

ORDINANCE NO. 19 – 35

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, TO AMEND THE AIRPORT ZONING MAPS FOR NAPLES MUNICIPAL AIRPORT, MARCO ISLAND EXECUTIVE AIRPORT, EVERGLADES AIRPARK, AND IMMOKALEE AIRPORT; TO ADD A REVIEW PROCESS FOR AIRSPACE OBSTRUCTIONS; TO ADD AIRPORT LAND USE RESTRICTIONS; TO ALLOW ADDITIONAL PRICING SIGNAGE FOR FACILITIES WITH FUEL PUMPS AND TO ALLOW ELECTRONIC FUEL PRICING SIGNS; BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER TWO – ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.07 OVERLAY ZONING DISTRICTS; CHAPTER FOUR – SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.02.06 STANDARDS FOR DEVELOPMENT IN AIRPORT ZONES; CHAPTER FIVE – SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.05.05 FACILITIES WITH FUEL PUMPS, SECTION 5.06.00 SIGN REGULATIONS AND STANDARDS BY LAND USE CLASSIFICATION, SECTION 5.06.06 PROHIBITED SIGNS; AND APPENDIX D AIRPORT ZONING; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

Recitals

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

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

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

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

WHEREAS, the Collier County Planning Commission, sitting as the land planning agency, did hold advertised public hearings on February 7, 2019, March 7, 2019, May 16, 2019, and August 7, 2019, and reviewed the proposed amendments for consistency with the Comprehensive Plan and did recommend approval; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold an advertised public hearing on October 22, 2019, and did take action concerning these amendments to the LDC; and

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

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

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

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

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

SECTION ONE: RECITALS

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

SECTION TWO: FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

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SUBSECTION 3.A. AMENDMENTS TO SECTION 2.03.07 OVERLAY ZONING DISTRICTS

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

Section 2.03.07 Overlay Zoning Districts

* * * * *
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;
- a2. To attempt to promote maximum safety of residents and property within areas surrounding public-use airports located within the County;
- ~~b3. To attempt to promote full utility of the public-use airports within the County;~~
To protect the full utility and the public investment of the public-use airports within the County;
- e4. To provide development standards for land uses within prescribed noise zones associated with the normal operation of public-use County airports;
- d5. 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;
- e6. To provide administrative and enforcement procedures for the efficient and uniform regulation of all development proposals within such areas; and
- f7. 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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SUBSECTION 3.B. AMENDMENTS TO SECTION 4.02.06 STANDARDS FOR DEVELOPMENT IN AIRPORT ZONES

Section 4.02.06 Standards for Development in Airport Zones, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

Section 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 requires 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.~~

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/ <u>non</u> -precision instrument	1,000 <u>500</u>
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/ <u>non</u> -precision instrument	1,000 <u>500</u>
	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/ <u>non</u> -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/ <u>non</u> -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.

HI. 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>3,500</u>
	27	Other than utility/non-precision instrument	3,500
	18	Other than utility/non-precision instrument	3,500
	36	Other than utility/ <u>visual</u> <u>non-precision</u> <u>instrument</u>	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/ <u>visual</u> <u>non-precision</u> <u>instrument</u>	5,000 <u>10,000</u>
	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 <u>34:1</u>
	23	Other than utility/ <u>non-precision</u> instrument	50:1/40:1 <u>34:1</u>
Marco Island Executive Airport	17-35	Other than utility/non-precision instrument	20 <u>34</u> :1
Everglades City Airpark	15-33	Utility/visual	20:1
Immokalee Regional Airport	9	Other than utility/non-precision instrument	50:1/40:1 <u>34:1</u>
	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 <u>34</u> :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.
4. ~~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~~.

JK. 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(EG)-(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 ~~APØ~~ 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. Airspace obstruction review materials. The Administrative Code shall establish the submittal requirements for an airspace obstruction review during the Site Development Plan review process. When an airspace obstruction review is required at time of building permit, the following items shall be submitted for review:
 - a. A copy of the FAA form 7460-1 'Notice of Proposed Construction or Alteration', and all supporting materials, filed with the FAA;
 - b. A copy of the final FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) determination; and
 - c. A narrative statement with a detailed description/explanation of the proposed airspace obstruction and response to the applicable criteria from LDC section 4.02.06 M.3.
3. 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.
 - i. Comments and recommendations from FDOT-ASO, the affected airport(s), aviation operations and safety experts, where applicable.
4. 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, including, but not limited to, FAA Advisory Circular 70/7460-1, as may be amended.

5. The County Manager or designee shall not issue an airspace obstruction approval where the FAA has reviewed the proposed and determined its construction or alteration would exceed obstruction standards contained in 14 CFR Part 77 and result in a hazard to air navigation.

