



Memorandum

To: Development Services Advisory Committee (DSAC)
From: Jeremy Frantz, LDC Manager
Date: January 29, 2019
Re: 2019 LDC Amendments

Zoning Staff has prepared several new Land Development Code (LDC) amendments, which were reviewed by the Development Services Advisory Committee - Land Development Review (DSAC-LDR) Subcommittee on December 18, 2018. Staff is now seeking a recommendation from the DSAC. The amendments, which were reviewed by the Subcommittee, including their recommendations, are as follows:

1. LDC Sections 2.01.03, 2.03.08 & 2.03.09 - Communication Towers

This amendment adds communication towers as a conditional use in the Rural Fringe Mixed Use District (RFMUD) Sending Lands and the Conservation (CON) Zoning Districts as an essential service.

- *Lacking a quorum, the DSAC-LDR Subcommittee did not take a formal vote, however, the members in attendance commented that they did not have any issues with the amendment. After the DSAC-LDR Subcommittee's review, the amendment was modified to add communication towers as an essential use in the Conservation (CON) District.*

2. LDC Sections 4.02.01 & 5.03.07 - Permanent Emergency Generators

This amendment introduces addresses the placement and location of residential permanent emergency generators for single-family and two-family dwelling units.

- *The DSAC-LDR Subcommittee recommended approval of the amendment with changes that have been incorporated into the current draft, except for changing the term "permanent emergency generators" to "optional standby generators."*

3. LDC Section 4.02.08 - Outdoor Residential Lighting

This amendment establishes standards for new outdoor lighting associated with single-family and two-family dwelling units, and duplexes. These standards are intended to prevent high-intensity outdoor lighting from negatively impacting neighboring residential properties.

- *The DSAC-LDR Subcommittee recommended approval of the amendment with no changes.*



4. LDC Sections 4.06.02 & 4.06.05 - Revised Commercial Landscaping

This revised amendment places new restrictions when replacing or removing required landscaping trees at commercial shopping centers. The purpose and intent of the amendment is to maintain existing mature canopy trees at shopping centers and their value to the surrounding neighborhood.

- *The DSAC-LDR Subcommittee stated that the amendment is not necessary and that the limitation on removing a maximum of 50 percent of the landscaping within 15 years is too restrictive. However, the DSAC-LDR Subcommittee recommended that if the Board of County Commissioners were to approve such an amendment, the 50 percent limitation should be removed, and the timeframe for retaining the current canopy be reduced to 10 years.*

5. LDC Sections 5.05.05, 5.06.00 & 5.06.06 - Gas Station Signs

This amendment modifies the current standards related to ground signs for facilities with fuel pumps in accordance with Section 553.79(20(a)2 of the Florida Statutes and in coordination with local stakeholders.

- *Lacking a quorum, the DSAC-LDR Subcommittee did not take a formal vote, however, the members in attendance commented that they did not have any issues with the amendment.*

Staff anticipates the following hearing dates:

- CCPC – February 7, 2019, at 9:00 a.m.
- CCPC – February 28, 2019, at 5:05 p.m. (Communication Towers and Plantation Island Overlay amendments only)

Please contact me if you have any questions.

Sincerely,

Jeremy Frantz, AICP

JeremyFrantz@colliergov.net

(239) 252-2305

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20180003474

ORIGIN

Growth Management
Department (GMD)

HEARING DATES

BCC TBD
CCPC 02/07/2019
DSAC 02/06/2019
DSAC-LDR 12/18/2018

SUMMARY OF AMENDMENT

This amendment adds communication towers as a conditional use in the Rural Fringe Mixed Use District (RFMUD) Sending Lands and the Conservation District (CON) as an essential service.

LDC SECTION TO BE AMENDED

2.01.03 Essential Services
2.03.08 Rural Fringe Zoning Districts
2.03.09 Open Space Zoning Districts

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

N/A

DSAC

TBD

CCPC

TBD

BACKGROUND

On November 13, 2018, the Board of County Commissioners (Board) directed staff to draft an ordinance to address Communication Towers in the RFMUD Sending Lands (See Exhibit A).

Currently, communication towers are not allowed as permitted or conditional uses within the Rural Fringe Mixed Use District (RFMUD)-Sending Lands or Conservation (CON) Districts. Therefore, communication towers are prohibited in the RFMUD-Sending Lands and CON Districts.

However, the US Telecommunications Act of 1996 (47 USC 332) states that local governments “shall not prohibit or have the effect of prohibiting the provision of personal wireless services” (Section 332(c)(3)(7)(B)(i)(II))

This LDC amendment would ensure compliance with the US Telecommunications Act of 1996 by defining communications towers as an essential service and allowing communications towers as a conditional use in the RFMUD-Sending Lands and CON Districts. Additionally, communication towers would still be required to comply with all other applicable development standards.

Corresponding cross-references to this new conditional use are also added to LDC sections 2.03.08 and 2.03.09.

DSAC-LDR Subcommittee Review

The DSAC-LDR Subcommittee reviewed this amendment on December 18, 2018. Lacking a quorum, no action was taken, but the amendment was forwarded to the full DSAC with no comments or suggested changes.

FISCAL & OPERATIONAL IMPACTS

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

GMP CONSISTENCY

The proposed LDC amendment may be deemed consistent with the GMP.

EXHIBITS: A) Executive Summary Approved by BCC

DRAFT

Text underlined is new text to be added

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

Amend the LDC as follows:

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2.01.03 - Essential Services

Essential services are hereby defined as services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction, and government facilities. Essential services are allowed in any zoning district subject to the following conditions:

- * * * * *
- G. Conditional uses. The following uses require approval pursuant to section 10.08.00 conditional uses:
1. Conditional essential services in every zoning district excluding the RFMU district sending lands, CON districts, NRPAs, and RLSA designated HSAs and FSAs. In every zoning district, unless otherwise identified as permitted uses, and excluding RFMU district Sending Lands, CON districts, and NRPAs, the following uses shall be allowed as conditional uses:
 - a. Electric or gas generating plants;
 - b. Effluent tanks;
 - c. Major re-pump stations sewage treatment plants, including percolation ponds, and water aeration or treatment plants,
 - d. Hospitals and hospices;
 - e. Government facilities, including where not identified as a permitted use in this section, safety service facilities such as including law enforcement, fire, emergency medical services; and
 - f. Conservation Collier lands which provide for permitted, nondestructive, passive natural resource based recreational and educational activities, when such sites require major improvements to accommodate public access and use. These major improvements shall include, but are not limited to: parking areas of 21 parking spaces or more; nature centers; equestrian paths; biking trails; canoe and kayak launch sites; public restroom facilities, greater than 500 square feet; signage beyond that allowed in sections 2.01.03 A.9. and 2.01.03 B.1.e. of this Code and other nondestructive passive recreational activities as identified by the County Manager or designee. The provisions for Conservation Collier lands in this Code do not affect the underlying zoning districts or land use designations in any district where Conservation Collier lands are established, such that no expansion or diminution of the various zoning district conditional uses is intended or implied by these provisions, except as stated above for major improvements. Oil and gas field development and production as defined

1 and regulated in this Code remains a conditional use on or beneath
2 Conservation Collier lands established in zoning districts providing for oil
3 and gas field development and production as a conditional use, subject to
4 subsection 2.03.09 B.1.c.i.
5

6 2. Conditional essential services in RFMU sending lands, NRPAs, CON districts, and
7 RLSA designated HSAs and FSAs. Within RFMU District Sending Lands, NRPAs,
8 CON districts, and the RFLA designated HSAs and FSAs subject to the limitations
9 set forth in section 4.08.08 C.2., in addition to the essential services identified as
10 allowed conditional uses in subsection 2.01.03 G.1. above, the following additional
11 essential services are allowed as conditional uses:
12

13 a. Sewer lines and lift stations necessary to serve a publicly owned or
14 privately owned central sewer system providing service to urban areas; or
15 the Rural Transition Water and Sewer District, as delineated on the Urban-
16 Rural Fringe Transition Zone Overlay Map in the Future Land Use Element
17 of the GMP, when not located within already cleared portions of existing
18 rights-of-way or easements;
19

20 b. Safety Services limited to law enforcement, fire, and emergency medical
21 services; and
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23 c. Oil and gas field development and production, as defined and regulated in
24 this Code, remains a conditional use on or beneath Conservation Collier
25 lands established in the CON zoning district subject to subsection 2.03.09
26 B.1.c.i.
27

28 3. Additional conditional uses in residential, and estate zoned districts, and in RFMU
29 receiving and neutral lands. In residential, agricultural, and estate zoned districts
30 and in RFMU Receiving and neutral lands, in addition to those essential services
31 identified as conditional uses in section 2.01.03 G.1. above, the following essential
32 services shall also be allowed as conditional uses:
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34 a. Regional parks and community parks;
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36 b. Public parks and public library facilities;
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38 c. Safety service facilities;
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40 d. Other similar facilities, except as otherwise specified herein.
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42 4. Additional conditional uses in the RFMU sending lands and CON districts. The
43 following essential services shall be allowed as conditional uses:
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45 a. Communications towers, subject to all applicable provisions of LDC
46 section 5.05.09.
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48 ~~4.~~ 5. Conditional uses that include the installation of structures:
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1 a. Where structures are involved other than structures supporting lines or
2 cables, such structures shall comply with the regulations for the district in
3 which they are located, or as may be required on an approved site
4 development plan under section 10.02.03. In addition, the structures shall
5 conform insofar as possible to the character of the district in which they are
6 located as to development standards, as well as architecture and
7 landscaping, with utilization of screening and buffering to ensure
8 compatible with the surrounding and nearby existing and future uses.
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10 b. Within the RFMU district sending lands, NRPA's, Conservation Districts,
11 and the RLSA HSAs and FSAs, structures supporting the conditional use
12 shall be located so as to minimize any impacts on native vegetation and on
13 wildlife and wildlife habitat.
14

15 c. Essential services shall not be deemed to include the erection of structures
16 for commercial activities such as sales or the collection of bills in districts
17 from which such activities would otherwise be barred. Unstaffed billing
18 services, which are accessory uses to the normal operations of the
19 essential service, may be permitted.
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23 **2.03.08 – Rural Fringe Zoning Districts**

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27 A. Rural Fringe Mixed-Use District (RFMU District).
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31 4. RFMU sending lands. RFMU sending lands are those lands that have the highest
32 degree of environmental value and sensitivity and generally include significant
33 wetlands, uplands, and habitat for listed species. RFMU sending lands are the
34 principal target for preservation and conservation. Density may be transferred from
35 RFMU sending lands as provided in LDC section 2.03.07 D.4.c. All NRPA's within
36 the RFMU district are also RFMU sending lands. With the exception of specific
37 provisions applicable only to NBMO neutral lands, the following standards shall
38 apply within all RFMU sending lands:
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42 a. Allowable uses where TDR credits have not been severed.
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46 (3) Conditional Uses.
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48 (a) Those essential services identified in LDC section 2.01.03
49 G.2 and 4.
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3 b. Uses allowed where TDR credits have been severed.
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7 (2) Conditional uses:
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9 (a) Those Essential Uses identified in LDC section 2.01.03 G.2 and 4.
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13 **2.03.09 – Open Space Zoning Districts**
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17 B. Conservation District "CON". The purpose and intent of the conservation district "CON" is
18 to conserve, protect and maintain vital natural resource lands within unincorporated Collier
19 County that are owned primarily by the public. All native habitats possess ecological and
20 physical characteristics that justify attempts to maintain these important natural resources.
21 Barrier islands, coastal bays, wetlands, and habitat for listed species deserve particular
22 attention because of their ecological value and their sensitivity to perturbation. All
23 proposals for development in the CON district must be subject to rigorous review to ensure
24 that the impacts of the development do not destroy or unacceptably degrade the inherent
25 functional values. The CON District includes such public lands as Everglades National
26 Park, Big Cypress National Preserve, Florida Panther National Wildlife Refuge, portions
27 of the Big Cypress Area of Critical State Concern, Fakahatchee Strand State Preserve,
28 Collier-Seminole State Park, Rookery Bay National Estuarine Sanctuary Research
29 Reserve, Delnor-Wiggins State Park, and the National Audubon's Corkscrew Swamp
30 Sanctuary (privately owned), and C.R.E.W. It is the intent of the CON District to require
31 review of all development proposed within the CON District to ensure that the inherent
32 value of the County's natural resources is not destroyed or unacceptably altered. The CON
33 District corresponds to and implements the conservation land use designation on the
34 future land use map of the Collier County GMP.

35
36 1. Allowable uses. The following uses are allowed in the CON District.
37

38 * * * * *
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40 c. Conditional uses. The following uses are permitted as conditional uses in
41 the CON, subject to the standards and procedures established in section
42 10.08.00 and further subject to: 1) submission of a plan for development as
43 part of the required EIS that demonstrates that wetlands , listed species
44 and their habitat are adequately protected; and 2) conditions which may be
45 imposed by the Board of County Commissioners, as deemed appropriate,
46 to limit the size, location, and access to the conditional use.

DRAFT

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

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4 2. Those essential services set forth in subsection 2.01.03 G.2. and 4.
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Exhibit A – Executive Summary Approved by BCC

11/13/2018

EXECUTIVE SUMMARY

Recommendation to direct staff to bring back for a public hearing an ordinance amending the Land Development Code to modify the definition of essential services in LDC Section 2.01.03 to include communications towers, and to allow communication towers as a conditional use within the Rural Fringe Mixed Use District-Sending Lands, and to allow applications for such communication towers to be processed under the proposed new zoning standards while the LDC amendment process is pending.

OBJECTIVE: To seek approval from the Board of County Commissioners (Board) to advertise and bring back for public hearing an ordinance to amend the Land Development Code (LDC) to modify the definition of essential services to include communications towers, and to allow communication towers as a conditional use within the Rural Fringe Mixed Use District-Sending Lands, and to allow applications for such communication towers to be processed and approved under the proposed new zoning standards while the zoning change is in progress.

CONSIDERATIONS: Currently, communication towers are not allowed as permitted or conditional uses within the Rural Fringe Mixed Use District (RFMUD)-Sending Lands. Therefore, communication towers are prohibited in the RFMUD-Sending Lands. To ensure compliance with the US Telecommunications Act of 1996 (47 USC 332), county staff is proposing this LDC amendment that would define communications towers as an essential service and allow communications towers as a conditional use in the RFMUD-Sending Lands. Section 332(c)(3)(7) of the Act states:

(7) Preservation of local zoning authority

(A) General authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) Limitations

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof-

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities

Exhibit A – Executive Summary Approved by BCC

11/13/2018

shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

Staff is requesting approval to advertise, and bring back for public hearing, after vetting through the advisory bodies, an ordinance approving the attached LDC amendment, and authorization to allow applications for such communications towers to be processed and approved under the proposed LDC amendment while the zoning change is in progress.

FISCAL IMPACT: Cost of advertising for the LDC amendment is estimated at \$3,250.

GROWTH MANAGEMENT IMPACT: There is no growth management impact associated with this action.

LEGAL CONSIDERATIONS: This item is approved as to form and legality. A simple majority vote is needed for this item, but the LDC amendment when it comes back will require an affirmative vote of four. (HFAC)

RECOMMENDATION: That the Board of County Commissioners:

1. Direct staff to bring back for public hearing, after vetting through the advisory bodies, an ordinance amending LDC Section 2.01.03 to define communications towers as an essential service and allow communication towers as a conditional use within the RFMUD Sending Lands
2. Authorize the expenditure of funds for advertising said LDC amendment; and
3. Authorize staff to process applications for such communication towers while the zoning change is in progress.

Prepared By: Jeremy Frantz, AICP, LDC Manager, Growth Management Department

ATTACHMENT(S)

1. Draft LDC Amendment (PDF)



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20180003486

ORIGIN

Board of County
Commissioners

HEARING DATES

BCC - TBD
 CCPC 2/7/19
 DSAC 2/6/19
 DSAC-LDR 12/18/18

SUMMARY OF AMENDMENT

This amendment introduces a new section to address the placement and location of residential permanent emergency generators for single-family and two-family dwelling units. The amendment establishes locational criteria to property lines, another generator, ancillary fuel tanks, window openings to a dwelling, and when necessary the installation of carbon monoxide detectors.

LDC SECTIONS TO BE AMENDED

4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts
 5.03.07 Permanent Emergency Generators (*New Section*)

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

Approved with recommendations

DSAC

TBD

CCPC

TBD

BACKGROUND

After Hurricane Irma, all of the County’s 270,000 customers served by Florida Power and Light had power outages. There has been a significant increase of County residents installing various residential permanent emergency generators as a means of resiliency against power outage events. Many building permit applications have been rejected due to setback requirements, lacking a detailed location plan, or insufficient information. The majority of permits issued have been for 20 and 22 kilowatt generators which represent 77.2% of the total permits and 89.5% are 30 kilowatts or less. (See Exhibit A).

On June 26, 2018, the Board directed staff to proceed with an amendment to increase flexibility for the placement of emergency generators on residential parcels or lots. Staff reviewed common manufacturers’ recommended minimum surrounding clearances from walls, fences and landscaping (See Exhibit B), standards in other communities (See Exhibit C), and other guidelines. Staff also worked with industry professionals to better understand common constraints and potential safety issues.

The amendment provides additional flexibility for generator placement by establishing minimum setbacks from property lines that vary depending on the required yard sizes. These setbacks are based on the majority of generators being placed within three to four feet from the exterior house’s wall. Four out of five common manufacturer’s installation guidelines would be able to meet placement within four feet of the house wall (see Exhibit B- yellow highlight).

The amendment also addresses potential health, safety and welfare associated with adding permanent generators in close proximity to homes by requiring minimum distances between generators and mechanical air intake equipment, compliance with manufacturer’s specifications, concurrent review of applicable building permits and providing design standards consistent with the Florida’s building, mechanical, electrical, plumbing, fuel and gas codes.

A scaled illustration of the proposed 10 foot separation standard between generators is shown in Exhibit D along with photos of installed generators taken from West Coast Generators’s website. Additionally, the exhibit identifies two generator permits that have been rejected, one in a side yard setback of 6.0’ and the other 7.5’. To meet manufacturer’s locational specifications and current LDC code requirement, these generators exceeded the current standard by 11 inches and 8 inches.

The DSAC-LDR subcommittee accepted staff’s textual changes and made the following recommendations:

- Revise the words or term “permanent emergency generators” to “optional standby generators” to relate to the Florida Building and National Electrical Code’s use of the term. Report back at the full DSAC meeting, if the County Attorney’s Office or Building Manager has a reason not to change the term.
- Require screening when the generator’s placement is in the front yard, on a waterfront or preserve lot.
- Increase the setback to road right-of-ways from two feet to five feet.
- Require a five feet setback from waterfront or preserve lots.
- Modify the Table to alleviate possible confusion with a required setback for a side yard.

The proposed text incorporates the subcommittee’s recommendations. After consulting with the County Attorney’s Office, the title “ permanent emergency generators” does not require a change to address the Florida Building or National Electrical Code definitions and use of the term “optional standby generators”.

FISCAL & OPERATIONAL IMPACTS

There are no fiscal or operational impacts with this amendment to the County. When applicable, the homeowner’s added costs are to screen a generator, install carbon monoxide detectors, extend an exhaust outlet and acquire a spot survey.

GMP CONSISTENCY

Based upon staff’s analysis, the amendment is consistent with the GMP. (See Exhibit E)

EXHIBITS: A) Permanent Generator Permits Issued or Rejected; B) Manufacturer’s Surrounding Clearances; C) Other Florida Communities Research; D) Illustrations; E) GMP Consistency Review

Amend the LDC as follows:

1 **4.02.01 - Dimensional Standards for Principal Uses in Base Zoning Districts**

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5 D. Exemptions and exclusions from design standards.

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9 13. Permanent emergency generators may be placed within the rear yard with a 10-
10 foot rear yard setback. Permanent emergency generators may encroach into side
11 yards up to 36 inches. Generators are not permitted to encroach into required front
12 yards. For single-family and two-family dwelling units, see LDC section 5.03.07 for
13 exceptions and requirements. Above-ground fuel tanks for the generators are
14 subject to the same setbacks; however, underground tanks are not subject to
15 setback requirements. In order to reduce noise during required routine exercising
16 of the generators, this exercising is restricted to operating the generator for no
17 more than 30 minutes weekly during the hours of 9:00 a.m. to 5:00 p.m. and shall
18 not exceed sound level limits for Manufacturing and Industrial uses as set forth in
19 Ordinance 90-17, the Noise Ordinance, as amended. All permanent emergency
20 generators must be equipped with sound attenuating housing to reduce noise.

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22 **5.03.07 - Permanent Emergency Generators**

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26 A. Purpose and Intent. It is the purpose of this section to protect the public health and safety
27 of homeowners from the risks associated with combustion engines and the entry of carbon
28 monoxide gas to a dwelling unit. It is the intent to improve the resiliency of homeowners
29 who seek shelter at home during periods of electrical power outages.

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31 B. Applicability. Permanent emergency generators for single-family and two-family dwellings
32 shall be permitted as an accessory use and located in accordance with LDC section
33 5.03.07 Table 1.

34
35 C. Standards and Requirements.

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37 1. Permanent emergency generators shall adhere to all generator manufacturer's
38 locational specifications and applicable federal, state, and local code
39 requirements. The manufacturer's locational specifications shall be concurrently
40 reviewed with the applicable electrical, structural, mechanical, gas piping, and
41 storage tank permits.

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43 2. Submittals. At a minimum, the applicant's site plan shall indicate the location and
44 dimension of the proposed generator, generator exhaust direction and permanent
45 fuel tank(s) in proximity to the dwelling unit and lot line. The site plan shall be
46 provided with the building permit application.

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48 3. Location and Distances. Permanent emergency generators may be located in the
49 required front, side and rear yard setback in accordance with the following Table

1 1. All distance setback and separation requirements shall be measured from the
 2 most restrictive of the generator’s enclosure or exhaust outlet and adhere to the
 3 following:

4 a. When located underneath the dwelling unit, the exhaust outlet shall be
 5 vented outside of the dwelling unit above the roof line.

6 b. Generators may be allowed in the front yard, at a distance no greater than
 7 six feet from the dwelling unit in zoning districts with 35 feet front yard
 8 setback or greater and shall require a vegetative screen.

9 c. Generators located in the rear yard with a waterfront or preserve lot shall
 10 require a vegetative screen.

11 d. Generators elevated 30 inches or more above the general ground level of
 12 the graded lot, including the supporting structure, shall be set back the
 13 same as the principal structure for the zoning district.

14 **TABLE 1 Generator Setback and Separation Standards (feet)**

<u>Side Yard</u>	<u>Setback</u>	<u>Distance to Lot Line</u>
	<u>5 or Less</u>	<u>1</u>
	<u>Greater Than 5 and Up To 7.5</u>	<u>2</u>
	<u>Greater Than 7.5 and Up To 20</u>	<u>4</u>
	<u>20 or greater</u>	<u>10</u>
<u>Rear Yard</u>	<u>7.5 or Less</u>	<u>5</u>
	<u>Greater Than 7.5</u>	<u>10 waterfront lot</u> <u>5 non-waterfront or preserve lot</u>
<u>Separation</u>		
<u>Distance to Road Right-Of-Way</u>		<u>5</u>
<u>Between Mechanical Air Intake Equipment or Other Generator</u>		<u>10</u>
<u>Distance from Windows, Soffit Vent, Eaves, Other Mechanical Air Intake To the Dwelling, Shrubs and Trees</u>		<u>5</u>
<u>Distance from Gas and Electrical Meters</u>		<u>3</u>

15 4. Carbon Monoxide Detector. If any exterior wall openings are within 10 feet of the
 16 generator’s exhaust outlet, at least one carbon monoxide detector shall be installed
 17 inside the structure near the exterior wall openings and on each floor level.

18 5. Generator Noise and Testing. Generator noise and routine testing shall be in
 19 compliance with LDC section 4.02.1 D.13.

DRAFT

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

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D. Additional Requirements for Diesel and Gasoline Engines. Notwithstanding the foregoing, diesel or gasoline powered generators shall be set back a minimum of 15 feet from any lot line.

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Exhibit A – Permanent Generator Permits Issued or Rejected

<i>Generator KW Size</i>	<i>2017 Yr. Ending</i>	<i>2018 thru July 5</i>	<i>Total Permits</i>	<i>2017 Total thru KW 30</i>	<i>2018 Total thru KW 30</i>	<i>Total Combined</i>	<i>% of all permits</i>
7.5	1	0	1				
8	1	0	1				
11	1	0	1				
12	1	3	4				
14	0	1	1				
15	1	0	1				
16	3	5	8				
19.5	1	0	1				
20	62	119	181				34.6
22	88	135	223				42.6
23	0	0	0				
24	4	5	9				
25	1	4	5				
27	7	5	12				
30	8	12	20	179	289	468	89.5
32	3	5	8				
36	1	2	3				
38	5	9	14				
40	0	4	4				
45	2	0	2				
48	9	8	17				
60	2	3	5				
80	1	0	1				
100	0	1	1				
<i>Totals</i>	<i>202</i>	<i>321</i>	<i>523</i>				
<i>Missing size information, rejected or lacking other information</i>			<i>78</i>				

Exhibit B – Manufacturers’ Surrounding Clearances

Generator Manufacturer 14 to 30 KW		Briggs/Stratton 17 /20 -25 Air-Liquid Cooled	Champion 14 Air Cooled	Kohler Res14/20 Air Cooled	Kohler RCL24 Liquid Cooled	Generac 16/20/22 Air Cooled	Generac 22/25/30 Liquid Cooled	Generac 22/27 Spark Ignited	Cummins RS22 Air Cooled
Dimension	Width	34"-30"	30.1"	26.2"	32.9 "	25"	30.6"	29"	34"
Clearances	Exhaust Outlet	5'	5'	4'	8'				5'
	Overhead	5'	5'			5'			
	Shrubs	5'		4'					
	SWRI-Rated					18"			
	1 Hour- Fire Rated	18"	17.7"		3'				18"
	Non-Rated		5'						
Total Clearance and Width (Inches)									
Encroachment	SWRI-Rated	52-48		44.2	50.9	43	48.6	47	52
	Fire Rated	52-48	47.8	62.2	68.9	61	66.6	65	70
	Non-Rated	94-90	90.1	86.2	92.9	85	90.6	89	94

Exhibit Based on Generac’s Site Selection Installation Guidelines

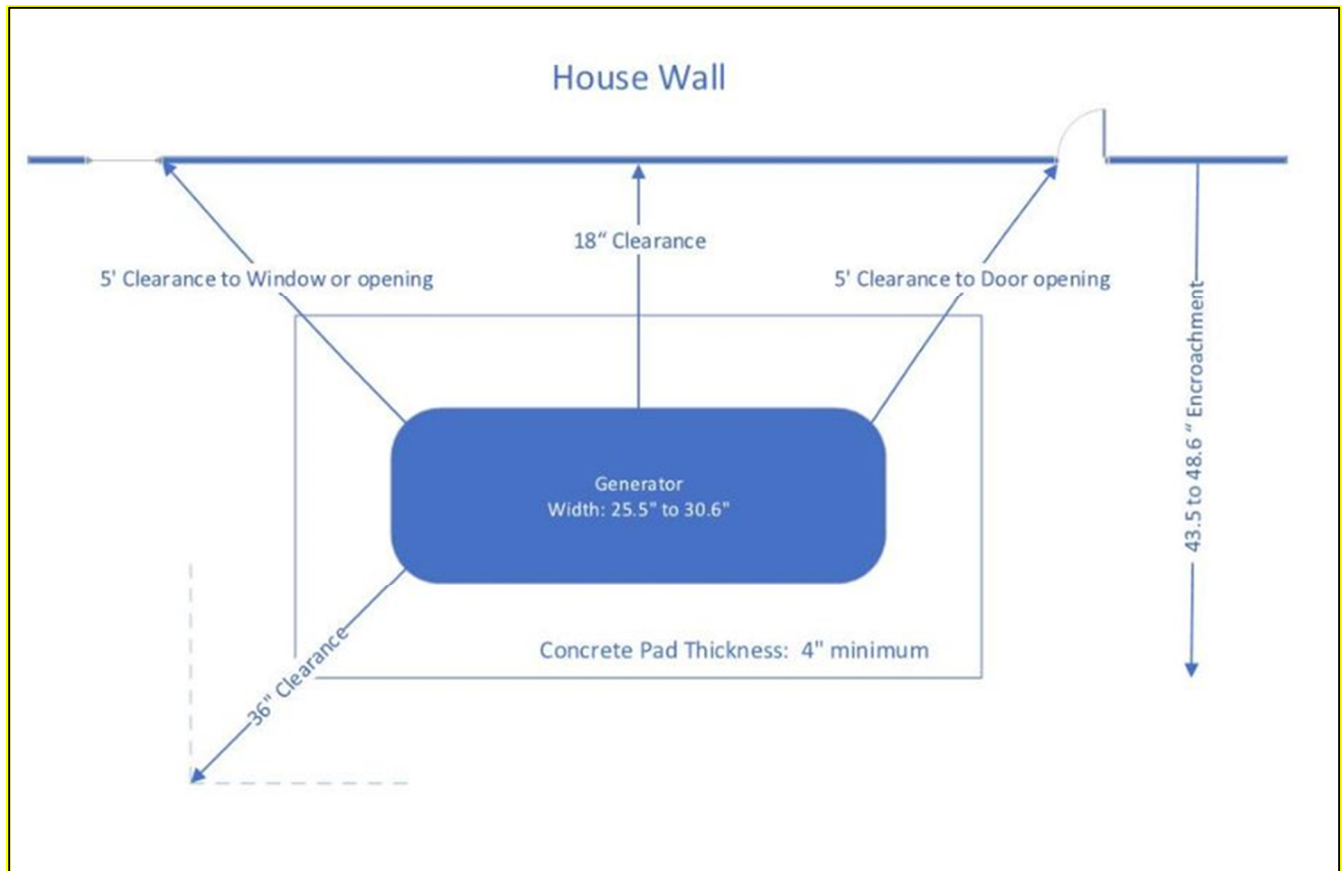


Exhibit C – Other Florida Communities Research

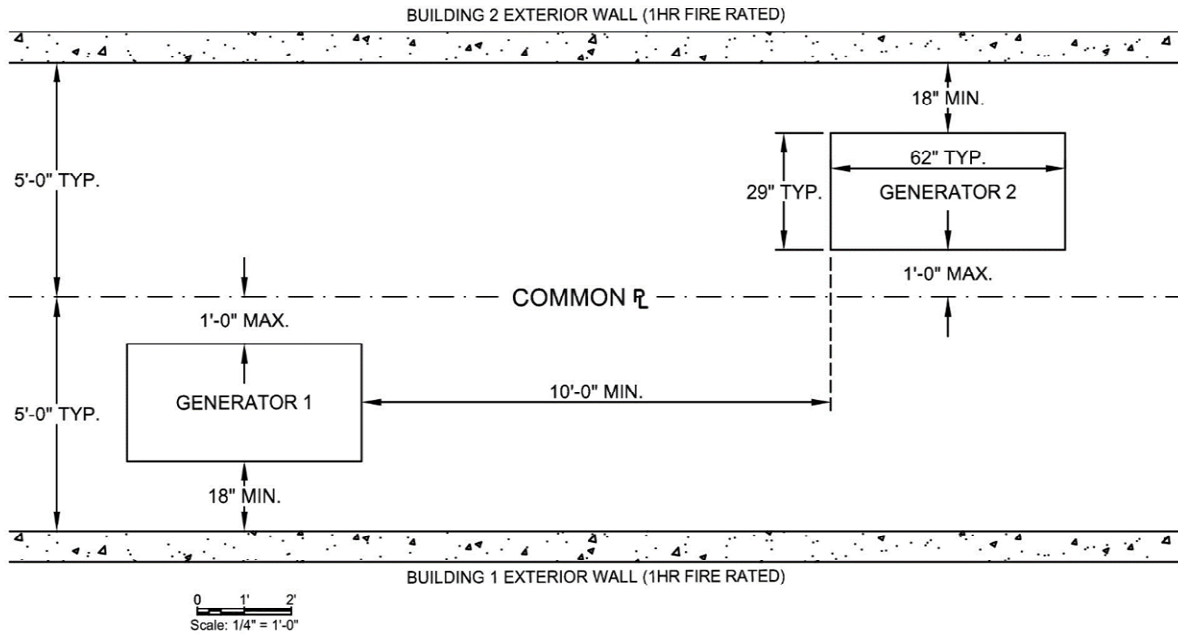
Community	Setbacks			Distance to Property Line (PL)
	Zoning Districts	Side	Rear	
<i>County</i>				
<i>Brevard</i> ¹	All Residential	4' into required side and rear yard.		Not Addressed (N/A)
<i>Miami-Dade</i> ²	Residential Urban	3'	5'	
	Residential Estates	5'	5'	
<i>Orange</i> ³	All Residential	10'	5' or rear ½ of lot or parcel	
<i>Palm Beach</i> ⁴	Single-Family	3'	5'	
	Zero lot line	5'		
<i>Sarasota</i>	All districts except Siesta Key Overlay District (SKOD)	Exempt from setback requirements when located at above ground level or elevated due to FEMA elevation requirements.		No closer than 3'
	SKOD	Same as side yard setback.		
<i>City</i>				
<i>Boca Raton</i>	All Residential Districts	Anywhere within side or rear yard.		N/A
<i>Boynton Beach</i> ⁵		3' plus 1 foot for every 1 foot above height of 6 feet but not greater than the minimum principal structure setback.		
<i>Key Biscayne</i> ⁶	Single-Family and Two-Family	5'		
<i>Lighthouse Point</i> ⁷	All Residential Districts	5'	Not allowed.	5'
<i>Naples</i>		Same as principal structure (SPS).		N/A
<i>North Miami</i> ⁸		5'	5' or 15' from rear street PL.	
<i>Ocean Ridge</i>		SPS		5'
<i>Marco Island</i>		4' into required side or rear yard.		N/A
<i>Miami Springs</i>		Anywhere within side or rear yard.		
<i>Town of Palm Beach</i>		5'	5'	5'
<i>Palmetto Bay</i> ⁹		5'	5'	N/A
<i>Plantation</i> ¹⁰		2.5' from side or rear property line and 7.5' from sidewalk, bikeway, or street right-of-way lines.		
<i>Redington Beach</i>		Anywhere within side or rear yard.		N/A
<i>Sanibel</i>	Anywhere within side or rear yard.		10'	
<i>South Miami</i>	12.5'	12.5'	12.5'	

Footnotes and Additional Criteria:

- 1- Encroachment is not subject to separation distances between structures.
- 2- 10' setback from street property line.
- 3- 15' setback from side street.
- 4- Encroachment is limited to 10% of setback requirement and generators less than 4' in height.
- 5- Not allowed in front yard or corner side yard unless approved by administrative adjustment and no other on-site location is feasible or there is a finding the location and use or design of the abutting property would not have negative impact.
- 6- None in a yard facing any street. Propane gas tanks – 5 feet to side property line, limited to 500 gallons above ground and 1,000 gallons underground.
- 7- If not 5 feet from property line, then generator must be placed lengthwise and 1 foot from building.
- 8- 15' from rear street property line.
- 9- 10' from rear street.
- 10- Generators above 5.5' height must comply with same setback as principal structure.

Exhibit D – Illustrations

GENERAC 22 AND 27KW SEPARATION BETWEEN GENERATORS NO ZERO LOT LINE - 5 FEET SIDELYARD SETBACKS



Kohler 38 RCL



Kohler 24 RCL

Photos: Courtesy of Westcoast
Generators Website



Kohler 20 RESA



GE 45kw



Exhibit D – Illustrations

PLAT OF SURVEY CERTIFIED CORRECT TO :
Matthew H. Nolton and Roxann F. Nolton

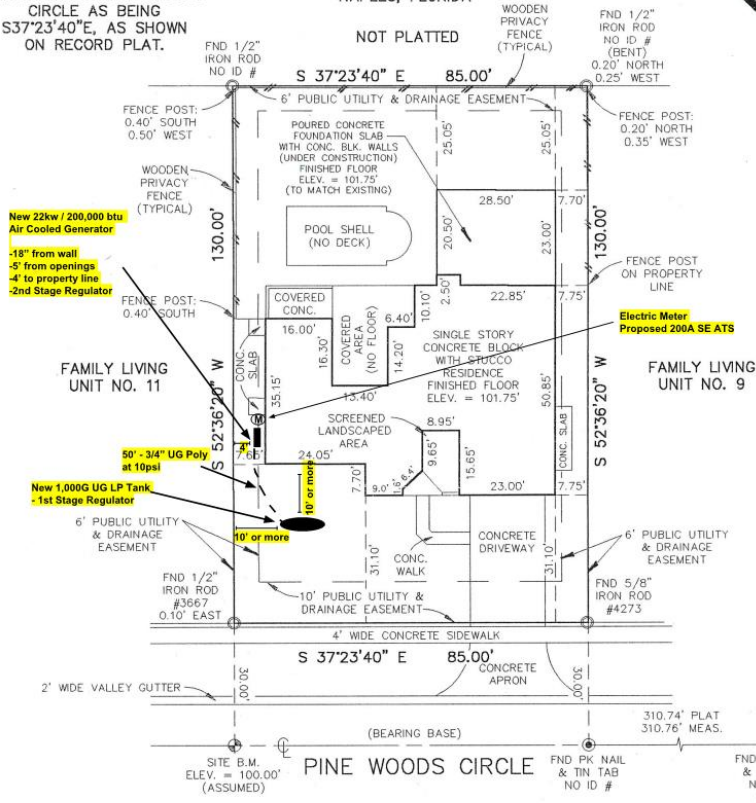
DESCRIPTION (FURNISHED BY CLIENT) :

FAMILY LIVING UNIT NO. 10, PINEWOODS CONDOMINIUM, UNIT ONE, according to the plat thereof, as recorded in Condominium Book 14, Page 27, Public Records of Collier County, Florida.

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF PINE WOODS CIRCLE AS BEING S37°23'40"E, AS SHOWN ON RECORD PLAT.

STREET ADDRESS:
2425 PINE WOODS CIRCLE
NAPLES, FLORIDA

NOT PLATTED



NOTICE: This "Plot of Survey" represents deed and/or platted boundary lines and does not constitute ownership lines.
 WARNING: This "Plot of Survey" is not intended to be used for architectural and/or construction purposes without the written consent of the signing Professional Surveyor and Mapper shown hereon.
 NOTICE: There may be additional restrictions that are not recorded on this Plot of Survey that may be found in the Public Records of this County. (Setbacks, Easements & other Restrictions)
 NOTES: ** This Survey is subject to any facts that may be disclosed by a full and accurate Title Search. **
 Zoning of this property has not been determined by this "Plot of Survey".
 Elevation(s) shown hereon (if any) in non-flood zone areas (no base 100 year flood elevation established by F.E.M.A.) are based on an assumed elevation datum not related to mean sea level.
 ** Accuracy of the record plat boundary was not determined by this plot of survey.**
 ** In some cases, the remainder portions of parcels and/or lots are too cumbersome or too large to show all dimensions and directions.
 ** Coastal Construction Control line has not been located unless otherwise shown as requested by the client.
 ** Utilities and other services within right-of-ways and/or easements are not located except as shown unless specifically requested by the client.
 ** Symbols shown hereon representing utilities, services, fences, or other physical features are not necessarily to scale.
 ** Elevations shown hereon (if any) are based on National Geospatial Vertical Control Datum (N.G.V.D. 29). **
 ** Ties shown hereon are to the Platted or Described Boundary Lines. **
 ** No underground foundations or footings (footers) have been located except as shown. **
 ** No underground installations or improvements have been located except as shown. **

FOR: MATTHEW H. & ROXANN F. NOLTON		LEGEND	AS-BUILT SURVEY
ACTION SURVEYS 171 COMMERCIAL BLVD., STE. 12 Naples, Florida 34104 Phone : (941) 643-7510		ASPH = ASPHALT ADDN = ADDITION BLK = BLOCK CALC. = CALCULATED C.L.F. = CHAIN LINK FENCE C.M. = CONCRETE MONUMENT C.S. = CONCRETE SLAB/STOOP ENCR. = ENCRANCHING (MENT) ESM.T. = EASEMENT ELEV. = ELEVATION I.P. = IRON PIPE MEAS. = MEASURED M.S.B. = METAL STORAGE BUILDING N.R. = NOT RADIAL P.C. = POINT OF CURVE P.O.B. = POINT OF BEGINNING REC. = RECOVERED R/W = RIGHT-OF-WAY TYP. = TYPICAL W.F. = WOOD FRAME W.F.S.B. = WOOD FRAME STORAGE BUILDING W.P.F. = WOOD PRIVACY FENCE E = EAST R = RADIAL A = ARC LENGTH T = TANGENT CHD = CHORD A/C = AIR CONDITIONER ALUM = ALUMINUM B.M. = BENCHMARK CONC. = CONCRETE C.E. = CENTERLINE N. = NUMBER DR. = DRIVE F.L.R. = FLOOR FND = FOUND O/H = OVER HEAD OFF. = OFFICIAL RECORD AND = AND N&D = NAIL AND DISK P.L. = PROPERTY LINE RAD. = RADIAL DELTA OR CENTRAL ANGLE S. = SOUTH SCR. = SCREENED W. = WITH W/W = WALK W/W = WINGWALL W. = WOOD W/W = WEST N. = NORTH S. = SOUTH DELTA OR CENTRAL ANGLE L. = LENGTH OF ARC T/BRC = TANGENT BEARING C.B. = CHORD BEARING	CERTIFICATIONS SUBJECT TO NOTES AND NOTATIONS SHOWN ON THIS PLAT OF SURVEY. FLOOD CERTIFICATION FOR BUILDING SITE BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM "F.I.R.M." MAP FLOOD ZONE X DATED 06/03/86 COMMUNITY-PANEL # 120067-0385D The Base 100 Year Flood Elevation is N/A (Mean Sea Level)
DATE	TYPE OF SURVEY		
10/26/95	BOUNDARY SURVEY		
12/13/01	AS-BUILT SURVEY (FOUNDATION LOCATION)		
SCALE: 1" = 30'	PROJECT # 95-1539B		
		THIS CERTIFIES THAT A SURVEY WAS MADE OF THE PROPERTY DESCRIBED HEREON UNDER MY SUPERVISION AND IS A CORRECT REPRESENTATION THEREOF. I FURTHER CERTIFY THAT THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO ADMINISTRATIVE CODE CHAPTER 61C17 AND SECTION 472.027 OF THE FLORIDA STATUTES. 12/14/01 John Ganewing PROFESSIONAL SURVEYOR AND MAPPER #4085 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	

Exhibit E- GMP Consistency Review



Growth Management Department
Zoning Division

Memorandum

To: Rich Henderlong, AICP, Principal Planner, Land Development Code Section
From: David Weeks, AICP, Growth Management Manager, Comprehensive Planning Section
Date: December 13, 2018
Subject: Growth Management Plan (GMP) Consistency Review

PETITION NUMBER: LDCA-PL20180003486 REV:1

PETITION NAME: LDC Sec. 4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts, 4.02.03 Specific Standards for Location of Accessory Buildings and Structures, and new 5.03.07 Permanent Emergency Generator

REQUEST: Amend the Collier County Land Development Code Sections 4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts, and 4.02.03 Specific Standards for Location of Accessory Buildings and Structures, and add new 5.03.07 Permanent Emergency Generator, to:

1. Add reference to new Sec. 5.03.07 within Sec. 4.02.01D. Exemptions and Exclusions from Design Standards.
2. Add development standards (setbacks) for permanent emergency generators in Sec. 4.02.03D. Table of dimensional standards for accessory buildings and structures in zoning districts other than Rural Agricultural (A) and Estates (E).
3. Establish new Sec. 5.03.07 Permanent Emergency Generator (for single and two-family dwellings).

COMPREHENSIVE PLANNING COMMENTS: The Growth Management Plan's (GMP) land use elements (Future Land Use Element, Golden Gate Area Master Plan, Immokalee Area Master Plan) contain subdistricts and overlays that identify allowable uses; some of these identify uses by zoning district(s) and some by specific use names (e.g. liquor store) or use categories (e.g. retail commercial). These subdistricts and overlays are implemented through the Land Development Code (LDC), which may be by establishing a zoning overlay, or a rezone of a property, or a conditional use on a property. With rare exception, the GMP does not address accessory uses, and where it does, there is no mention of permanent emergency generators - there is no specificity provided that would conflict with the proposed amendment. The LDC may be more restrictive than the GMP but not less restrictive.

CONCLUSION:

Based upon the above analysis, the proposed LDC amendment may be deemed consistent with the GMP.

IN CITYVIEW

cc: Michael Bosi, AICP, Zoning Director

LDCA-PL20180003486 Sec. 5.05.07 et al_perm. emerg. generatorsR1 G:\CDES Planning Services\Consistency Reviews\2018\LDCA

dw/12-13-18

1



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20180002632

ORIGIN

Growth Management Department (GMD)

HEARING DATES

BCC	TBD
CCPC	02/07/2019
DSAC	02/06/2019
DSAC-LDR	12/18/2018
	10/16/2018

SUMMARY OF AMENDMENT

This amendment establishes standards for new outdoor lighting associated with single-family dwelling units, two-family dwelling units, and duplexes. These standards are intended to prevent high-intensity outdoor lighting from negatively impacting neighboring residential properties.

LDC SECTION TO BE AMENDED

4.02.08 Outside Lighting Requirements

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval

DSAC
TBD

CCPC
TBD

BACKGROUND

Currently, there are no limitations with respect to outdoor lighting on residential properties with single-family dwellings, two-family dwellings, or duplexes. However, the variety and intensity of lighting fixtures available to homeowners at retail outlets presents an opportunity for outdoor lighting to negatively impact surrounding residential properties. As a result, the GMD has been unable to resolve complaints received by the Code Enforcement Division regarding residential outdoor lighting shining toward neighboring homes, which are typically received up to several times a year.

At the March 13, 2018, Board of County Commissioners (Board) meeting, a member of the public requested an ordinance to address significant nuisance lighting on single-family properties (See Item 7). At the June 21, 2018, Budget Workshop, one Commissioner noted an awareness of lighting problems on residential properties, suggesting a need for County Staff to address the issue. As a remedy, this amendment requires single-family dwelling, two-family dwelling, or duplex homeowners who install lights or fixtures having an aggregate of 60 watts or 800 lumens or more to shield or aim those lights away from abutting residential properties. The amendment does not apply to lighting on multi-family residential development (three or more units).

The brightness and energy usage measurements correspond with the types of floodlights or other outdoor lights which have the potential to impact neighbors (See Figures 1 and 2) and can be applied to both traditional incandescent lights and LEDs. Outdoor lighting standards for single-family residences vary throughout the state (See Exhibit A). These proposed standards are designed so that compliance and enforcement are simple and do not require any special knowledge or tools.

A building permit is not required to install most lighting fixtures. Therefore, this standard will primarily be implemented through the code enforcement process when a complaint is issued. If a code violation is

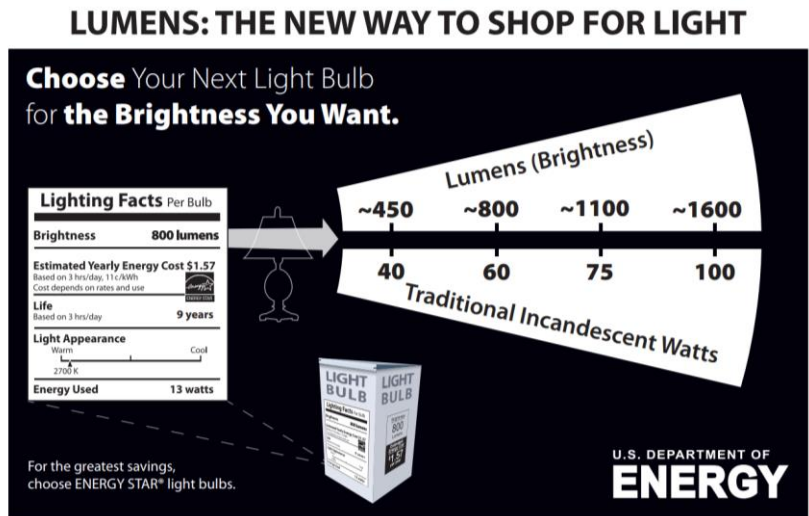
reported, homeowners could remedy a potential violation by repositioning the lights, using shielding, or installing new lighting fixtures that comply with the proposed standard.

Figure 1. Lumen levels for typical outdoor lights

LED Outdoor Light	Recommended LED Lumens
Security Floodlights	700-1300
Shed Lights	150-300
Lamp Posts	120-180
Landscape Spotlights	120
Outdoor Path Lighting	100

Source: <https://gamasonic.com/how-many-lumens-do-you-need-for-outdoor-lighting/>

Figure 2. Department of Energy comparison of lumens and traditional incandescent watts.



Source: https://www.energy.gov/sites/prod/files/lumens_placard-black.pdf

FISCAL & OPERATIONAL IMPACTS

This amendment could result in additional unexpected costs for homeowners to replace light bulbs with lower lumens or to replace fixtures. There are no anticipated fiscal impacts to the County associated with this amendment. The amendment will allow code enforcement to resolve some complaints regarding outdoor lighting.

GMP CONSISTENCY

In the limited areas where the Growth Management Plan (GMP) does address outdoor lighting, there is no specificity provided. Only the Conservation and Coastal Management Element (CCME) policies pertaining to wildlife protection, e.g. Policies 7.3.1 and 7.3.2 regarding sea turtles, may have applicability to the dwelling unit types addressed in this LDC amendment but, again, there is no specificity provided. Further, such lighting would have to comply with both this new LDC provision and the CCME policies.

EXHIBITS: A) Lighting Standards in Other Communities

DRAFT

Text underlined is new text to be added

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

Amend the LDC as follows:

- 1 **4.02.08 - Outside Lighting Requirements**
- 2
- 3 A. Lights on golf courses shall be located and designed so that no light is aimed directly
- 4 toward property designated residential, which is located within 200 feet of the source of
- 5 the light.
- 6
- 7 B. Specific height requirements in zoning districts.
- 8 1. GC—Twenty-five (25) feet
- 9 2. C-1—Twenty-five (25) feet
- 10 3. CF—Twenty-five (25) feet
- 11
- 12 C. Lights on lots with single-family dwellings, two-family dwellings, or duplexes. Lights or
- 13 fixtures having an aggregate of 60 watts or 800 lumens or more shall be shielded or aimed
- 14 away from abutting residential properties.
- 15 # # # # # # # # # # # # #

Exhibit A – Lighting Standards in Other Communities

Community	Standard	Citation
Lee County (Upper Captiva Planning Area)	“All outdoor lighting, including lighting on docks and bulkheads, must be designed, installed, located, and maintained to be hooded, shielded, and/or aimed downward.”	Art. XI Division 4 Sec. 33-1736
City of Sanibel	<p>“All exterior lighting shall be designed and installed to prevent glare and light trespass. Light shall not be allowed to cause glare affecting motorists, bicyclists, or other users of roads, driveways and bicycle paths. Light shall not trespass over property lines.”</p> <p><i>(More detailed standards follow this section)</i></p>	Art. XIV Div. 4 Sec. 12-997 (c)
City of Naples	<p>“(a) Permitted exterior lighting. Exterior lighting or light fixtures may be utilized at grade and at the 1st habitable floor of multifamily structures, provided that:</p> <p>(1) The lighting is confined to a front yard facing a public street, or to that portion of the facade facing a public street; and</p> <p>(2) The light source is directed only at the facade of the building.</p> <p>Lighting may also be utilized at grade to enhance landscape features. Exterior lighting shall be designed, arranged or shielded in such manner that all adjacent properties and the public roadways are protected from direct glare.</p> <p>(b) Prohibited lighting. The use of exterior lighting or light fixtures on any portion of the facade or roof of a multifamily structure above the 1st habitable floor shall not be permitted.</p> <p>(c) Exemptions. Warning lights, as required by state or federal agencies, and exterior lights used exclusively for and associated with outdoor walkways, stairs, hallways, pool areas, and living spaces such as balconies, terraces, screened porches, and similar spaces shall be exempt from the requirement as listed in subsection (b) of this section. Nonpermanent lighting, used exclusively during the holiday period from November 15 to January 15, is also excluded from this prohibition.</p> <p>(d) Nonconforming lighting. Nonconforming multifamily structures shall be brought into conformance with this section by April 30, 1998.”</p>	Chapter 56 Art. III Sec. 56-89
City of Bonita Springs	“All light fixtures shall have bulbs that are fully recessed within the fixture and may not emit light above horizontal plan (sic)”	Chapter 10 Art. III. Div. 3 Sec. 10-102 (d)(1)(a)

Exhibit A – Lighting Standards in Other Communities

<p>Marco Island</p>	<p>“(a) Regulation of the intensity and glare of outdoor lighting shall be as follows: (1) No lighting source shall cause more than 1.0 footcandle of illumination to fall on adjoining residential single-family (RSF) zoned property.”</p> <p><i>(Additional shielding standards follow this section)</i></p>	<p>Chapter 6 Art. V Sec. 6-145</p>
<p>Volusia County</p>	<p>No person may install, construct, erect, maintain, or control any outdoor lighting or outdoor lighting fixture on a residential structure, or on its surrounding premises, which directly illuminates beyond the adjacent residential structure's property line, between sunset and sunrise. For the purposes of this section, adjacent property shall include all property within 360 degrees of the subject property, notwithstanding an intervening right-of-way. For the purposes of this section, property line shall be an invisible plane extending vertically at a 90-degree angle from ground level to a point above the height of the highest structure on either the subject property or the adjacent property.</p>	<p>Sec. 50-480</p>

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20180002769

ORIGIN

Board of County
Commissioners

HEARING DATES

BCC TBD
CCPC 02/07/2019
DSAC 02/06/2019
DSAC-LDR 12/18/2018
 10/16/2018

SUMMARY

This Board directed amendment places new restrictions on the replacement and removal of required landscaping trees at commercial shopping centers. The amendment seeks to maintain mature canopy trees at shopping centers and their value to the surrounding neighborhood.

LDC SECTIONS TO BE AMENDED

4.06.02 Buffer Requirements
4.06.05 General Landscaping Requirements

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

Approval with Changes

DSAC

TBD

CCPC

TBD

BACKGROUND

On January 23, 2018, the Board directed staff to draft LDC standards that maintain the ability to change existing landscaping plans while also ensuring those changes would retain mature canopy trees and maintain an aesthetically pleasing community appearance.

This amendment makes four modifications to the landscaping requirements for shopping centers to minimize the impact of mature landscaping being replaced with minimum sized trees:

1. Allows additional spacing in Type D buffers for improved visibility into shopping centers.
2. Prohibits slash pine and bald cypress in new landscaping plans or existing landscaping plans that are removing trees from the Vehicle Use Area (VUA) or Type D buffer.
3. Limits the large-scale removal or replacement of required trees in the VUA and Type D Buffer to 50 percent of the required trees within a period of 15 years.
4. Provides an exemption for trees removed through a cultivated tree removal permit, or to replace diseased or dead trees.

See Exhibit A for additional background, justification, and other considerations.

DSAC-LDR Subcommittee Recommendation:

The DSAC-LDR Subcommittee reviewed the amendment on October 16, 2018, and made the following comments:

1. The current requirements for shopping centers already require plantings to be larger than typical development. Creating a new standard that only applies to shopping centers is unnecessary.
2. The provisions related to visibility should be removed as it will not improve visibility for cars passing by at high speeds. Additionally, cell phones are commonly used for navigation so creating a different buffer standard only for Type D buffers won't necessarily improve visibility.

Consider focusing on signage instead of limits on plantings. Changing sign standards so they don't interfere with landscaping would be more beneficial.

3. The slash pine and bald cypress prohibition should clearly state that they can't be used for proposed landscaping but that it doesn't affect existing trees. Protections for existing slash pine and bald cypress in parking lots would be preferable.
4. One of the shopping centers that gained attention for its landscaping changes was trying to address tree roots damaging the parking lot and lighting that was too close to trees. Not allowing the removal of landscaping forces property owners to be liable for trip and fall hazards when roots are damaging pavement or prevents them from updating developments that were built to out-dated standards.

The DSAC-LDR Subcommittee reviewed the amendment a second time on December 18, 2018 and stated that the amendment is not necessary and furthermore that the limitation on removing a maximum of 50 percent of the landscaping within 15 years is too restrictive. However, the Subcommittee recommended that if the Board were to approve the amendment, the 50 percent limitation should be removed, and the timeframe reduced to ten years.

FISCAL & OPERATIONAL IMPACTS

The amendment will increase costs for shopping center owners when proposing to replace or remove more than 50 percent of the required trees and may result in unexpected costs when proposals trigger the limitation. There are no anticipated fiscal or operational impacts to Collier County.

GMP CONSISTENCY

Based upon the attached analysis, the proposed LDC amendment may be deemed consistent with the GMP (See Exhibit B).

EXHIBITS: A) Additional Background and Justification B) GMP Consistency Review

Amend the LDC as follows:

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4.06.02 Buffer Requirements

* * * * *
C. Types of buffers. Within a required buffer strip, the following types of buffers shall be used based on the matrix in table 2.4. (See Figure 4.06.02.C-1)

* * * * *
4. *Type D Buffer:* A landscape buffer shall be required adjacent to any road right-of-way external to the development project and adjacent to any primary access roads internal to a commercial development. Said landscape buffer shall be consistent with the provisions of the Collier County Streetscape Master Plan, which is incorporated by reference herein. The minimum width of the perimeter landscape buffer shall vary according to the ultimate width of the abutting right-of-way. Where the ultimate width of the right-of-way is zero to 99 feet, the corresponding landscape buffer shall measure at least ten feet in width. Where the ultimate width of the right-of-way is 100 or more feet, the corresponding landscape buffer shall measure at least 15 feet in width. Developments of 15 acres or more and developments within an activity center shall provide a perimeter landscape buffer of at least 20 feet in width regardless of the width of the right-of-way. Activity center right-of-way buffer width requirements shall not be applicable to roadways internal to the development.

a. Trees shall be spaced no more than 30 feet on center in the landscape buffer abutting a right-of-way or primary access road internal to a commercial development. As an alternative for shopping centers, the following tree spacing may be allowed through a landscaping plan change to provide additional visibility into shopping centers:

i. Trees may be spaced no more than 60 feet on center, and

ii. There shall be at least three consecutive trees on both sides of the 60-foot spacing. Said trees shall be spaced no more than 30 feet on center with at least a 30-foot crown spread per tree at the time of the alternative spacing approval.

#

4.06.05 – General Landscaping Requirements

* * * * *
D. Plant Material Standards
* * * * *

2. Trees and palms. All required new individual trees, shall be species having an average mature spread or crown of greater than 20 feet in the Collier County area and having trunk(s) which can be maintained in a clean condition over five feet of clear wood. Trees adjacent to walkways, bike paths and rights-of-way shall be maintained in a clean condition over eight feet of clear wood. Trees having an average mature spread or crown less than 20 feet may be substituted by grouping

the same so as to create the equivalent of 20-foot crown spread. For code-required trees, the trees at the time of installation shall be a minimum of 25 gallon, ten feet in height, have a 1¾-inch caliper (at 12 inches above the ground) and a four-foot spread.

a. A grouping of three palm trees will be the equivalent of one canopy tree. Exceptions will be made for Roystonea spp. and Phoenix spp. (not including roebelenii) which shall count one palm for one canopy tree. Palms may be substituted for up to 30 percent of required canopy trees with the following exceptions. No more than 30% percent of canopy trees may be substituted by palms (or palm equivalent) within the interior of a vehicular use area and within each individual Type D road right-of-way landscape buffer. Palms must have a minimum of 10 feet of clear trunk at planting.

b. All new trees, including palms, shall be of a species having an average mature height of 15 feet or greater.

c. As of {Effective date of this Ordinance}, new landscaping plans shall not include slash pine (Pinus elliottii) or bald cypress (Taxodium distichum) within the vehicular use areas or Type D buffers.

* * * * *

O. Tree replacement or removal in shopping centers.

1. Purpose and intent. This section is intended to apply to the removal or replacement of existing, mature, canopy trees within Type D buffers and vehicular use areas at shopping centers. Extensive changes to mature landscaping have the potential to impact aesthetic appearance, native plant preservation, buffering, and shade. This section is not intended to prohibit other activities related to the development, redevelopment, or maintenance of shopping centers.

2. Standards for tree replacement or removal within Type D buffers and vehicular use areas at shopping centers.

a. A maximum of 50 percent of the required trees per 15-year period may be replaced or removed through a landscaping plan change.

b. Replacement trees within Type D buffers and vehicular use areas at shopping centers shall not include slash pine (Pinus elliottii) or bald cypress (Taxodium distichum).

c. Replaced or removed trees shall not be located entirely within one contiguous area and shall be evenly dispersed throughout the Type D buffers and vehicular use areas.

3. Exemption. These standards shall not apply to removal of trees through a cultivated tree removal permit or to replace diseased or dead trees.

4. Applicants may request a PUD deviation or variance, as applicable, to the limitation on replacement or removal of required trees.

#

Exhibit A – Additional Background and Justification

Amendment History

Over several years, residents have petitioned the Board regarding perceived aesthetic impacts on surrounding residential neighborhoods when mature canopy trees are removed from shopping centers and replaced with the LDC's minimum tree planting requirements.

On January 23, 2018, Zoning Division staff presented background information to the Board regarding landscaping changes in shopping centers, and potential LDC changes that could mitigate the perceived impacts on the surrounding community from the loss of mature canopy trees. The Board directed staff to draft LDC standards that maintain the ability to change existing landscaping plans while also ensuring any changes would retain mature canopy trees and maintain an aesthetically pleasing community appearance.

A previous version of this amendment which proposed a requirement for larger replacement trees was reviewed by the Development Services Advisory Committee (DSAC) and the Collier County Planning Commission (CCPC). On June 21, 2018, staff presented price and availability data for trees with a five to six-inch caliper to the CCPC. In response to the increased costs and limited availability, the CCPC unanimously recommended not to adopt the proposed amendment, and to direct staff to review a new LDC amendment to be further refined with the following elements:

1. A limitation on the percentage of trees that may be removed or replaced within a given period of time.
 - a. The trees removed should not be clustered in one area but should be spread throughout the project.
 - b. The period of time established should be based on the expected life and canopy growth rates of removed and replaced tree species.
2. A limitation on the use of Slash pine and Bald Cypress trees within the Type D buffer for:
 - a. New landscaping plans, and
 - b. Existing landscaping plans when replacing or removing required trees from the Type D buffer or VUA.
3. An allowance for additional spacing between buffer trees in certain instances to allow for improved visibility into shopping centers.

Existing Standards

For many types of development, when trees are replaced in the VUAs or Type D buffers, the replacement trees are required to meet the same minimum standards for landscaping material required for new developments. The minimum tree height, caliper, and canopy spread required at the time of installation are:

- Height: 10 feet,
- Caliper: 1 ¾ inches, and
- Canopy spread: four feet.

However, when trees are replaced in the VUAs or Type D buffers at shopping centers, the replacement trees are required to meet the minimum standards in LDC section 4.06.03 B.9:

- Height: 14 to 16 feet,

Exhibit A – Additional Background and Justification

- Caliper: three to four inches,
- Canopy spread: six to eight feet, and
- Clear trunk height: six feet high.

These larger trees are only required at shopping centers, which are defined in LDC Section 1.08.02:

“A group of unified commercial establishments built on a site which is planned, developed, owned or managed as an operating unit and related in its location, size, and type of shops to the trade area that the unit serves. It consists of eight or more retail business or service establishments containing a minimum total of 20,000 square feet of floor area. No more than 20 percent of a shopping center's floor area can be composed of restaurants without providing additional parking for the area over 20 percent. A marina, hotel, or motel with accessory retail shops is not considered a shopping center.”

Additionally, trees within Type D buffers are required to be spaced no more than 30 feet on center. This amendment does not propose any changes to the minimum height, caliper, canopy spread, or clear trunk height of trees planted at shopping centers.

Proposed Standards

The proposed standards are intended to balance the value of mature canopy trees to the surrounding neighborhoods and property owners with the need to redesign and update the appearance of shopping centers. The standards are intended to allow for regular updates to shopping centers while maintaining existing mature trees.

Proposed Changes to LDC Section 4.06.05 C.4.a.i:

Changes to this section establish new tree spacing standards within Type D buffers to provide better visibility to shopping center buildings and wall signage. This new standard would allow increased tree spacing from 30 feet on-center to 60 feet on-center when at least three trees on both sides of the 60 feet on-center spacing have a minimum of a 30-foot crown spread per tree. This arrangement is depicted in Figure 1.

Figure 1: Illustration of proposed visibility spacing within Type D buffers.

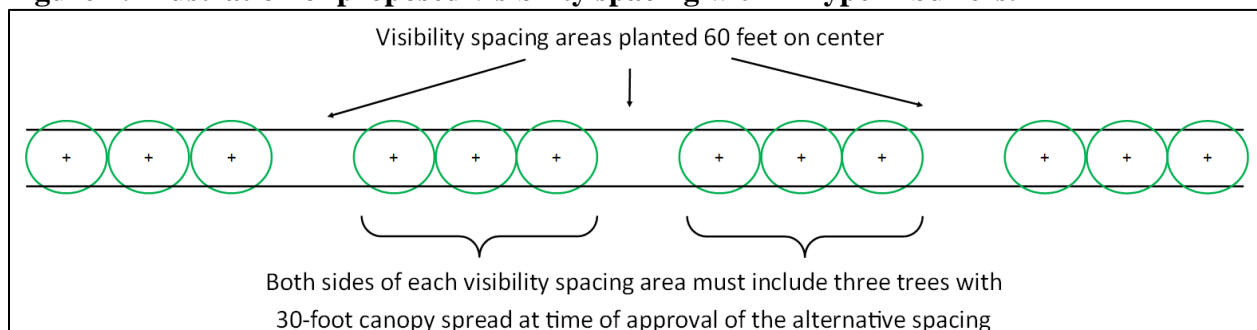


Exhibit A – Additional Background and Justification

Proposed Changes to LDC Section 4.06.02 D.2.c:

Changes to this section prohibit slash pine and bald cypress trees within the VUA and Type D buffer area in new landscape plans because they do not provide adequate canopy or flourish in irrigated areas of a site. The inadequate canopy and visual buffer are shown in Figures 2 and 3.

Figure 2: Bald cypress trees do not provide adequate canopy when leaves fall.



Figure 3: Slash pine trees do not provide an adequate visual buffer.

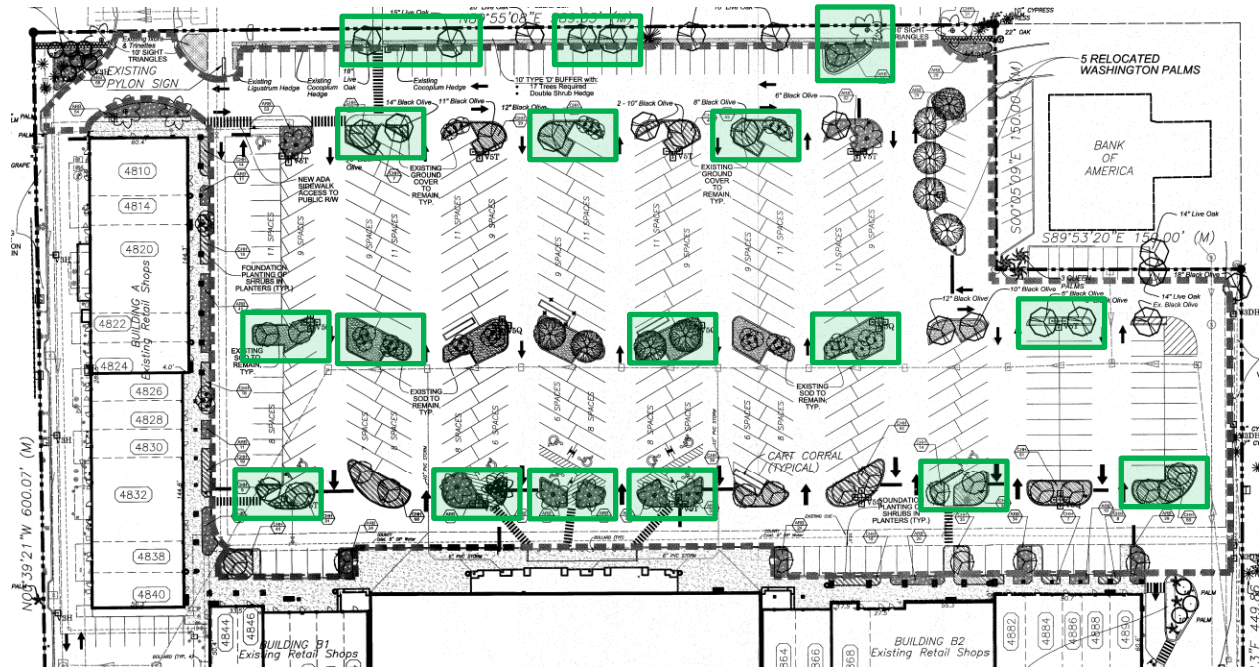


Exhibit A – Additional Background and Justification

Proposed New LDC Section 4.06.05 O.:

This new section limits the large-scale removal or replacement of mature canopy trees through a restriction on removing or replacing more than 50 percent of required trees within the VUA or Type D buffer within each 15-year period. For example, Figure 1 demonstrates one potential distribution of replaced or removed trees throughout the site. The limitation is based on public input during the amendment vetting process and a review of tree growth rates described in the Tree Growth Analysis section below.

Figure 1. Example Distribution of Replaced or Removed Trees Throughout the Site



This section also prohibits the use of slash pine or bald cypress trees as replacement trees within VUAs or Type D buffers and requires removal and replacement of trees to be evenly dispersed throughout the VUA and Type D buffers.

Additionally, an exemption is provided for the trees removed through a cultivated tree removal permit, or to replace diseased or dead trees.

Since the applicability of the proposed standards is limited to VUAs and Type D buffers, this section would not apply to building foundation plantings or any other required landscaping.

Implementation

The proposed changes will be implemented through the existing Landscaping Plan review process.

Landscaping plans for commercial shopping centers are approved through a Site Development Plan (SDP) and changes to an SDP (SDPA or SDPI).

Exhibit A – Additional Background and Justification

SDPs are administratively approved by the Growth Management Department and do not require public notice or a public hearing.

Proposals to replace or remove trees within the Vehicle Use Area (VUA) or Type D buffer would require the landscaping plan to include a calculation of the percentage of required trees proposed to be removed or replaced.

The determination whether trees may be removed or replaced through a landscaping plan change will function similar to the cultivated tree removal permit review. When a landscape plan change is submitted, landscape plan review staff will review the percentage of trees removed or replaced within the past 15 years. The landscaping plan change would only be approved if all landscaping plan changes within the past 15 years do not exceed 50 percent of required trees.

Shopping centers may request relief from the 50 percent limitation through the PUD Deviation or Variance processes, as applicable. Both processes provide for public notice and public hearings.

Tree Growth Analysis

On June 21, 2018, the CCPC recommended that the limitations in the proposed amendment should be based on growth rates of canopy trees. To satisfy this request, staff consulted the *Native Trees for South Florida*¹ published by the University of Florida’s Institute of Food and Agricultural Sciences (IFAS), which includes growth rate information for a variety of tree species. Growth rates are reproduced in the following table for those species that currently qualify as canopy trees in Collier County.

Table 1. Tree Growth Rates from UF IFAS Extension

Common Name	Natural Height (ft)	Growth Rate	Growth per year (ft)
Red maple	35-50	Fast	>2
Gumbo limbo, tourist tree	40 - 60	Medium	1 to 2
Fiddlewood	25 - 30	Slow	<1
Sea grape	15 - 30	Medium	1 to 2
Willow-leaved bustic	30 - 50	Medium	1 to 2
Wild tamarind	40 - 50	Fast	>2
Sweetbay	40 - 60	Medium	1 to 2
False mastic	45 - 70	Slow	<1
South Florida slash	80 - 100	Fast	>2
Jamaican dogwood, fish-poison tree	35 - 50	Fast	>2
Sycamore	70 - 110	Fast	>2
West Indian cherry	15 - 40	Medium	1 to 2
Laurel oak	60 - 100	Fast	>2
Live oak	50 - 80	Medium	1 to 2
Royal palm	60 - 125	Medium	1 to 2

¹ Meerow, A.W., Broschat, T.K, and Donselman, H.M. (2017). Native Trees for South Florida. *University of Florida IFAS Extension*. Document EES-57.

Exhibit A – Additional Background and Justification

Soapberry	35 - 45	Medium	1 to 2
Paradise tree	35 - 50	Slow	<1
Mahogany	35 - 60	Fast	>2
Bald cypress	60 - 100	Medium	1 to 2
Wild lime	20 - 30	Medium	1 to 2

It is important to note that growth rates may be influenced by a variety of factors such as soil, drainage, water, fertility, light, exposure. These conditions may vary from site to site and year to year.

The IFAS growth rates were used to determine the potential time required for newly planted trees to grow from the code minimum canopy spread of 6 to 8 feet, to the code “mature” canopy spread of 20 feet. For the purposes of this amendment, growth rates of tree height were assumed to be the same as growth rates of canopy spread. Using this methodology, the canopy trees listed above require a minimum of 6 and a maximum of 14 years to reach a “mature” canopy spread. Given that trees in parking lots may not represent ideal growing conditions, this amendment establishes a limitation of 15 years before additional trees can be removed or replaced to ensure adequate time for canopy growth.

Exhibit B –GMP Consistency Analysis



Growth Management Department Zoning Division

Memorandum

To: Jeremy Frantz, AICP, Manager, Land Development Code Section
From: David Weeks, AICP, Growth Management Manager, Comprehensive Planning Section
Date: September 14, 2018
Subject: Growth Management Plan (GMP) Consistency Review

PETITION NUMBER: LDCA-PL20180002769 REV:1

PETITION NAME: LDC Sec. 4.06.02 & 4.06.05, Commercial Landscaping

REQUEST: Amend LDC Sections 4.06.02 & 4.06.05, Commercial Landscaping, by making three modifications to the landscaping requirements for shopping centers to minimize the impact of mature landscaping being replaced with minimum sized trees:

1. Allows additional spacing in Type D buffers for improved visibility into shopping centers.
2. Prohibits slash pine and bald cypress in new landscaping plans or existing landscaping plans that are removing trees from the Vehicle Use Area (VUA) or Type D buffer.
3. Limits the large-scale removal or replacement of required trees in the VUA and Type D Buffer to 50 percent of the required trees within a period of 15 years.
4. Provides an exemption for trees removed through a cultivated tree removal permit, or to replace diseased or dead trees.

COMPREHENSIVE PLANNING COMMENTS: In the limited areas where the Growth Management Plan's (GMP) land use elements (Future Land Use Element, Golden Gate Area Master Plan, Immokalee Area Master Plan) address landscaping, there is no specificity provided that would conflict with the proposed Land Development Code (LDC) amendment. In the Conservation and Coastal Management Element (CCME), Policy 6.1.7 states, in relevant part: "The County shall require native vegetation to be incorporated into landscape designs in order to promote the preservation of native plant communities and to encourage water conservation. This shall be accomplished by: (1) Providing incentives for retaining existing native vegetation in landscaped areas; (2) Establishing minimum native vegetation requirements for new landscaping." The proposed changes in this LDC amendment are not in conflict with this policy.

CONCLUSION:

Based upon the above analysis, the proposed LDC amendment may be deemed consistent with the GMP.

IN CITYVIEW

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20180003669

SUMMARY OF AMENDMENT

This amendment modifies standards for ground signs for facilities with fuel pumps.

ORIGIN

Growth Management
Department (GMD)

LDC SECTION TO BE AMENDED

5.05.05 Facilities with Fuel Pumps
5.06.00 Sign Regulations and Standards by Land Use Classification
5.06.06 Prohibited Signs

HEARING DATES

BCC TBD
CCPC 02/07/2019
DSAC 02/06/2019
DSAC-LDR 12/18/2018

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

Approval

DSAC

TBD

CCPC

TBD

BACKGROUND

On December 11, 2018, the Board of County Commissioners (Board) directed staff to draft an ordinance to address signage visibility for facilities with fuel pumps (See Exhibit A).

Section 553.79(20)(a)2 of the Florida Statutes, was recently amended to prohibit any requirement on gasoline pricing signs that, “prevents the sign from being clearly visible and legible to drivers of approaching motor vehicles from...any lane of traffic...” (See Exhibit B).

In coordination with local developers of facilities with fuel pumps, Staff has developed alternative standards for signs at facilities with fuel pumps which are consistent with Section 553.79(20)(a)2 of the Florida Statutes. The attached LDC amendment proposes the following changes to current standards for fuel pricing signs only:

- One ground or pole sign on each major road frontage with a maximum of two signs, instead of only one ground sign per site.
- A maximum sign height of 15 feet instead of 8 feet.
- Each such sign may include an “Electronic Message Board” (EMB) only for advertising fuel prices. These EMB’s are subject to limitations on the movement of images, brightness, resolution, and other design standards and which are allowed on arterial and collector roadways.

FISCAL & OPERATIONAL IMPACTS

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

GMP CONSISTENCY

The proposed LDC amendment may be deemed consistent with the GMP. -DW

EXHIBITS: A) Executive Summary Providing Board Direction B) F.S. 553.79(20)

Amend the LDC as follows:

1 **5.05.05 - Facilities with Fuel Pumps**

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5 C. Building architecture, site design, lighting, and signage requirements.

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9 4. Signage for facilities with fuel pumps. The following are the only signs allowed in
10 facilities with fuel pumps and convenience stores with fuel pumps.

11 a. Window, Wall, and other signs: As allowed in LDC section 5.06.00.

12 b. An illuminated corporate logo with a maximum area of 12 square feet shall
13 be allowed on a canopy face which is adjacent to a dedicated street or
14 highway. Otherwise accent lighting and back lighting are prohibited on
15 canopy structures. Color accent banding on canopies may be approved as
16 established in LDC section 5.05.05 C.1.b.iv.(b), above.

17 ~~c. One ground sign shall be permitted for each site and shall be placed within
18 a 200 square foot landscaped area. Height is limited so that the top edge
19 of the sign face is less than eight feet above grade. Maximum permitted
20 area is 60 square feet. Said sign shall be consistent with the color scheme
21 and architectural design of the principal structure.~~

22 c. Each facility with fuel pumps will be limited to a maximum of two ground
23 signs, two pole signs or one ground and one pole sign that advertise the
24 retail price of fuel in accordance with Section 553.79(20)(a)2., F.S.

25
26 i. One fuel pricing ground or pole sign will be permitted on a frontage
27 of a parcel that abuts an arterial or collector road right-of-way. The
28 maximum height is limited to fifteen feet, measured from grade to
29 the uppermost portion of the sign structure. Maximum sign copy
30 area is 65 square feet. The sign must maintain a minimum setback
31 of 10 feet from any property line or road right-of-way. A minimum
32 of a 200 square foot landscaped area shall be provided around the
33 base of the sign. The sign structure shall be consistent with the
34 color scheme and architectural design of the principal structure.
35 An electronic message board (EMB) may be part of the sign area,
36 subject to the standards in 5.05.05 C.4.c.iii.

37
38 ii. One fuel pricing ground sign will be permitted on a frontage of a
39 parcel that abuts a road right-of-way other than an arterial or
40 collector road right-of-way. The maximum height is limited to eight
41 feet, measured from grade to the uppermost portion of the sign
42 structure. Maximum sign copy area is 60 square feet. The sign must
43 maintain a minimum setback of 10 feet from any property line or
44 road right-of-way. A minimum of a 200 square foot landscaped area

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shall be provided around the base of the sign. The sign structure shall be consistent with the color scheme and architectural design of the principal structure. An electronic message board will not be part of the sign.

iii. If an electronic message board (EMB) is used as allowed in 5.05.05 C.4.c.i., each of the following apply:

a) The EMB is limited to fuel prices only.

b) Changes to the EMB shall occur instantaneously. The EMB shall remain static without scroll, fade, flash, zoom, sparkle, color change, or any illusion of movement.

c) Such signs shall be constructed with a photocell to compensate for all conditions, day or nighttime hours, and shall adjust the display's brightness to a level that is not in excess of 0.3 foot-candles above ambient light levels, as measured from the most restrictive of the nearest abutting property line or a distance equal to the square root of [the EMB sign copy area multiplied by 100].

d) Exposed lamps, bulbs, or LEDs that are not covered by a lens, filter, or sunscreen are prohibited.

d. Signage is prohibited above fuel pumps.

* * * * *

5.06.00 - SIGN REGULATIONS AND STANDARDS BY LAND USE CLASSIFICATION

A. Definitions. The definitions of the following terms shall apply to the requirements of the Land Development Code, in particular this section 5.06.00, to be known as the "Collier County Sign Code."

Activated sign: Any sign which contains or uses for illumination any light, lighting device, or lights which change color, flash, or alternate; or change appearance of said sign or any part thereof automatically; any sign which contains moving parts as part of its normal operation, such as rotating signs, shall be considered an activated sign.

~~*Animated*~~*Activated sign:* A sign depicting or involving action, motion, through electrical or mechanical means.

* * * * *

Continued on next page

DRAFT

Text underlined is new text to be added

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5.06.06 - Prohibited Signs

A. *Prohibited.* Any sign not specifically permitted by this sign code shall be prohibited.

* * * * *

6. Animated signs ~~/activated~~ or Activated signs. Except see Section 5.05.05 C.4 for fuel pricing signs when located along an arterial or collector road right-of-way.

7. Clear or uncovered neon and exposed LED signs. Except see Section 5.05.05 C.4 for fuel pricing signs when located along an arterial or collector road right-of-way.

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Exhibit A – Executive Summary Providing Board Direction

12/11/2018

EXECUTIVE SUMMARY

Recommendation to direct staff to bring back for a public hearing an ordinance amending the Land Development Code to modify design standards for signs advertising the price of fuel, in accordance with Section 553.79(20), Florida Statutes, and allow applications for such signs to be processed under the proposed new zoning standards while the LDC amendment process is pending.

OBJECTIVE: To seek approval from the Board of County Commissioners (Board) to advertise and bring back for public hearing an ordinance to amend the Land Development Code (LDC) in regard to the number, height, size, and other design standards for signs advertising the price of fuel, in accordance with recent amendments to the Florida Statutes, and to allow applications for such signs to be processed and approved under the proposed new zoning standards while the zoning change is in progress.

CONSIDERATIONS: Currently, LDC Subsection 5.05.05 C.4.c places the following standards on signs for facilities with fuel pumps:

One ground sign shall be permitted for each site and shall be placed within a 200 square-foot landscaped area. Height is limited so that the top edge of the sign face is less than eight feet above grade. Maximum permitted area is 60 square feet. Said sign shall be consistent with the color scheme and architectural design of the principal structure.

However, in 2017, the Legislature added the following provision to Section 553.79(20)(a)2. of the Florida Statutes, prohibiting any requirement on gasoline pricing signs that, “prevents the sign from being clearly visible and legible to drivers of approaching motor vehicles from...any lane of traffic...” The applicable section reads:

- (20)(a) *A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:*
- *****
2. *Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.*
- (b) *This subsection does not affect any requirement for design and construction in the Florida Building Code.*
- (c) *All such ordinances and requirements are hereby preempted and superseded by general law. This subsection shall apply retroactively.*
- (d) *This subsection does not apply to property located in a designated historic district.*

Staff has had preliminary meetings with developers of facilities with fuel pumps who have requested more signage, larger signs and LED or message board signage.

In response, Staff has developed revised standards for signs at facilities with fuel pumps which are consistent with Section 553.79 (20)(a)2. The attached LDC amendment proposes the following changes to

Exhibit A – Executive Summary Providing Board Direction

12/11/2018

current standards for fuel pricing signs only:

- One ground or pole sign on each major road frontage with a maximum of two signs, instead of only one ground sign per site;
- A maximum sign height of 15 feet instead of 8 feet;
- Each such sign may include an “electronic message board” only for advertising fuel prices, which will be subject to limitations on movement of images, brightness, resolution, and other design standards and which are allowed on arterial and collector roadways.

Staff is requesting approval to advertise, and bring back for public hearing, an ordinance approving the attached LDC amendment, and authorization to allow applications for such signs to be processed and approved under the proposed new zoning standards while the zoning change is in progress.

FISCAL IMPACT: Cost of advertising for the LDC amendment is estimated at \$1,200.

GROWTH MANAGEMENT IMPACT: There is no growth management impact associated with this action.

LEGAL CONSIDERATIONS: Upon approval of this item, staff will be authorized to process applications for fuel pricing signs in compliance with the proposed new zoning standards until the LDC amendment is heard by the Board. Applicants that request and obtain approval of applications prior to the Board’s approval of the LDC Ordinance amendment will proceed at their own risk.

This item is approved as to form and legality, and it requires a majority vote for approval. However, an affirmative vote of four will be needed for approval of the proposed LDC amendment. HFAC

RECOMMENDATION: That the Board of County Commissioners:

1. Directs staff to bring back for public hearing an ordinance amending the LDC to modify design standards for fuel pricing signs;
2. Authorizes the expenditure of funds for advertising said LDC amendment; and
3. Authorizes staff to process applications for such signs under the proposed new zoning standards while the zoning change is in progress.

Prepared By: Jeremy Frantz, LDC Manager, Zoning Division

ATTACHMENT(S)

1. Draft LDC Amendment (PDF)
2. Email of Support 11-29-18 (PDF)

Exhibit B – F.S. 553.79(20)

553.79 Permits; applications; issuance; inspections.

* * * * *

(20)(a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:

1. Contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526 or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et. seq.; or

2. Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.

(b) This subsection does not affect any requirement for design and construction in the Florida Building Code.

(c) All such ordinances and requirements are hereby preempted and superseded by general law. This subsection shall apply retroactively.

(d) This subsection does not apply to property located in a designated historic district.

Link:

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0553/Sections/0553.79.html