



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20200001703

ORIGIN

Community and Human Services Division

HEARING DATES

BCC TBD
 CCPC TBD
 DSAC TBD
 DSAC-LDR 09/15/2020

SUMMARY OF AMENDMENT

This amendment proposes relief from certain design standards for Housing that is Affordable pursuant to the Community Housing Plan recommendations.

LDC SECTION TO BE AMENDED

4.02.39 Design Deviations for Housing that is Affordable (New Section)

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
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CCPC
TBD

BACKGROUND

At the October 9, 2018 Board of County Commissioners meeting the Board provided direction upon the final recommendations of the Collier County Housing Plan. As part of that review, the Board directed staff to prepare Growth Management Plan (GMP) and Land Development Code (LDC) amendments on five specific initiatives identified within the Housing Plan:

1. Regulatory relief for affordable housing applications
2. Streamline commercial to residential conversions
3. Incentivize mixed income residential housing in future and redeveloped Activity Centers
4. Create a Strategic Opportunity Sites designation process and allow for increased density
5. Increase density along transit corridors

The first Initiative, regulatory relief for affordable housing applications, seeks to evaluate cost saving measures identified in the Collier Housing Plan to provide for relief from specified processes and standards to increase certainty and cost savings for projects that include housing that is affordable. In addition to the areas identified within the Housing Plan, the Housing team in coordination with a development industry stakeholder’s group worked to identified and recommended other areas of potential cost savings relief for housing that is affordable. The approach tries to ensure that the quality of the project does not suffer from a functional or aesthetic standpoint, while allowing the overall cost of each unit in the project to be reduced, and therefore increasing the potential for future projects to increase the supply of housing that is affordable.

The changes introduced with this initiative relate to the cost savings in terms of materials required and standards imposed on projects that provide for housing that is affordable. As noted, the Community Housing Plan identified a number of areas to be included for cost savings such as: limiting the number of County reviews for various disciplines, removing the requirement for a generator as a lift station, and only requiring sidewalks on one side of the street. These and additional areas of cost savings identified



as part of a stakeholder think tank held February 21st at the Habitat for Humanity's Offices formed the basis for the relief being proposed.

It should be noted that all the initiatives directed by the Board at the October 8th, 2018 public hearing could be classified under the premise of regulatory relief, but this initiative focuses upon specific design components that can be identified as areas of relief, as well as certain process within the County review that can be identified as potential cost savings. The full list of cost savings strategies was scrutinized by the Consultant, Housing Staff and Growth Management Staff to find agreement on the specific relief measures to be incorporated within the proposed LDC amendments contained within Initiative One.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts to the County.

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff.

EXHIBITS: A) Exhibit Title

Amend the LDC as follows:

4.02.39 – Design Deviations for Housing that is Affordable

A. The Collier County Growth Management Plan sets a priority on providing housing that is affordable to keep pace with the rate of population growth and the need for housing that is affordable to maintain economic viability within the County.

B. Deviations may be granted by the County Manager or designee from design and permitting standards of this LDC listed below to further the objective of increasing supply of housing that is affordable, subject to criteria of Section 4.02.39.C.

1. Section 3.07.02.E – Local/internal roads that are privately maintained may be designed to have no more than 6 inches of water for a 25-year, 3-day storm event, and shall be designed so that surrounding properties will not be adversely impacted by the project’s influence on stormwater sheet flow up to the 25 year, 3-day design storm.

2. Section 4.06.05.A.1 - Single-family and single-family attached developments are exempt from providing one canopy tree per 3,000 square feet of pervious open space per lot. Projects are encouraged to implement a Street Tree Plan per section 4.06.05A.1.a with a mix of canopy or non-canopy trees as an alternative.

3. Section 6.06.01.S, 10.02.02.A.11 & Appendix B - For all local/internal roads that are privately maintained, alternative design, including inverted crown, may be allowed if the alternative is based on sound engineering practices and the alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard typical, subject to approval by Public Utilities and Transportation Planning.

4. Section 6.06.02.A.2 & F - For local/internal accessways that are privately maintained, the minimum sidewalk width shall be four feet, which can be of concrete or asphalt material and shall be constructed over a compacted subgrade.

5. Section 6.06.02.C.-E - Payment-in-lieu of construction of external sidewalks, bike lanes and pathways may be deferred to be paid by grant funding or assessment at the time that the County constructs sidewalks, bike lanes or pathways within the public or private right-of-way or easement adjacent to the site.

6. Section 10.02.03.A.3 - Three-family housing structures proposed on a lot(s) of record are exempt from the Site Development Plan provisions of LDC Section 10.02.03.

7. Section 10.02.04.C - For single-family and attached single-family developments, the clubhouse facility may be included within the construction plans and final subdivision plats.

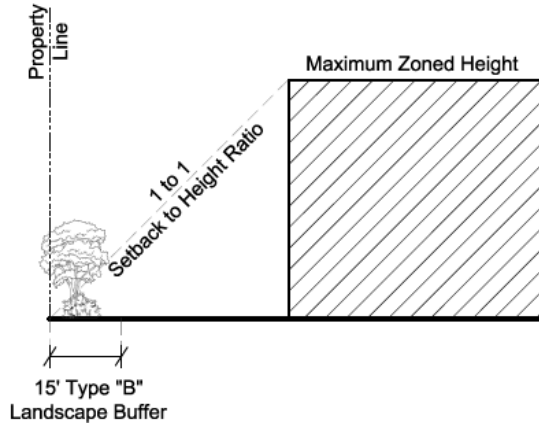
8. Section 10.02.08. I.2. – The set-aside of land or dedication of land for a public water well at time of rezoning is not required, unless it is needed because the existing utility system cannot supply the development per the adopted level of service standard for potable water.

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C. Criteria for design deviations for housing that is affordable. The County Manager or designee shall grant requested deviations allowable per Section 4.02.39.B. at time of development permitting when the following criteria are met:

1. Compatibility.

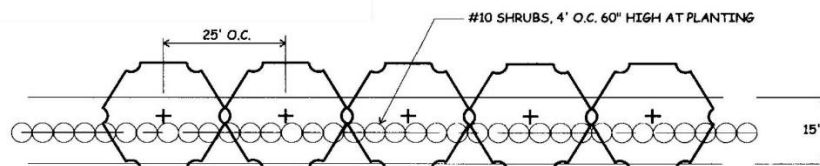
a. Setbacks from all project boundaries that abut property zoned or developed for single family residential use shall be a minimum of one foot (setback) per one foot maximum zoned height.



1 to 1 Setback to Height Ratio

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b. For projects of more than three units, the required buffer for all project boundaries that abut property zoned or developed for single family residential use shall be a 15 foot wide Type "B" landscape buffer per LDC Section 4.06.02.



Type "B" Landscape Buffer

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2. Affordability. To qualify for the design deviations of this section, projects shall meet the requirements and execute one of the following to maintain affordability:

a. Affordable Housing Density Bonus (AHDB) Agreement per Section 2.06.00; or

b. Affordable Housing Impact Fee Deferral Agreement per Code of Ordinances Article IV of Chapter 74; or

c. PUD commitment or Developer's Agreement (DA) for units that serve households at the income levels identified in Section 2.06.00, or units that are priced within the limits established in the Collier County Housing

DRAFT

Text underlined is new text to be added

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

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Demand Methodology, as update yearly or Board approved Table of Rental Rates, as updated yearly.

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LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20200001627

SUMMARY OF AMENDMENT

This amendment modifies the setback requirements for fences and walls enclosing Public Utility Ancillary System (PUAS) facilities.

ORIGIN

Public Utilities
Department

HEARING DATES

BCC TBD
CCPC TBD
DSAC TBD
DSAC-LDR 09-15-20

LDC SECTION TO BE AMENDED

5.05.12 Specific Standards for Public Utility Ancillary Systems in Collier County

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

The Land Development Code (LDC) defines Public Utility Ancillary Systems as “The individual or collective appurtenant equipment and structures owned or operated by a public or quasi-public entity which are integral to treatment facilities that provide raw water, potable water, irrigation quality (IQ) water and wastewater services.”

Older PUAS locations are often constrained in size and cannot accommodate new equipment and site requirements within a fence or wall enclosure that maintains minimum setback requirements. Additionally, the current maximum fence and wall height is frequently insufficient to screen equipment.

This amendment removes the minimum height and increases the maximum height to ten feet for a fence or wall, maintains the existing setback of five feet from adjacent property and right-of-way lines for a fence or wall enclosing new PUAS facilities, and exempts a fence or wall enclosing existing PUAS facilities from the five-foot minimum setback. Exhibit A shows examples of existing pump stations where a five-foot minimum setback would preclude construction of a wall or fence within the existing easement.

The amendment also relocates the fence and wall height standard out of the setback requirement subsection LDC 5.05.12 B.3 to a new LDC section 5.05.12 C and enumerates the remaining sections.

Lastly, a cross reference to LDC section 10.02.03 has been added to clarify when a site development plan or site improvement plan requires an insubstantial change.



FISCAL & OPERATIONAL IMPACTS

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

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff.

EXHIBITS: A) Pump Stations 316.01 and 317.01

DRAFT

Amend the LDC as follows:

5.05.12 – Specific Standards for Public Utility Ancillary Systems in Collier County:

A. *Applicability.* When water and wastewater is conveyed through physically connected infrastructure to or from a public or quasi-public treatment facility, the system of physically interconnected infrastructure, including but not limited to raw water wells, pump stations, water and wastewater storage tanks, vaults, valves, antennas, and other appurtenant equipment, shall be considered to be collectively located onsite as that term is to be applied in the GMP CCME Policies 6.1.1 and 6.1.2, and any implementing land development regulations. Applicable designs for public utility ancillary systems selected from the Collier County Utility Standards Manual shall be submitted for appropriate County staff review of the following requirements.

B. *Setback Requirements*

* * * * *

3. Fences and walls enclosing public utility ancillary systems ~~must meet the following setbacks:~~ installed after [effective date of this ordinance] shall be setback five feet from adjacent property and right-of-way lines. For those public utility ancillary systems installed prior to [effective date of this ordinance] or installed in utility easements created prior to [effective date of this ordinance], there will be no minimum setback for fences and walls.

~~Adjacent to Right-of-Way or easement line – 5 feet.~~

~~Side yard or easement line – 5 feet.~~

~~Appurtenant equipment, other than antennas, that exceeds the height of the fence or wall, shall be setback no less than the underlying zoning district's requirements for side yard setback.~~

~~Rear yard or easement line – 5 feet.~~

~~Raw water well easements contained within a larger public easement – 2 feet.~~

~~Fence or wall heights may be between six (6) feet and eight (8) feet in height.~~

~~Appurtenant equipment shall not be considered as separate structures.~~

C. Fences and walls enclosing public utility ancillary systems shall not exceed ten feet in height unless an administrative fence waiver is approved in accordance with the LDC section 5.03.02.

D. Public utility ancillary system site access:

1. Direct access from public ways shall be limited to one (1) access point and must otherwise comply with the requirements of LDC Ssection 4.04.02

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2 Access from an easement must provide legal access to a public or approved private way. Access from an existing public way to an easement must otherwise comply with the requirements of [LDC S](#)section 4.04.02.

DE. Prior to County approval of any public utility ancillary system site under this Code, the applicant shall obtain permits from SFWMD, FDEP or other state or federal agency having jurisdiction over the intended use if such permits are required.

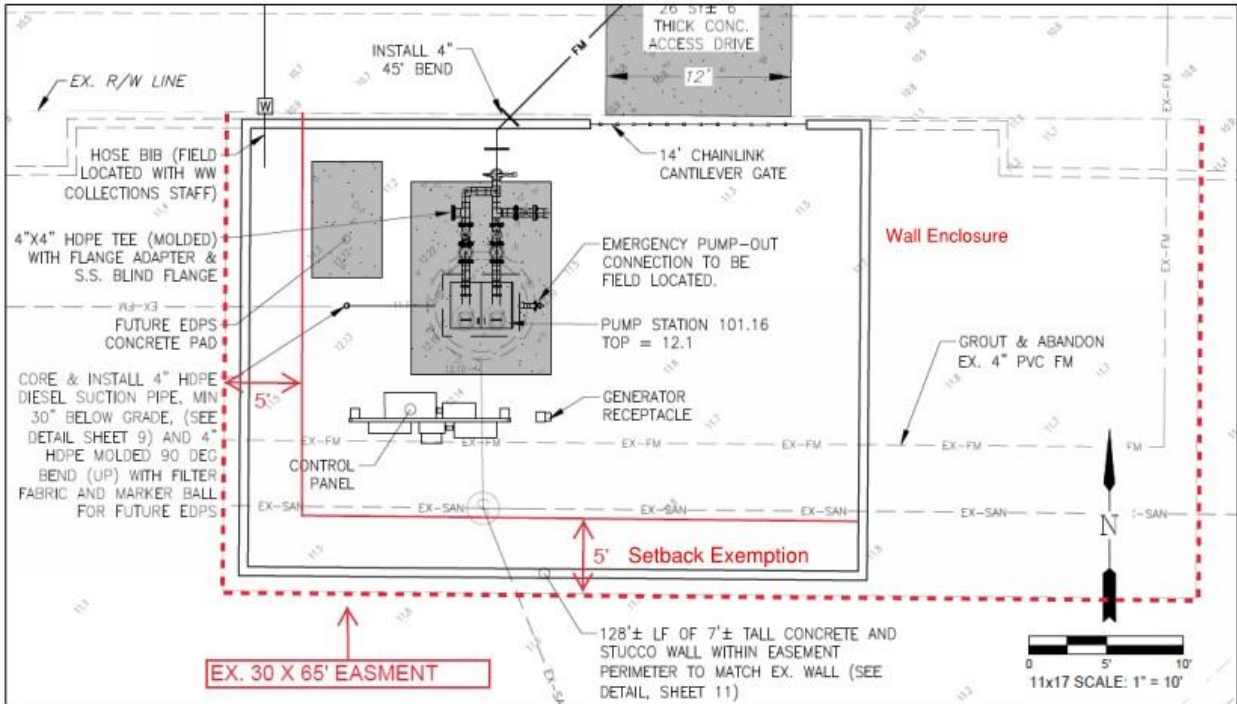
EF. Stormwater management and environmental resource permits for public utility ancillary system sites shall be governed by the requirements of SFWMD or FDEP, and if approval is granted for the public utility ancillary system by SFWMD or FDEP under those requirements, or said requirements are deemed not applicable by SFWMD or FDEP due to the de minimus size or nature of the public utility ancillary system site as verified in writing by SFWMD or FDEP, the project may be considered for a waiver from the requirements of [LDC S](#)section 10.02.02 A.

FG. Landscaping and buffering shall conform to the requirements of [LDC S](#)section 4.06.05 B.
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GH. Site planning review and approval for public utility ancillary systems must follow the requirements of an insubstantial change to a Site Development Plan or Site Improvement Plan review process [as required in LDC section 10.02.03](#), providing water, wastewater or irrigation quality water from such public utility ancillary system is conveyed through physically connected infrastructure to a public or quasi-public treatment facility. The system of physically inter-connected infrastructure and wells may be considered to be collectively located "on-site".

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PS 101.16



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LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20200001706

SUMMARY OF AMENDMENT

This Land Development Code (LDC) amendment shall establish a new definition for a lifestyle sign in the Collier County’s Sign Code. It shall clarify the difference between a lifestyle sign and a real estate sign.

ORIGIN

Growth Management Department

LDC SECTION TO BE AMENDED

HEARING DATES

BCC	TBD	5.06.00	Sign Regulations and Standards by Land Use Classification
CCPC	TBD		
DSAC	TBD		
DSAC-LDR	09/15/2020		

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND:

This LDC amendment creates a new definition in the LDC for lifestyle signs. By creating this definition, staff can better differentiate between real estate and lifestyle signs. On June 9, 2020, the Board of County Commissioners (Board) reviewed the Hyde Park Village Stewardship Receiving Area (SRA-PL20180000622). This petition included a deviation from the real estate sign provisions of LDC section 5.06.02 B.2. This code section was cited as the basis for requesting a deviation to allow for four “lifestyle signs.” However, staff was not in favor of this deviation. As stated in staff’s executive summary, lifestyle signs “are not real estate signs. They are advertising signs and a prohibited sign type.” Staff recommended denial of the deviation and instead recommended clarifying the definition of real estate signs in the LDC (see Exhibit A). The petitioner withdrew the deviation prior to the Board casting their vote.

Real estate signs, which are considered nonpermanent signs, are provided to property owners and their agents as a means for advertising a desired transaction involving real property, such as the sale, rental, or exchange of land, buildings, or other improvements. Examples of real estate signs are included in Exhibit B. The LDC already contains provisions for real estate signs, which include but are not limited to regulating their maximum number, height, size, and duration for which they are allowed to exist on a given site.

Lifestyle signs, as shown in Exhibit C, contains similar content to real estate signs, but without the necessary information regarding selling, renting, or exchanging land, buildings, and other improvements. Lifestyle signs textually describe or graphically illustrate the buildings, amenities, or other site improvements, but they do not indicate how to acquire, lease, or exchange such land, buildings, or improvements in the manner that real estate signs do. The code allows real estate signs pursuant to LDC section 5.06.02 B.2.e and 5.06.04 D.5. However, there are no provisions for lifestyle signs and consequently, they are prohibited. By defining lifestyle signs, the LDC will now possess the necessary language to help alleviate any confusion between the two sign types.

FISCAL & OPERATIONAL IMPACTS

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

GMP CONSISTENCY

To be determined by Comprehensive Planning Staff subsequent to first review.

EXHIBITS: A) Summary of Hyde Park Village SRA; B) Examples of Real Estate Signs; and C) Examples of Lifestyle Signs

Amend the LDC as follows:

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."

* * * * *

Lifestyle sign: An on-premises sign containing an image or graphic illustration, text, or a combination thereof, typically used to advertise a residential use or an amenity of a residential use, such as the recreational facility. See Real Estate Sign if the sign includes pricing, broker's contact information, or other information related to advertising the sale, lease, or exchange of buildings or property.

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Exhibit A – Summary of Hyde Park Village SRA

On June 9, 2020, the Board reviewed the Hyde Park Village Stewardship Receiving Area (SRA-PL20180000622). This petition included a deviation from the real estate sign provisions of LDC section 5.06.02 B.2. This section of the code was cited as the basis for requesting a deviation to allow for four “lifestyle signs.” The petitioner’s proposed resolution indicated as follows:

A deviation from LDC Section 5.06.02.B.2., “Real Estate Signs,” which identifies types of permitted real estate signs, to instead allow, in addition to other permitted signs, a maximum of 4 “Lifestyle Signs” located along Oil Well Road, leading to the project entryway(s), and to also allow such signs interior to the development without limitation. Lifestyle Signs shall be limited to a maximum of 18 square feet in size, 12 feet in height, and shall be setback a minimum of 10 feet from Oil Well Road right-of-way and 5 feet from internal roadways. Lifestyle Signs are intended to advertise lifestyle amenities within the Hyde Park Rural Village, including but not limited to clubhouse(s), fitness center, sports and recreational facilities, and so forth. Such signs may be permitted initially for up to 10 years and may be extended for up to two additional years, upon demonstration by the developer that there is need based upon the remaining number of residential lots for sale within the Village. This deviation is a general deviation. The exact location is not known.

In the executive summary, staff recommended denial of the requested deviation, arguing that lifestyle signs “are not real estate signs. They are advertising signs and a prohibited sign type. Staff recommends denial of this deviation.” The staff report further indicated as follows:

Staff is not supportive of this deviation and will not permit lifestyle signs. Zoning and Development Review staff recommends DENIAL of this deviation, finding that in compliance with LDC Section 4.08.07 J.8.(b), the petitioner has not demonstrated that “the deviations are consistent with the RLSA Overlay” and LDC Section 4.08.07.J.8(b), the petitioner has not demonstrated that the deviation(s) “further enhances the tools, techniques, and strategies based on principles of innovative planning and development strategies, as set forth in §§ 163.3177 (11), F.S.

Staff requested guidance from the Board to conduct a future LDC amendment, with the intent to further analyze and clarify the real estate sign. Prior to the Board’s vote, the petitioner agreed to delete the requested deviation involving lifestyle signs. The Board then voted in favor of the petition, and the adopted resolution (Resolution 2020-102) omits this deviation.

Exhibit B – Examples of Real Estate Signs



Exhibit B – Examples of Real Estate Signs



Exhibit B – Examples of Real Estate Signs



Google

Exhibit B – Examples of Real Estate Signs



Exhibit C – Examples of Lifestyle Signs



Exhibit C – Examples of Lifestyle Signs



Exhibit C – Examples of Lifestyle Signs



Exhibit C – Examples of Lifestyle Signs



Exhibit C – Examples of Lifestyle Signs





LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20200001721

Origin

Growth Management Department

HEARING DATES

BCC TBD
 CCPC TBD
 DSAC TBD
 DSAC-LDR 09/15/20

SUMMARY OF AMENDMENT

This amendment implements the Golden Gate Area Master Plan (GGAMP) to allow cellular towers as a conditional use in the Estates (E) Zoning District on parcels that are a minimum of 2.25 acres and located adjacent to collector or arterial roads. It also corrects a few cross references.

LDC SECTIONS TO BE AMENDED

2.03.01 Agricultural Districts
 5.05.09 Communication Towers

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

When the GGAMP amendments were adopted in the Growth Management Plan (GMP) on September 24, 2019, new provisions for various types of conditional uses were added to the Urban and Rural Golden Gate Estates Sub-elements of the GGAMP. One such provision is the “Special Exceptions to Conditional Use Locational Criteria” – Urban Section (B.1.A.3.e.5.) and Rural Section (B.1.A.3.d.4.). It states the following:

“Conditional Use for a cellular tower is allowed in the Estates Zoning District only on parcels no smaller than 2.25 acres and adjacent to a roadway classified within the Transportation Element as a Collector or Arterial.”

This amendment originated from a solid majority of residents surveyed, both in the rural Estates and the urban Estates, that had indicated dissatisfaction with existing cellular service. Over 75% of the rural Estates residents surveyed believed that communication towers should be conditional uses, and available at any location in the Estates. The proposed amendment shall allow cellular service to increase after the approval of new communication towers.

By LDC section 2.01.03 A 4, communication towers are deemed permitted uses in all zoning districts, except CON districts, RFMU sending lands, NRPAS, HSAS, and FSAS and “... limited to those providing wireless emergency telephone service, subject to all applicable provisions in section 5.05.09 of this Code.” However, LDC section 5.05.09 G.1 states “...no new tower of any height shall be permitted in the RSF-1 through RSF-6, RMF- 6, VR, MH, TTRVC and E Zoning districts.” The proposed amendment shall rectify this inconsistency, put into effect the GGAMP new provision, and provide for new communication towers to be allowed as a conditional use in the Estates Zoning District.

The Transportation Element of the GMP’s maps depict all of the collector and arterial roads throughout the County. These roadway maps display where new communication towers can be located. See Exhibit A.

In LDC section 5.05.09 G.1, the cross reference to LDC section 5.05.09 F.7 should read 5.05.09 G.7 which does address separation requirements and the second cross reference to LDC section 5.05.09 (F) 3) should read 5.05.09

G 3 which does address essential services sites.

In LDC section 5.05.09 G.3 another scrivener error is corrected by inserting a period after the words “Essential services-Specified conditional uses”.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts to the County associated with this amendment. The amendment can have fiscal impacts on property owners in the Estates who will be eligible to apply for Conditional Use approval of communication towers.

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff.

EXHIBITS: A) GMP Transportation Element Maps

Amend the LDC as follows:

2.03.01 – Agricultural Districts

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B. **Estate District (E).** The purpose and intent of the estates district (E) is to provide lands for low **density residential development** in a semi-rural to rural environment, with limited agricultural activities. In addition to low **density residential development** with limited agricultural activities, the E district is also designed to accommodate as **conditional uses, development** that provides services for and is compatible with the low **density residential, semi-rural and rural character** of the E district. The E district corresponds to and implements the estates land use designation on the future land use map of the Collier County GMP, although, in limited instances, it may occur outside of the estates land use designation. The maximum **density** permissible in the E district shall be consistent with and not exceed the **density** permissible or permitted under the estates district of the future land use element of the Collier County GMP as provided under the Golden Gate Master Plan.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the estates district (E).

a. *Permitted uses.*

* * * * *

c. **Conditional uses.** For Estates zoning within the Golden Gate Estates subdivision, the Golden Gate Area Master Plan in the GMP restricts the location of **conditional uses**. The following uses are permissible as **conditional uses** in the estates district (E), subject to the standards and procedures established in LDC section 10.08.00:

* * * * *

8. Essential services, as set forth in LDC ~~sub~~section 2.01.03 G.

9. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to section 5.04.04.

10. **Ancillary plants.**

11. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply.

12. Communication towers up to specified heights, subject to LDC section 5.05.09.

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3 **5.05.09 – Communication Towers**

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7 G. Development standards for communication towers.

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9 1. Except to the extent that amateur radio towers, and ground-mounted antennas
10 with a height not to exceed twenty (20) feet, are exempted by subsection 5.05.09
11 herein, no new tower of any height shall be permitted in the RSF-1 through RSF-
12 6, RMF-6, VR, MH, TTRVC, and E zoning districts. However, notwithstanding other
13 provisions of this section, including the separation requirements of subsection
14 5.05.09 ~~(F)(7)~~ G.7. below, towers may be allowed to any height as a conditional
15 use in the Estate (E) zoning district only on parcels designated as Urban or Rural
16 Golden Gate Estates Sub-Element in the Golden Gate Area Master Plan or sites
17 approved for a specified essential service listed in subsection 5.05.09 ~~((F)(3))~~ G.3.
18 below. There shall be no exception to this subsection except for conditional use
19 applications by a government for a governmental use.
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23 3. Essential services —Specified conditional uses. Except in the RSF-1 through
24 RSF-6, and RMF-6 zoning districts, towers may be allowed to any height as a
25 conditional use on sites approved for a conditional use essential service for any
26 of the following conditional uses: safety service facilities including, but not
27 necessarily limited to, fire stations, sheriff's substation or facility, emergency
28 medical services facility, and all other similar uses where a communications
29 tower could be considered an accessory or logically associated use with the
30 safety service conditional use on the site. In addition, communications towers
31 can be approved as a conditional use for a stand-alone essential service facility,
32 provided the tower is to be owned by, or to be leased to, a governmental entity,
33 and the primary uses of the tower are for governmental purposes.
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37 7. With the exception of rooftop towers and towers on essential services sites, each
38 new communication tower shall meet the following separation requirements:

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40 a. Each new tower that exceeds 185 feet in height shall be located not less
41 than two and one-half (2.5) times the height of the tower from all RSF-1
42 through RSF-6, and RMF-6 zoning districts, including PUDs where the
43 adjacent use(s) is/are, or comparable to, the RSF-1 through RSF-6 and
44 RMF-6 zoning districts. If a part of a PUD is not developed, and it is
45 inconclusive whether the part of a PUD area within such minimum
46 separation distance from the proposed tower site may be developed with a
47 density of six (6) units per acre or less, it shall be presumed that the PUD
48 area nearest to the proposed site will be developed at the lowest density
49 possible under the respective PUD.
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b. In addition, each such new tower that exceeds a height of seventy-five (75) feet, excluding antennas, shall be separated from all boundaries of surrounding property zoned RMF-12, RMF-16, E, RT, VR, MH, TTRVC,H, and the residential areas of PUDs with existing or planned densities greater than six (6) units per acre by not less than the total height of the tower including its antennas; and from all other surrounding property boundaries by a distance not less than one-half (1/2) the height of the tower and its antennas, or the tower's certified collapse area, whichever distance is greater.

c. Communication towers in the Estate (E) zoning district shall be separated from residentially zoned properties as follows:

i. New towers up to 75 feet in height shall be located not less than the total height of the tower and antennas from all residentially zoned properties.

ii. New towers over 75 feet in height shall be located not less than two and one-half times the height of the tower and antennas, or the certified collapse area, whichever distance is greater, from all residentially zoned properties.

* * * * *

25. Communication towers in the Estate (E) Zoning District.

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

a. The parcel is a minimum 2.25 acres and adjacent to an arterial or collector road.

b. The service cannot be reasonably provided outside the Estates residential area or be co-located on an existing tower with an effective radius.

c. All security and site lighting shall be less than 20 feet above grade, fully shielded, and directed away from neighboring properties.

d. Fencing height and landscaping. Perimeter wall or fence height shall be eight feet from finished grade of base supporting structure and no greater than 10 feet. A minimum 15 feet landscape buffer along the perimeter of wall or fence is required.

e. Equipment cabinets. Overall height of ground-mounted equipment or equipment enclosure shall not exceed 12 feet.

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Exhibit A – GMP Transportation Element Maps