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 ~~protection~~clear zones (~~formerly~~ runway clear~~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 LDC section 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 ~~effected~~ 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 ~~a~~ Airport, as identified in the most recent Naples Municipal 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 Municipal Airport noise zone map(s), as amended, 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 Municipal Airport noise zone (This area is referenced in the 1996 Naples Municipal Airport FAA Part 150 Study).

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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~~ Manager 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 Manager or his designee during the building plan review process.

* * * * *

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 Municipal Airport, as established in LDC Sections 4.02.06 F. and 4.02.06 G. Buildings are allowed up to 160 feet in height from the established elevation of the Naples Municipal 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.

* * * * *

SUBSECTION 3.C. AMENDMENTS TO SECTION 5.05.05 FACILITIES WITH FUEL PUMPS

Section 5.05.05 Facilities with Fuel Pumps, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.05 Facilities with Fuel Pumps

* * * * *

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

* * * * *

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

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

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

~~c. 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.~~

c. One ground or pole sign that advertises the retail price of fuel in accordance with Section 553.79(22)(a)2., F.S. shall be permitted for each site. However, a maximum of two ground signs, two pole signs or one ground and one pole sign shall be permitted for corner lots. The maximum sign copy area is 60 square feet. The sign must maintain a minimum setback of 10 feet from any property line or road right-of-way. A minimum of a 200 square foot landscaped area 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. The maximum height established below shall be measured from the average elevation of the vehicle use area to the uppermost portion of the sign structure.

- i. One fuel pricing ground or pole sign will be permitted on a frontage of a parcel that abuts an arterial or collector road right-of-way. The maximum height is limited to twelve feet. An electronic fuel pricing sign may be part of the sign area, subject to the standards in 5.05.05 C.4.c.iii.

- ii. One fuel pricing ground sign will be permitted on a frontage of a parcel that abuts a road right-of-way other than an arterial or collector road right-of-way. The maximum height is limited to eight feet. An electronic fuel pricing sign is prohibited as part of the sign.

- iii. If an electronic fuel pricing sign is used as allowed in 5.05.05 C.4.c.i., each of the following apply:
 - a) The electronic fuel pricing sign is limited to fuel prices only.

 - b) Changes to the electronic fuel pricing sign shall occur instantaneously. The electronic fuel pricing sign 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 electronic fuel pricing sign copy area multiplied by 100].

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

e) Electronic fuel pricing signs will be allowed on directory signs only through a variance, PUD deviation, or SRA deviation.

d. Signage is prohibited above fuel pumps.

5. Should any of the foregoing standards, or any other requirement of the Land Development Code, conflict with Section 553.79(22), Florida Statutes, as amended from time-to-time, then Section 553.79(22), Florida Statutes shall control, and the County Manager or designee, in consultation with the County Attorney, will conform the proposed development order in a manner which both satisfies the statutory requirements while best implementing the intent of the Land Development Code. This provision shall apply to both facilities with fuel pumps as well as any other business that falls within the parameters of Section 553.79(22), Florida Statutes.

* * * * *

SUBSECTION 3.D. AMENDMENTS TO SECTION 5.06.00 SIGN REGULATIONS AND STANDARDS BY LAND USE CLASSIFICATION

Section 5.06.00 Sign Regulation and Standards by Land Use Classification, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.00 Sign Regulation 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.

* * * * *

SUBSECTION 3.E. AMENDMENTS TO SECTION 5.06.06 PROHIBITED SIGNS

Section 5.06.06 Prohibited Signs, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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 electronic 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 electronic fuel pricing signs when located along an arterial or collector road right-of-way.

