



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20200001602

ORIGIN

Growth Management Department

HEARING DATES

BCC TBD
 CCPC 11/19/20
 DSAC 10/07/20
 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
Approval

DSAC
Approval

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 2.02.12 D” 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 Part 77, Subpart C § 77.17(a)(1)

DRAFT

1 Amend the LDC as follows:

2
3 **1.08.02 Definitions**

4
5 * * * * *
6 *Assisted living facility:* Any building(s), section of a building, distinct part of a building,
7 residence, private home, boarding home, or other place, whether operated for profit or
8 not, which undertakes through its ownership or management to provide for a period
9 exceeding 24 hours, housing, food service, and 1 or more personal services for 4 or more
10 adults, not related to the owner or administrator by blood or marriage, who require such
11 services and to provide limited nursing services, when specifically licensed to do so
12 pursuant to § ~~400.407~~ [400.062](#) F.S. A facility offering personal services or limited nursing
13 services for fewer than 4 adults is within the meaning of this definition if it formally or
14 informally advertises to or solicits the public for residents or referrals and holds itself out
15 to the public to be an establishment that regularly provides such services.

16 * * * * *
17 *Family care facility:* A residential facility designed to be occupied by not more than 6
18 persons under care, plus ~~supervisors~~ [staff](#) as required by ~~subsection 10A-5.019, FAG rule~~
19 [59A-36.010, F.A.C.](#) and constituting a single dwelling unit (i.e., adult congregate living
20 facility for: aged persons; developmentally disabled persons; physically disabled or
21 handicapped persons; mentally ill persons; and persons recovering from alcohol and/or
22 drug abuse. Foster care facilities are also included, but not the uses listed under group
23 care facility (category II). This use shall be applicable to single-family dwelling units and
24 mobile homes.

25 * * * * *
26 # # # # # # # # # # # # # #

27
28 **2.03.01 - Agricultural Districts.**

29
30 A. Rural Agricultural District (A). The purpose and intent of the rural agricultural district (A) is
31 to provide lands for agricultural, pastoral, and rural land uses by accommodating
32 traditional agricultural, agricultural related activities and facilities, support facilities related
33 to agricultural needs, and conservation uses. Uses that are generally considered
34 compatible to agricultural uses that would not endanger or damage the agricultural,
35 environmental, potable water, or wildlife resources of the County, are permissible as
36 conditional uses in the A district. The A district corresponds to and implements the
37 Agricultural/Rural land use designation on the future land use map of the Collier County
38 GMP, and in some instances, may occur in the designated urban area. The maximum
39 density permissible in the rural agricultural district within the urban mixed use district shall
40 be guided, in part, by the density rating system contained in the future land use element
41 of the GMP. The maximum density permissible or permitted in A district shall not exceed
42 the density permissible under the density rating system. The maximum density permissible
43 in the A district within the agricultural/rural district of the future land use element of the
44 Collier County GMP shall be consistent with and not exceed the density permissible or
45 permitted under the agricultural/rural district of the future land use element.

46
47 1. The following subsections identify the uses that are permissible by right and the
48 uses that are allowable as accessory or conditional uses in the rural agricultural
49 district (A).

50 * * * * *

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 F.S.; and continuing
7 care retirement communities pursuant to § ~~ch. 651~~ F.S. and ch. ~~4-193~~ 690-
8 193 F.A.C., all subject to LDC section 5.05.04 when located within the
9 Urban Designated Area on the Future Land Use Map to the Collier County
10 Growth 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 § ~~ch. 651~~ F.S. and ch. ~~4-193~~ 690-193 F.A.C.; all subject
39 to 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

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

* * * * *

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

* * * * *

7. Group care facilities (category I); care units subject to the provisions of LDC subsection 2.03.02 3.h; 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 § ch. 651 F.S. and ch. ~~4-193~~ 69O-193 F.A.C.; all subject to LDC section 5.05.04.

* * * * *

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

* * * * *

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

DRAFT

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 § ch. 651
5 F.S. 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 § ch. 651 F.S. and ch. 4-193 690-193 F.A.C.; all subject
35 to
36 * * * * *

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

DRAFT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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 residential multi-family-16 district (RMF-16).

* * * * *

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

* * * * *

6. Group care facilities (category I and II); care units; 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 § [ch.](#) 651 F.S. and ch. ~~4-193~~ [690-193](#) F.A.C.; all subject to [LDC](#) section 5.05.04.

* * * * *

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

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 residential tourist district (RT).

* * * * *

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

* * * * *

4. Group care facilities (category I and II); care units; 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 § [ch.](#) 651 F.S. and ch. ~~4-193~~ [690-193](#) F.A.C.; all subject to [LDC](#) section 5.05.04.

* * * * *

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

DRAFT

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 village residential district (VR).

* * * * *

c. *Conditional uses.* The following uses are permissible as conditional uses in the village residential district (VR), subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

8. Group care facilities (category I and II); care units; 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 § [ch.](#) 651 F.S. and ch. ~~4-193~~ [690-193](#) F.A.C.; all subject to [LDC](#) section 5.05.04.

* * * * *

#

2.03.03 - Commercial Zoning Districts

A. Commercial Professional and General Office District (C-1). The purpose and intent of the commercial professional and general office district C-1 is to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most C-1 commercial, professional, and general office districts are contiguous to, or when within a PUD, will be placed in close proximity to residential areas, and, therefore, serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building. Housing may also be a component of this district as provided for through conditional use approval.

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 C-1 commercial professional and general office district.

* * * * *

a. *Permitted uses.*

20. 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 § [ch.](#) 651 F.S. and ch. ~~4-193~~ [690-193](#) F.A.C.; all subject to [LDC](#) section 5.05.04.

* * * * *

DRAFT

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 § ch. 651 F.S. and ch. 4-193 690-193 F.A.C.; all subject
34 to 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.

* * * * *

42. 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 § ch. 651 F.S. and ch. 4-193 690-193 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 § [ch.](#) 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 § [ch.](#) 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

DRAFT

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

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

a. Permitted uses.

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

2.03.07 - Overlay Zoning Districts

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

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

a. Permitted uses.

* * * * * 39. 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 F.S. § 651 and ch. 4-193 ch. 651 F.S. and ch. 690-193 F.A.C.; all subject to LDC section 5.05.04. * * * * * # # # # # # # # # # # # #

2.03.08 - Rural Fringe Zoning Districts

* * * * * A. Rural Fringe Mixed-Use District (RFMU District). * * * * *

2. RFMU receiving lands. RFMU receiving lands are those lands within the RFMU district that have been identified as being most appropriate for development and to which residential development units may be transferred from RFMU sending lands. Based on the evaluation of available data, RFMU receiving lands have a lesser degree of environmental or listed species habitat value than RFMU 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:

DRAFT

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 # # # # # # # # # # # # # #

DRAFT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

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
16 **ACKNOWLEDGEMENT**
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
28 Per Requirements of § 117.05, Florida Statutes

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 [year] day of [month], 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	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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] 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]

DRAFT

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

5
6 [signature of Notary Public]

7
8 _____ [the notary public's official seal]

9
10 [printed name of Notary Public]

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

EXHIBIT A

F.S. and F.A.C. Correction Table

LDC Section or Zoning District-Term/Use	Prior Citation	Updated Citation
LDC 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.

1
2

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

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