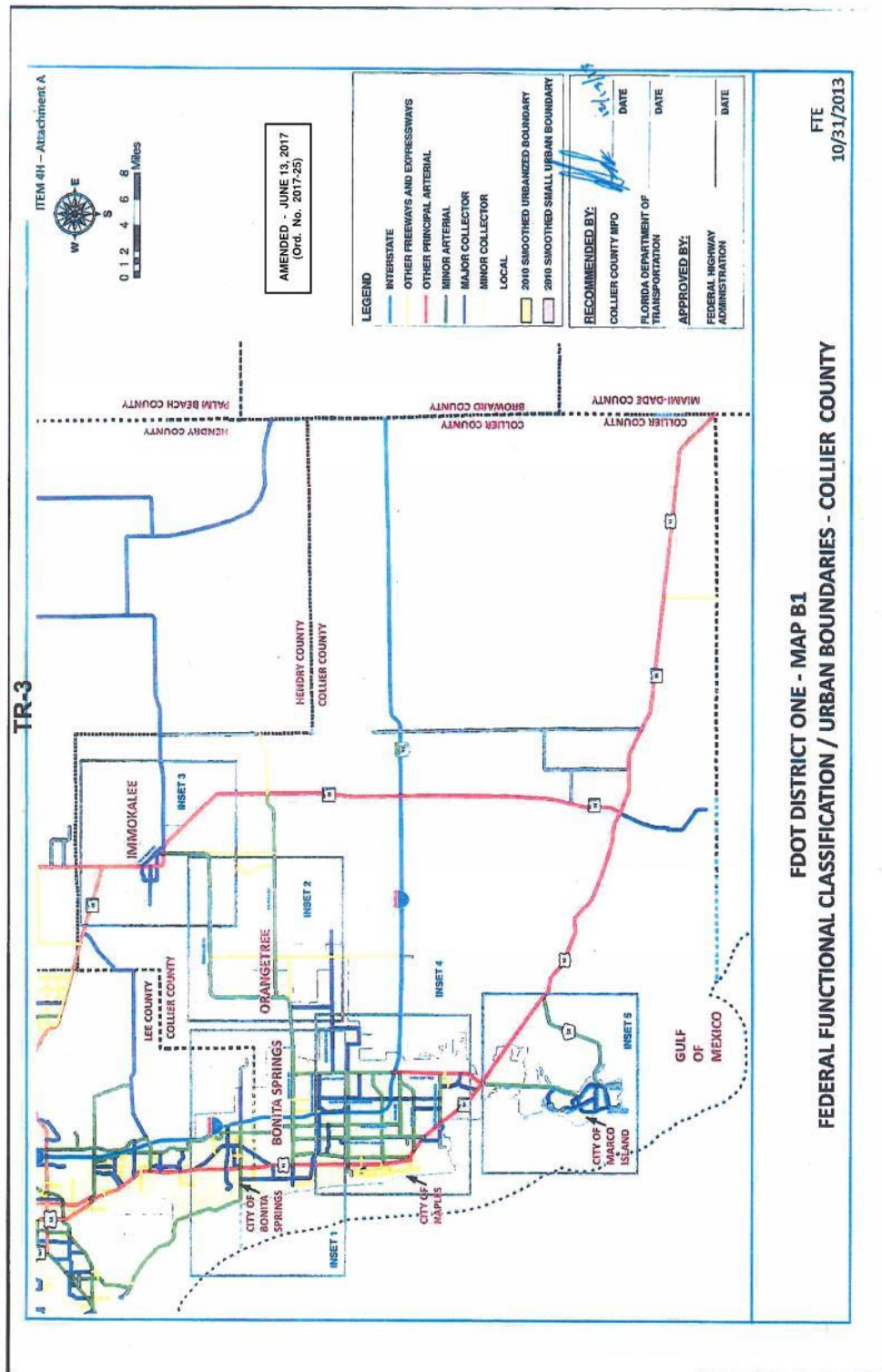


Exhibit A – GMP Transportation Element Maps

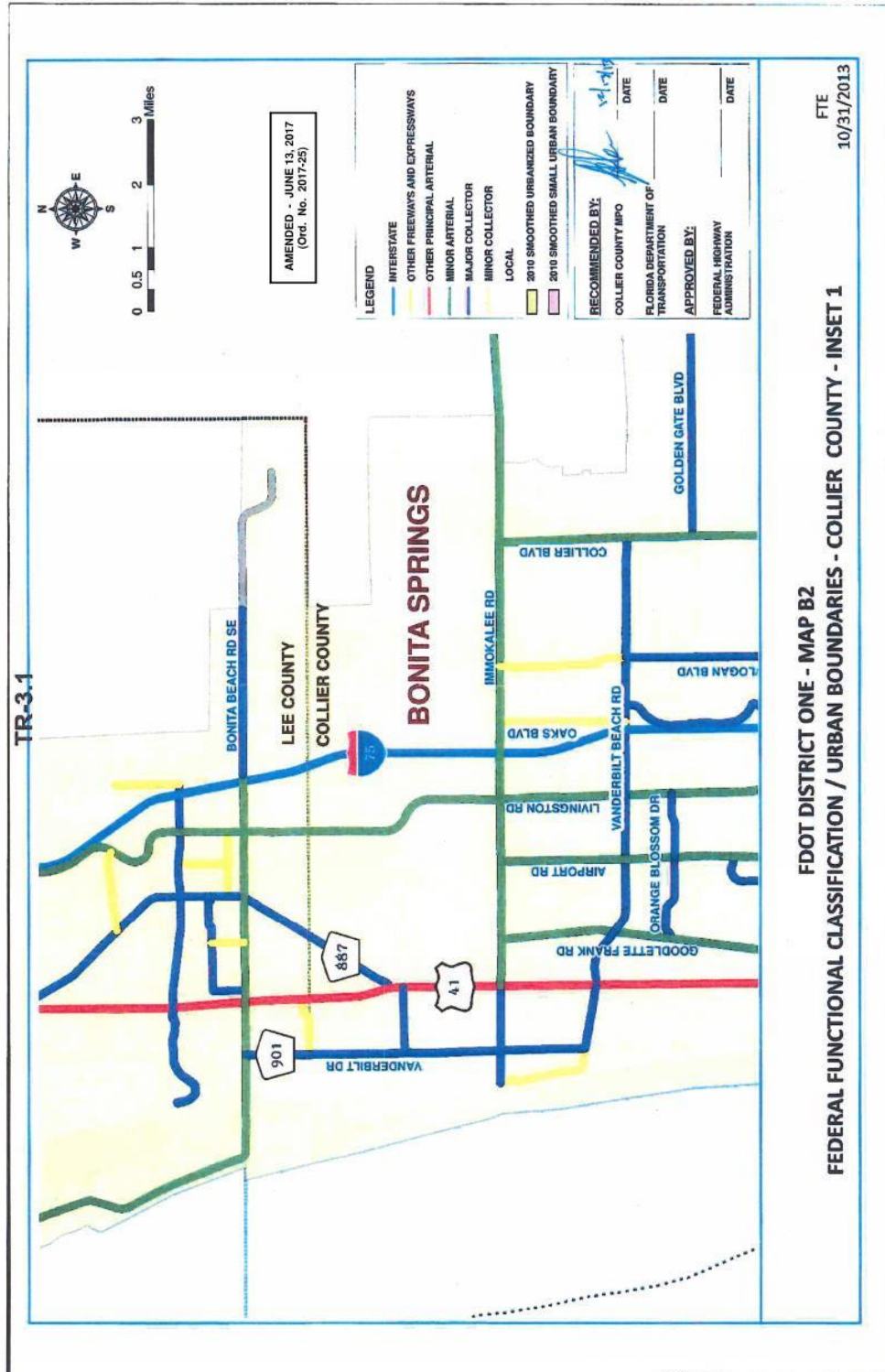


Exhibit A – GMP Transportation Element Maps

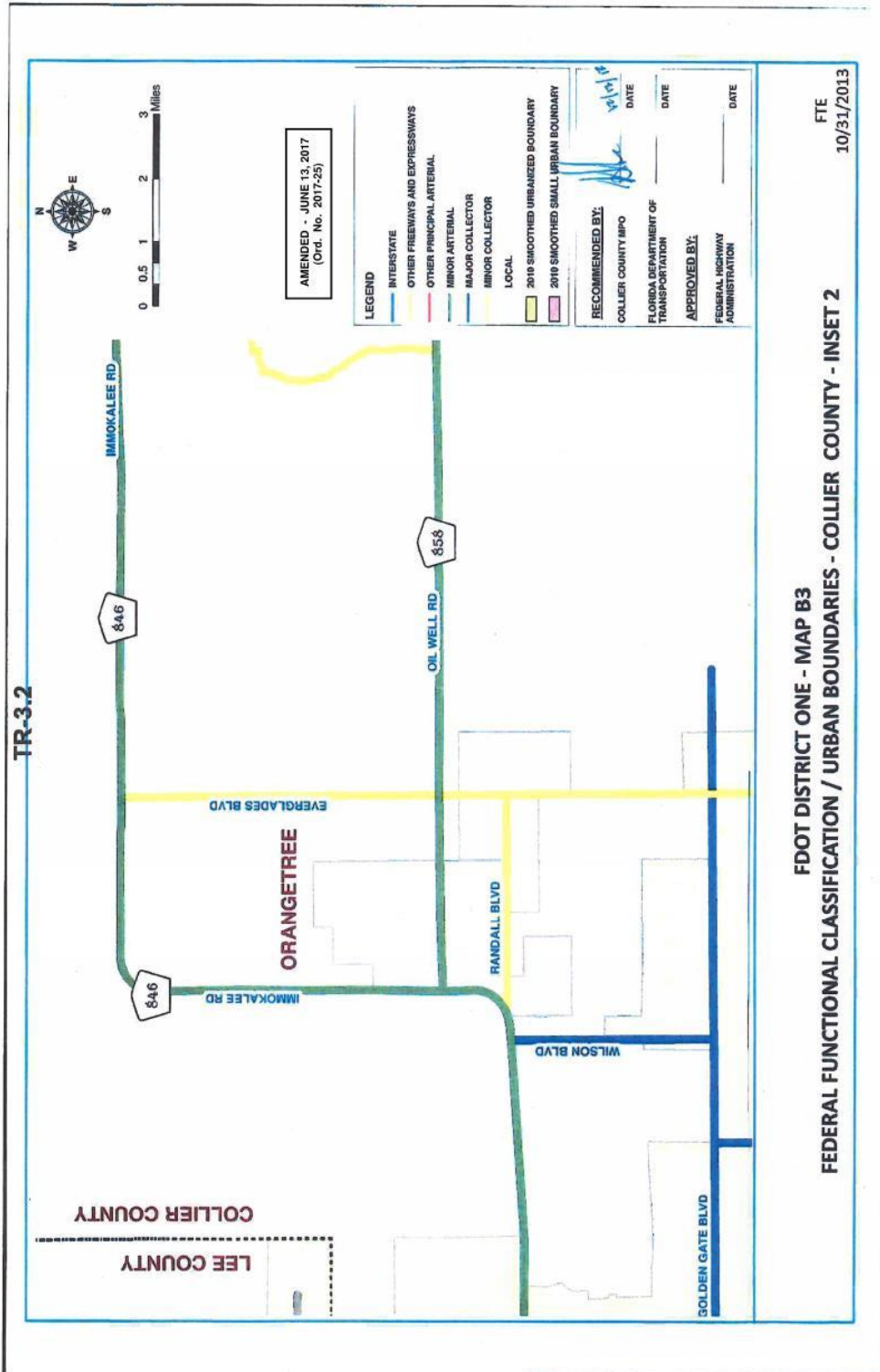
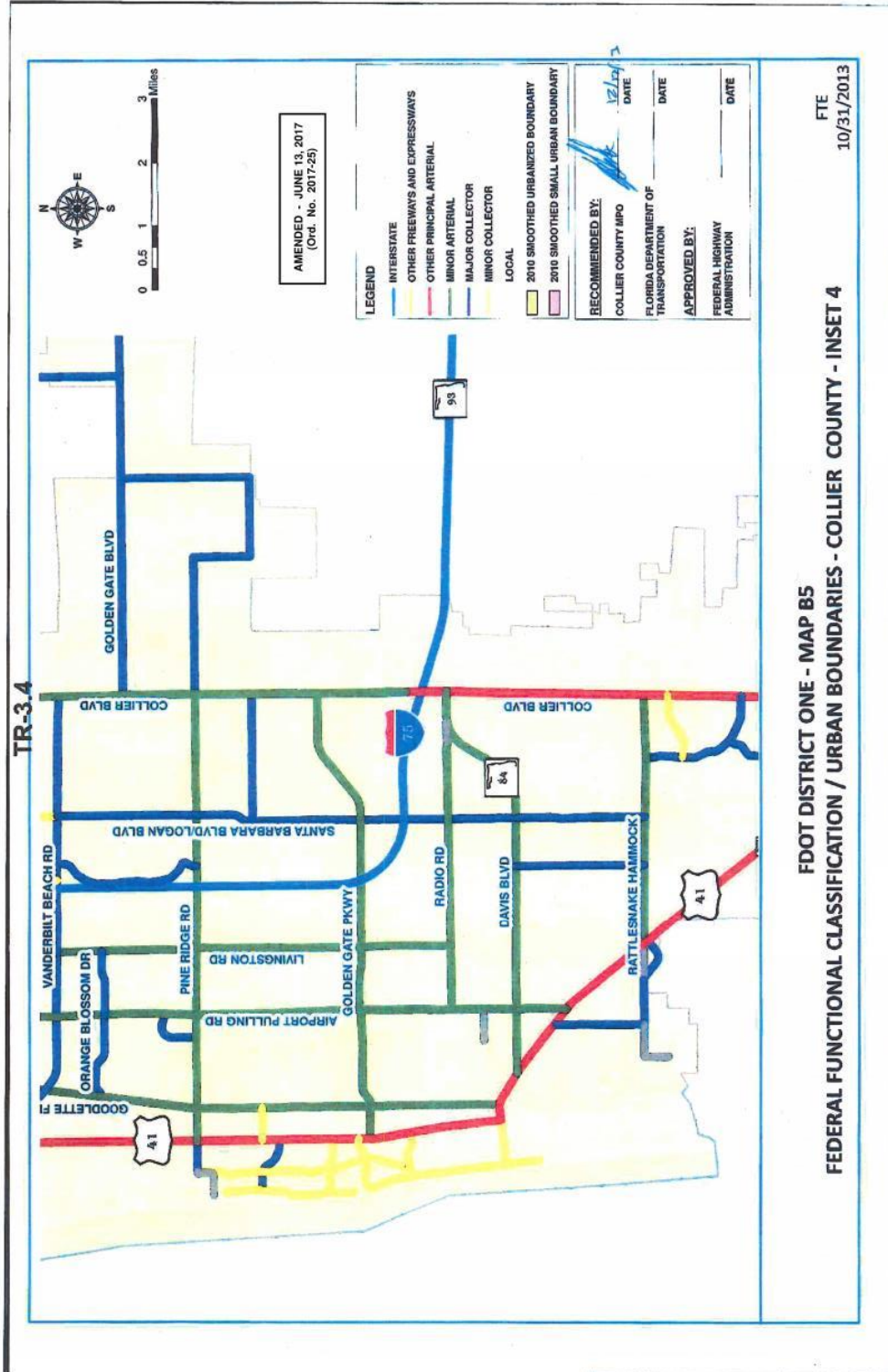


Exhibit A – GMP Transportation Element Maps





LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20200001602

ORIGIN

Growth Management
Department

HEARING DATES

BCC TBD
CCPC TBD
DSAC TBD
DSAC-LDR 09/15/20

SUMMARY OF AMENDMENT

This amendment corrects scrivener’s errors and updates cross references related to various Land Development Code (LDC) sections, the Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Chapter and Rule citations.

LDC SECTIONS TO BE AMENDED

- 1.08.02 Definitions
- 2.03.01 Agricultural Districts
- 2.03.02 Residential Zoning Districts
- 2.03.03 Commercial Zoning Districts
- 2.03.05 Civic and Institutional Zoning Districts
- 2.03.07 Overlay Zoning Districts
- 2.03.08 Rural Fringe Zoning Districts
- 4.02.06 Standards for Development within the Airport Overlay (APO)
- 10.02.03 Requirements for Site Development, Site Improvement Plans and Amendments thereof
- 10.02.05 Construction, Approval, and Acceptance of Required Improvements
- 10.02.13 Planned Unit Development (PUD) Procedures
- Appendix A-Standard Performance Security Documents for Required Improvements

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

Staff has researched and reviewed 2019 Florida Statutes and Florida Administrative Code citations for the definition and use of the terms “Assisted Living Facility” (ALF) and “Family Care Facility” (FCF). The previous referenced citations have been transferred over time and require correction throughout the respective residential and non-residential zoning districts and the Santa Barbara Commercial Overlay District. The correct F.S. and F.A.C. citations are listed in a Correction Table. See Exhibit A.

This amendment further corrects scrivener’s errors and cross references in the following LDC sections:

Section 1.08.02: When the F.A.C. Chapter 59 A-36.10 was adopted, the word “supervisors” has been replaced with “staff” for the definition of “Family Care Facility”, and this change has been made.

Section 2.03.03 D.1.a.26: The word “texture” should read “textile.”

Sections 2.03.08 A.2.a.(4)(b)(ii.a)iv) and 2.03.08 A.2.a.(4)(b)(ii.b)v): The reference to LDC section 4.02.01 should read 4.02.03 which is the appropriate section for the “Specific Standards for Location of Accessory Buildings and Structures”.

Section 4.02.06 L.2.a: When Ordinance 19-35 was sent to FDOT for review, the FDOT-Aviation and Spaceports Office representatives brought a discrepancy to staff’s attention. The correct height is 499 feet rather than 500 feet, and this change is consistent with the Federal Regulation Title 14, Part 77. See Exhibit B.

Section 10.02.03 F.5: The reference to LDC section 10.03.06 Q should read LDC section 10.03.06 R, which is the appropriate section for public notice and required hearings for “Site Plan with Deviations for Redevelopment”.

Section 10.02.05 B.2.a: The words “*Competition Certificate*” should read “*Completion Certificate*.”.

Section 10.02.13 I: The reference to LDC sections “2.02.12 and 2.02.12D” should read “10.02.13 and 10.02.13 D”.

Appendix A: Florida Statutes 117.05 (4) provides for the notarial certificate requirements and F.S. 117.05 (13) provides the templates and acknowledgements in a representative capacity. For each respective standard performance security document, the notarial acknowledgement is updated and replaced with the generic notarial certificate requirement for conformity.

FISCAL & OPERATIONAL IMPACTS

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

GMP CONSISTENCY

There are no anticipated Growth Management Plan impacts associated with this amendment.

EXHIBITS: A) F.S. and F.A.C. Correction Table

B) Federal Aviation Administration DOT: 14 CFR Section § 77.17(a)(1)

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Amend the LDC as follows:

1.08.02 Definitions

* * * * *

Assisted living facility: Any building(s), section of a building, distinct part of a building, residence, private home, boarding home, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide for a period exceeding 24 hours, housing, food service, and 1 or more personal services for 4 or more adults, not related to the owner or administrator by blood or marriage, who require such services and to provide limited nursing services, when specifically licensed to do so pursuant to § ~~400.407~~ 400.062 F.S. A facility offering personal services or limited nursing services for fewer than 4 adults is within the meaning of this definition if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment that regularly provides such services.

* * * * *

Family care facility: A residential facility designed to be occupied by not more than 6 persons under care, plus supervisors staff as required by subsection ~~10A-5-019, FAG ch.59A-36.010, F.A.C.~~ and constituting a single dwelling unit (i.e., adult congregate living facility for: aged persons; developmentally disabled persons; physically disabled or handicapped persons; mentally ill persons; and persons recovering from alcohol and/or drug abuse. Foster care facilities are also included, but not the uses listed under group care facility (category II). This use shall be applicable to single-family dwelling units and mobile homes.

* * * * *

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2.03.01 - Agricultural Districts.

A. Rural Agricultural District (A). The purpose and intent of the rural agricultural district (A) is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of the County, are permissible as conditional uses in the A district. The A district corresponds to and implements the Agricultural/Rural land use designation on the future land use map of the Collier County GMP, and in some instances, may occur in the designated urban area. The maximum density permissible in the rural agricultural district within the urban mixed use district shall be guided, in part, by the density rating system contained in the future land use element of the GMP. The maximum density permissible or permitted in A district shall not exceed the density permissible under the density rating system. The maximum density permissible in the A district within the agricultural/rural district of the future land use element of the Collier County GMP shall be consistent with and not exceed the density permissible or permitted under the agricultural/rural district of the future land use element.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as accessory or conditional uses in the rural agricultural district (A).

* * * * *

1 c. *Conditional uses.* The following uses are permitted as conditional uses in the rural
2 agricultural district (A), subject to the standards and procedures established in LDC
3 section 10.08.00 and the Administrative Code.

4 * * * * *
5 16. Group care facilities (category I and II); care units; nursing homes; assisted
6 living facilities pursuant to ~~400.402~~ 429.02 F.A.C.; and continuing care
7 retirement communities pursuant to § 651 F.S. and ch. ~~4-193~~ 690-193
8 F.A.C., all subject to LDC section 5.05.04 when located within the Urban
9 Designated Area on the Future Land Use Map to the Collier County Growth
10 Management Plan.
11 * * * * *

12 B. Estate District (E). The purpose and intent of the estates district (E) is to provide lands for
13 low density residential development in a semi-rural to rural environment, with limited
14 agricultural activities. In addition to low density residential development with limited
15 agricultural activities, the E district is also designed to accommodate as conditional uses,
16 development that provides services for and is compatible with the low density residential,
17 semi-rural and rural character of the E district. The E district corresponds to and
18 implements the estates land use designation on the future land use map of the Collier
19 County GMP, although, in limited instances, it may occur outside of the estates land use
20 designation. The maximum density permissible in the E district shall be consistent with
21 and not exceed the density permissible or permitted under the estates district of the future
22 land use element of the Collier County GMP as provided under the Golden Gate Master
23 Plan.

24
25 1. The following subsections identify the uses that are permissible by right and the
26 uses that are allowable as accessory or conditional uses in the estates district (E).
27 * * * * *

28 c. *Conditional uses.* For Estates zoning within the Golden Gate Estates
29 subdivision, the Golden Gate Area Master Plan in the GMP restricts the
30 location of conditional uses. The following uses are permissible as
31 conditional uses in the estates district (E), subject to the standards and
32 procedures established in LDC section 10.08.00.
33 * * * * *

34 5. Group care facilities (category I); care units, subject to the
35 provisions of LDC subsection 2.03.01 B.3.f; nursing homes;
36 assisted living facilities pursuant to § ~~400.402~~ 429.02 F.S. and ch.
37 ~~58A-5~~ 59A-36 F.A.C.; and continuing care retirement communities
38 pursuant to § 651 F.S. and ch. ~~4-193~~ 690-193 F.A.C.; all subject to
39 LDC section 5.05.04.
40 * * * * *

41 # # # # # # # # # # # # # #
42

43 **2.03.02 - Residential Zoning Districts**

44
45 A. Residential Single-Family Districts (RSF-1; RSF-2; RSF-3; RSF-4; RSF-5; RSF-6). The
46 purpose and intent of the residential single-family districts (RSF) is to provide lands
47 primarily for single-family residences. These districts are intended to be single-family
48 residential areas of low density. The nature of the use of property is the same in all of
49 these districts. Variation among the RSF-1, RSF-2, RSF-3, RSF-4, RSF-5 and RSF-6

1 districts is in requirements for density, lot area, lot width, yards, height, floor area, lot
2 coverage, parking, landscaping and signs. Certain structures and uses designed to
3 serve the immediate needs of the single-family residential development in the RSF
4 districts such as governmental, educational, religious, and noncommercial recreational
5 uses are permitted as conditional uses as long as they preserve ; and are compatible
6 with the single-family residential character of the RSF district[s]. The RSF districts
7 correspond to and implement the urban mixed use land use designation on the future
8 land use map of the Collier County GMP. The maximum density permissible in the
9 residential single-family (RSF) districts and the urban mixed use land use designation
10 shall be guided, in part, by the density rating system contained in the future land use
11 element of the Collier County GMP. The maximum density permissible or permitted in
12 the RSF district shall not exceed the density permissible under the density rating
13 system, except as permitted by policies contained in the future land use element.

14
15 1. The following subsections identify the uses that are permissible by right and the
16 uses that are allowable as accessory or conditional uses in the residential single-
17 family districts (RSF).

18 * * * * *
19 c. *Conditional uses.* The following uses are permissible as conditional uses
20 in the residential single-family districts (RSF), subject to the standards and
21 procedures established in LDC section 10.08.00

22 * * * * *
23 7. Group care facilities (category I); care units subject to the provisions
24 of LDC subsection 2.03.02 3.h; nursing homes; assisted living
25 facilities pursuant to § ~~400.402~~ 429.02 F.S. and ch. ~~58A-5~~ 59A-36
26 F.A.C.; and continuing care retirement communities pursuant to §
27 651 F.S. and ch. ~~4-193~~ 690-193 F.A.C.; all subject to LDC section
28 5.05.04.

29 * * * * *
30

31 B. Residential Multi-Family-6 District (RMF-6). The purpose and intent of the
32 residential multi-family-6 district (RMF-6) is to provide for single-family, two-family and
33 multi-family residences having a low profile silhouette, surrounded by open space,
34 being so situated that it is located in close proximity to public and commercial services
35 and has direct or convenient access to collector and arterial roads on the county major
36 road network. The RMF-6 district corresponds to and implements the urban mixed use
37 land use designation on the future land use map of the Collier County GMP. The
38 maximum density permissible in the RMF-6 district and the urban mixed use land use
39 designation shall be guided, in part, by the density rating system contained in the future
40 land use element of the Collier County GMP. The maximum density permissible or
41 permitted in the RMF-6 district shall not exceed the density permissible under the
42 density rating system, except as permitted by policies contained in the future land use
43 element.

44
45 1. The following subsections identify the uses that are permissible by right and the uses that
46 are allowable as accessory or conditional uses in the RMF-6 district.

47 * * * * *
48 c. *Conditional uses.* The following uses are permissible as conditional uses in the
49 RMF-6 district, subject to the standards and procedures established in LDC section
50 10.08.00.

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1 * * * * *
2 6. Group care facilities (category I and II); care units; nursing homes; assisted
3 living facilities pursuant to § 400.402 429.02 F.S. and ch. 58A-5 59A-36
4 F.A.C; and continuing care retirement communities pursuant to § 651 F.S.
5 and ch. 4-193 690-193 F.A.C.; all subject to LDC section 5.05.04.
6 * * * * *

7 C. Residential Multi-Family-12 District (RMF-12). The purpose and intent of the residential
8 multi-family 12 district (RMF-12) is to provide lands for multiple-family residences having
9 a mid-rise profile, generally surrounded by lower structures and open space, located in
10 close proximity to public and commercial services, with direct or convenient access to
11 collector and arterial roads on the county major road network. Governmental, social, and
12 institutional land uses that serve the immediate needs of the multi-family residences are
13 permitted as conditional uses as long as they preserve and are compatible with the mid-
14 rise multiple-family character of the district. The RMF-12 district corresponds to and
15 implements the urban mixed use land use designation on the future land use map of the
16 Collier County GMP. The maximum density permissible in the RMF-12 district and the
17 urban mixed use land use designation shall be guided, in part, by the density rating system
18 contained in the future land use element of the Collier County GMP. The maximum density
19 permissible or permitted in the RMF-12 district shall not exceed the density permissible
20 under the density rating system, except as permitted by policies contained in the future
21 land use element.
22

23 1. The following subsections identify the uses that are permissible by right and the
24 uses that are allowable as accessory or conditional uses in the residential multi-
25 family-12 district (RMF-12).
26 * * * * *

27 c. *Conditional uses.* The following uses are permissible as conditional uses
28 in the residential multiple-family-12 district (RMF-12), subject to the
29 standards and procedures established in LDC section 10.08.00.
30 * * * * *

31 6. Group care facilities (category I and II); care units; nursing homes;
32 assisted living facilities pursuant to § 400.402 429.02 F.S. and ch.
33 58A-5 59A-36 F.A.C.; and continuing care retirement communities
34 pursuant to § 651 F.S. and ch. 4-193 690-193 F.A.C.; all subject to
35 * * * * *

36 D. Residential Multi-Family-16 District (RMF-16). The purpose and intent of the
37 residential multi-family-16 district (RMF-16) is to provide lands for medium to high density
38 multiple-family residences, generally surrounded by open space, located in close proximity
39 to public and commercial services, with direct or convenient access to arterial and collector
40 roads on the county major road network. Governmental, social, and institutional land uses
41 that serve the immediate needs of the multiple-family residences are permitted as
42 conditional uses as long as they preserve and are compatible with the medium to high
43 density multi-family character of the district. The RMF-16 district corresponds to and
44 implements the urban mixed use land use designation on the future land use map of the
45 Collier County GMP. The maximum density permissible in the RMF-16 district and the
46 urban mixed use land use designation shall be guided, in part, by the density rating system
47 contained in the future land use element of the Collier County GMP. The maximum density
48 permissible or permitted in the RMF-16 district shall not exceed the density permissible
49 under the density rating system, except as permitted by policies contained in the future
50 land use element.
51

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1 1. The following subsections identify the uses that are permissible by right and the
2 uses that are allowable as accessory or conditional uses in the residential multi-
3 family-16 district (RMF-16).

4 * * * * *
5 c. *Conditional uses.* The following uses are permissible as conditional uses
6 in the residential multiple-family-16 district (RMF-16), subject to the
7 standards and procedures established in LDC section 10.08.00.

8 * * * * *
9 6. Group care facilities (category I and II); care units; nursing homes;
10 assisted living facilities pursuant to § ~~400.402~~ [429.02](#) F.S. and ch.
11 ~~58A-5~~ [59A-36](#) F.A.C.; and continuing care retirement communities
12 pursuant to § 651 F.S. and ch. ~~4-193~~ [690-193](#) F.A.C.; all subject to
13 [LDC](#) section 5.05.04.

14 * * * * *
15 E. Residential Tourist District (RT). The purpose and intent of the residential tourist district
16 (RT) is to provide lands for tourist accommodations and support facilities, and multiple
17 family uses. The RT district corresponds with and implements the urban mixed use district
18 and the activity center district in the urban designated area on the future land use map of
19 the Collier County GMP.

20
21 1. The following subsections identify the uses that are permissible by right and the
22 uses that are allowable as accessory or conditional uses in the residential tourist
23 district (RT).

24 * * * * *
25 c. Conditional uses. The following uses are permitted as conditional uses in
26 the residential tourist district (RT), subject to the standards and procedures
27 established in LDC section 10.08.00.

28 * * * * *
29 4. Group care facilities (category I and II); care units; nursing homes;
30 assisted living facilities pursuant to § ~~400.402~~ [429.02](#) F.S. and ch.
31 ~~58A-5~~ [59A-36](#) F.A.C.; and continuing care retirement communities
32 pursuant to § 651 F.S. and ch. ~~4-193~~ [690-193](#) F.A.C.; all subject to
33 [LDC](#) section 5.05.04.

34 * * * * *
35 F. Village Residential District (VR). The purpose and intent of the village residential district
36 (VR) is to provide lands where a mixture of residential uses may exist. Additionally, uses
37 are located and designed to maintain a village residential character which is generally low
38 profile, relatively small building footprints as is the current appearance of Goodland and
39 Copeland. The VR district corresponds to and implements the mixed residential land use
40 designation on the Immokalee future land use map of the Collier County GMP. It is
41 intended for application in those urban areas outside of the coastal urban area designated
42 on the future land use map of the Collier County GMP, though there is some existing VR
43 zoning in the coastal urban area. The maximum density permissible in the VR district and
44 the urban mixed use land use designation shall be guided, in part, by the density rating
45 system contained in the future land use element of the Collier County GMP. The maximum
46 density permissible or permitted in the VR district shall not exceed the density permissible
47 under the density rating system, except as permitted by policies contained in the future
48 land use element, or as designated on the Immokalee future land use map of the GMP.

49

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- 1 1. The following subsections identify the uses that are permissible by right and the
- 2 uses that are allowable as accessory or conditional uses in the village residential
- 3 district (VR).
- 4 * * * * * * * * * * * *
- 5 c. *Conditional uses.* The following uses are permissible as conditional uses
- 6 in the village residential district (VR), subject to the standards and
- 7 procedures established in LDC section 10.08.00.
- 8 * * * * * * * * * * * *
- 9 8. Group care facilities (category I and II); care units; nursing homes;
- 10 assisted living facilities pursuant to § ~~400.402~~ [429.02](#) F.S. and ch.
- 11 ~~58A-5~~ [59A-36](#) F.A.C.; and continuing care retirement communities
- 12 pursuant to § 651 F.S. and ch. ~~4-193~~ [690-193](#) F.A.C.; all subject to
- 13 [LDC](#) section 5.05.04.
- 14 * * * * * * * * * * * *
- 15 # # # # # # # # # # # #

2.03.03 - Commercial Zoning Districts

19 A. Commercial Professional and General Office District (C-1). The purpose and intent of

20 the commercial professional and general office district C-1 is to allow a concentration of

21 office type buildings and land uses that are most compatible with, and located near,

22 residential areas. Most C-1 commercial, professional, and general office districts are

23 contiguous to, or when within a PUD, will be placed in close proximity to residential

24 areas, and, therefore, serve as a transitional zoning district between residential areas

25 and higher intensity commercial zoning districts. The types of office uses permitted are

26 those that do not have high traffic volumes throughout the day, which extend into the

27 evening hours. They will have morning and evening short-term peak conditions. The

28 market support for these office uses should be those with a localized basis of market

29 support as opposed to office functions requiring inter-jurisdictional and regional market

30 support. Because office functions have significant employment characteristics, which are

31 compounded when aggregations occur, certain personal service uses shall be permitted,

32 to provide a convenience to office-based employment. Such convenience commercial

33 uses shall be made an integral part of an office building as opposed to the singular use

34 of a building. Housing may also be a component of this district as provided for through

35 conditional use approval.

- 37 1. The following uses, as identified with a number from the Standard Industrial
- 38 Classification Manual (1987), or as otherwise provided for within this section are
- 39 permissible by right, or as accessory or conditional uses within the C-1 commercial
- 40 professional and general office district.
- 41
- 42 a. *Permitted uses.*
- 43 * * * * * * * * * * * *
- 44 20. Group care facilities (category I and II, except for homeless
- 45 shelters); care units, except for homeless shelters; nursing homes;
- 46 assisted living facilities pursuant to § ~~400.402~~ [429.02](#) F.S. and ch.
- 47 ~~58A-5~~ [59A-36](#) F.A.C.; and continuing care retirement communities
- 48 pursuant to § 651 F.S. and ch. ~~4-193~~ [690-193](#) F.A.C.; all subject
- 49 to [LDC](#) section 5.05.04.
- 50 * * * * * * * * * * * *

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1 B. Commercial Convenience District (C-2). The purpose and intent of the commercial
2 convenience district (C-2) is to provide lands where commercial establishments may be
3 located to provide the small-scale shopping and personal needs of the surrounding
4 residential land uses within convenient travel distance except to the extent that office
5 uses carried forward from the C-1 district will expand the traditional neighborhood size.
6 However, the intent of this district is that retail and service uses be of a nature that can
7 be economically supported by the immediate residential environs. Therefore, the uses
8 should allow for goods and services that households require on a daily basis, as
9 opposed to those goods and services that households seek for the most favorable
10 economic price and, therefore, require much larger trade areas. It is intended that the C-
11 2 district implements the Collier County GMP within those areas designated
12 agricultural/rural; estates neighborhood center district of the Golden Gate Master Plan;
13 the neighborhood center district of the Immokalee Master Plan; and the urban mixed use
14 district of the future land use element permitted in accordance with the locational criteria
15 for commercial and the goals, objectives, and policies as identified in the future land use
16 element of the Collier County GMP. The maximum density permissible in the C-2 district
17 and the urban mixed use land use designation shall be guided, in part, by the density
18 rating system contained in the future land use element of the Collier County GMP. The
19 maximum density permissible or permitted in a district shall not exceed the density
20 permissible under the density rating system.
21

22 1. The following uses, as identified with a number from the Standard Industrial
23 Classification Manual (1987), or as otherwise provided for within this section are
24 permissible by right, or as accessory or conditional uses within the C-2
25 commercial convenience district.
26

- 27 a. *Permitted uses.*
28 * * * * *
29 34. Group care facilities (category I and II, except for homeless
30 shelters); care units, except for homeless shelters; nursing homes;
31 assisted living facilities pursuant § 400-402 429.02 F.S. and ch.
32 58A-5 59A-36 F.A.C.; and continuing care retirement communities
33 pursuant to § 651 F.S. and ch. 4-193 690-193 F.A.C.; all subject to
34 LDC section 5.05.04.
35 * * * * *

36 C. Commercial Intermediate District (C-3). The purpose and intent of the commercial
37 intermediate district (C-3) is to provide for a wider variety of goods and services intended
38 for areas expected to receive a higher degree of automobile traffic. The type and variety
39 of goods and services are those that provide an opportunity for comparison shopping,
40 have a trade area consisting of several neighborhoods, and are preferably located at the
41 intersection of two-arterial level streets. Most activity centers meet this standard. This
42 district is also intended to allow all of the uses permitted in the C-1 and C-2 zoning districts
43 typically aggregated in planned shopping centers. This district is not intended to permit
44 wholesaling type of uses, or land uses that have associated with them the need for outdoor
45 storage of equipment and merchandise. A mixed-use project containing a residential
46 component is permitted in this district subject to the criteria established herein. The C-3
47 district is permitted in accordance with the locational criteria for commercial and the goals,
48 objectives, and policies as identified in the future land use element of the Collier County
49 GMP. The maximum density permissible in the C-3 district and the urban mixed use land
50 use designation shall be guided, in part, by the density rating system contained in the
51 future land use element of the Collier County GMP. The maximum density permissible or

permitted in the C-3 district shall not exceed the density permissible under the density rating system.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the commercial intermediate district (C-3).

a. Permitted uses.

* * * * * 41. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § § 400.402 429.02 F.S. and ch. 58A-5 59A-36 F.A.C.; and continuing care retirement communities pursuant to § 651 F.S. and ch. 4-193 69O-193 F.A.C.; all subject to LDC section 5.05.04.

D. General Commercial District (C-4). The general commercial district (C-4) is intended to provide for those types of land uses that attract large segments of the population at the same time by virtue of scale, coupled with the type of activity. The purpose and intent of the C-4 district is to provide the opportunity for the most diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions, at a larger scale than the C-1 through C-3 districts. As such, all of the uses permitted in the C-1 through C-3 districts are also permitted in the C-4 district. The outside storage of merchandise and equipment is prohibited, except to the extent that it is associated with the commercial activity conducted on-site such as, but not limited to, automobile sales, marine vessels, and the renting and leasing of equipment. Activity centers are suitable locations for the uses permitted by the C-4 district because most activity centers are located at the intersection of arterial roads. Therefore, the uses in the C-4 district can most be sustained by the transportation network of major roads. The C-4 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

1. The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the general commercial district (C-4).

a. Permitted uses.

* * * * * 26. Business services - miscellaneous (7381, 7389 - except auctioneering service, automobile recovery, automobile repossession, batik work, bottle exchanges, bronzing, cloth cutting, contractors' disbursement, cosmetic kits, cotton inspection, cotton sampler, directories-telephone, drive-away automobile, exhibits-building, filling pressure containers, field warehousing, fire extinguisher, floats-decoration, folding and refolding, gas systems, bottle labeling, liquidation services, metal slitting and shearing, packaging and labeling, patrol of electric transmission or gas lines,

pipeline or powerline inspection, press clipping service, recording studios, repossession service, rug binding, salvaging of damaged merchandise, scrap steel cutting and slitting, shrinking textiles, solvent recovery, sponging textiles, swimming pool cleaning, tape slitting, ~~texture~~ [textile](#) designers, textile folding, tobacco sheeting, and window trimming service).

* * * * *

64. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § ~~400.402~~ [429.02](#) F.S. and ch. ~~58A-5~~ [59A-36](#) F.A.C.; and continuing care retirement communities pursuant to § 651 F.S. and ch. ~~4-193~~ [690-193](#) F.A.C.; all subject to [LDC](#) section 5.05.04.

* * * * *

E. Heavy Commercial District (C-5). In addition to the uses provided in the C-4 zoning district, the heavy commercial district (C-5) allows a range of more intensive commercial uses and services which are generally those uses that tend to utilize outdoor space in the conduct of the business. The C-5 district permits heavy commercial services such as full-service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services, and similar uses that typically have a need to store construction associated equipment and supplies within an enclosed structure or have showrooms displaying the building material for which they specialize. Outdoor storage yards are permitted with the requirement that such yards are completely enclosed or opaquely screened. The C-5 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the heavy commercial district (C-5).

a. *Permitted uses.*

* * * * *

76. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § ~~400.402~~ [429.02](#) F.S. and ch. ~~58A-5~~ [59A-36](#) F.A.C.; and continuing care retirement communities pursuant to § 651 F.S. and ch. ~~4-193~~ [690-193](#) F.A.C.; all subject to [LDC](#) section 5.05.04.

* * * * *

#

2.03.05 - Civic and Institutional Zoning Districts

* * * * *

B. Community Facility District (CF). The purpose and intent of (CF) district is to implement the GMP by permitting nonresidential land uses as generally identified in the urban designation of the future land use element. These uses can be characterized as public facilities, institutional uses, open space uses, recreational uses, water-related or dependent uses, and other such uses generally serving the community at large. The dimensional standards are intended to insure compatibility with existing or future nearby

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1 residential development. The CF district is limited to properties within the urban mixed use
2 land use designation as identified on the future land use map. 1.

3
4 1. The following uses are permitted as of right, or as accessory or conditional uses,
5 in the community facility district (CF).

6
7 a. *Permitted uses.*

8 * * * * *
9 5. Nursing homes, assisted living facilities (ALF) pursuant to §
10 ~~400.402~~ 429.02 F.S. and ch. ~~58A-5~~ 59A-36, family care facilities,
11 group care facilities (category I) and continuing care retirement
12 communities pursuant to § 651 F.S. and ch. ~~4-193~~ 690-193 F.A.C.;
13 all subject to LDC section 5.05.04.
14 * * * * *
15 # # # # # # # # # # # # # #

16 17 2.03.07 - Overlay Zoning Districts

18 * * * * *
19
20 H. Santa Barbara Commercial Overlay District (SBCO). Special conditions for properties
21 abutting the east side of Santa Barbara Boulevard and the west side of 55th Terrace
22 S.W., as referenced in the Santa Barbara Commercial Subdistrict Map (Map 7) of the
23 Golden Gate Area Master Plan. This is referenced as figure 2.03.07 H. below.

24 * * * * *
25 6. The following uses, as identified within the latest edition of the Standard Industrial
26 Classification Manual, or as otherwise provided for within this section, are
27 permitted as of right, or as uses accessory to permitted primary or secondary
28 uses, or are conditional uses within the Santa Barbara Commercial Overlay
29 District.

30
31 a. *Permitted uses.*

32 * * * * *
33 39. Group care facilities (category I and II, except for homeless
34 shelters); care units , except for homeless shelters; nursing
35 homes; assisted living facilities pursuant to § ~~400.402~~ 429.02 F.S.
36 and ch. ~~58A-5~~ 59A-36 F.A.C.; and continuing care retirement
37 communities pursuant to ~~F.S. § 651 and ch. 4-193~~ § 651 F.S. and
38 ch. 690-193 F.A.C.; all subject to LDC section 5.05.04.
39 * * * * *
40 # # # # # # # # # # # # # #

41 42 2.03.08 - Rural Fringe Zoning Districts

43
44 A. Rural Fringe Mixed-Use District (RFMU District).

45 * * * * *
46 2. RFMU receiving lands. RFMU receiving lands are those lands within the RFMU
47 district that have been identified as being most appropriate for development and
48 to which residential development units may be transferred from RFMU sending
49 lands. Based on the evaluation of available data, RFMU receiving lands have a
50 lesser degree of environmental or listed species habitat value than RFMU
51 sending lands and generally have been disturbed through development or

previous or existing agricultural operations. Various incentives are employed to direct development into RFMU receiving lands and away from RFMU sending lands, thereby maximizing native vegetation and habitat preservation and restoration. Such incentives include, but are not limited to: the TDR process; clustered development; density bonus incentives; and, provisions for central sewer and water. Within RFMU receiving lands , the following standards shall apply, except as noted in [LDC](#) subsection 2.03.08 A.1. above, or as more specifically provided in an applicable PUD.

a. Outside rural villages.

* * * * *

(4) Design Standards.

* * * * *

(b) Clustered development:

* * * * *

ii. Minimum yard requirements

a) single-family. Each single-family lot or parcel minimum yard requirement shall be established within an approved PUD, or shall comply with the following standards:

* * * * *

iv) Accessory: Per [LDC](#) section ~~4.02.01~~ [4.02.03](#).

b) multi-family. For each multi-family lot or parcel minimum yard shall be established within an approved PUD, or shall comply with the following standards:

* * * * *

v) Accessory: [LDC](#) section ~~4.02.01~~ [4.02.03](#).

* * * * *

#

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

* * * * *

L. Other areas. In addition to the height limitations imposed in LDC sections 4.02.06 (C)-(K) 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.

* * * * *

2. Except as otherwise provided in 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 result in a potential hazard to air navigation within Collier County by exceeding any of the following:

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1 a. A height of ~~500~~ 499 feet above ground level at the site of the object.
2 * * * * *
3 # # # # # # # # # # # # # #

4
5 **10.02.03 - Requirements for Site Development, Site Improvement Plans and Amendments**
6 **thereof**

7 * * * * *
8
9 F. *Site plan with deviations for redevelopment projects.*
10 * * * * *

11 5. *Public notice.* Public notice of the hearing shall be as required by the LDC section
12 10.03.06 ~~Q~~ R and Chapter 6 of the Administrative Code.
13 * * * * *
14 # # # # # # # # # # # # # #

15
16 **10.02.05 - Construction, Approval, and Acceptance of Required Improvements**

17 * * * * *
18
19 B. Preliminary Acceptance of Required Subdivision Improvements by the County Engineer
20 or designee. Preliminary acceptance by the County Engineer or designee shall identify
21 that the subdivision or development is substantially safe for public occupancy.
22 * * * * *

23 2. Submittal requirements. Upon completion of all required improvements contained
24 in the approved construction plans, the applicant's professional engineer of record
25 shall provide the following materials for the review by the County Engineer or
26 designee:

27
28 a. ~~Competition~~ Completion Certificate. The applicant's professional engineer
29 of record shall submit a completion certificate for the required
30 improvements completed. The completion certificate shall be based on
31 information provided by the project professional surveyor and mapper and
32 the engineer's own observations. The completion certificate shall not be
33 based on "information provided by the contractor." The applicant's
34 professional engineer of record shall document that the required
35 improvements have been installed in compliance with the approved
36 construction plans. Any discrepancy shall be brought to the attention of the
37 County Engineer or designee and resolved to the satisfaction of the County
38 Engineer or designee.
39 * * * * *
40 # # # # # # # # # # # # # #

41
42 **10.02.13 - Planned Unit Development (PUD) Procedures**

43 * * * * *
44
45 I. *Applicability.* All applications for either a PUD rezoning or an amendment to an existing
46 PUD document or PUD master plan submitted after January 8, 2003, shall comply with
47 the amended procedures set forth in LDC section ~~2.02.12~~ 10.02.13 of this Code. All PUDs
48 existing and future, shall comply with the sunset provisions established pursuant to LDC
49 section ~~2.02.12~~ 10.02.13 D. of this Code.
50 * * * * *
51 # # # # # # # # # # # # # #

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APPENDIX A- STANDARD PERFORMANCE SECURITY DOCUMENTS FOR REQUIRED IMPROVEMENTS

The following specimen forms are to be used as a guide for preparation of bonding instruments which will be submitted to the Collier County Board of County Commissioners for guaranteeing the completion of required improvements with respect to this Code. Adherence to the forms will assure an expeditious review by the Development Services Division and the Collier County Attorney's Office. Deviation in substance or form from the suggested specimen forms may result in a substantial delay or disapproval of the bonding provisions for Required Improvements by the Development Services Division or the County Attorney's Office. These specimen forms may be revised from time to time by resolution of the Board of County Commissioners.

Appendix A consists of the following specimen forms:

* * * * *

A.1. Subdivision Improvements

* * * * *

b. The Performance Bond shall be substantially as follows:

* * * * *

IN WITNESS WHEREOF, the parties hereto have caused this PERFORMANCE BOND to be executed this ___ day of _____.

WITNESSES:	(Owner Name and Title if Corporation)
	By: _____
_____	_____
Printed Name	Printed Name/Title
	(Provide Proper Evidence of Authority)

Printed Name	

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
THE FOREGOING PERFORMANCE BOND WAS ACKNOWLEDGED BEFORE ME THIS DAY _____
OF _____, 20____, BY (NAME OF ACKNOWLEDGER) AS (TITLE) OF (NAME OF COMPANY) WHO
IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED _____ AS IDENTIFICATION.
Notary Public - State of _____
(SEAL)

Printed Name

Notarial Acknowledgement
Per Requirements of § 117.05, Florida Statutes

DRAFT

1 STATE OF [state]
2 COUNTY OF [county]

3
4 The foregoing instrument was acknowledged before me by means of physical presence or
5 online notarization, this day of [year] , by [name of person] as [type of authority, e.g.
6 president or vice president] for [legal name of entity] , who is personally known or
7 has produced [type of identification] as identification.

8
9 [signature of Notary Public]

10
11 [the notary public's official seal]

12
13 [printed name of Notary Public]

14

WITNESSES:	(Surety Name and Title if Corporation)
_____	By: _____
Printed Name	Printed Name/Title
	(Provide Proper Evidence of Authority)

Printed Name	

15

ACKNOWLEDGEMENT

16

17 ~~STATE OF _____~~

18 ~~COUNTY OF _____~~

19 ~~THE FOREGOING PERFORMANCE BOND WAS ACKNOWLEDGED BEFORE ME THIS DAY~~
20 ~~_____ OF _____, 20____, BY (NAME OF ACKNOWLEDGER) AS (TITLE) OF (NAME OF~~
21 ~~COMPANY) WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED _____ AS~~
22 ~~IDENTIFICATION.~~

23 ~~Notary Public - State of _____~~

24 ~~(SEAL)~~

25 ~~_____~~

26 ~~Printed Name~~

27

Notarial Acknowledgement
Per Requirements of § 117.05, Florida Statutes

28

29

30 STATE OF [state]

31 COUNTY OF [county]

32

33 The foregoing instrument was acknowledged before me by means of physical presence or
34 online notarization, this day of [year] , by [name of person] as [type of authority, e.g.
35 president or vice president] for [legal name of entity] , who is personally known or
36 has produced [type of identification] as identification.

37

38 [signature of Notary Public]

39

DRAFT

[the notary public's official seal]

[printed name of Notary Public]

* * * * *

A.2. Excavation Improvements

* * * * *

b. The Performance Bond for Excavation Work shall be substantially as follows:

* * * * *

IN WITNESS WHEREOF, the parties hereto have caused this PERFORMANCE BOND to be executed this ____ day of _____, 20____.

WITNESSES:	(Owner Name and Title if Corporation)
_____	By: _____
Printed Name	Printed Name/Title (Provide Proper Evidence of Authority)

Printed Name	

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
THE FOREGOING PERFORMANCE BOND WAS ACKNOWLEDGED BEFORE ME THIS DAY _____
OF _____, 20____, BY (NAME OF ACKNOWLEDGER) AS (TITLE) OF (NAME OF COMPANY) WHO
IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED _____ AS IDENTIFICATION.

Notary Public - State of _____

(SEAL)

Printed Name

Notarial Acknowledgement
Per Requirements of § 117.05, Florida Statutes

STATE OF [state]

COUNTY OF [county]

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of [year] , by [name of person] as [type of authority, e.g. president or vice president] for [legal name of entity] , who is personally known or has produced [type of identification] as identification.

[signature of Notary Public]

[the notary public's official seal]

[printed name of Notary Public]

DRAFT

WITNESSES:	(Owner Name and Title if Corporation)
_____	By: _____
Printed Name	Printed Name/Title (Provide Proper Evidence of Authority)

Printed Name	

ACKNOWLEDGEMENT

STATE OF _____
 COUNTY OF _____
 THE FOREGOING PERFORMANCE BOND WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY
 OF _____, 20____, BY (NAME OF ACKNOWLEDGER) AS (TITLE) OF (NAME OF COMPANY) WHO
 IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED _____ AS IDENTIFICATION.
 Notary Public - State of _____
 (SEAL)

 Printed Name

Notarial Acknowledgement
Per Requirements of § 117.05, Florida Statutes

STATE OF [state]
COUNTY OF [county]

The foregoing instrument was acknowledged before me by means of physical presence or
online notarization, this [day] day of [year] , by [name of person] as [type of authority, e.g.
president or vice president] for [legal name of entity] , who is personally known or
has produced [type of identification] as identification.

[signature of Notary Public]

[the notary public's official seal]

[printed name of Notary Public]

* * * * *

A.3. Early Work Improvements

* * * * *

b. The Performance Bond for Early Work shall be substantially as follows:

* * * * *

IN WITNESS WHEREOF, the parties hereto have caused this PERFORMANCE BOND to be
 executed this _____ day of _____, 20_____.

WITNESSES:	(Owner Name and Title if Corporation)
_____	By: _____

DRAFT

Printed Name	Printed Name/Title (Provide Proper Evidence of Authority)

Printed Name	

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ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
THE FOREGOING PERFORMANCE BOND WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY
OF _____, 20____, BY (NAME OF ACKNOWLEDGER) AS (TITLE) OF (NAME OF COMPANY) WHO
IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED _____ AS IDENTIFICATION.
Notary Public - State of _____
(SEAL)

Printed Name

Notarial Acknowledgement
Per Requirements of § 117.05, Florida Statutes

STATE OF [state]
COUNTY OF [county]

The foregoing instrument was acknowledged before me by means of physical presence or
online notarization, this day of [year] , by [name of person] as [type of authority, e.g.
president or vice president] for [legal name of entity] , who is personally known or
has produced [type of identification] as identification.

[signature of Notary Public]

[the notary public's official seal]

[printed name of Notary Public]

WITNESSES:	(Owner Name and Title if Corporation)
_____	By: _____
Printed Name	Printed Name/Title (Provide Proper Evidence of Authority)

Printed Name	

28
29
30
31

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

DRAFT

~~THE FOREGOING PERFORMANCE BOND WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BY (NAME OF ACKNOWLEDGER) AS (TITLE) OF (NAME OF COMPANY) WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED _____ AS IDENTIFICATION.~~

~~Notary Public - State of _____
(SEAL)~~

~~_____
Printed Name~~

Notarial Acknowledgement
Per Requirements of § 117.05, Florida Statutes

STATE OF [state]
COUNTY OF [county]

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this [] day of [year] , by [name of person] as [type of authority, e.g. president or vice president] for [legal name of entity] , who is personally known or has produced [type of identification] as identification.

[signature of Notary Public]

[the notary public's official seal]

[printed name of Notary Public]

* * * * *

A.4. Site Development Plan Improvements

* * * * *

b. The Performance Bond for Site Development Plans shall be substantially as follows:

* * * * *

IN WITNESS WHEREOF, the parties hereto have caused this PERFORMANCE BOND to be executed this _____ day of _____, 20____.

WITNESSES:	(Owner Name and Title if Corporation)
	By: _____

Printed Name	Printed Name/Title (Provide Proper Evidence of Authority)

Printed Name	

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

DRAFT

~~THE FOREGOING PERFORMANCE BOND WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BY (NAME OF ACKNOWLEDGER) AS (TITLE) OF (NAME OF COMPANY) WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED _____ AS IDENTIFICATION.~~

~~Notary Public - State of _____
(SEAL)~~

~~_____
Printed Name~~

Notarial Acknowledgement
Per Requirements of § 117.05, Florida Statutes

STATE OF [state]
COUNTY OF [county]

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this [] day of [year] , by [name of person] as [type of authority, e.g. president or vice president] for [legal name of entity] , who is personally known or has produced [type of identification] as identification.

[signature of Notary Public]

[the notary public's official seal]

[printed name of Notary Public]

WITNESSES:	(Owner Name and Title if Corporation)
_____	By: _____
Printed Name	Printed Name/Title (Provide Proper Evidence of Authority)

Printed Name	

ACKNOWLEDGEMENT

~~STATE OF _____~~

~~COUNTY OF _____~~

~~THE FOREGOING PERFORMANCE BOND WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BY (NAME OF ACKNOWLEDGER) AS (TITLE) OF (NAME OF COMPANY) WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED _____ AS IDENTIFICATION.~~

~~Notary Public - State of _____
(SEAL)~~

~~_____
Printed Name~~

Notarial Acknowledgement
Per Requirements of § 117.05, Florida Statutes

STATE OF [state]
COUNTY OF [county]

EXHIBIT A

1 **F.S. and F.A.C. Correction Table**
 2

LDC Section or Zoning District-Term/Use	Prior Citation	Updated Citation
1.08.0212.03.02LDC 1.08.02 Definitions:		
Assisted Living Facility	400.407 F.S.	400.62 F.S.
Family Care Facility	10A-5019 F.A.C.	59A-36.00 F.A.C.
LDC Zoning Districts: A, E, RSF-1 through 6, RMF-6, RMF-12, RMF-16, RT, VR, C-1 through C-5, CF and the Overlay Zoning District for SBCO.		
Assisted Living Facility	400.402 F.S.	429.02 F.S.
	58A-5 F.A.C.	59A-36 F.A.C.
Continuing Care Facilities	4-193 F.A.C.	69O-193 F.A.C.

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EXHIBIT B

1 Federal Aviation Administration DOT: 14 CFR Part 77, Subpart C § 77.17

2

Federal Aviation Administration, DOT

§ 77.19

(1) Available for public use and is listed in the Airport/Facility Directory, Supplement Alaska, or Supplement Pacific of the U.S. Government Flight Information Publications; or

(2) A planned or proposed airport or an airport under construction of which the FAA has received actual notice, except DOD airports, where there is a clear indication the airport will be available for public use; or

(3) An airport operated by a Federal agency or the DOD; or

(4) An airport that has at least one FAA-approved instrument approach.

§ 77.17 Obstruction standards.

(a) An existing object, including a mobile object, is, and a future object would be an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:

(1) A height of 499 feet AGL at the site of the object.

(2) A height that is 200 feet AGL, or above the established airport elevation, whichever is higher, within 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 from the airport up to a maximum of 499 feet.

(3) 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.

(4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.

(5) The surface of a takeoff and landing area of an airport or any imaginary surface established under § 77.19, 77.21, or 77.23. However, no part of the takeoff or landing area itself will be considered an obstruction.

(b) Except for traverse ways on or near an airport with an operative

ground traffic control service furnished by an airport traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:

(1) 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.

(2) 15 feet for any other public roadway.

(3) 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.

(4) 23 feet for a railroad.

(5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

§ 77.19 Civil airport imaginary surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach procedure existing or planned for that runway end.

(a) *Horizontal surface.* A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of a 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:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting