lattice, which is consistent with the architectural style of
8 the building and the floodplain protection standards of the Florida
9 Building Code and Chapter 62 of the Code of Laws and Ordinances
10 ~~section 3.02.00.~~

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

15 **9.04.05 – Reserved. ~~Specific Requirements for Variances to Flood Hazard Protection~~**
16 **~~Requirements~~**

18 ~~A. General requirements.~~

19
20 ~~1. Variances shall only be issued upon a determination that the variance is the~~
21 ~~minimum necessary, considering the flood hazard, to afford relief.~~

22
23 ~~2. Variances shall only be issued upon:~~

24
25 ~~a. A showing of good and sufficient cause.~~

26
27 ~~b. A determination that failure to grant the variance would result in exceptional~~
28 ~~hardship to the applicant.~~

29
30 ~~c. A determination that the granting of a variance will not result in increased~~
31 ~~flood heights, additional threats to public safety, extraordinary public~~
32 ~~expense, create nuisances, cause fraud on or victimization of the public, or~~
33 ~~conflict with existing local laws or ordinances.~~

34
35 ~~3. In passing upon a variance, the Board of Zoning Appeals shall consider all~~
36 ~~technical evaluations, all relevant factors, standards specified in other sections of~~
37 ~~the LDC; and the following criteria:~~

38
39 ~~a. The danger that materials may be swept onto other lands to the injury of~~
40 ~~others;~~

41
42 ~~b. The danger to life and property due to flooding or erosion damage;~~

43
44 ~~c. The susceptibility of the proposed facility and its contents to flood damage~~
45 ~~and the effect of such damage on the individual owner;~~

46
47 ~~d. The importance of the services provided by the proposed facility to the~~
48 ~~community;~~

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- ~~e. The necessity to the facility of a waterfront location, where applicable;~~
- ~~f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;~~
- ~~g. The compatibility of the proposed use with existing and anticipated development.~~
- ~~h. The relationship of the proposed use to the GMP and flood plain management program for the area;~~
- ~~i. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
- ~~j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;~~
- ~~k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges, and;~~
- ~~l. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.~~
- ~~m. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of (a) through (l) of this section are met.~~
- ~~n. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a) through (l) have been fully considered.~~

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10.04.04 - Applications Subject to Type III Review

The following applications are subject to Type III review: Variances; Administrative Appeals; Certificates of Appropriateness; conditional uses; nonconforming Use Amendments; Vested Rights; ~~flood Variances~~; Parking Agreements.

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Exhibit A – Letter from FDEM



STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Kevin Guthrie
Director

October 18, 2023

William Lang, CRS Coordinator
Collier County
2800 Horseshoe Drive North
Naples, FL 34104

RE: Pending Ordinance to Amend Floodplain Management Provisions

Dear Mr. Lang:

The Florida Division of Emergency Management is designated by the governor to serve as the State Coordinating Agency for the National Flood Insurance Program. In this capacity, the Office of Floodplain Management works with communities to ensure their local floodplain management ordinances meet or exceed the minimum requirements of the NFIP and maintain consistency with the Florida Building Code. We also help communities amend their ordinances.

In 2022, we coordinated the preparation of Ordinance No. 2022-07, adopted by the Board of County Commissioners in March 2022, to amend Ordinance No. 2019-10. We also supported the preparation of Ordinance No. 2022-19 to correct the scrivener's errors in Ordinance No. 2022-07.

The County's floodplain management regulations appear in Chapter 62 of the Code of Ordinances. In early 2021, we notified staff that the Land Development Code should be examined to eliminate conflicting and duplicative floodplain requirements that appear in Sec. 3.02.00, noting that this section should have been repealed as part of Ordinance No 2019-01. We also noted that Sec. 1.08.01 Definitions, should be modified to remove flood terms that will not be used when Sec. 3.02.00 is repealed.

FEMA, in a publication jointly published with the International Code Council,¹ states, "As a general rule, having multiple regulatory instruments governing the same thing is problematic and can lead to at least two distinct problems with interpretation and enforcement." Based on this and conversations with FEMA staff, we work with communities to prepare ordinances to resolve those differences.

In mid-2022, we agreed with the County staff's request to postpone resolving conflicts and duplication until after FEMA issues the Letter of Final Determination. While we waited for FEMA to issue that letter, we worked with County staff to prepare the draft ordinance under consideration. During that effort, additional sections with relevant provisions were identified and examined, leading to coordinating amendments in LDC sections other than those previously identified and amendments to Chapter 62. In August, we notified staff that the draft would result in an acceptable resolution and approved moving the ordinance through the County's adoption process.

¹ Reducing Flood Losses Through the International Codes: Coordinating Building Codes and Floodplain Management Regulations: https://www.fema.gov/sites/default/files/2020-07/fema_reducing_flood_losses_rfi_5th-ed.pdf

DIVISION HEADQUARTERS
2555 Shumard Oak Blvd
Tallahassee, FL 32399-2100

Tel: 850-815-4000
www.FloridaDisaster.org

STATE LOGISTICS RESPONSE CENTER
2702 Directors Row
Orlando, FL 32809-5631

Exhibit A – Letter from FDEM

Please note that FEMA issued the Letter of Final Determination on August 8, 2023. The letter establishes February 24, 2024, as the effective date of the revised Flood Insurance Study and Flood Insurance Study Maps. Before that date, we must advise FEMA whether the County's floodplain management regulations meet the necessary requirements. We urge the County to expeditiously move the pending ordinance through the approval process well in advance of that deadline.

We appreciate the time and attention of County staff and look forward to answering any questions that may arise. Please do not hesitate to contact me at Conn.Cole@em.myflorida.com or (850) 815-4507.

Sincerely,



Digitally signed by Conn
Cole
Date: 2023.10.18 14:23:19
-04'00'

Conn H. Cole, MBA/PA, CFM
State NFIP Coordinator/Floodplain Manager
Office of Floodplain Management

CC/rq