* * * * *

SUBSECTION 3.F. AMENDMENTS TO APPENDIX D AIRPORT ZONING

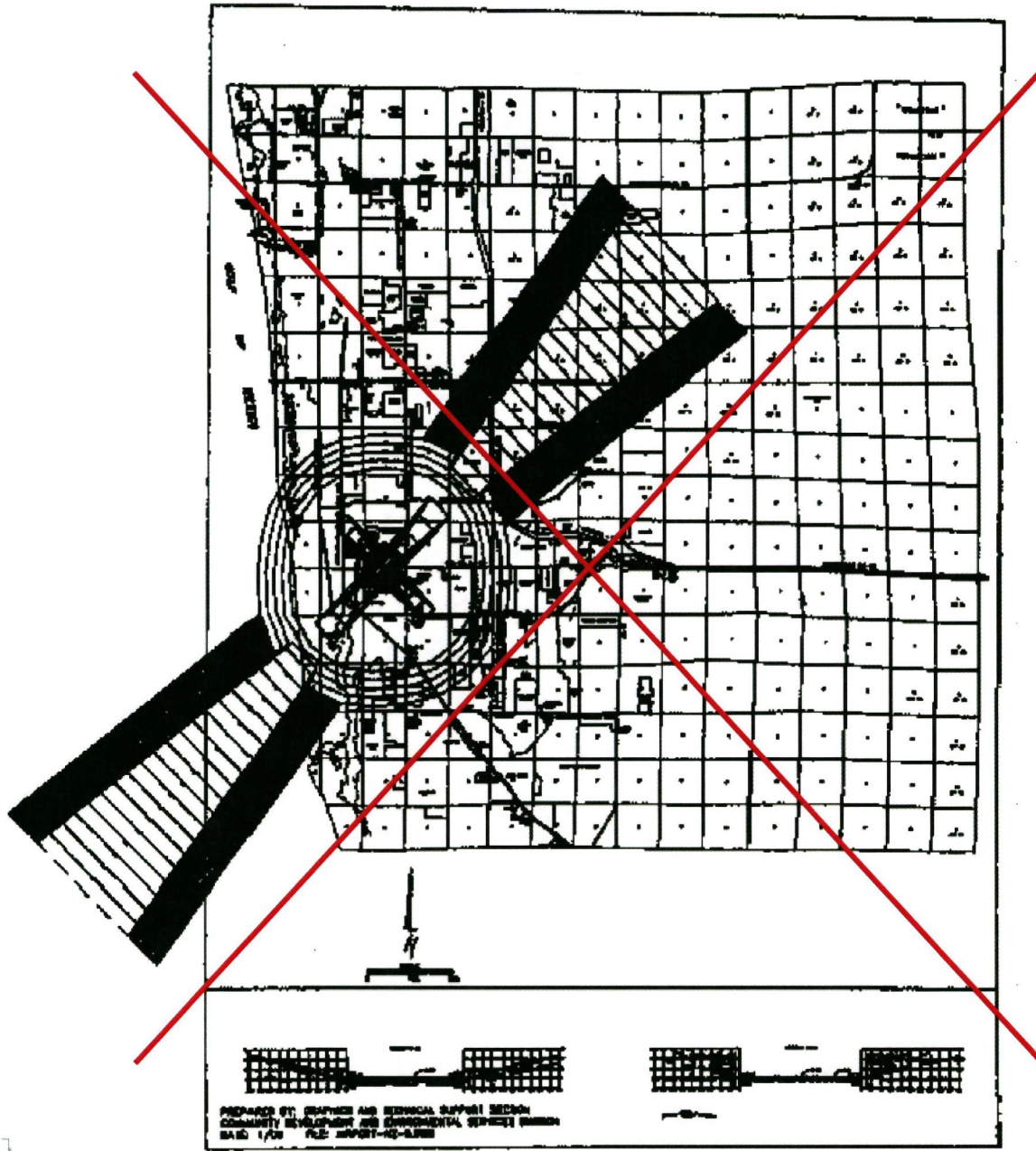
Appendix D Airport Zoning, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended as follows:

APPENDIX D Airport Zoning

APPENDIX I.

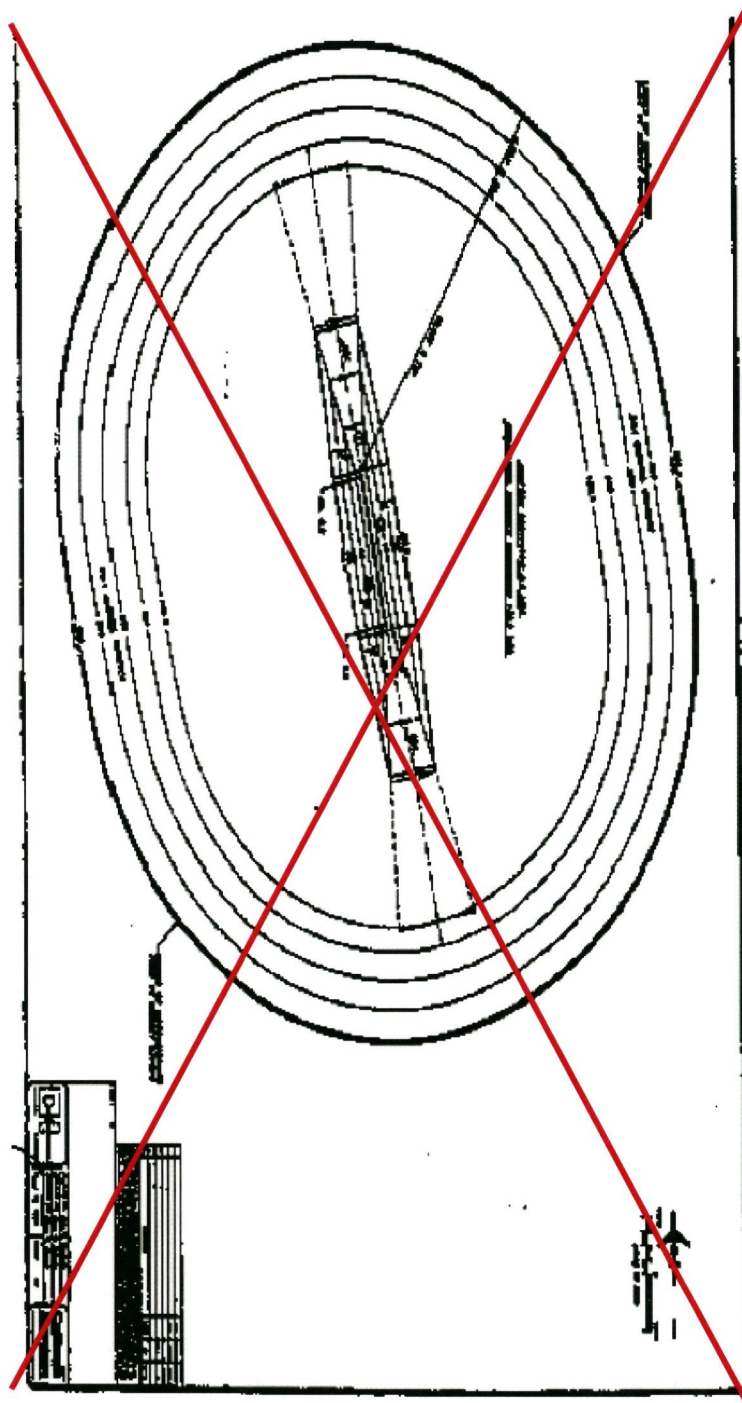
{AIRPORT ZONING MAPS}

~~APPENDIX I. [Airport Zoning Maps]~~



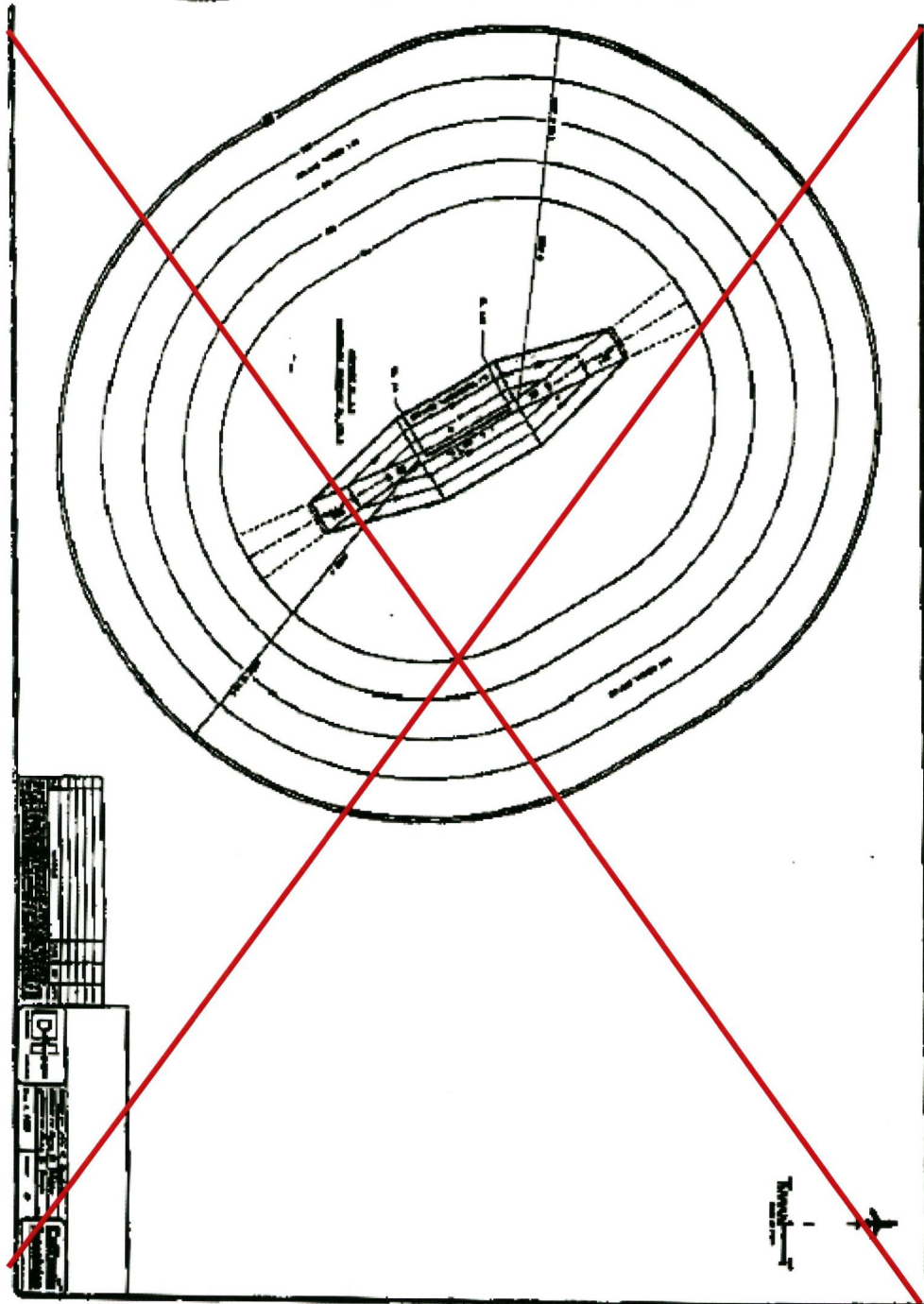
ZONING MAP A. NAPLES MUNICIPAL AIRPORT NOISE ZONE MAP
 (SEE SECTION 4.02.06 (N))

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

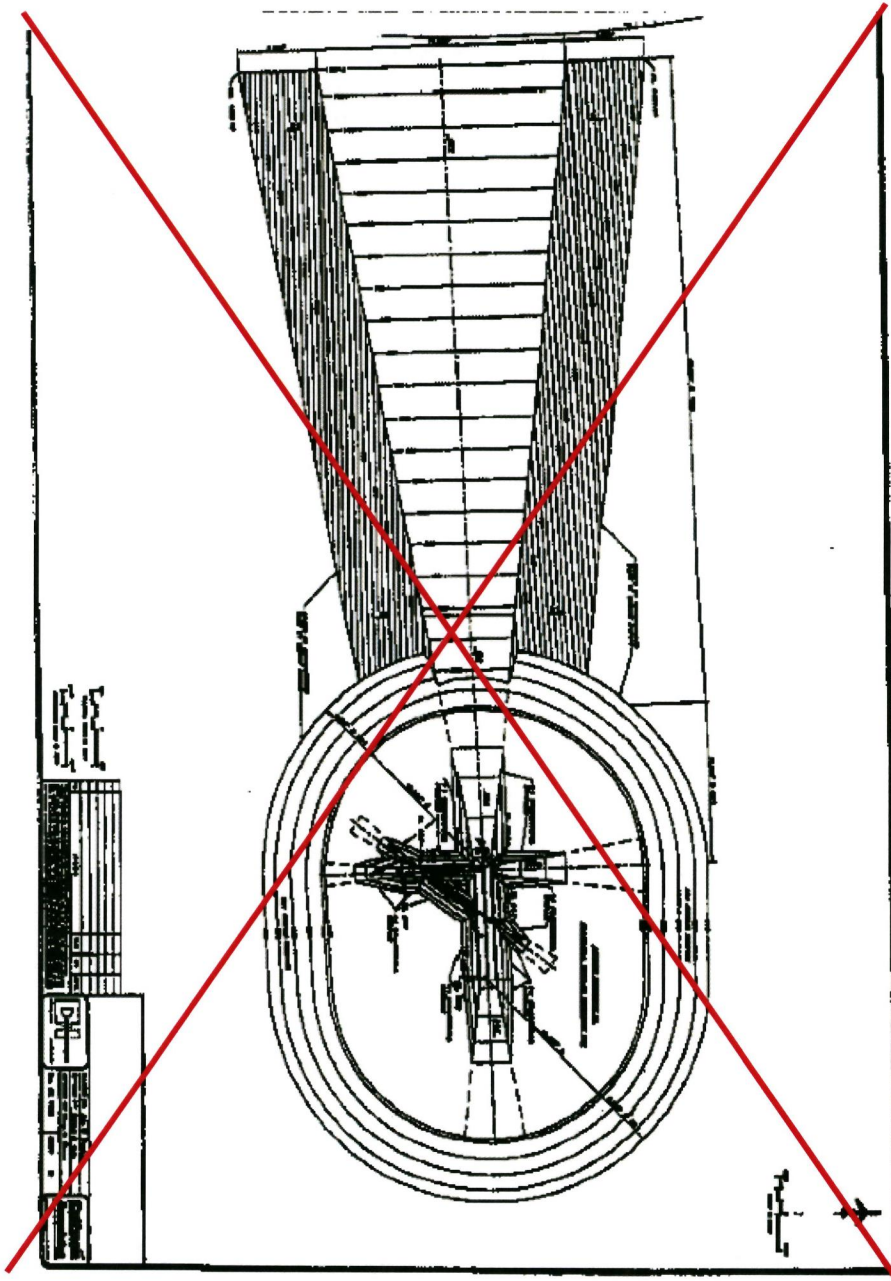


ZONING MAP C. EVERGLADES AIRPORT
(SEE SECTION 4.02.06 (N))

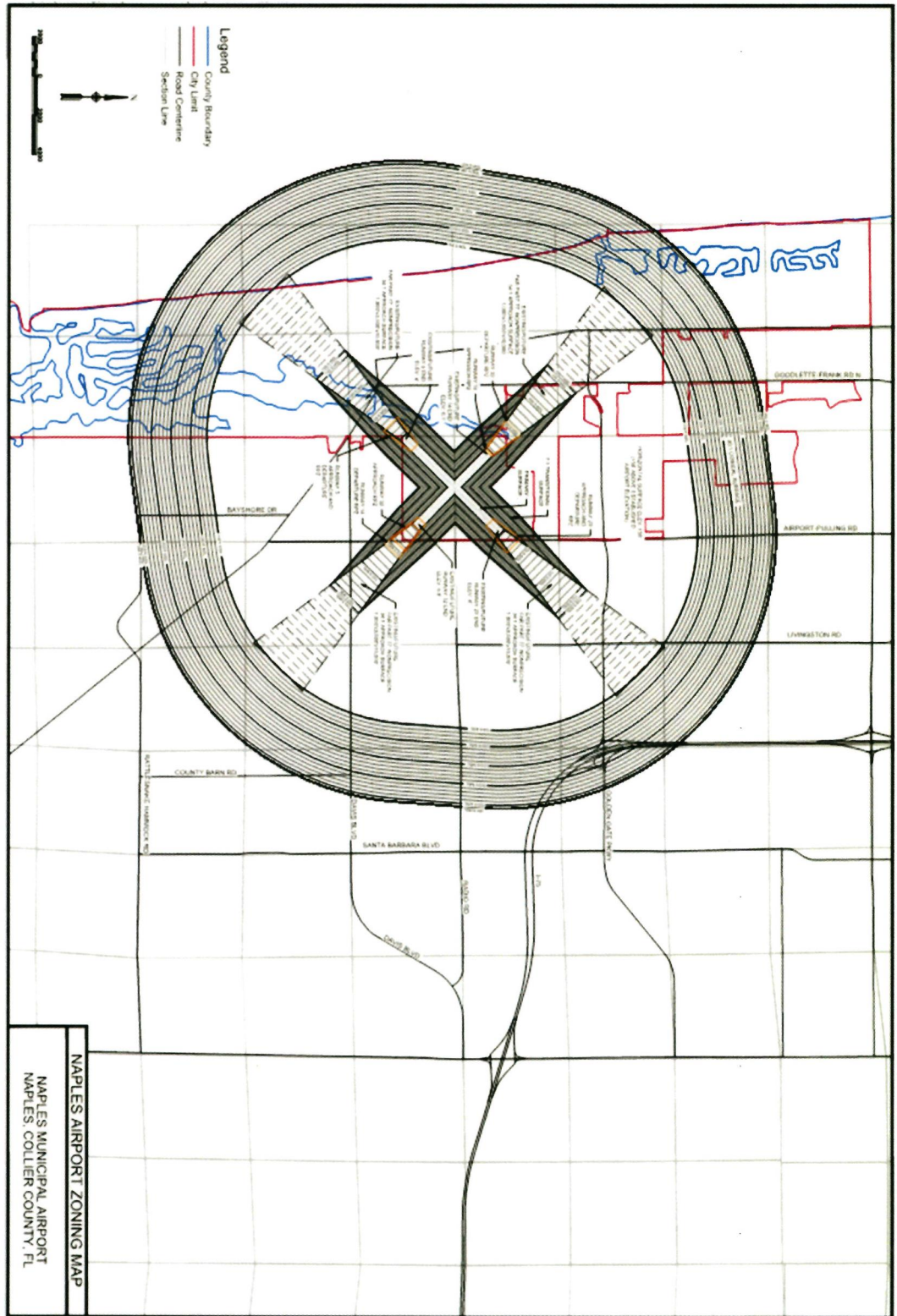
ZONING MAP C. EVERGLADES AIRPORT



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

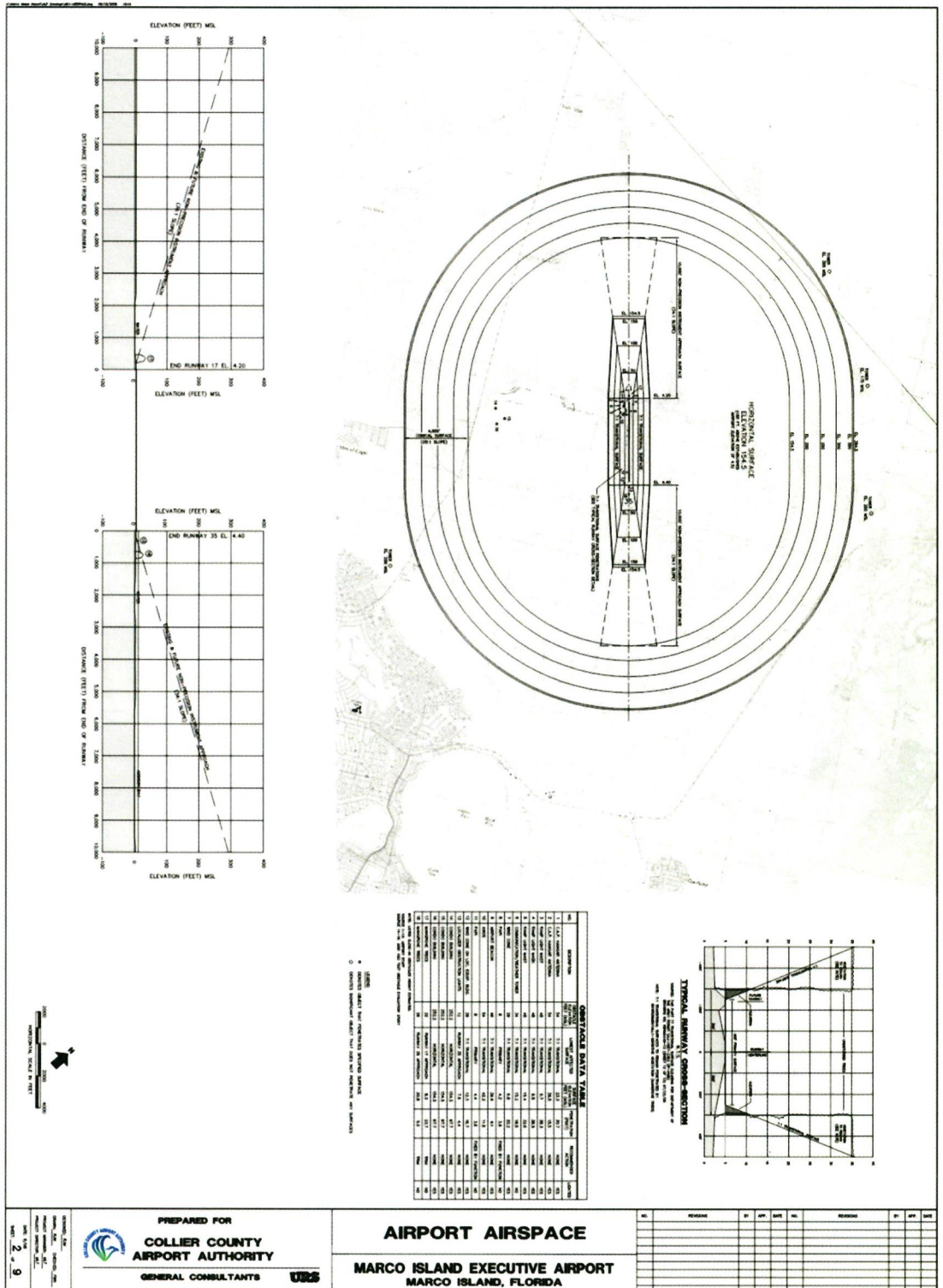


**ZONING MAP A. NAPLES MUNICIPAL AIRPORT
(SEE LDC SECTION 4.02.06)**



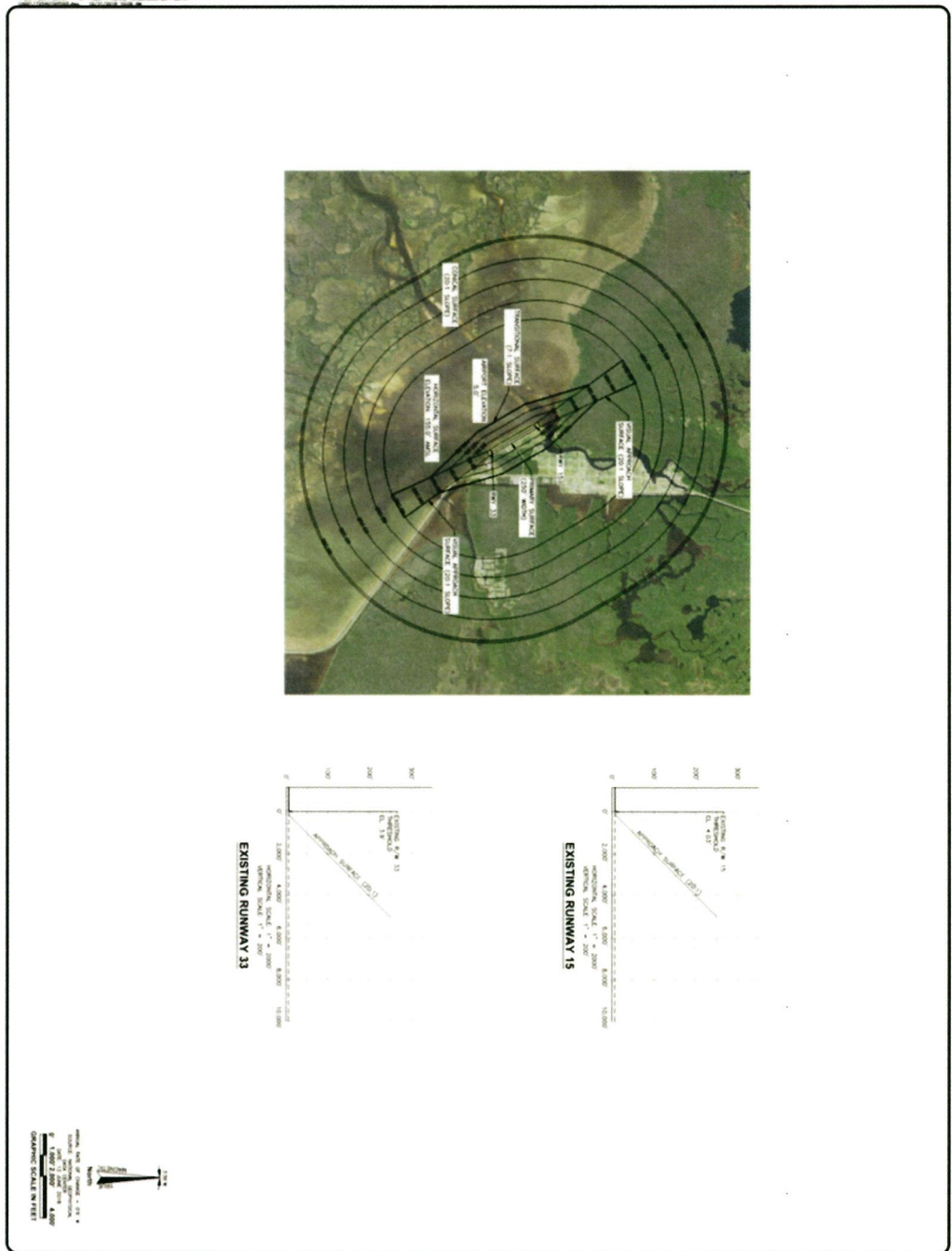
{Map to be added}

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

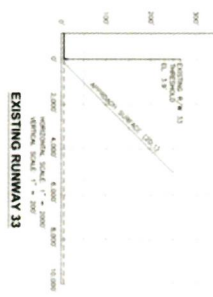


{Map to be added}

**ZONING MAP C. EVERGLADES AIRPARK
(SEE LDC SECTION 4.02.06)**



North
Graphic Scales in Feet
1" = 1000'
1" = 2000'



DESIGNED BY: M.S.
 DRAWN BY: J.P.
 CHECKED BY: M.S.
 APPROVED BY: M.S.
 DATE: AUGUST 2018

NO.	DATE	BY	DESCRIPTION

FAA AIP NO: NA
 FDOT PLAN NO: 2817 24-ET
 AVCON PROJECT NO: 2817 24-ET
SHEET NUMBER

**EVERGLADES
AIRPARK**

INTERIM ALP UPDATE





{Map to be added}

* * * * *

SECTION FOUR: CONFLICT AND SEVERABILITY

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

SECTION FIVE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

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

SECTION SIX: EFFECTIVE DATE

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 22nd day of October, 2019.

ATTEST:
CRYSTAL K. KINZEL, CLERK
By: [Signature]
Deputy Clerk
signature only.

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA
By: [Signature]
WILLIAM L. MCDANIEL, JR., Chairman

Approved as to form and legality:
[Signature]
Heidi F. Ashton-Cicko
Managing Assistant County Attorney

04-CMD-01077/1817 (8/27/19)

This ordinance filed with the Secretary of State's Office the 22nd day of October, 2019 and acknowledgement of that filing received this 22nd day of October, 2019
[Signature]
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 28, 2019

Ms. Teresa L. Cannon, BMR Senior Clerk II
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3299 Tamiami Trail, Suite #401
Naples, Florida 34112-5324

Dear Ms. Cannon:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 19-35, which was filed in this office on October 25, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb