



Memorandum

To: Development Services Advisory Committee-Land Development Review Subcommittee
From: Ellen Summers, Senior Planner
Date: December 18, 2018
Re: Airport Zoning LDC Amendment

At the October 16, 2018, meeting, the DSAC-LDR Subcommittee reviewed the Airport Zoning LDC Amendment. At that meeting, staff was not seeking a recommendation but was anticipating bringing back the amendment along with the applicable zoning maps at a later time.

Staff will now be seeking a recommendation of the proposed LDC amendment *without* the applicable zoning maps. The zoning maps will be implemented upon ordinance adoption.

Additionally, the Immokalee Airport is undergoing FAA review for updates to the master plan. It is anticipated that the Board of County Commissioners will vote on the airport master plan update sometime in January or February. Upon approval of the master plan, certain runway types listed in proposed LDC section 4.02.06, as well as the Immokalee Airport map located in Appendix D, will be updated to accurately demonstrate the obstruction standards related to the new master plan.

Please contact me if you have any questions.

Sincerely,
Ellen Summers, Senior Planner
Ellen.Summers@colliercountyfl.gov
(239) 252-1032

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20180001993

ORIGIN

Growth Management
Department

HEARING DATES

BCC TBD
CCPC TBD
DSAC TBD
DSAC-LDR 10/16/2018
and 12/18/2018

SUMMARY

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

LDC SECTIONS TO BE AMENDED

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

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

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

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

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

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

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

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

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

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

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

FISCAL & OPERATIONAL IMPACTS

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

GMP CONSISTENCY

The proposed amendment is deemed consistent with the GMP.

EXHIBITS: A) Implementation of Airspace Obstruction Review B) FDOT-ASO Correspondence

Amend the LDC as follows:

2.03.07 – Overlay Zoning Districts

~~A. Corridor Management Overlay (CMO).~~

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

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

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

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

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

DRAFT

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

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

Table 4. Primary Surface Width

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

- EF.** Horizontal ~~zone~~ surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs for specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is as follows:

Table 5. Horizontal ~~Zone~~ Surface Radius

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

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

- the inner boundary with permitted height increasing one (1) foot vertically for every twenty (20) feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.
- H₁. Approach zone surface. The approach ~~zone~~ surface is an area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach ~~zone~~ surface is designated for the end of each runway based upon the type of approach available or planned for that runway end.
1. Approach zone surface width. The inner edge of the approach ~~zone~~ surface is the same width as the primary surface. The outer width of the approach ~~zone~~ surface is prescribed for the most precise approach existing or planned for that runway end expanding uniformly to the following widths:

Table 6. Approach Zone Surface Width (feet)

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

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

Table 7. Approach Zone Surface Length (feet).

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

	18	Other than utility/non-precision instrument	10,000
	36	Other than utility/ visual <u>non-precision</u> instrument	5,000 10,000
	4-22	Utility/visual	5,000

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

Table 8. Approach Zone Surface Height.

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

4. *Precision instrument runway(s).* One (1) foot vertically for every fifty (50) feet horizontally for the first 10,000 feet, increasing to one (1) foot vertically for every forty (40) feet horizontally for additional 40,000 feet.
5. *Non-precision instrument runways.* One (1) foot vertically for every thirty-four (34) feet horizontally.
6. *Visual runways.* One (1) foot vertically for every twenty (20) feet horizontally.
- ~~H.~~ *Transitional ~~zone~~ surfaces.* The area extending outward from the sides of the primary surface and approach ~~zones~~ surfaces connecting them to the horizontal ~~zone~~ surface or for a horizontal distance of 5,000 feet from the side of the part of the precision approach ~~zone~~ surface that extends beyond the conical ~~zone~~ surface. Height limits within the transitional ~~zone~~ surface are the same as the primary surface or approach ~~zone~~ surface at the boundary line where it adjoins and increases at a rate of one (1) foot vertically for every seven (7) feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline until the height matches the height of the horizontal ~~zone~~ surface or for a horizontal distance of 5,000 feet from the side of the part of the precision approach ~~zone~~ surface that extends beyond the conical ~~zone~~ surface.
- ~~J.K.~~ *Heliport primary ~~zone~~ surface.* The area of the primary ~~zone~~ surface coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the established heliport elevation.

1. *Heliport approach ~~zone~~ surface*. The approach ~~zone~~ surface begins at each end of the heliport primary ~~zone~~ surface with the same width as the primary ~~zone~~ surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach ~~zone~~ surface is eight (8) to one (1) (one (1) foot vertically for every eight (8) feet horizontally.)
 2. *Heliport transitional ~~zone~~ surface*. These ~~zones~~ surfaces extend outward and upward from the lateral boundaries of the heliport primary ~~zone~~ surface and from the approach ~~zone~~ surface at a slope of two (2) to one (1) (one (1) foot vertically for every two (2) feet horizontally) for a distance of 250 feet measured horizontally from the centerline of the heliport primary and approach ~~zone~~ surface.
- KL.** Other areas. In addition to the height limitations imposed in LDC sections 4.02.06(~~EC~~)-(~~HK~~) above, no structure or obstruction will be permitted within Collier County that would cause a minimum obstruction clearance altitude (MOCA), a minimum descent altitude (MDA), decision height (DH), or a minimum vectoring altitude (MVA) to be raised nor which would impose either the establishment of restrictive minimum climb gradients or nonstandard takeoff minimums.
1. Except as expressly provided in ~~these APO regulations~~ this section of the LDC, no structure or object of natural growth shall be erected, altered, allowed to grow, or be maintained to a height which exceeds the height of any ~~zone~~ surface created in these ~~APO~~ regulations.
 2. Except as otherwise provided in ~~these APO regulations~~ this section of the LDC, no structure, or object of natural growth shall be erected, altered, allowed to grow or be maintained, which is or would ~~be an~~ result in a potential hazard ~~obstruction to~~ air navigation within Collier County ~~or of a height greater than~~ by exceeding any of the following:
 - a. A height of 500 feet above ground level at the site of the object.
 - b. A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within three (3) nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.
 - c. A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance. (Refer to FAR 77.23.(a.)(2)).
- L.** ~~Exemptions.~~
1. ~~Development of the Marco Shores Golf Course Community that comports with the location and height requirements of Ordinance No. 81-6, as amended by Ordinance No. 85-56 and Ordinance No. 94-41, is exempted from the provisions of section 4.02.06 only to the following extent:~~
 - a. ~~The agreement between Johnson Bay Development Corporation Collier County Airport Authority and the BCC, dated August 8, 1995.~~
 - b. ~~Prior issuance of a Federal Aviation Administration "Determination Of No Hazard To Air Navigation."~~
 2. ~~Development of the Mini Triangle Mixed Use Subdistrict of the Urban Designation Urban Mixed Use District of the Growth Management Plan that comports with height requirements of Ordinance 2018-25, is exempted from the maximum allowable horizontal zone height of 150 feet from the established elevation of the~~

~~Naples Airport, as established in LDC Sections 4.02.06.E. and 4.02.06.F. Buildings are allowed up to 160 feet in height from the established elevation of the Naples Airport. Development within the Mini-Triangle Mixed Use Subdistrict shall comply with the conditions set forth in the Federal Aviation Administration letters of "Determination Of No Hazard To Air Navigation", dated January 20, 2017, or any subsequent letters or extensions thereof.~~

M. Requirements for airspace obstructions.

1. Applicability. An airspace obstruction approval is required when a proposed airspace obstruction exceeds one or more of the criteria established in LDC Section 4.02.06 C-L. Review of airspace obstructions shall occur at the time of the site development plan review, if applicable. If a site development plan is not required, the airspace obstruction shall be reviewed at time of building permit submittal.
2. Criteria for review. The airspace obstruction may not be approved solely on the basis that the FAA determined that the proposed construction or alteration of an obstruction was not an airport hazard. In determining whether to approve or deny an airspace obstruction, the County Manager or designee, in coordination with the affected airport, must also consider the following, as applicable:
 - a. The safety of persons on the ground and in the air.
 - b. The safe and efficient use of navigable airspace.
 - c. The nature of the surrounding terrain and height of existing structures.
 - d. The effect of the construction or alteration on the state licensing standards for a public-use airport contained in Ch. 330, F.S. and administrative code rules adopted thereunder.
 - e. The character of existing and planned flight operations and developments at the public-use airport.
 - f. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA.
 - g. The effect of the construction or alteration of the proposed structure on the minimum descent altitudes or the decision heights at the affected airport.
 - h. The cumulative effects on navigable airspace of all existing structures and other known proposed structures in the area.
3. Supplemental standards for the development of airspace obstructions:
 - a. The owner of the obstruction will be required to install, operate, and maintain thereon and at their own expense, obstruction marking and lighting in conformance with the specific standards established by the FAA.

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

1. All lights or illumination used in conjunction with street, parking, signs, or use of land or structures shall be arranged and operated in such a manner that it is not misleading to pilots or dangerous to aircraft operating to and from a public use airport or in the vicinity thereof.
2. All flood lights, spot lights, or any type of pulsating, flashing, rotating, or oscillating light shall be modified or prohibited if determined by the executive director who has authority over that public airport to be a possible risk to safety of aircraft operation.
3. No operations of any type shall produce smoke, glare, or other visual impairment to pilots within three (3) miles of any usable runway of a public airport.

4. No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft, or other air traffic control facility.
5. Land within runway clear zones (runway protection zones) shall be prohibited from use for high density residential use, schools, hospitals, storage of explosives, or flammable material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.
6. ~~Based on the possibility that solid waste management facilities may attract birds, any solid waste management facility located so that it places the runways and/or approach and departure pattern of an airport between bird feeding, water, or roosting areas shall be considered as an incompatible use and is therefore prohibited in and around the airports in Collier County.~~ New landfills shall be prohibited and existing landfills shall be restricted within the following areas:
 - a. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft.
 - b. Within 5,000 feet from the nearest point of any runway used by only nonturbine aircraft.
 - c. Outside the perimeters defined in 4.02.06 O.6.a-b. but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.19.
7. Where any landfill is located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns or aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.
- ~~78.~~ Any type of tethered dirigible, balloon, or other type of hovering or floating object the height of which exceeds the ~~airspace notification limits criteria~~ outlined in LDC section 4.02.06 EF. ~~shall be is prohibited limited as provided in section 4.02.06 E.~~
- ~~89.~~ No structure of any height, type or material shall be constructed or altered ~~which could possibly so as to cause interference to with any radio or airport surveillance radar system electronic navigational aids or systems~~ as determined by the Federal Aviation Administration, or by the executive director who has jurisdiction over the airport deemed to be affected.
- NO. Naples Municipal Airport noise zones, land use restrictions, sound level requirements (SLR) for buildings or structures, and SLR design requirements.
 1. The purpose of this section ~~4.02.06~~ is to establish standards for land use and for sound level reduction requirements with respect to exterior noise resulting from the legal and normal operations at the airports within Collier County. This section establishes noise zones of differing intensities and land use in the vicinity of the Naples Municipal airport, as identified in the most recent Naples airport FAA Part 150 Study; establishes permitted land uses in the noise zones; establishes soundproofing requirements for residential development within the noise zones; and establishes notification procedures to prospective purchasers of real estate within the noise zones.
 2. In addition to the prior three (3) noise zones, there is hereby created and established a fourth noise zone D; there are now noise zones A, B, C, and D. Such zones are shown on the Naples Airport noise zone map(s) which are incorporated and made a part herein and are described in LDC section 4.02.06 NO.3. below. The noise zones contained herein are based on a projection of future aircraft operations at the Naples Municipal Airport. The purpose of these noise zones is to define and set forth specific regulations for all properties within the described areas.

3. Noise zone boundaries.
 - a. *Zone A.* That area commencing at the outermost boundary of the airport and extending outward therefrom to a boundary indicated on the noise zone map as "B." The outer contour of noise zone A approximates a noise level of seventy-five (75) Ldn.
 - b. *Zone B.* That area commencing at the boundary indicated on the noise zone map as the outer boundary of noise zone A and extending outward therefrom to the boundary indicated on the noise zone map as "C." The outer contour of noise zone B approximates a noise level of seventy (70) Ldn.
 - c. *Zone C.* That area commencing at the boundary indicated on the noise zone map as the outer boundary of noise zone B and extending outward therefrom to the boundary indicated on the noise zone map as "D". The outer contour of noise zone C approximates a noise level of sixty-five (65) Ldn.
 - d. *Zone D.* This new noise zone commences at the boundary indicated on the noise zone map as the outer boundary of noise zone C and extending outward therefrom to the furthestmost boundary indicated on the noise zone map. The outer contour of noise zone D approximates a noise level of sixty (60) Ldn and is the Naples Airport noise zone (This area is referenced in the 1996 Naples Airport FAA Part 150 Study).
4. Where boundaries of a described noise zone are shown to extend over a portion, but not all, of a platted lot or unsubdivided property, the owner or owners of the entire property will be notified of potential noise impact in accordance with notice procedures set forth in Chapter 10.
 - a. Where boundaries of a described noise zone are shown to extend over a portion, but not all of a platted lot or un-subdivided property, the owner or owners of the entire property will be notified of potential noise impact in accordance with notice procedures set forth in Chapter 10.
 - b. Where boundaries of more than one (1) described noise zone are shown on a platted lot or unsubdivided property, provisions of the most restricted zone shall apply.
5. Land use restrictions.
 - a. *Permitted and restricted activities.* All land uses shall be permitted in the noise zone pursuant to the applicable zoning district and as provided in the activities and/or land use guidance chart made a part hereof. Those activities and land uses not specifically listed in the land use guidance chart are permitted or restricted in the noise zones based on their similarity to noise tolerance as exhibited by the activities and land uses which are listed in the guidance chart.
 - b. *Nonconforming uses.* The regulations prescribed by this section shall not be construed to require the sound conditioning or other changes or alteration of any preexisting structure not conforming to this part as of the effective date of this section or to otherwise interfere with the continuance of any such preexisting nonconforming use. Nothing herein contained shall require any such change in the construction of or alteration of a structure which has commenced construction prior to the effective date of this section and which is diligently pursued.
6. Sound level requirements (SLR) for buildings or structures.
 - a. The provisions of these APO ~~special~~ regulations shall apply to the construction, alteration, moving, demolition, repair, and use of any building

- or structure within unincorporated Collier County except work located primarily in a public right-of-way, on public utility towers, poles, and mechanical equipment not specifically regulated by these APOs regulations. Additions, alterations, repairs, and changes of use in all buildings and structures shall comply with the provisions of these APOs regulations.
- b. Buildings or structures constructed prior to the initial adoption of this amended section, to which additions, alteration, or repairs are made to the exterior walls and ceilings of rooms having one (1) or more exterior walls or ceilings shall be required to meet the SLR requirements of these APOs regulations.
 - c. Alterations or repairs which are nonstructural and do not affect the exterior walls or ceilings of an existing building or structure may be made with the same materials of which the building or structure is constructed and shall not be required to meet the SLR requirements.
 - d. Buildings in existence at the time of the initial adoption of these APOs regulations may have their existing use or occupancy continued if such use or occupancy was legal at the time of the initial adoption of these APOs regulations provided such continued use is not dangerous to life. A change in the use of a structure may require additional sound level reduction.
 - e. Buildings or structures moved into or within the vicinity of the established noise zone must comply with applicable provisions of these APOs regulations.
 - f. The County Manger or his designee may approve any type construction that complies with the SLR requirements of the activities and/or land use guidance chart (appendix III of Appendix D). The SLR requirements specified in appendix III of Appendix D shall be achieved by the use of assemblies having the South Transmission Class Ratings specified in table 403.2, Minimum Sound Transmission of Assemblies, of the Southern Building Code Congress International, Inc., Standard for Sound Control, SSTD 8-87, incorporated herein and adopted by reference as appendix IV of appendix D.
 - g. The SLR requirements of the land use guidance chart at appendix III of Appendix D may be achieved by any suitable combination of building design, choice of building materials, and execution of construction details in accordance with established architectural and acoustical principles. The SLR requirements shall apply to the exterior walls and ceilings only of all rooms having one (1) or more exterior walls or ceilings. Regulations to achieve the SLR requirements specified in appendix III of Appendix D, shall be found in appendix IV of Appendix D and shall be used by the County Manger or his designee during the building plan review process.
 - h. No building or structure for which an SLR 25, SLR 30, or SLR 35 is required by appendix III of Appendix D may be constructed, altered, moved, demolished, or repaired unless and until a building permit has been issued. No such permit shall be issued unless and until the requirements contained in appendix III of Appendix D are met as indicated by plans and specifications for the building or structure. Such plans and specifications shall result in a sound level reduction for the applicable exterior walls and ceilings only of room(s) having one (1) or more exterior walls or ceilings, at least as great as the SLR value specified in appendix III of Appendix D for the particular usage involved. These plans and specifications shall be

reviewed during the building plan review process in accordance with the sound transmission ratings specified in table 403.2 of appendix IV of Appendix D.

P. Exemptions.

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

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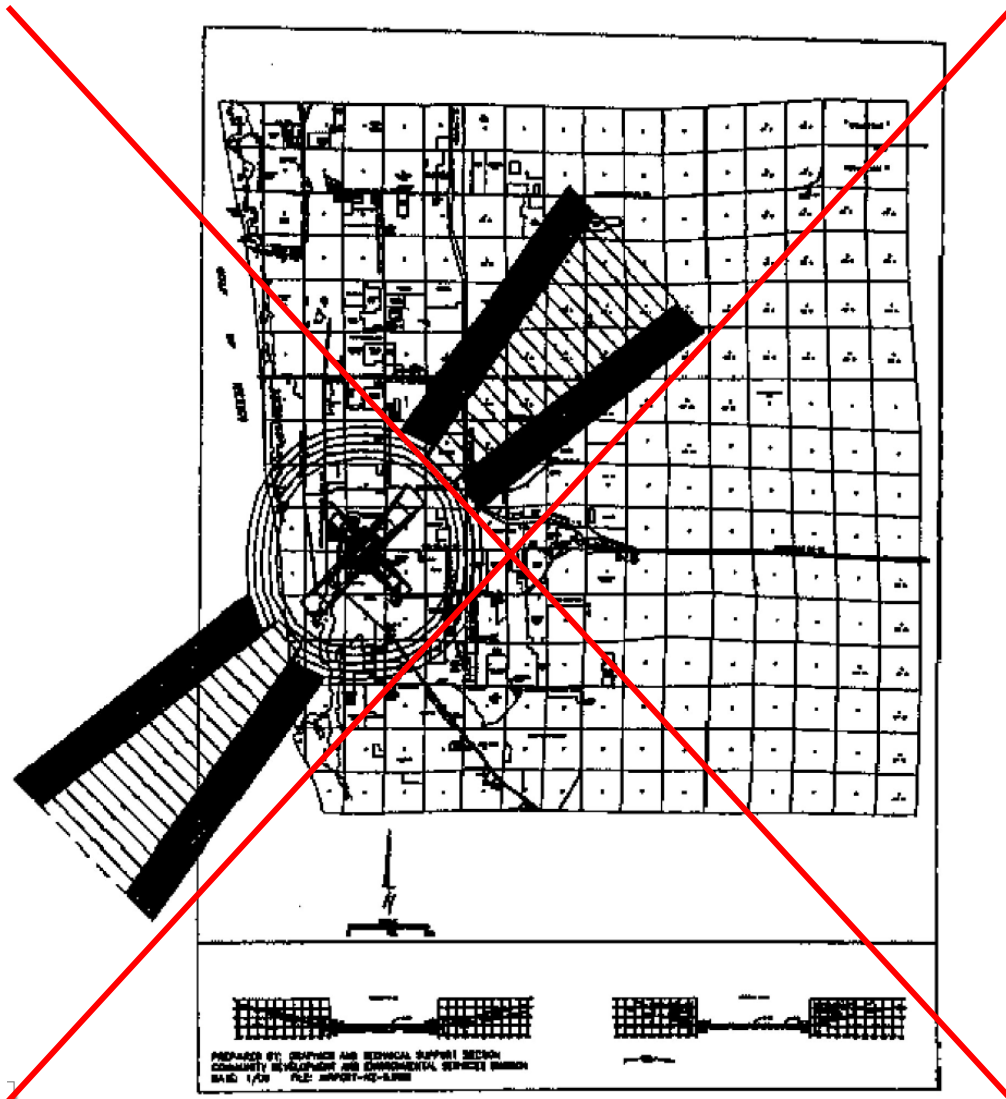
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APPENDIX D – Airport Zoning

APPENDIX I. – [AIRPORT ZONING MAPS]

APPENDIX I. – [Airport Zoning Maps]

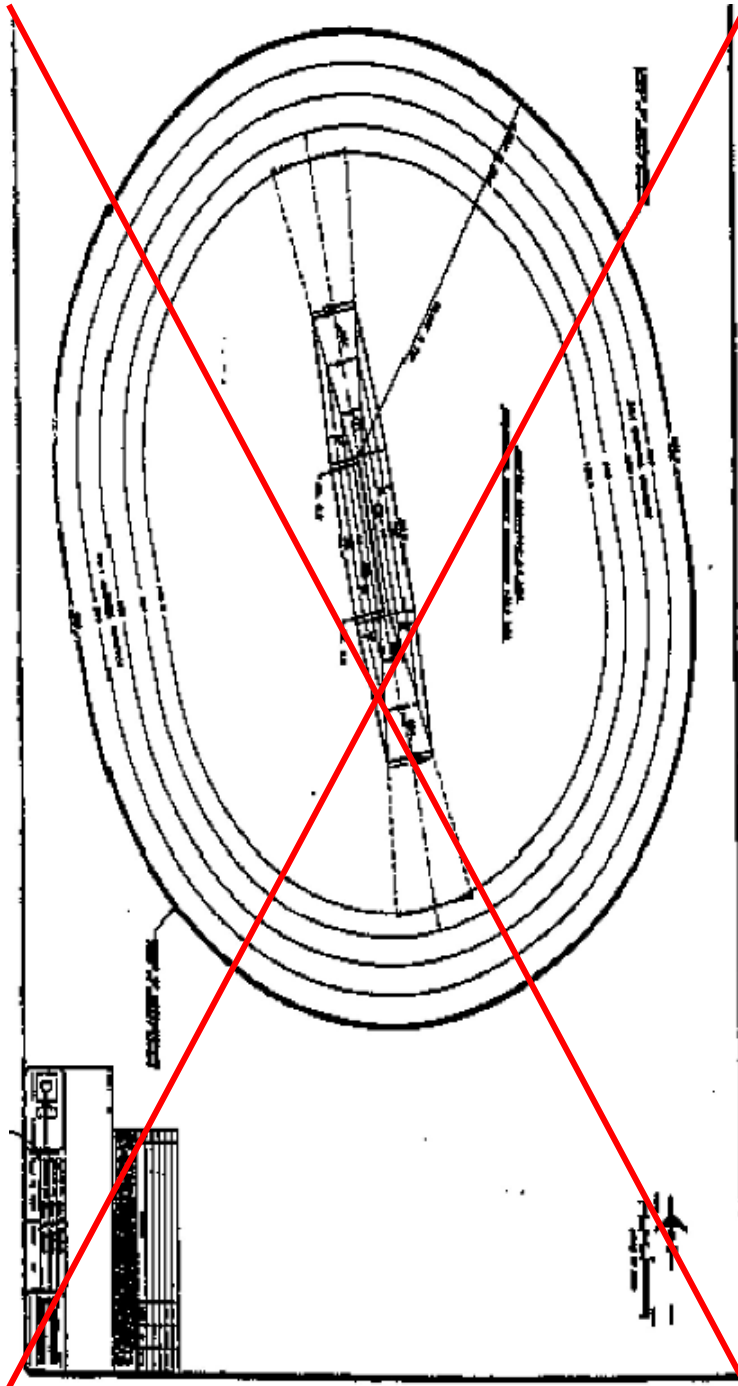


ZONING MAP A. NAPLES MUNICIPAL AIRPORT NOISE ZONE MAP
(SEE SECTION 4.02.06 (N))

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

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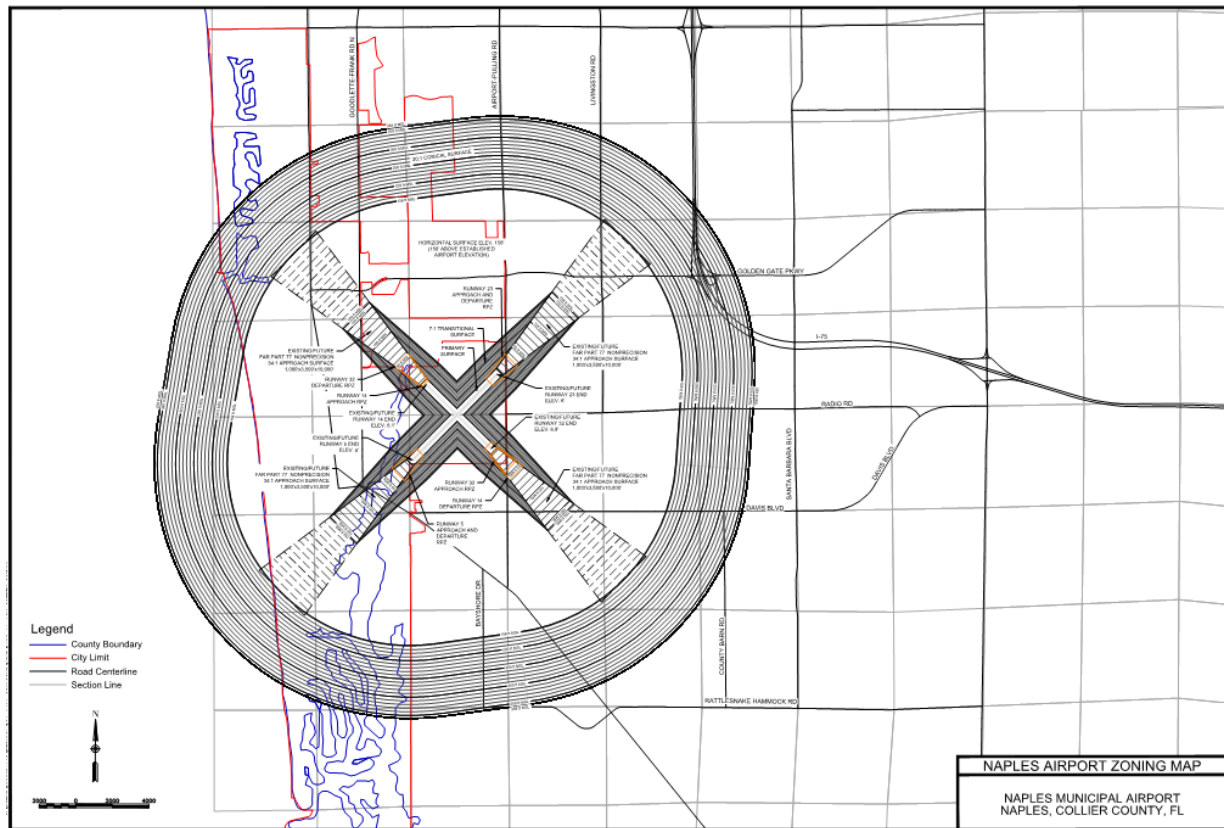
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ZONING MAP A. NAPLES MUNICIPAL AIRPORT
(SEE LDC SECTION 4.02.06)

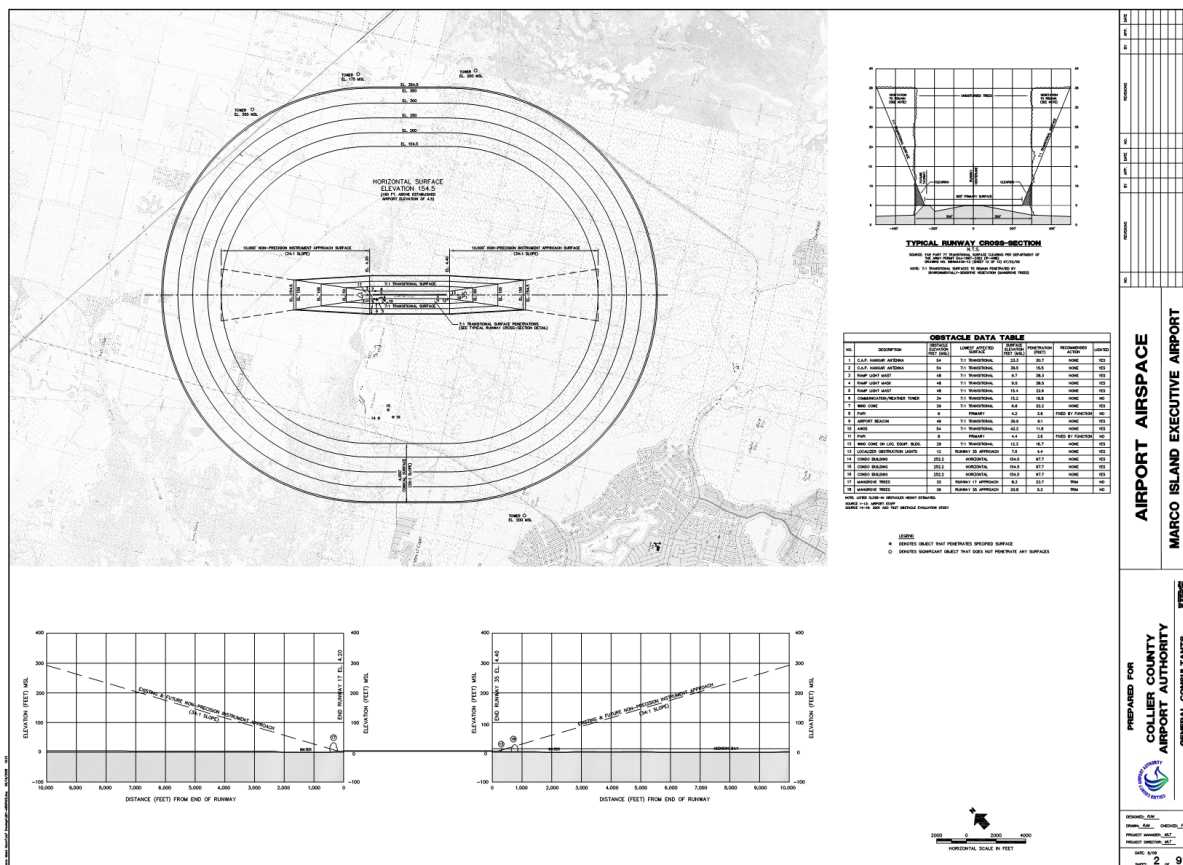


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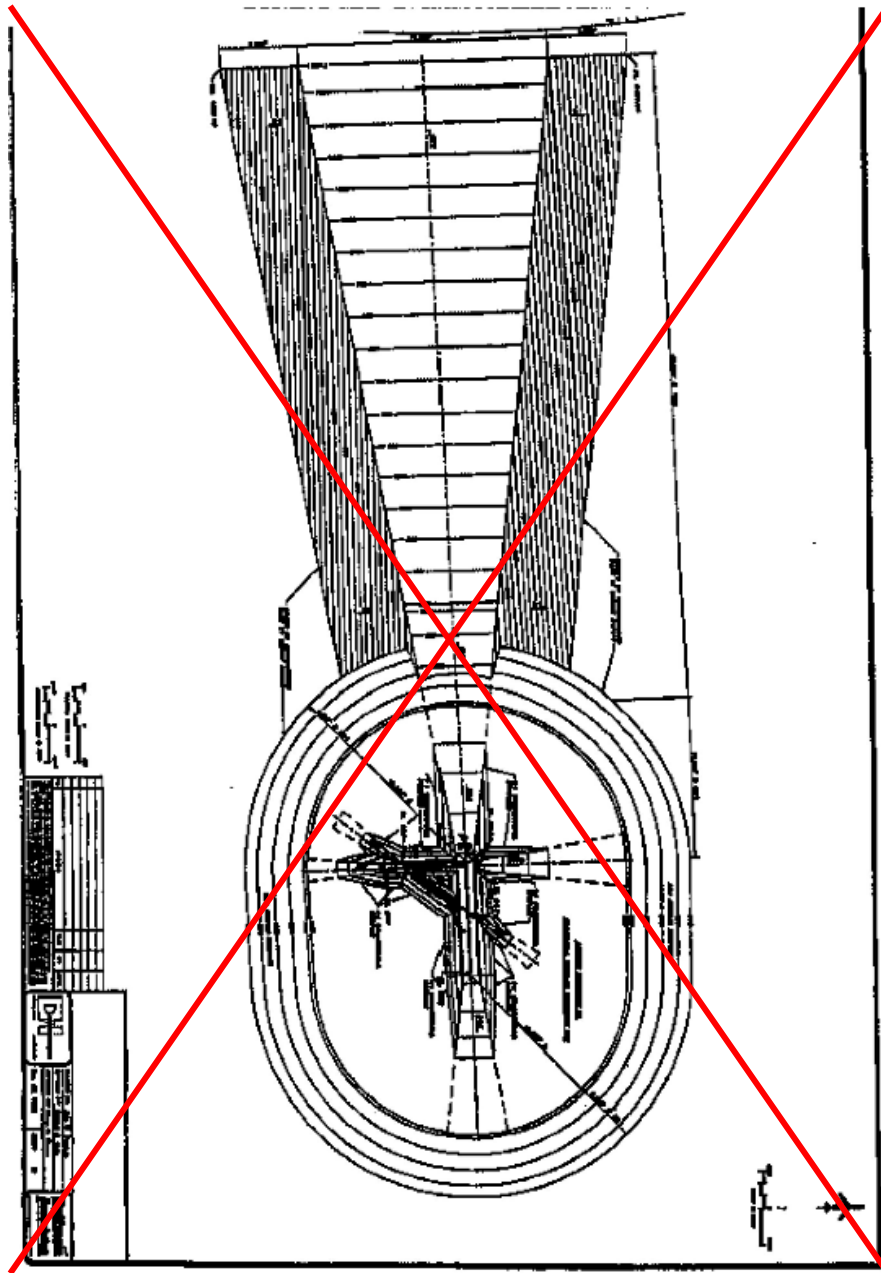
ZONING MAP B. MARCO ISLAND EXECUTIVE AIRPORT
(SEE LDC SECTION 4.02.06)



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{Map to be added}
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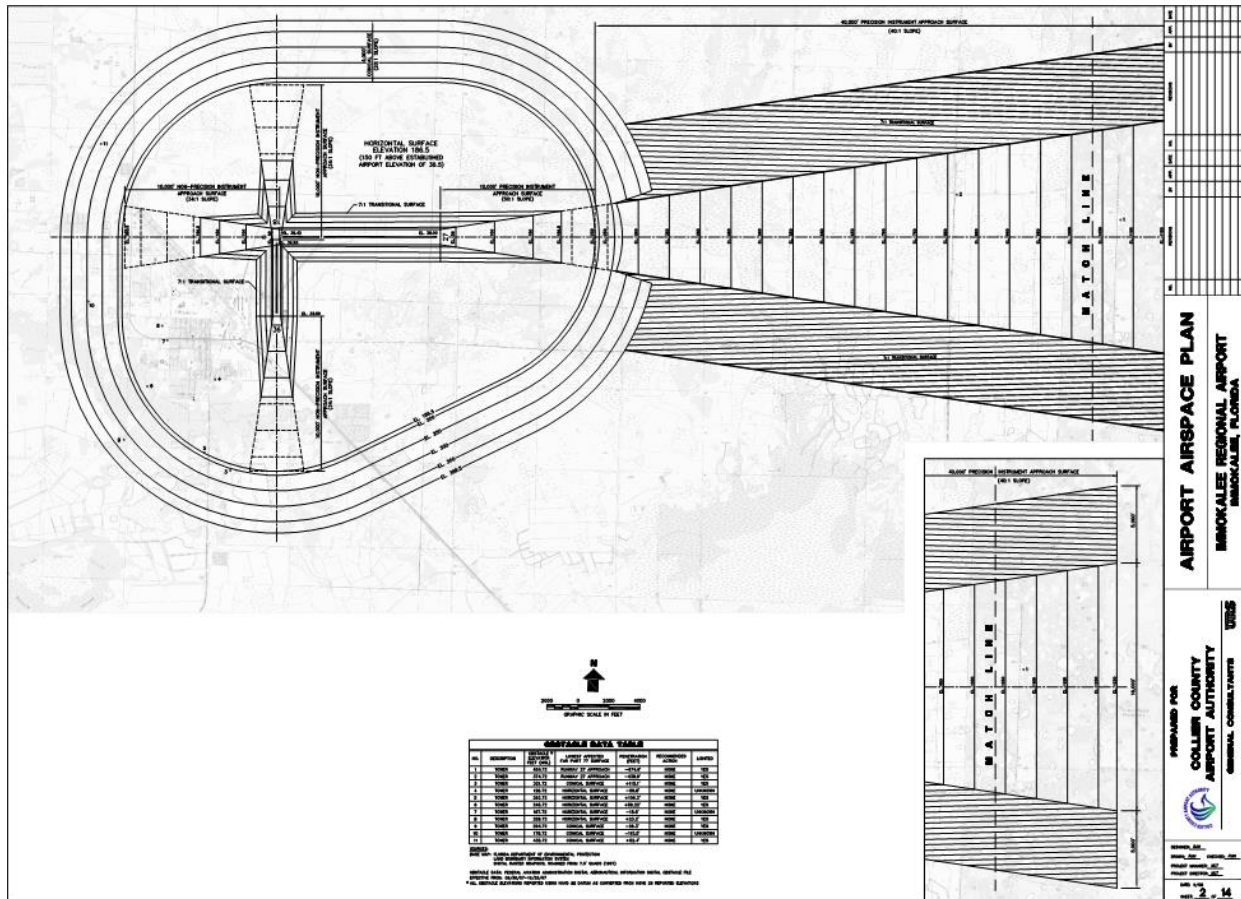
ZONING MAP D. IMMOKALEE AIRPORT
(SEE SECTION 4.02.06 (N))



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



{Map to be added}

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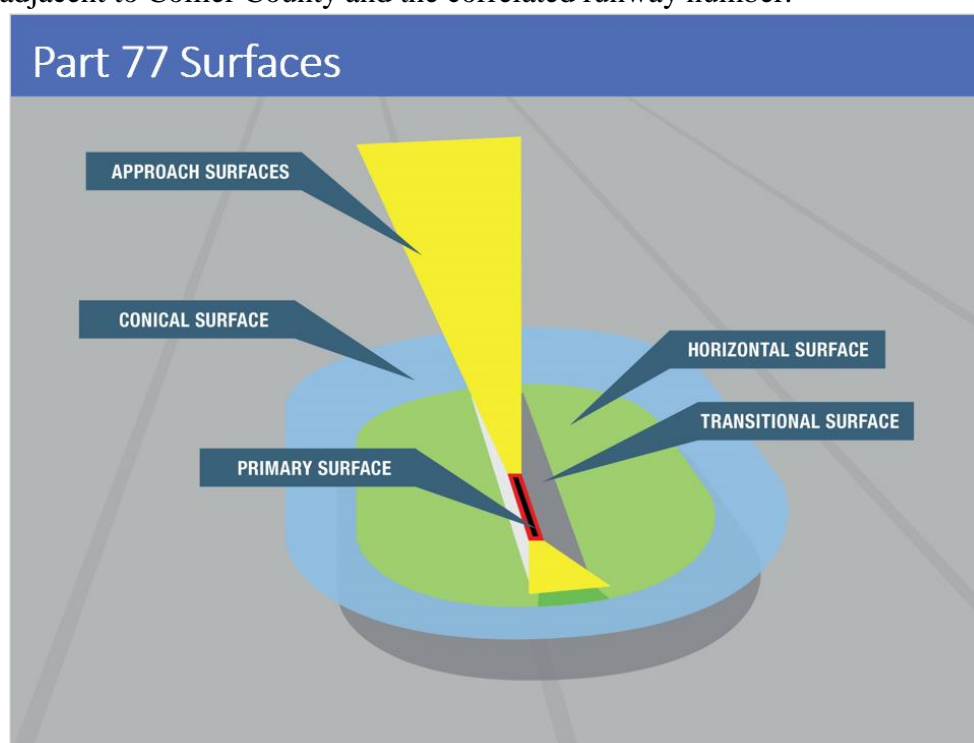
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Exhibit A – Implementation of Airspace Obstruction Review

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

Updates to Runway Surfaces and Map Data

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



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

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

Exhibit A – Implementation of Airspace Obstruction Review

Reviewing Obstructions

Per Ch. 333, F.S., an obstruction is defined as follows: *An obstruction can be any existing or proposed object, terrain, or structure that exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C. The term includes:*

- *Any object of natural growth or terrain;*
- *Permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or*
- *Alteration of any permanent or temporary existing structure by a change in the structures height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.*

The term obstruction, as defined above, references the federal obstruction standards contained in 14 C.F.R. part 77, subpart C, these standards are also incorporated within LDC sections 4.02.06 C-L, and Appendix D. Therefore, staff will be able to compare the height of the proposed obstruction against the federally mandated standards to determine if an airspace obstruction review is required. Making this determination will be further aided by the incorporation of the maps within Appendix D into a layer of the ArcGIS system (pictured below). The ArcGIS system is utilized by staff during the review process and will allow staff to search a specific address or folio number and see the contours with reference to the specific obstruction standards.

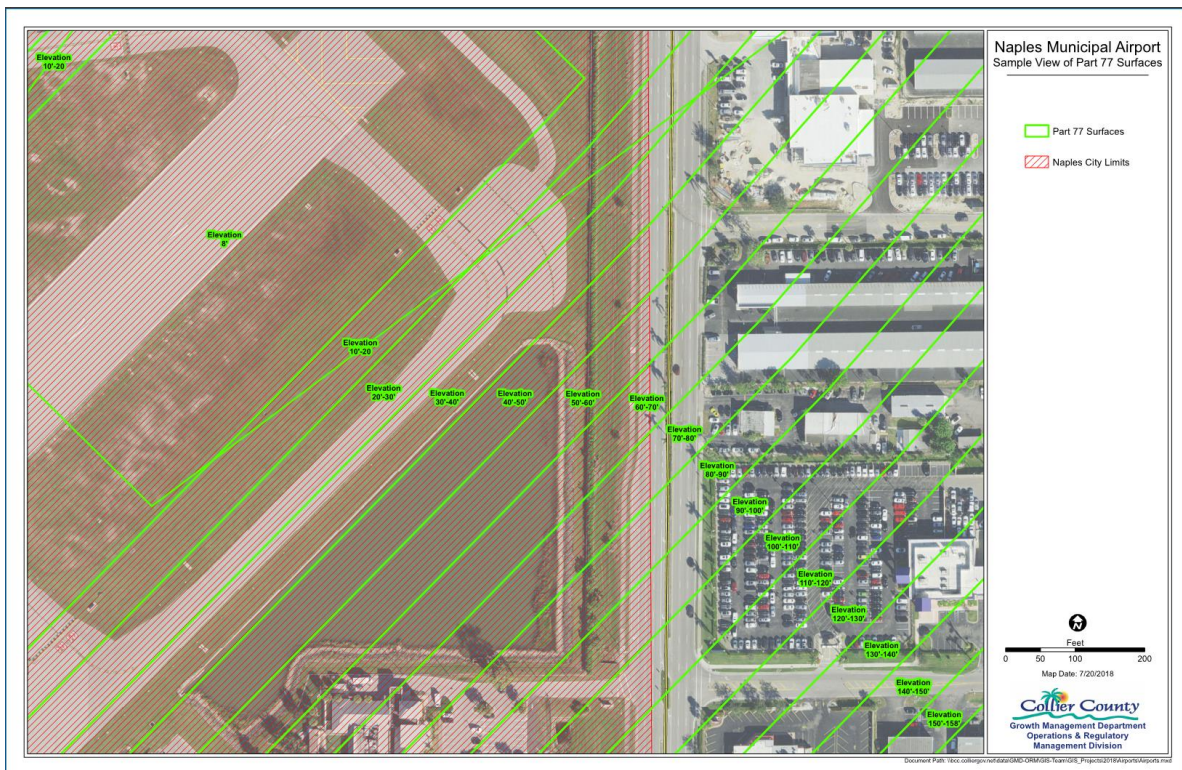


Exhibit A – Implementation of Airspace Obstruction Review

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

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

Required Correspondence with FDOT-ASO

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

Coordination with Naples Airport Authority and Collier County Airport Authority

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