

**COLLIER COUNTY  
GROWTH MANAGEMENT PLAN**

**CONSERVATION AND COASTAL MANAGEMENT ELEMENT**

Prepared by  
Collier County Planning and Zoning Department  
Comprehensive Planning Section

Prepared for  
COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS  
Adopted October, 1997

**AMENDMENTS TO COLLIER COUNTY GROWTH MANAGEMENT PLAN  
CONSERVATION AND COASTAL MANAGEMENT ELEMENT**

<u>SYMBOL</u>	<u>DATE AMENDED</u>	<u>ORDINANCE NO.</u>
	May 1, 1990	90-32
	February 5, 1991	91-15
	May 19, 1992	92-34
	May 9, 2000	2000-25 **
	May 9, 2000	2000-26 ***
(I)	May 9, 2000	2000-27
(II)	October 22, 2002	2002-54
(III)	June 19, 2002	2002-32 *****
(IV)	December 16, 2003	2003-67
(V)	October 26, 2004	2004-71
(VI)	January 25, 2007	2007-16 #
(VII)	December 14, 2010	2010-49 ##
(VIII)	October 25, 2011	2011-40
(IX)	January 8, 2013	2013-12 ###
(X)	January 27, 2015	2015-07
(XI)	June 13, 2017	2017-20 ♦
(XII)	September 24, 2019	2019-28
(XIII)	May 10, 2022	2022-17
(XIV)	September 27, 2022	2022-35B

The parenthesized Roman numeral symbols enumerated above appear throughout this Element and provide informational citations to adopted documents recorded in the Official Records of Collier County, as required by Florida law. These symbols are for informational purposes only, meant to mark entries amended after the 1997 adoption of the full Element and typically found in the margins of this document, but are not themselves adopted.

Note: Amendments made by Ordinance Nos. 90-32, 91-15 and 92-34 are no longer denoted on the pages of the Element with Roman numeral symbols.

\* Indicates adopted portions.

\*\* Ordinance No. 2000-25 rescinded and repealed in its entirety Collier County Ordinance No. 99-63, which had the effect of rescinding certain EAR-based (1996 EAR objectives and policies at issue in Administration Commission Case No. ACC-99-02 (DOAH Case No. 98-0324GM).

\*\*\* Ordinance No. 2000-26 amended Ordinance No. 89-05, as amended, the Collier County Growth Management Plan, having the effect of rescinding certain EAR-based (1996 EAR) objectives and policies at issue in Administration Commission Case No. ACC-99-02 (DOAH Case No. 98-0324GM), more specifically portions of the Intergovernmental Coordination Element (Ord. No. 98-56), Natural Groundwater Aquifer Recharge (Ord. No. 97-59) and Drainage (Ord. No. 97-61) sub-elements of the Public Facilities Element, Housing Element (Ord. No. 97-63), Golden Gate Area Master Plan (Ord. No. 97-64), Conservation and Coastal Management Element (Ord. No. 97-66), and the Future Land Use Element and Future Land Use Map (Ord. No. 97-67); and readopting Policy 2.2.3 of the Golden Gate Area Master Plan.

\*\*\*\* Ordinance No. 99-82 amended Ordinance No. 89-05, as amended, the Collier County Growth Management Plan, pursuant to the Final Order dated June 22, 1999, in Administration Commission Case No. ACC-99-02 (DOAH Case No. 98-0324GM). This Ordinance was found “in compliance” by DCA, that determination was challenged, an Administrative Law Judge issued a Recommended Order that sided with DCA, and DCA issued a Final Order finding the Ordinance “In Compliance.”

\*\*\*\*\* The above Ordinance No. 2002-32 was adopted on June 19, 2002. However, due to legal challenges, it did not become effective until the [then] Florida Department of Community Affairs issued its Final Order on July 22, 2003.

# Based on 2004 Evaluation and Appraisal Report (EAR). Also, Policy 6.1.2 revised to remove text found Not In Compliance by DCA pertaining to Section 24 (T49S, R26E) in the North Belle Meade Overlay.

## Policy 6.1.2 revised Remedial Amendment per above 2004 Evaluation and Appraisal Report (EAR), to add text found In Compliance by DCA pertaining to Section 24 (T49S, R26E) in the North Belle Meade Overlay.

### Based on 2011 Evaluation and Appraisal Report (EAR).

(VI) **I. INTRODUCTION**

(VI)(X) Subsection 163.3177(6)(d), Florida Statutes requires all local governments within the State of Florida to have, as part of their respective Local Government Comprehensive Plans, an Element, dealing with “the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, water wells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation.”

(VI)(X) This Subsection also requires local Conservation Elements to consider the applicable Water Management District water supply plans or water management plans. More specifically, the Conservation Element must assess their “current and projected, water needs and sources for at least a 10-year period.”

(VI)(X)(XIII)

In addition to the Conservation Element, Subsection 163.3177(6)(g), Florida Statutes, also requires certain designated local governments (including Collier County) to have an element of the local comprehensive plan dealing with coastal management. This Coastal Management Element must “set forth the policies that shall guide the local government's decisions and program implementation with respect to the following objectives:”

1. Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.
2. Continued existence of viable populations of all species of wildlife and marine life.
3. The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
4. Avoidance of irreversible and irretrievable loss of coastal zone resources.
5. Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development.
6. Proposed management and regulatory techniques.
7. Limitation of public expenditures that subsidize development in high-hazard coastal areas.
8. Protection of human life against the effects of natural disasters.
9. The orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.
10. Preservation, including sensitive adaptive use of historic and archaeological resources.
11. Development of an adaptation action area designation for those low-lying coastal zones that are experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. Local governments that adopt an adaptation action area may consider policies within the coastal management element to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea-level rise.

(XIII) = Plan Amendment by Ordinance No. 2022-17 on May 10, 2022

(VI)(XIII) The statute further relates the functions of the Conservation and Coastal Elements so that, in effect, local governments in designated coastal areas, such as Collier County, are required to prepare a Conservation and Coastal Management Element, which fulfills the requirements for both Elements. Accordingly, Collier County's Conservation and Coastal Management Element is divided into fourteen (14) separate goal areas. These may be summarized as follows:

1. Protection of natural resources;
2. Protection of surface and estuarine water resources;
3. Protection of groundwater resources;
4. Protection of freshwater resources;
5. Protection of mineral and soil resources;
6. Protection of native vegetation and wildlife habitat;
7. Protection of fisheries and wildlife;
8. Maintenance of existing air quality;
9. Management of hazardous materials and hazardous wastes;
10. Protection of coastal resources;
11. Protection of historic resources;
12. Hurricane evacuation and sheltering;
13. Avoiding duplication of regulations; and
14. Reduction of flood risks that result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

## II. GOALS, OBJECTIVES & POLICIES

### GOAL 1:

- (IX) **TO PLAN FOR THE PROTECTION, CONSERVATION, MANAGEMENT AND APPROPRIATE USE OF THE COUNTY'S NATURAL RESOURCES.**

(VI)(IX)(XI)

#### **OBJECTIVE 1.1:**

Maintain a comprehensive environmental management and conservation program to ensure that natural resources, including State and Federally listed animal species within the County are properly, appropriately, and effectively identified, managed, and protected.

(VI)(XI)

#### **Policy 1.1.1:**

Collier County has established and will maintain an Environmental Advisory Council (EAC), which advises and assists the appropriate County agencies, the Collier County Planning Commission (CCPC) and the Board of County Commissioners (BCC) in implementing the County's environmental resources management programs.

(VI)(XI)

#### **Policy 1.1.2:**

Collier County has incorporated the Goals, Objectives and Policies of this Conservation and Coastal Management Element into the Collier County Land Development Code as the County's standards for environmental resources protection and management. The Land Development Code shall be revised, to reflect the adoption of new and/or revised natural resources management and environmental protection standards and criteria.

(VI)

#### **Policy 1.1.3:**

Collier County shall continue to support established environmental policies by maintaining an appropriately administered and professionally staffed governmental unit capable of developing, administering, and providing long-term direction for the protection and management of the County's environmental resources.

(VI)

#### **Policy 1.1.4:**

The appropriate County agencies shall continue cooperation with private natural resource conservation and management organizations, as well as Regional, State, and Federal environmental agencies and will work with other local governments to identify and manage shared natural resources.

(VI)

#### **Policy 1.1.5:**

Collier County shall maintain a conservation program, which attempts to equitably balance the relationship between the benefits derived from, and the costs incurred by such a program to both the public and private sectors.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

(V)(VI)(IX)

**Policy 1.1.6:**

In those areas of the County where oil extraction and related processing is an allowable use, such use shall be subject to applicable state and federal oil and gas permits and the County's non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed as of January 13, 2005, the effective date of this amendment to the County's Comprehensive Plan, and regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in the County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of the County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C. even if outside the defined Big Cypress Watershed. All access roads to oil and gas uses shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)(1) through (12), F.A.C.

(VI)(IX)

**OBJECTIVE 1.2:**

Maintain the framework for an integrated, computer-based environmental resources data storage, analysis, and graphics system that is based on relevant, appropriate and professionally accepted data.

(IX) **Policy 1.2.1:**

The County shall annually update the environmental resources databases based on the previous year's analytical data in order to monitor the status of the County's natural resources and propose potential protection measures when appropriate.

(IX) **Policy 1.2.2:**

As much as possible, the system will be compatible and capable of being tied into existing geographic information and/or data management systems currently utilized by the South Florida Water Management District, Southwest Florida Regional Planning Council, the Florida Department of Environmental Protection, and the Florida Natural Areas Inventory.

(IX) **Policy 1.2.3:**

Data gathering will be coordinated with that of Federal, State and private resource management organizations to minimize duplication of effort and enhance the quality of information.

(IX) **Policy 1.2.4:**

Non-GIS-based data collected shall be organized by established water-shed and sub-basin units.

(IX) **Policy 1.2.5:**

County environmental resources data will be made available to both public and private entities in order to promote and improve local environmental resources planning and management.

(IX) = Plan Amendment by Ordinance No. 2013-12 on January 8, 2013

(II)(IX) **OBJECTIVE 1.3:**  
Protect identified environmental systems through the Natural Resource Protection Area (NRPA) and Rural Lands Stewardship programs.

(VI)(IX) **Policy 1.3.1:**  
The NRPA program shall direct incompatible land uses away from significant environmental systems that exist at a landscape scale, contain large systems of connected wetland and upland habitats, and support a wide variety of listed species. The program shall include the following:

- (V)(IX)(XI) a. Identification and mapping of NRPA's as an overlay to the Future Land Use Map; (During the Assessment for the Rural Fringe area, the County has determined that CREW Trust lands, Belle Meade, and a portion of the Northern Belle Meade be identified as NRPA's. The County also has determined that the South Golden Gate Estates is a NRPA. The specific boundaries have been identified as NRPA's on the Future Land Use Map.)
- b. A process for verifying the existence and boundaries of NRPA's during development permit applications;
- c. Guidelines and standards for development of NRPA's including conservation guidelines to protect natural resource values, to maintain ecologically functioning systems, and to restore or mitigate NRPA's already degraded. Allowable land uses, vegetation preservation standards, development standards, and listed species protection criteria for the NRPA's are those contained in the NRPA Overlay within the Future Land Use Element.
- d. A review process, integrated into the normal development application review, to ensure that the guidelines and standards are being met;
- e. A program to defer development of NRPA's. First consideration should be fee simple purchase (based on public referenda approving and funding purchases). Other options should include, but not be limited to, tax incentives and transfer of development rights;
- f. A program to pursue Delegation of Authority Agreements with State and Federal Permitting agencies for local regulation of activities that may alter the biological and physical characteristics of NRPA's;
- (IX) g. The County shall seek assistance from, and support, State and/or Federal land acquisition programs for County areas qualifying as NRPA's.

(II)(XI) **Policy 1.3.2**  
The overall purpose and description of the Rural Stewardship program is defined in the *Rural Lands Stewardship Area (RLSA) Overlay* found in the in the Future Land Use Element. A Stewardship Credit system has been established that shall serve as the primary basis for the protection of Flowway Stewardship Areas (FSAs), Habitat Stewardship Areas (HSAs) and Water Retention Areas (WRAs). The RLSA Overlay also contains policies that shall direct incompatible land uses away from FSAs, HSAs and WRAs in order to protect wetlands, upland habitats and listed species within the RLSA.

(II) **Policy 1.3.3:**  
Continue with management guidelines as defined within the County LDC that provide for the management and conservation of the habitats, species, natural shoreline and dune systems for the undeveloped coastal barrier and estuarine natural resources protection area.

(II)(IX) **Policy 1.3.4:**  
Where possible, the implementation of the NRPA program shall be coordinated with the preparation and implementation of watershed and sub-basin management plans.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017



(IX) **GOAL 2:  
TO PROTECT THE COUNTY'S SURFACE AND ESTUARINE WATER RESOURCES.**

(VI)(IX) **OBJECTIVE 2.1:**

Prepare Watershed Management Plans, which contain appropriate mechanisms to protect the County's estuarine and wetland systems. Until the Watershed Management Plans are completed, the County shall apply the following as interim standards for development:

- (IX)(X)(XI) a. All new development and re-development projects shall meet 150% of the water quality volumetric requirements of Section 4.2.1(a) of the *Environmental Resource Permit Applicant's Handbook Volume II for use within the Geographic Limits of the South Florida Water Management District* (2014), and the retention and detention requirements, and the allowable off-site discharge rates provided in the Code of Laws and Ordinances;
- b. Loss of storage or conveyance volume resulting from direct impacts to wetlands shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or adjacent to the impacted wetland.
- (IX) c. Floodplain storage compensation shall be evaluated for developments within the designated Flood Hazard Area (flood zones starting with the letter "V" or "A") as depicted on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency with an effective date of May 16, 2012. Floodplain storage compensation shall also be evaluated for areas known to be periodically inundated by intense rainfall or sheetflow conditions.
- (XI) d. All development located within areas identified on Figure 1 shall be evaluated to determine impacts to natural wetlands, flowways, or sloughs. For this particular evaluation, natural wetlands, flowways, or sloughs shall be tentatively identified as contiguous lands having a continual preponderance of wetland or wet facultative plant species and a ground elevation through the major portion of the natural wetland, flowway, or slough at least one (1) foot lower than the ground at the edge of the natural wetland, flowway, or slough. The edge of the natural wetlands, flowways, or sloughs shall be identified by field determination and based upon vegetation and elevation differences from the adjacent uplands or transitional wetlands. The County shall require the applicant to avoid direct impacts to these natural wetlands, flowways, or sloughs or, when not possible, to ensure any direct impact is minimized and compensated for by providing the same conveyance capacity lost by the direct impact. The County shall adhere to the limiting discharge rates of each basin as provided in the Code of Laws and Ordinances.
- e. All new development and re-development projects shall ensure surrounding properties will not be adversely impacted from the project's influence on stormwater sheet flow.
- (IX) f. Prior to commencement of development, the applicants of a development project shall obtain any necessary state and federal environmental permits.
- g. Within one year of the effective date of these amendments, the County shall adopt land development regulations to require Best Management Practices of future development or re-development projects. Best Management Practices means structural and non-structural facilities or practices intended to reduce pollution either through source control or treatment of stormwater.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

Figure 1. Restoration Project Areas Where Interim Development Standard 2.1.d is Applicable [See Figure 1 following CCME text.]

**Policy 2.1.1:**

These Plans will evaluate activities in the watersheds that drain into the estuaries in order to evaluate cumulative impacts on the estuarine system as well as impacts within the watersheds themselves.

**Policy 2.1.2:**

The Plans will provide for various tasks such as monitoring land-disturbing activities in the watersheds, collecting canal flow and water quality data, stormwater quality data, and assessing habitat changes.

**Policy 2.1.3:**

The Plans will also evaluate structural and non-structural controls for restoring historical hydroperiods in impacted watersheds where possible and for reducing the impacts of canal and stormwater discharges to estuaries.

(VI) **Policy 2.1.4:**

All Watershed Management Plans shall address the following concepts:

- a. Appropriate wetlands and uplands serving as a buffer to wetlands are conserved;
- b. Drainage systems do not degrade wetland and estuary ecosystems;
- c. Surface water that potentially could recharge ground water is not unduly drained away;
- d. When feasible the extent and effects of salt-water intrusion are lessened;
- e. The timing and flow of fresh water into the estuaries from the watershed shall, as a minimum, not degrade estuarine resource value;
- f. The needs of the watershed's natural resources and human populations are balanced;
- g. The effects on natural flood plains, stream channels, native vegetative communities and natural protective barriers which are involved in the accommodation of flood waters;
- h. Non-structural rather than structural methods of surface water management should be considered first in any proposed new works;

(VI) i. Wetland and estuarine habitat functions are conserved and/or enhanced; and

(VI) j. Wetland and estuarine ecosystems will be conserved and/or enhanced using a variety of innovative tools, including landowner incentives, public acquisition, conservation easements, and/or transferable development rights.

(VI) **Policy 2.1.5:**

Upon establishment of the various Watershed Management Plans for Collier County, all environmental data collection, environmental management and environmental planning activities conducted by Collier County shall be conducted using a basin-by-basin approach.

(VI) **Policy 2.1.6:**

Until the completion and adoption of individual watershed management plans, promote water management permitting on a basin by basin approach.

(VI) = Plan Amendment by Ordinance No. 2007-16 on January 25, 2007

- (VI)(IX) **Policy 2.1.7:**  
The County shall lead and promote coordination between other governmental agencies involved with watershed planning, including, but not limited to, the municipalities of Marco Island, Naples and Everglades City, the Florida Department of Environmental Protection, the South Florida Water Management District, the Florida Fish and Wildlife Conservation Commission, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers and other governmental agencies. The County shall continue to lead and oversee the preparation of the necessary watershed management plans, and include in their review the work performed and/or data collected by other agencies, to the extent that these agencies have data and/or experience, which may be useful within the watershed basin planning and management process.
- (IX) **OBJECTIVE 2.2:**  
Require all canals, rivers, and flow ways discharging into estuaries to meet all applicable Federal, State, or local water quality standards
- (VI) **Policy 2.2.1:**  
Wastewater treatment plants shall not be allowed to discharge directly to rivers, canals or jurisdictional wetlands unless they meet Florida Department of Environmental Protection (FDEP) regulations and are not in violation of other Goals, Objectives and Policies of this Element.
- (IX) **Policy 2.2.2:**  
In order to limit the specific and cumulative impacts of stormwater run-off, stormwater systems shall be designed in such a way that discharged water does not degrade receiving waters and an attempt is made to enhance the timing, quantity and quality of fresh water to the estuarine system. Non-structural methods such as discharge and storage into wetlands are encouraged.
- Policy 2.2.3:**  
Chemical spraying for aquatic weed control should be conducted with extreme caution. The use of appropriate biological and mechanical (use of harvesting equipment to remove vegetation) controls in both the canal system and stormwater detention ponds is encouraged. Manufacturers and EPA guidelines for chemical use in aquatic habitat will be followed.
- Policy 2.2.4:**  
Continue and expand when needed the existing water quality monitoring program for sampling canals and rivers and assess the data annually.
- (VI)(IX) **Policy 2.2.5:**  
The County will seek technical assistance from the South Florida Water Management District, and coordinate with the Florida Department of Environmental Protection, to develop and implement a plan to encourage stormwater management systems be periodically inspected, if feasible, by an appropriate professional for compliance with their approved design, and any deficiencies be corrected.
- (IX) **OBJECTIVE 2.3:**  
Develop and implement a plan, in coordination with the Florida Department of Environmental Protection, to ensure all estuaries meet all applicable federal, state and local water quality standards.

(IX) = Plan Amendment by Ordinance No. 2013-12 on January 8, 2013

**Policy 2.3.1:**

No new untreated point source discharge shall be permitted directly to the estuarine system or rivers or canals that flow into the estuarine system.

**Policy 2.3.2:**

Stormwater systems discharging directly to estuaries shall be designed to meet the same requirements as stated in Policy 2.2.2.

(VI) **Policy 2.3.3:**

All watershed basin modification activities shall include appropriate detention and retention criteria, consistent with the rules and regulations of the South Florida Water Management District, Big Cypress Basin Board and Collier County, as may be applicable.

(IX) **Policy 2.3.4:**

The County shall continue to refine its water quality and sediment monitoring program for the estuarine system.

**Policy 2.3.5:**

Continue to have staff coordinate with the City of Naples staff regarding coordinated and cooperative planning, management, and funding programs for limiting specific and cumulative impacts on Naples Bay and its watershed. At a minimum, this agreement includes the following:

- a. Insure adequate sites for water dependent uses,
- b. Prevent estuarine pollution,
- c. Control run-off,
- d. Protect living marine resources,
- e. Reduce exposure to natural hazards,
- f. Ensure public access,
- g. Provide a continuing monitoring program.

(VI)(IX)(XI)

**Policy 2.3.6:**

The County shall only allow development activities which will not adversely impact coastal water resources. This shall be implemented through the following mechanisms:

- a. Require all applicable Federal and State permits addressing water quality to be submitted to the County before commencement of development.
- b. Excluding single family homes, any project impacting five (5) acres or more of wetlands shall provide a pre and post development water quality analysis to demonstrate no increase in nutrient loading in the post development scenario.

(VI)(IX) **OBJECTIVE 2.4:**

Take a coordinated and cooperative approach with the Florida Department of Environmental Protection (FDEP) regarding environmental planning, management and monitoring programs for Rookery Bay and Cape Romano – Ten Thousand Islands Aquatic Preserves and their watersheds. (As part of this process, the County shall continue to notify FDEP of development projects within the watersheds of these preserve areas.)

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

**Policy 2.4.1:**

At a minimum the County shall notify Department of Environmental Protection of proposed land development projects that could affect these preserves.

**Policy 2.4.2:**

The County shall request the Department of Environmental Protection staff to participate in the development of future coastal and watershed management plans.

**Policy 2.4.3:**

The County will request the cooperation of the Department of Environmental Protection to gather data and information needed for monitoring water quality, habitat changes and land use activities within the watersheds of these preserves.

(IX) **OBJECTIVE 2.5:**

Continue to implement the estuarine management program by requiring development to meet its current standards addressing stormwater management, and the protection of seagrass beds, dune and strand, and wetland habitats.

(IX) **Policy 2.5.1:**

The County shall continue to identify land use activities that have the potential to degrade the estuarine environmental quality.

(IX) **Policy 2.5.2:**

The estuarine management program shall incorporate information obtained from the various watershed management plans described elsewhere in this Element.

(IX) **Policy 2.5.3:**

The estuarine management program shall, in part, continue to be based on the estuarine data analyses and management recommendations contained in the County's coastal management program's technical reports.

(IX) **GOAL 3:**

**TO PROTECT THE COUNTY'S GROUND WATER RESOURCES TO ENSURE THE HIGHEST WATER QUALITY PRACTICAL.**

(I)(VI)(IX)

**OBJECTIVE 3.1:**

Meet all applicable Federal and State ground water quality standards and monitor ground water quality to determine whether development activities are contributing to its degradation.

(IX) **Policy 3.1.1:**

Ground water data and land use activities shall be assessed annually to determine long-term trends and whether the County is meeting Federal and State regulatory standards for ground water quality.

(IX) = Plan Amendment by Ordinance No. 2013-12 on January 8, 2013

(IX) **Policy 3.1.2:**

The County shall require ground water monitoring of land uses in accordance with Chapters 62-520, 62-550 and 62-777 of the Florida Administrative Code. Upon the detection of any ground water degradation determined through the monitoring process, the County shall notify the appropriate regulatory agencies.

(IX) **Policy 3.1.3:**

The County shall maintain its groundwater monitoring network by coordinating with various state agencies and private land owners to create a comprehensive inventory of monitoring wells, an assessment of monitoring wells previously damaged, and provide for appropriate well repairs and replacements.

(I)(IX)(XI) **Policy 3.1.4:**

Wellhead protection areas identified on the Future Land Use Map Series shall be protected as follows:

1. Wellhead protection areas consist of four (4) Wellfield Risk Management Zones defined as follows:
  - a) Zone W-1 is the land area surrounding the identified potable water wellfield wellheads and extends to the five percent (5%) ground water capture zone boundary line (which approximates the one (1) year ground water travel time to the wellfield).
  - b) Zone W-2 is the land area between the W-1 boundary line and the ten percent (10%) ground water capture zone boundary line (which approximates the two (2) year ground water travel time to the potable water wellfield).
  - c) Zone W-3 is the land area between the W-2 boundary line and the twenty-five percent (25%) ground water capture zone boundary line (which approximates the five (5) year ground water travel time to the potable water wellfield).
  - d) Zone W-4 is the land area between the W-3 boundary line and the one-hundred percent (100%) ground water capture zone boundary line (which approximates the twenty (20) year ground water travel time to the potable water wellfield).
2. Land uses are restricted within the wellfield risk management zones as follows:
  - a) Future solid waste disposal facilities are prohibited in all wellfield risk management zones.
  - b) Future solid waste transfer stations are prohibited in zones W-1, W-2, and W-3.
  - c) Future solid waste storage, collection, and recycling storing hazardous products and hazardous wastes are prohibited in zones W-1, W-2, and W-3.
  - d) Future non-residential uses involving hazardous products in quantities exceeding 250 liquid gallons or 1,000 pounds of solids must provide for absorption or secondary containment in zones W-1, W-2, and W-3.
  - e) Future domestic wastewater treatment plants are prohibited in zone W-1.
  - f) Future land disposal systems must meet high level disinfection standards as found in Title 40 CFR part 135.
  - g) Land application of domestic residuals are required to limit metal concentration (nitrogen based on uptake ability of vegetation), and require a Conditional Use.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

- h) Future petroleum exploration and production and expansions of existing activities are prohibited in zones W-1 and W-2, and require a Conditional Use in zones W-3 and W-4.
- i) Future on-site disposal systems (septic tanks) requiring a soil absorption area greater than 1,000 square feet are allowed to discharge in zone W-1 subject to complying with construction standards and provision of an automatic dosing device and a low-pressure lateral distribution.
- j) On-site sewage disposal systems (septic tanks) serving existing industrial uses and subject to the thresholds in d) and e) above within wellfield zones W-1, W-2, and W-3 are required to meet all construction and operating standards contained in 64E-10, F.A.C. as the rule existed on August 31, 1999 and to implement a ground water monitoring plan.

3. Conditional uses referenced within this Policy shall be granted only when development impacts will be isolated from the Surficial and Intermediate aquifers.

(IX) **Policy 3.1.5:**

The County shall coordinate with the South Florida Water Management District and the Big Cypress Basin in the development and implementation of a salt water intrusion monitoring program.

(I)(IX) **OBJECTIVE 3.2:**

Continue the well construction compliance program based upon criteria specified in the Collier County Well Construction Ordinance, to ensure proper well construction and promote aquifer protection.

(I) **Policy 3.2.1:**

County inspectors who are appropriately trained and knowledgeable of drilling and grouting techniques required in Collier County will inspect the drilling and grouting process of all types of wells drilled in the County.

(I) **Policy 3.2.2:**

Implement the South Florida Water Management District's well construction standards in the Collier County Well Construction Ordinance that will provide for inspections and penalties if well drillers do not follow these standards.

(I)(VI) **Policy 3.2.3:**

Collier County shall continue to provide informational materials and hold informational workshops (for well contractors, well drillers and the general public) concerning the importance of following proper well drilling and construction techniques in Collier County.

(I)(VI) **Policy 3.2.4:**

The County shall cooperate with the South Florida Water Management District in identifying and plugging improperly abandoned wells.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

- (I) **OBJECTIVE 3.3:**  
Continue to identify, refine extents of, and map zones of influence and contribution around potable wellfields in order to identify activities that must be regulated to protect ground water quality near wellfields. (Refer to Objective 1.1 in the Natural Ground Water Aquifer Recharge Sub-Element.)
- (I) **Policy 3.3.1:**  
Maintain and refine a 3-dimensional computer model that calculates cones of depression around significantly sized existing and planned potable wellfields.
- (I)(VI)(XI) **Policy 3.3.2:**  
Collier County shall use its three-dimensional computer model to calculate the actual “cones of depression” around the County’s existing potable water wellfields. After at least 15 days publication of the maps of the proposed “zones of protection” for each such wellfield before each hearing by the EAC, Planning Commission and the Board of County Commissioners, the County shall then amend the appropriate elements of this Growth Management Plan to show such “cones of depression” as “zones of protection” within the Future Land Use Map Series.
- (I) **Policy 3.3.3:**  
Continue to identify and delineate existing land uses that possess the greatest potential for wellfield contamination.
- (I)(IX) **OBJECTIVE 3.4:**  
Collect and evaluate data and information designed to monitor the quality of ground water in order to identify the need for additional protection measures. (Refer to Objective 3 in the Natural Ground Water Aquifer Recharge Sub-Element.)
- (IX) **Policy 3.4.1:**  
The existing water quality monitoring program shall continue to provide base-line data, evaluate long-term trends – including salinity trending, identify water quality problems, and evaluate the effectiveness of the County's ground water protection program.
- Policy 3.4.2:**  
Coordinate data gathering activities with State and Federal agencies to minimize duplication of efforts and enhance the quality of information gathered.
- (VI) **Policy 3.4.3:**  
Groundwater quality monitoring data shall be assessed annually to determine whether monitoring and evaluation activities require expansion, modification or reduction. The data will also be assessed for the purpose of determining whether County groundwater protection ordinances should be amended.
- (IX) **Policy 3.4.4:**  
The County, in coordination with the South Florida Water Management District and the Big Cypress Basin, shall gather and use appropriate data to refine and improve the database used in the County’s 3-dimensional ground water model.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017



- (IX) **GOAL 4:**  
**TO CONSERVE, PROTECT AND APPROPRIATELY MANAGE THE COUNTY'S FRESH WATER RESOURCES.**
- (IX) **OBJECTIVE 4.1:**  
Collect and evaluate data and information to accurately determine water use in the County.
- (IX) **Policy 4.1.1:**  
The County shall track all permitted wells and wells having consumptive use permits.
- (IX) **Policy 4.1.2:**  
Use as much as possible the existing reporting requirements and computer database of the South Florida Water Management District.
- (IX) **Policy 4.1.3:**  
The County, in coordination with the South Florida Water Management District, shall work with the agricultural community to devise a method for determining agricultural pumpage.
- (IX) **Policy 4.1.4:**  
Compile from appropriate local, State, Federal and private organizations the water use requirements of the native plant and animal community associations within the County.
- (VI)(XI) **OBJECTIVE 4.2:**  
Continue to promote conservation of Collier County's potable water supply and continue to develop, implement and refine a comprehensive conservation strategy through the Collier County Water-Sewer District and the Collier County Water and Wastewater Authority, which identifies specific goals for reducing per capita potable water consumption.
  - Policy 4.2.1:**  
Continue to rely on the South Florida Water Management District to take appropriate measures to conserve water in emergency situations.
  - (VI) **Policy 4.2.2:**  
The County shall negotiate agreements with area golf courses to accept and use treated wastewater effluent for irrigation when and where such treated effluent is available from existing and future wastewater treatment plants.
    - Policy 4.2.3:**  
Identify existing and future publicly owned lands suitable for irrigation with treated wastewater effluent, such as government building grounds, parks and highway medians, and incorporate these into future planning for effluent disposal.
    - Policy 4.2.4:**  
Identify existing and future privately owned lands suitable for irrigation with treated wastewater effluent, such as cemeteries, agricultural operations, nurseries and commercial/industrial parks, and incorporate these into future planning for effluent disposal.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

**Policy 4.2.5:**

Evaluate and make recommendations, where appropriate, for plumbing fixtures and landscapes that are designed for water conservation purposes.

(IX) **GOAL 5:  
TO PROTECT, CONSERVE AND APPROPRIATELY USE THE COUNTY'S MINERAL AND SOIL RESOURCES.**

**OBJECTIVE 5.1:**

Allow the extraction or use of mineral resources in the County provided such activities comply with applicable industry and government standards regarding health, safety, and environmental protection.

(VI) **Policy 5.1.1:**

The Future Land Use Element (FLUE) and the Golden Gate Area Master Plan (GGAMP) Element of this Growth Management Plan (GMP) delineate future land use designations, districts and/or subdistricts wherein mineral extraction operations are allowed, either by right, or through a conditional use permit. The Collier County Land Development Code (LDC) may allow mineral extraction activities in appropriate zoning districts, consistent with the provisions and limitations contained within this Plan.

(VI) **Policy 5.1.2:**

Mineral extraction operations shall comply with standards and criteria as provided in the County's Excavation and Blasting Ordinances.

(VI) **Policy 5.1.3:**

Depth of excavation and dewatering shall be restricted in areas where saline water can intrude into the bottom of the pits. (Also, refer to Policy 3.3.1.)

(VI) **Policy 5.1.4:**

Collier County shall monitor the status of all established state water quality monitoring programs for mineral extraction activities. The results of the permitted monitoring program shall be copied to Collier County. In the event that a mining operation is in violation of water quality parameters established by the permit, Collier County shall have the right to order a suspension of the mining activities until the water quality violation is resolved.

**OBJECTIVE 5.2:**

Continue to reclaim the total disturbed area of extraction sites in order to ensure adequate assessment and mitigation of site specific and cumulative impacts resulting from mineral extraction activities.

(VI) **Policy 5.2.1:**

Reclamation standards for mineral extraction activities shall be as required by the 1986 State of Florida Resource Extraction Reclamation Act, and as referenced in Section 22-112, of the Collier County Code of Laws and Ordinances, as amended.

(IX) = Plan Amendment by Ordinance No. 2013-12 on January 8, 2013

(VI)(IX) **OBJECTIVE 5.3:**  
Periodically assess the types, quantities and location of minable mineral resources within the County.

(VI)(IX) **Policy 5.3.1:**  
The County's Engineering Review Services Section shall work with the Florida Department of Environmental Protection, the Florida Geological Survey and local mining industry officials to inventory and assess the existing mineral reserves in Collier County. The inventory and assessment shall incorporate use of a GIS-based database of all areas within the County that are permitted, either by right, or through a conditional use permit, to conduct mineral extraction operations as well as the volume of fill that is permitted to be removed for each such active mineral extraction operation.

(XI) **OBJECTIVE 5.4:**  
Maintain the County's program to control soil erosion through its regulations identifying criteria to control and reduce soil erosion and sediment transport from construction and other nonagricultural land disturbing activities.

**Policy 5.4.1:**

Rely on the USDA Natural Resources Conservation Service to provide the County with appropriate soil conservation guidelines for agriculture.

(IX)(X) **GOAL 6:**  
**TO IDENTIFY, PROTECT, CONSERVE AND APPROPRIATELY USE NATIVE VEGETATIVE COMMUNITIES AND WILDLIFE HABITAT.**

(II)(III)(VI)(IX)(XI)

**OBJECTIVE 6.1:**

Protect native vegetative communities through the application of minimum preservation requirements. (The Policies under this Objective apply to all of Collier County except for that portion of the County which is identified on the Countywide Future Land Use Map (FLUM) as the *Rural Lands Stewardship Area Overlay*.)

(II)(III)(VI)(IX)(X)(XI)(XII)

**Policy 6.1.1:**

For the County's Urban Designated Area, Estates Designated Area, Conservation Designated Area, and Agricultural/Rural Mixed Use District, Rural-Industrial District and Rural-Settlement Area District as designated on the FLUM, native vegetation shall be preserved through the application of the following minimum preservation and vegetation retention standards and criteria, unless the development occurs within the Area of Critical State Concern (ACSC) where the ACSC standards referenced in the Future Land Use Element shall apply. Notwithstanding the ACSC requirements, this Policy shall apply to all non-agricultural development except for single-family dwelling units situated on individual parcels that are not located within a watershed management conservation area identified in a Watershed Management Plan developed pursuant to Policies supporting Objective 2.1 of this Element. For property in Golden Gate Estates and designated Residential Estates in the Golden Gate Area Master Plan, the subdivision of parcels up to 13 acres in size into single family lots shall be treated as single family dwelling units under the preceding sentence. For properties not previously within the Coastal High Hazard Area but now within the Coastal High Hazard Area due to adoption of a revised Coastal High Hazard Area boundary in 2013, the native vegetation preservation and retention standards of the Non-Coastal High Hazard Area shall continue to apply. (Reference the Coastal High Hazard Area Comparison Map in the Future Land Use Element.)

(XII) = Plan Amendment by Ordinance No. 2019-28 on September 14, 2019

	Coastal High Hazard Area	Non-Coastal High Hazard Area
Residential and Mixed Use Development	Less than 2.5 acres 10% Equal to or greater than 2.5 acres 25%	Less than 5 acres.10% Equal to or greater than 5 acres and less than 20 acres. 15% Equal to or greater than 20 ac. 25%
Golf Course	35%	35%
Commercial and Industrial Development	Less than 5 acres. 10% Equal to or greater than 5 acres. 15%	Less than 5 acres.10% Equal to or greater than 5 acres. 15%
Industrial Development (Rural-Industrial District only)	50%, not to exceed 25% of the project site.	50%, not to exceed 25% of the project site.

The following standards and criteria shall apply to the vegetation retention requirements referenced above.

- (1) For the purpose of this Policy, “native vegetation” is defined as a vegetative community having 25% or more canopy coverage or highest existing vegetative strata of native plant species. The vegetation retention requirements specified in this Policy are calculated based on the amount of “native vegetation” that conforms to this definition.
- (2) The preservation of native vegetation shall include canopy, under-story and ground cover emphasizing the largest contiguous area possible, which may include connection to offsite preserves. The purpose for identifying the largest contiguous area is to provide for a core area that has the greatest potential for wildlife habitat by reducing the interface between the preserve area and development which decreases the conflicts from other land uses. Criteria for determining the dimensional standards of the preserve are to be set out in the Land Development Code.
- (3) Areas that fulfill the native vegetation retention standards and criteria of this Policy shall be set aside as preserve areas. On-site and off-site preserve areas shall be protected by a permanent conservation mechanism to prohibit further development, consistent with the requirements of this Policy. The type of permanent conservation mechanism, including conservation easements, required for a specific development may vary based on preserve area size, type of development approval, and other factors, as set forth in the County’s land development regulations.
- (4) Selection of native vegetation to be retained as preserve areas shall reflect the following criteria in descending order of priority:

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

- (V) a. Wetland or upland areas known to be utilized by listed species or that serve as corridors for the movement of wildlife shall be preserved and protected in order to facilitate the continued use of the site by listed species or the movement through the site, consistent with the requirements of Policy 7.1.1 and 7.1.2 of this Element.
- b. Xeric Scrub, Dune and Strand, Hardwood Hammocks.
- (V) c. Onsite wetlands having functionality scores of at least 0.65 WRAP or 0.7 UMAM, unless permitted for impact pursuant to Policy 6.2.4 of this Element. WRAP means South Florida Water Management District's Wetland Rapid Assessment Procedures as described in Technical Publication Reg 001 (September 1997, as updated August 1999). UMAM means Uniform Wetland Mitigation Assessment Method as described in Chapter 62-345, F.A.C.
- d. Any upland habitat that serves as a buffer to a wetland area as identified in Paragraph (4)c. above,
- e. Dry Prairie, Pine Flatwoods, and
- f. All other native habitats.
- (IX) (5) The uses allowable within preserve areas are limited to:
  - a. Passive recreational uses that do not impact the minimum required vegetation or cause a loss of function to the preserve area. Loss of function to the preserve area includes a reduction or a change in vegetation within the preserve and harming any listed species present in the preserve. More specific standards that implement this Policy shall be set forth in the land development regulations and will address various types of construction that are compatible with the function of the preserve. The land development regulations will also provide criteria to define appropriate passive recreational uses. The criteria will be established to allow for passive recreational uses such as trails or boardwalks that provide for access within the preserves, providing the uses do not reduce the minimum required vegetation or cause harm to listed species.
  - b. Receipt of treated stormwater discharge where such use, including conveyance, treatment and discharge structures, does not result in adverse impacts the naturally occurring, native vegetation, to include the loss of the minimum required vegetation acreage and the harm to any listed species according to the Policies associated with Objective 7.1, as determined by criteria set forth in land development regulations. Discharge to preserves having wetlands requires treatment that will meet water quality standards as set forth in Chapter 62-302, F.A.C. and will conform to the water quality criteria requirements set forth by the South Florida Water Management District.
- (6) A management plan shall be submitted for preserve areas identified by specific criteria in the land development regulations to identify actions that must be taken to ensure that the preserved areas will maintain natural diversity and will function as proposed. The plan shall include methods to address control and treatment of invasive exotic species, fire management, stormwater management (if applicable), and maintenance of permitted facilities. If applicable, a listed species monitoring program shall be submitted pursuant to Policy 7.1.2 (2)(i). State and federal management plans consistent with the requirements of the LDC will be accepted.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

- (IX) (7) All State and Federal parks, preserves and forests are subject to compliance with the minimum native vegetation retention requirements; however, such lands are not required to be designated as preserves, encumbered with conservation easements or subject to the establishment of preserve management plans.
- (8) Parcels that were legally cleared of native vegetation prior to January 1989 shall be exempt from this requirement.
- (9) Should the amount of wetland vegetation exceed the minimum vegetation requirements as specified herein, retention of wetland vegetation having significant habitat or hydrologic value is encouraged. Increased preservation shall be fostered through incentives including, but not limited to: clustered development, reduced development standards such as open space, setbacks, and landscape buffers, to allow for increased areas of preserved wetland vegetation. Significant habitat or hydrologic value is determined by wetland function, not the size of the wetland.
- (IX) (10) The County shall adopt land development regulations that allow for a process whereby a property owner may submit a petition requesting that all or a portion of the native vegetation preservation retention requirement to be satisfied by a monetary payment, land donation that contains native vegetative communities equal to or of a higher priority as described in Policy 6.1.1 (4) than the land being impacted, or other appropriate method of compensation to an acceptable land acquisition program, as required by the land development regulations. The monetary payment shall be used to purchase and manage native vegetative communities off-site. The land development regulations shall provide criteria to determine when this alternative will be considered. The criteria will be based upon the following provisions:
- a. The amount, type, rarity and quality of the native vegetation on site;
  - b. The presence of conservation lands adjoining the site;
  - c. The presence of listed species and consideration of Federal and State agency technical assistance;
  - d. The type of land use proposed, such as, but not limited to, affordable housing;
  - e. The size of the preserve required to remain on site is too small to ensure that the preserve can remain functional; and
  - f. Right of Way acquisitions for all purposes necessary for roadway construction, including ancillary drainage facilities, and including utilities within the right of way acquisition area.
- The land development regulations shall include a methodology to establish the monetary value, land donation, or other appropriate method of compensation to ensure that native vegetative communities not preserved on-site will be preserved and appropriately managed off-site.
- (11) Right of Way acquisitions by any governmental entity for all purposes necessary for roadway construction, including ancillary drainage facilities, and including utilities within the right of way acquisition area, shall be exempt from mitigation requirements.
- (12) Although the primary intent of this Policy is to retain and protect existing native vegetation, there are situations where the application of the retention requirements of this Policy is not possible. In these cases, creation or restoration of vegetation to satisfy all or a portion of the native vegetation retention requirements may be allowed. Within one year of the

(IX) = Plan Amendment by Ordinance No. 2013-12 on January 8, 2013

effective date of these amendments, the County shall adopt land development regulations to determine the circumstances for when creation or restoration is allowed and to specify criteria for creation and restoration.

- (IX) (13) The County may grant a deviation to the native vegetation retention requirements of subsections 2, 4, 5, 10, and 12 of this Policy, and shall adopt land development regulations to set forth the process for obtaining a deviation. The regulations shall allow for the granting of a deviation by the appropriate review board after a public hearing, and for the granting of a deviation administratively. The County shall consider the amount and type of native vegetation and the presence of listed species in determining whether the granting of a deviation requires a public hearing, or may be granted administratively.

The County may grant a deviation if:

- a. County, Federal or State agencies require that site improvements be located in areas which result in an inability to meet the provisions of this Policy, or
  - b. On or off-site environmental conditions are such that the application of one or more provisions of this Policy is not possible or will result in a preserve area of lesser quality, or
  - c. The strict adherence to these provisions will not allow for the implementation of other Plan policies that encourage beneficial land uses.
- (VIII) (14) In order to promote preservation of the highest quality wetlands and listed species habitat the required native vegetation for the Urban portion of the project may be shifted by providing native vegetation preservation in the Sending Lands portion of the project exceeding the 60% maximum preservation requirement found in Density Blending provisions of the FLUE for projects that:
- (a) Are under unified control,
  - (b) Straddle the Urban Residential Fringe and the Rural Fringe Mixed Use Sending Lands designations, and,
  - (c) Meet the maximum required 60 percent preservation requirement for the Sending Lands portion of the project.

The preservation ratio shall be two acres of Sending Lands (exceeding the 60% maximum preservation requirement) for each acre below the required amount of native vegetation for the Urban portion of the project. In no instance shall less than 10 percent of the required amount of native vegetation be retained in the Urban portion of the project. Significant Archeological Sites identified by the State of Florida Division of Historic Resources shall be preserved and cannot be mitigated for.

- (IX) (15) Industrial zoned parcels which, pursuant to the table within this Policy, would have a native vegetation retention requirement of 2 acres or less shall be exempt from this requirement. This exemption shall not apply to the overall native vegetation retention requirement for a PUD or subdivision used to create these parcels, unless the overall native vegetation retention requirement for the PUD or subdivision is 2 acres or less.

(II)(III)(VI)(IX)(XI)

**Policy 6.1.2:**

For the County's *Rural Fringe Mixed Use District*, as designated on the FLUM, native vegetation shall be preserved on site through the application of the following minimum preservation and vegetation retention standards and criteria. Additionally, for the Lake Trafford/Camp Keais Strand System located within the Immokalee Urban Designated Area, native vegetation shall be preserved on site through the application of the Neutral Lands standards in "b" below, on an interim basis, until such time as a study is completed to determine if different standards are appropriate for this area.

Preservation and Native Vegetation Retention Standards:

- a. Receiving Lands:  
A minimum of 40% of the native vegetation present, not to exceed 25% of the total site area shall be preserved.
- (VII) b. Neutral Lands:  
A minimum of 60% of the native vegetation present, not to exceed 45% of the total site area shall be preserved, except as provided in the North Belle Meade Overlay in the Future Land use Element for Section 24, Township 49 South, Range 26 East.  
*Additionally, for residential development in Section 24, if the dwelling units are not clustered, a minimum of 90% of the slash pine trees present shall be retained. Further restrictions are identified in the North Belle Meade Overlay in the FLUE. [The preceding 2 sentences in italics were adopted 1/25/07 but will NOT be applied or implemented by Collier County. They relate to text in the Future Land Use Element's North Belle Meade Overlay that was found to be "not in compliance" by the Florida Department of Community Affairs in letter dated 5/1/07.]*
- (V) c. Non-NRPA Sending Lands:  
Calculated at the higher value of 80% of the native vegetation present, or as may otherwise be permitted under the Density Rating provisions of the FLUE;
- (V) d. NRPA Sending Lands:  
Calculated at the higher value of 90% of the native vegetation present, or as may otherwise be permitted under the Density Blending provisions of the FLUE.
- e. Provisions a. through d. above shall also be consistent with the wetland protection policies set forth under CCME Objective 6.2.
- f. In order to ensure reasonable use and to protect the private property rights of owners of smaller parcels of land within lands designated Rural Fringe Mixed Use District on the Future Land Use Map, including nonconforming lots of record which existed on or before June 22, 1999, for lots, parcels or fractional units of land or water equal to or less than five (5) acres in size, native vegetation clearing shall be allowed, at 20% or 25,000 square feet of the lot or parcel or fractional unit, whichever is greater, exclusive of any clearing necessary to provide for a 15-foot wide access drive up to 660 feet in length. For lots and parcels greater than 5 acres but less than 10 acres, up to 20% of the parcel may be cleared. This allowance shall not be considered a maximum cleaning allowance where other provisions of this Plan allow for greater clearing amounts. These clearing limitations shall not prohibit the clearing of brush or under-story vegetation within 200 feet of structures in order to minimize wildfire fuel sources.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017



- g. Within Receiving and Neutral lands where schools and other public facilities are co-located on a site, the native vegetation retention requirement shall be 30% of the native vegetation present, not to exceed 25% of the site.
- (VI) (1) For the purpose of this Policy, “native vegetation” is defined as a vegetative community having 25% or more canopy coverage or highest existing vegetative strata of native plant species. The vegetation retention requirements specified in this Policy are calculated on the amount of “native vegetation” that conforms to this definition.
  - (VI) (2) The preservation of native vegetation shall include canopy, under-story and ground cover, emphasizing the largest contiguous area possible, which may include connection to offsite preserves. The purpose for identifying the largest contiguous area is to provide for a core area that has the greatest potential for wildlife habitat by reducing the interface between the preserve area and development which decreases the conflicts from other land uses. Criteria for determining the dimensional standards of the preserve are to be set out in the Land Development Code.
  - (VI) (3) Areas that fulfill the native vegetation retention standards and criteria of this Policy shall be set aside as preserve areas. On-site and off-site preserve areas shall be protected by a permanent conservation mechanism to prohibit further development, consistent with the requirements of this Policy. The type of conservation mechanism, including conservation easements, required for a specific development may vary based on preserve area size, type of development approval, and other factors, as set forth in the County’s land development regulations.
  - (VI) (4) Selection of native vegetation to be retained as preserve areas shall reflect the following criteria in descending order of priority:
    - a. Wetland or upland areas known to be utilized by listed species or that serve as corridors for the movement of wildlife shall be preserved and protected in order to facilitate the continued use of the site by listed species or the movement of wildlife through the site. This criterion shall be consistent with the requirements of Policy 7.1.1 and 7.1.2 of this Element.
    - b. Xeric Scrub, Dune and Strand, Hardwood Hammocks.
    - c. Onsite wetlands preserved pursuant to Policy 6.2.5 of this Element;
    - d. Any upland habitat that serves as a buffer to a wetland area, as identified in (4)c. above.
    - e. Dry Prairie, Pine Flatwoods, and
    - f. All other native habitats.
  - (VI) (5) The uses allowable within preserve areas are limited to:
    - a. Passive recreational uses that do not impact the minimum required vegetation or cause a loss of function to the preserve area. Criteria identifying what constitutes a loss of function shall be set forth in the land development regulations and will address various types of construction that are compatible with the function of the preserve. The land development regulations will also provide criteria to define appropriate passive recreational uses. The criteria will be established to allow for passive recreational uses such as trails or boardwalks that provide for access within the preserves, providing the uses do not reduce the minimum required vegetation or cause harm to listed species.
    - b. Receipt of treated stormwater discharge where such use, including conveyance, treatment and discharge structures, does not result in adverse impacts on the naturally occurring,

(VI) = Plan Amendment by Ordinance No. 2007-16 on January 25, 2007

Native vegetation, to include the loss of the minimum required vegetation and the harm to any listed species according to the Policies associated with Objective 7.1, as determined by criteria set forth in the land development regulations. Discharge to preserves having wetlands requires treatment that will meet water quality standards as set forth in Chapter 62-302, F.A.C. and will conform to the water quality criteria requirements set forth by the South Florida Water Management District.

- (VI) (6) A management plan shall be submitted for all preserve areas identified by specific criteria in the land development regulations to identify actions that must be taken to ensure that the preserved areas will function as proposed. The plan shall include methods to address control and treatment of invasive exotic species, fire management, stormwater management (if applicable), and maintenance of permitted facilities. If applicable, a listed species monitoring program shall be submitted pursuant to Policy 7.1.2 (2)(i).
- (7) Off-site preservation shall be allowed to provide flexibility in the project design.
- a. Within Receiving and Neutral Lands, off-site preservation shall be allowed for up to 50% of the vegetation retention requirement.
    - 1. Off-site preservation areas shall be allowed at a ratio of 1:1 if such off-site preservation is located within designated Sending Lands or at a ratio of 1.5:1 anywhere else.
    - 2. Like for like preservation shall be required for Tropical Hardwood and Oak Hammock vegetative communities.
  - b. Within non-NRPA Sending Lands, off-site preservation shall be allowed for up to 25% of the site preservation or vegetative retention requirement, whichever is controlling.
    - 1. Off-site preservation areas shall be contiguous to designated Sending Lands and shall be allowed at a ratio of 3:1.
  - c. Off-site preservation shall not be allowed in NRPA Sending Lands.
- (8) Density Bonus Incentives shall be granted to encourage preservation amounts greater than that required in this Policy, as provided for in the FLUE for Receiving Lands and Rural Villages. Within one (1) year of the effective date of these amendments, Collier County shall adopt specific land development regulations to implement this incentive program.
- (9) On-site preservation areas shall also conform to the Open Space requirements as specified in the Future Land Use Element. These preservations shall be part of and counted towards the Open Space requirements.
- (10) Existing native vegetation that is located contiguous to the natural reservation shall be preserved pursuant to Policy 6.5.2 of this Element. Natural reservation is defined as that specified in Objective 6.5 of this Element.
- (VI) (11) Should the amount of wetland vegetation exceed the minimum vegetation requirements as specified herein, retention of wetland vegetation having significant habitat or hydrologic value is encouraged. Increased preservation shall be fostered through incentives including, but not limited to: clustered development, reduced development standards such as open space, setbacks, and landscape buffers, to allow for increased areas of preserved wetland vegetation. Significant habitat or hydrologic value is determined by wetland function, not the size of the wetland.
- (IX) (12) All State and Federal parks, preserves and forests are subject to compliance with the minimum native vegetation retention requirements; however, such lands are not required to be designated as preserves, encumbered with conservation easements or subject to the establishment of preserve management plans.

(IX) = Plan Amendment by Ordinance No. 2013-12 on January 8, 2013

- (IX) (13) Industrial zoned parcels which, pursuant to the table within Policy 6.1.1, would have a native vegetation retention requirement of 2 acres or less shall be exempt from this requirement. This exemption shall not apply to the overall native vegetation retention requirement for a PUD or subdivision used to create these parcels, unless the overall native vegetation retention requirement for the PUD or subdivision is 2 acres or less.

(II) **Policy 6.1.3:**

For the County's *Rural Lands Stewardship Area (RLSA) Overlay*, as designated on the FLUM, native vegetation shall be preserved pursuant to the RLSA policies found in the Future Land Use Element.

(II)(III)(VI)

**Policy 6.1.4:** *[re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]*  
Prohibited invasive exotic vegetation shall be removed from all new developments.

- (1) Petitioners for site plan or plats shall submit and implement plans for invasive exotic plant removal and long-term control.
- (2) The petitioners for development permits shall prepare and submit native vegetation maintenance plans, which describe specific techniques to prevent re-invasion of the development site by prohibited exotic vegetation of the site in perpetuity.
- (3) The County shall maintain a list of prohibited invasive exotic vegetation species within the Collier County Land Development Code and will update such list as necessary.

(II)(III)(XI)

**Policy 6.1.5:** *[re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]*  
Agriculture shall be exempt from the above preservation requirements contained in Policies 6.1.1, and 6.1.2 of this Element provided that any new clearing of land for agriculture shall not be converted to non-agricultural development for 25 years. For any such conversions in less than 25 years, the requirements of Policy 6.1.1 and 6.1.2 of this Element shall be applied to the site at the time of the conversion. The percentage of native vegetation preserved shall be calculated on the amount of vegetation occurring at the time of the agricultural clearing, and if found to be deficient, a native plant community shall be restored to re-create a native plant community in all three strata (ground covers, shrubs and trees), utilizing larger plant materials so as to more quickly re-create the lost mature vegetation. Agricultural clearing within the *Rural Lands Stewardship Area (RLSA) Overlay* shall be allowed and guided by the RLSA policies found in the FLUE.

(II)(III)(VI)(IX)

**Policy 6.1.6:** *[re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]*  
The minimum native vegetation retention requirements of CCME Policy 6.1.2 shall not apply to, affect or limit the continuation of existing uses. Existing use shall be defined as: those uses for which all required permits were issued prior to June 19, 2002; or, projects for which a Conditional Use was approved by the County prior to June 19, 2002; or, projects for which a Rezone petition has been approved by the County prior to June 19, 2002 – inclusive of all lands not zoned A, Rural Agricultural; or, land use petitions for which a completed application was submitted prior to June 19, 2002. The continuation of existing uses shall include on-site expansions of those uses if such expansions are consistent with, or clearly ancillary to, the existing uses.

Hereafter, such previously approved developments shall be deemed to be consistent with the Plan's Goals, Policies and Objectives for the Rural Fringe area, and they may be built out in accordance with their previously approved plans. Changes to these previous approvals shall also be deemed to be consistent with the Plan's Goals, Objectives and Policies for the Rural Fringe

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

Area as long as they do not result in an increase in development density or intensity. On the County owned land located in Section 25, Township 26 E, Range 49 S (±360 acres), the native vegetation retention and site preservation requirements may be reduced to 50% if the permitted uses are restricted to the portions of the property that are contiguous to the existing land fill operations; exotic removal will be required on the entire ±360 acres.

(II)(III)(XIV)

**Policy 6.1.7:** [re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]

The County shall require native vegetation to be incorporated into landscape designs in order to promote the preservation of native plant communities and to encourage water conservation. This shall be accomplished by:

- (1) Providing incentives for retaining existing native vegetation in landscaped areas;
- (2) Establishing minimum native vegetation requirements for new landscaping; and,
- (3) Wet detention ponds within the Urban Designated area shall have a littoral shelf with an area equal to 2.5% of the ponds surface area measured at the control elevation and be planted with native aquatic vegetation. Wet detention ponds within the Rural Fringe Mixed Use District, shall have a littoral shelf with an area equal to 30% of the ponds surface area measured at the control elevation and be planted with native aquatic vegetation.

Within the Immokalee Road Rural Village Overlay, and implemented through a Planned Unit Development Rezone or Land Development Code Amendment, the total littoral planting shelf area may be reduced to 15% of the wet detention pond surface area within the Receiving lands, if provided in one or more larger aggregated littoral planting areas, thus providing greater habitat value, except within the two previously approved mining lakes where littoral shelves shall be provided as required in the respective approved Earth Mining Conditional Use Resolutions: Resolution 2012-015 for the mine located in Receiving lands, and Resolution 2001-032 for the mine located in the Neutral designated lands.

- (4) Stormwater management systems within the *Rural Lands Stewardship Area (RLSA) Overlay* shall be designed pursuant to the RLSA policies found in the Future Land Use Element.

(II)(III)(VI)

**Policy 6.1.8:** [re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]

An Environmental Impact Statement (EIS), or submittal of appropriate environmental data as specified in the County's land development regulations, is required, to provide a method to objectively evaluate the impact of a proposed development, site alteration, or project upon the resources and environmental quality of the project area and the community and to insure that planning and zoning decisions are made with a complete understanding of the impact of such decisions upon the environment, to encourage projects and developments that will protect, conserve and enhance, but not degrade, the environmental quality and resources of the particular project or development site, the general area and the greater community. The County's land development regulations shall establish the criteria for determining the type of proposed development requiring an EIS, including the size and nature of the proposed development, the location of the proposed development in relation to existing environmental characteristics, the degree of site alterations, and other pertinent information.

(II)(III)(XI)

**Policy 6.1.9:** [re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]

The County shall provide for adequate staff to implement the Policies supporting Objective 6.1.

(XIV) = Plan Amendment by Ordinance No. 2022-35B on September 27, 2023

(II)(III)(VI)(IX)(XI)

**OBJECTIVE 6.2:**

Protect and conserve wetlands and the natural functions of wetlands pursuant to the appropriate Policies under Goal 6. (The County's wetland protection policies and strategies are coordinated with the Watershed Management Plans as required by Objective 2.1 of this Element.)

(II)(III)(IX)

**Policy 6.2.1:**

Wetlands identified by the current SFWMD land use and land cover inventory are mapped on the Future Land Use Map series. For a proposed project identified on this map series, the exact location of jurisdictional wetland boundaries shall be verified by a jurisdictional field delineation, subject to Policy 6.2.2 of this Element, at the time of Environmental Resource Permitting.

(II)(III) **Policy 6.2.2:**

Wetlands shall be defined pursuant to Section 373.019 Florida Statutes. The location of jurisdictional wetland boundaries are further described by the delineation methodology in Section 373.421 Florida Statutes.

(II)(III)(VI)(XI)

**Policy 6.2.3:**

Collier County shall implement a comprehensive process to ensure wetlands and the natural functions of wetlands are protected and conserved. This wetland preservation and conservation process shall be coordinated with the Watershed Management Plan process, as referenced in Objective 2.1 of this Element. However, the process outlined within this Policy is primarily based on directing concentrated population growth and intensive development away from large interconnected wetland systems. These wetland systems have been identified based on their type, values, functions, sizes, conditions and locations within Collier County. These systems predominantly occur east of the County's Urban boundary, as delineated on the Countywide Future Land Use Map (FLUM), within the Future Land Use Element (FLUE). Many of these wetlands fall within public lands or land targeted for acquisition. High quality wetlands systems located on private property are primarily protected through native vegetation preservation requirements, or through existing PUD commitments, conservation easements, or Stewardship Sending Area Designations, or via the NRPA or Sending designations within the Rural Fringe Mixed Use District or land/easement acquisition, or innovative landowner incentives. Protection measures for wetlands and wetland systems located within the northeastern portion of Collier County, excluding the community of Immokalee, are contained in the Rural Lands Stewardship Area Overlay (RLSA Overlay) of the FLUE (and as depicted on the FLUM). Protection measures for wetlands and wetland systems located within the Urban and Estates designated areas of the County shall be based upon the jurisdictional determinations made by the applicable state or federal agency. Where permits issued by such state or federal agencies allow for impacts to wetlands within Urban and Estates designated areas and require mitigation for such impacts, the permitting agency's mitigation requirements shall be deemed to preserve and protect wetlands and their functions, except for wetlands that are part of a Watershed Management Plan preserve area. The County shall direct impacts away from such wetlands.

The large connected wetland systems that exist at the landscape scale in Collier County shall be protected through various Land Use Designations and Overlays that restrict higher intensity land uses and require specific land development standards for the remaining allowable land uses. Collier County shall direct incompatible land uses away from these large landscape scale wetland systems through implementation of the following protection and conservation mechanisms:

(VI) (1) *Conservation Designation*

Best available data indicates that 76% of all wetlands found in Collier County are contained within the boundaries of the Conservation Designation as depicted on the Countywide Future Land Use Map. The overall purpose of the Conservation Designation is to conserve and

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

maintain the natural resources of Collier County and their associated environmental, recreational, and economic benefits. The allowed land uses specified in the FLUE's Conservation Designation (*Reference FLUE Land Use Designation Section IV.*) will accommodate limited residential development and future non-residential development. These limitations support Collier County's comprehensive process to direct concentrated population growth and intensive land development away from large connected wetland systems.

- (VI)(X) (2) *Big Cypress Area of Critical State Concern (ACSC) Overlay*  
 Best available data indicates that seventy-four percent (74%) of the County's wetlands are within the Big Cypress Area of Critical State Concern Overlay. The land development regulations contained in the ACSC Overlay, as depicted on the Countywide Future Land Use Map, provide standards that facilitate the goal of directing higher intensity land uses away from wetland systems. The development standards for the ACSC Overlay (*Reference FLUE Land Use Designation Section V.*) specify that site alterations shall be limited to ten percent (10%) of the total site, except as provided by Agreement pursuant to Chapter 380.032(3), F.S. The majority of the land contained within the ACSC is also within the Conservation Designation and thus is subject to the land use limitations of that Land Use Designation.
- (VI)(X) (3) *Natural Resource Protection Areas (NRPAs)*  
 Major wetland systems and regional flow-ways were used as criteria to establish the NRPA Overlay as shown on the Future Land Use Map, and as discussed in FLUE Land Use Designation, Section V.C. These areas include high functioning wetland systems and, although portions of the NRPA Overlay include lands within the Conservation Designation, represent approximately 12% of the County's wetlands, which are not located in Conservation Lands. Based on the relatively high concentration of wetlands within NRPA designated lands, incompatible land uses shall be directed away from these areas. Allowable land uses within NRPAs are also subject to native vegetation retention and preservation standards of 90%.
- (VI) (4) *Rural Fringe Mixed Use District Sending Lands*  
 Best available data indicates that 16,000+ acres of wetlands are contained within designated Sending Lands and that such wetlands constitute approximately 70% of land cover in these areas. Incompatible land uses are directed away from the Rural Fringe Mixed Use District Sending Lands through an incentive-based Transfer of Development Rights (TDR) Program that allows land owners within these Sending Lands to transfer their residential density out of the Sending Lands to Rural Fringe Mixed Use District (and limited Urban) Receiving Lands. A complete description of the TDR Program is contained in the FLUE, Future Land Use Designation Description Section, Agricultural/Rural Designation, Rural Fringe Mixed Use District. Incompatible land uses are also directed away from Sending Lands through restrictions on allowable uses. Finally, allowable uses within these lands are also subject to native vegetation retention and preservation standards of 80% to 90%, as required by Policy 6.7.1 of this Element.
- (VI) (5) *Flowway Stewardship Areas*  
*[re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]*  
 Flowway Stewardship Areas have been designated within the Rural Lands Stewardship Area (RLSA) Overlay, as depicted on the Future Land Use Map, and are shown on the Rural Lands Study Area Natural Resource Index Map Series. Flowway Stewardship Areas (FSAs) are for the most part privately owned wetlands that are located within the Camp Keais Strand and Okaloacoochee Slough. These lands form the principal wetland flowway systems in the RLSA. The Overlay provides an incentive to permanently protect FSAs through the creation and transfer of Stewardship Credits. It also contains provisions that eliminate incompatible uses from the FSAs and, which establish protection measures.

(X) = Plan Amendment by Ordinance No. 2015-07 on January 27, 2015

(VI) (6) *Watershed Management Plans*

Collier County will establish watershed management plans throughout the County, but with particular emphasis on the Urban and Estates designated areas. These watershed management plans shall be established in accordance with Objective 2.1 of this Element and will include the preservation or, where feasible, creation of landscape-scale wetland conservation areas to act as habitat, natural water quality treatment and water quantity retention/detention areas. The County shall direct incompatible land uses away from such large-scale wetlands.

Collier County shall allow for more intensive development to occur in Rural Fringe Receiving Lands, North Golden Gate Estates, the Rural-Settlement Area District, and the Urban Designated Areas subject to the land uses identified in the Future Land Use Element, the Immokalee Area Master Plan, and the Golden Gate Area Master Plan. These areas account for only 6% of Collier County's wetlands. Except for tidal wetlands within the coastal portion of the Urban Designated Area and wetlands that are part of an established watershed management plan, the County finds that the wetland systems in these areas are more fragmented and altered than those systems located within the Conservation Lands, ACSC and NRPA Overlays, and Rural Fringe Sending Lands.

(VI) On a project-specific basis, wetlands and wetland functions shall be protected through the following mechanisms:

- (1) Federal and State jurisdictional agency review and wetland permitting;
- (2) Vegetation preservation policies supporting CCME Objective 6.1;
- (3) Wetland protection policies supporting CCME Objective 6.2;
- (4) Clustering provisions specified in the Rural Fringe Mixed Use District of the FLUE
- (5) The protection of wetlands that are part of an established watershed management plan, as per Objective 2.1 of this Element.
- (6) Land or easement acquisition.
- (7) Land owner incentives, such as transferable development rights, tax relief, or USDA grants for restoration.

(II)(III)(VI)

**Policy 6.2.4:**

Within the *Urban Designated* area, the County shall rely on the wetland jurisdictional determinations and permit requirements issued by the applicable jurisdictional agency, except for wetlands that are part of a Watershed Management Plan preserve area. The County shall direct impacts away from such wetlands.

This policy shall be implemented as follows:

- (1) Where permits issued by such jurisdictional agencies allow for impacts to wetlands within this designated area and require mitigation for such impacts, this shall be deemed to meet the objective of protection and conservation of wetlands and the natural functions of wetlands within this area, except for wetlands that are part of a Watershed Management Plan preserve area. The County shall direct impacts away from such wetlands.
- (IX) (2) The County shall require the appropriate jurisdictional permit prior to commencement of development, except in the case of single-family residences, which are not part of an approved development or are not platted, unless the residences are within a watershed management conservation area identified in a Watershed Management Plan developed pursuant to policies supporting Objective 2.1 of this Element, in which case the appropriate jurisdictional permit is required prior to commencement of development.

(IX) = Plan Amendment by Ordinance No. 2013-12 on January 8, 2013

- (3) Collier County will work with the jurisdictional agencies and applicants to encourage mitigation to occur within targeted areas of the County including, but not limited to: Natural Resource Protection Areas (NRPAs); lands targeted for acquisition by a public or private conservation entity; wetlands that are part of an approved watershed management plan, as per Objective 2.1 of this Element; and other areas appropriate for mitigation, such as flow ways and areas containing habitat for animal listed species.
- (4) Within the Immokalee Urban Designated Area, there may exist high quality wetland systems connected to the Lake Trafford/Camp Keais Strand system. These wetlands require greater protection measures than wetlands located in other portions of the Urban Designated Area, and therefore the wetland protection standards set forth in Policy 6.2.5 shall apply in this area. This area is generally identified as the area designated as Wetlands Connected to Lake Trafford/Camp Keais Strand System on the Immokalee Future Land Use Map and is located in the southwest Immokalee Urban designated area, connected to the Lake Trafford/Camp Keais System. Within one (1) year of the effective date of these amendments, the County shall adopt land development regulations to determine the process and specific circumstances when the provisions of Policy 6.2.5 will apply.

(II)(III)(VI)(XI)

**Policy 6.2.5:**

Within the *Rural Fringe Mixed Use District*, and that portion of the *Lake Trafford/Camp Keais Strand System* which is contained within the *Immokalee Urban Designated Area*, Collier County shall direct land uses away from higher functioning wetlands by limiting direct impacts within wetlands based upon the vegetation requirements of Policy 6.1.2 of this Element, the wetland functionality assessment described in paragraph (2) below, and the final permitting requirements of the South Florida Water Management District. A direct impact is hereby defined as the dredging or filling of a wetland or adversely changing the hydroperiod of a wetland. This Policy shall be implemented as follows:

- (IX) (1) The County shall apply the vegetation retention requirements of Policy 6.1.2 of this Element for the Rural Fringe Mixed Use District, and Policy 6.1.2.b. of this Element for the Lake Trafford/Camp Keais Strand System, in order to preserve an appropriate amount of native vegetation on site. Wetlands shall be preserved as part of this vegetation requirement according to the following criteria:
  - (V) a. The acreage requirements of Policy 6.1.2 of this Element shall be met by preserving wetlands with the highest wetland functionality scores. Wetland functionality assessment scores shall be those described in paragraph (2) of this Policy. Wetlands having a WRAP score of at least 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7 shall be preserved on site. This Policy is not intended in all cases to require preservation of wetlands exceeding the acreage required by Policy 6.1.2 of this Element. Within one year, the County shall develop specific criteria to be used to determine when wetlands having a WRAP score greater than 0.65 or a Uniform Wetland Mitigation Assessment Method score of greater than 0.7 shall be required to be retained exceeding the acreage required by Policy 6.1.2 of this Element.
- (V) (2) In order to assess the values and functions of wetlands at the time of project review, applicants shall rate functionality of wetlands using the South Florida Water Management District's Wetland Rapid Assessment Procedure (WRAP), as described in Technical Publication Reg-001, dated September 1997, and updated August 1999, or the Uniform Wetland Mitigation Assessment Method, F.A.C. Chapter 62-345. The applicant shall submit to County staff, agency accepted WRAP scores or Uniform Wetland Mitigation Assessment Method scores. County staff shall review this functionality assessment as part of the County's EIS provisions and shall use the results to direct incompatible land uses away from the highest functioning wetlands according to the requirements found in paragraph (1) above.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017



- (3) All direct impacts shall be mitigated for pursuant to the requirements of paragraph (6) of this Policy.
  - (4) Single family residences shall follow the requirements contained within Policy 6.2.7 of this Element.
  - (5) The County shall separate preserved wetlands from other land uses with appropriate buffering requirements. The County shall require a minimum 50-foot vegetated upland buffer adjacent to a natural water body, and for other wetlands a minimum 25-foot vegetated upland buffer adjacent to the wetland. A structural buffer may be used in conjunction with a vegetative buffer that would reduce the vegetative buffer width by 50%. A structural buffer shall be required adjacent to wetlands where direct impacts are allowed. Wetland buffers shall conform to the following standards:
    - a. The buffer shall be measured landward from the approved jurisdictional line.
    - b. The buffer zone shall consist of preserved native vegetation. Where native vegetation does not exist, native vegetation compatible with the existing soils and expected hydrologic conditions shall be planted.
    - c. The buffer shall be maintained free of Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council.
    - d. The following land uses are considered to be compatible with wetland functions and are allowed within the buffer:
      1. Passive recreational areas, boardwalks and recreational shelters;
      2. Pervious nature trails;
      3. Water management structures;
      4. Mitigation areas;
      5. Any other conservation and related open space activity or use which is comparable in nature with the foregoing uses.
    - f. A structural buffer may consist of a stem-wall, berm, or vegetative hedge with suitable fencing.
- (III) (6) Mitigation shall be required for direct impacts to wetlands in order to result in no net loss of wetland functions.
- a. Mitigation Requirements:
    1. "No net loss of wetland functions" shall mean that the wetland functional score of the proposed mitigation equals or exceeds the wetland functional score of the impacted wetlands. However, in no case shall the acreage proposed for mitigation be less than the acreage being impacted.
    2. Loss of storage or conveyance volume resulting from direct impacts to wetlands shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or adjacent to the impacted wetland.
    3. Protection shall be provided for preserved or created wetland or upland vegetative communities offered as mitigation by placing a conservation easement over the land in perpetuity, providing for initial exotic plant removal (Class I invasive exotic plants defined by the Florida Exotic Pest Plant Council) and continuing exotic plant maintenance.

(V) = Plan Amendment by Ordinance No. 2004-71 on October 26, 2004

4. Prior to issuance of any final development order that authorizes site alteration, the applicant shall demonstrate compliance with paragraphs (6)a.1, (6)a.2, and (6)a.3 of this Policy. If agency permits have not provided mitigation consistent with this Policy, Collier County will require mitigation exceeding that of the jurisdictional agencies.
5. Mitigation requirements for single-family lots shall be determined by the State and Federal agencies during their permitting process, pursuant to the requirements of Policy 6.2.7 of this Element.

(IX) b. Mitigation Incentives:

1. Collier County shall encourage certain types of mitigation by providing a variety of incentives in the form of density bonuses and credits to open space and vegetation retention requirements. Density bonuses shall be limited to no more than 10% of the allowed density.
2. Preferred mitigation activities that would qualify for these incentives include, but are not limited, to the following:
  - (a) Adding wetland habitat to or restoring wetland functions within Rural Fringe Mixed Use District Sending Lands,
  - (b) Creating, enhancing or restoring wading bird habitat to be located near wood stork, and/or other wading bird colonies.

(II)(III)(VI)(XI)

**Policy 6.2.6:** *[re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]*  
Within the *Urban Designation* and the *Rural Fringe Mixed Use District*, required wetland preservation areas, buffer areas, and mitigation areas shall be dedicated as conservation and common areas in the form of conservation easements and shall be identified or platted as separate tracts; and, in the case of a Planned Unit Development (PUD), these areas shall also be depicted on the PUD Master Plan. These areas shall be maintained free from trash and debris and from Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council.

Land uses allowed in these areas shall be limited to those listed in Policy 6.2.5(5)d of this Element and shall not include any other activities that are detrimental to drainage, flood control, water conservation, erosion control or fish and wildlife habitat conservation and preservation.

(II)(III)(VI)(XI)

**Policy 6.2.7:**  
Within the *Estates Designated Area* and the *Rural Settlement Area*, the County shall rely on the wetland jurisdictional determinations and permit requirements issued by the applicable jurisdictional agency, except for wetlands that are part of a Watershed Management Plan preserve area. The County shall direct impacts away from such wetlands. This Policy shall be implemented as follows:

- (IX) (1) For single-family residences within Southern Golden Gate Estates or within the Big Cypress Area of Critical State Concern, the County shall require the appropriate federal and state wetland-related permits prior to commencement of development.
- (IX) (2) Outside of Southern Golden Gate Estates and the Big Cypress Area of Critical State Concern, Collier County shall inform applicants for individual single-family building permits that federal and state wetland permits may be required prior to commencement of development unless the proposed residence is within a watershed management conservation area identified in a Watershed Management Plan developed pursuant to Policies supporting Objective 2.1 of this Element, in which case the appropriate jurisdictional permit shall be required prior to commencement of development. The County shall also notify the applicable federal and state agencies of single-family building permit applications in these areas.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

- (IX) (3) Within North Golden Gate Estates and the Rural Settlement Area, Collier County shall incorporate certain preserved and/or created wetlands and associated uplands into the size and location of wetlands incorporated into the watershed management plans will be based upon the approved requirements for such plans. The County may issue single-family building permits within or adjacent to such wetlands, subject to appropriate mitigation requirements, which preserve the functionality of the wetland within the applicable watershed management plan. For a proposed residence which is to be located within a watershed management conservation area identified in a Watershed Management Plan developed pursuant to Policies supporting Objective 2.1 of this Element, the appropriate jurisdictional permit shall be required prior to commencement of development.
- (IX) (4) Collier County shall continue to work with federal and state agencies to identify properties that have a high probability of wetlands and animal listed species occurrence. The identification process will be based on hydric soils data and other applicable criteria. Once this identification process is complete, the County will determine if the process is sufficiently accurate to require federal and state wetland approvals prior commencement of development. The County shall use information on wetland and/or listed species occurrence to inform property owners of the potential existence of wetlands and/or listed species on their property.
- (5) Within one year after Watershed Management Plans are accepted by the Board of County Commissioners, Collier County shall develop and implement additional means to protect wetland systems identified in each Plan for preservation or restoration. Means to consider include innovative landowner incentives, transferable development rights, tax relief, land or easement acquisition, state and federal grants, and enhanced regulations.
- (II) **Policy 6.2.8:**  
For the *County's Rural Lands Stewardship Area (RLSA) Overlay*, as designated on the FLUM, wetlands shall be preserved pursuant to the RLSA Overlay policies found in the Future Land Use Element.
- (II)(III)(XI) **Policy 6.2.9:** *[re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]*  
The County shall provide for adequate staff to implement the Policies supporting Objective 6.2.
- (II)(III)(XI) **OBJECTIVE 6.3:**  
Protect and conserve submerged marine habitats.
- (II)(III) **Policy 6.3.1:**  
The amount of permitted wet slips for marinas shall be no more than 18 boat slips for every 100 feet of shoreline where impacts to sea-grass beds are less than 100 square feet. When more than 100 square feet of sea-grass beds are impacted, then no more than 10 boat slips for every 100 feet of shoreline are allowed.
- (II)(III) **Policy 6.3.2:**  
Impacts to sea-grass beds shall be minimized by locating boat docks more than 10 feet from existing sea-grass beds. Where this is not possible, boat docks shall be sited to impact the smallest areas of sea-grass beds possible, be no lower than 3.5 feet NGVD, have a terminal platform no greater than 160 square feet, and have the access dock be no wider than 4 feet.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

(II)(III) **Policy 6.3.3:**

The protection of sea-grass beds shall be a factor in establishing new, or revising existing, speed zones to regulate boat traffic.

(II)(III)(XI) **OBJECTIVE 6.4:**

Protect, conserve and appropriately use ecological communities shared with or tangential to State and Federal lands and other local governments.

(II)(III) **Policy 6.4.1:**

Collier County shall coordinate with adjacent counties, State and federal agencies, other owners of lands held in public trust, and the Southwest Regional Planning Council to protect unique communities located along the County's border by controlling water levels and enforcing land development regulations with regard thereto.

(II)(III)(VI)

**Policy 6.4.2:**

Collier County shall continue to coordinate with adjacent Counties when reviewing proposed land development projects that would have an impact on ecological communities in one or more of the adjacent Counties.

(II)(III)(VI)

**Policy 6.4.3:**

Collier County shall continue to coordinate with adjacent governmental jurisdictions when making management decisions regarding ecological communities shared by Collier County and one or more adjacent jurisdictions.

*[REMAINDER OF PAGE LEFT BLANK]*

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

(II)(III)(XI) **OBJECTIVE 6.5:** *[This Objective reflects merger of Ordinance No. 2002-32 and 2002-54]*  
Protect natural reservations from the impact of surrounding development. For the purpose of this Objective and its related Policies, natural reservations include only Natural Resource Protection Areas (NRPAs) and designated Conservation Lands on the Future Land Use Map. Such development includes all projects except for permitting and construction of single-family dwelling units situated on individual lots or parcels. This Objective and its Policies apply only to the Rural Fringe Mixed Use District [except as noted in Policy 6.5.3 below].

(II)(III) **Policy 6.5.1:**  
All requests for development contiguous to natural reservations shall be reviewed as part of the County's development review process.

(III)(XI) **Policy 6.5.2:**  
The following criteria shall apply to development contiguous to natural reservations in order to reduce negative impacts to the natural reservations:

- (1) The required open space shall be used to provide a buffer between the project and the natural reservation. Open space allowed between the project's non-open space uses and the boundary of the natural reservation shall include those areas of natural preserves, natural or man-made lakes, golf courses, recreational areas, required yard set-back areas, and other natural or man-made open space requirements. Existing agricultural operations shall be allowed within the open space requirements with additional agricultural clearing allowed subject to best management practices, consistent with the provisions of the Right to Farm Act.
  - a. The following open space uses are considered acceptable uses contiguous to the natural reservation boundary:
    - (1) preservation areas;
    - (2) golf course roughs maintained in a natural state;
    - (3) stormwater management areas;
    - (4) pervious nature trails and hiking trails limited to use by nonmotorized vehicles.
  - b. The uses in paragraph a above are encouraged to be located as to provide a buffer between the natural reservation and more intensive open space uses, including playgrounds, tennis courts, golf courses (excluding roughs maintained in a natural state), and other recreational uses and yards for individual lots or parcels, or open space uses that are impervious in nature. Within the Rural Fringe Mixed Use District, these more intensive open space uses may not be located closer than 300 feet to the boundary of the natural reservation.
  - c. In addition, where woodstork (*Mycteria americana*) rookeries, bald eagle (*Haliaeetus leucocephalus*) nests, and wading bird roosts are found in the adjacent natural reservation, the open spaces identified in sub-sections 1.a.(1) through (3) are considered acceptable for placement within a buffer as specified below:
    - (1) Woodstork (*Mycteria americana*) rookeries, bald eagle (*Haliaeetus leucocephalus*) nests – 1,500 feet;
    - (2) Wading bird roost – 300 feet;
    - (3) These buffer distances shall only apply to the identified entity within the natural reservations.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

- (4) These requirements shall be modified on a case by case basis, if such modifications are based upon the review and recommendations from the USFWS and the FFWCC. Any such changes shall be deemed consistent with the Growth Management Plan.
  - d. Existing native vegetation that is located contiguous to the natural reservation shall be preserved as part of the preservation requirements specified in Policy 6.1.1 and 6.1.2 of this Element.
  - e. Where wildlife corridors exist for listed species, provision shall be made to accommodate the movement of the listed species through the project to the natural reservation. The County shall consider the recommendations from the USFWS and the FFWCC in the delineation of the corridors. Appropriate accommodations include:
    - (1) Use of fences, walls or other obstructions to encourage wildlife to use natural corridors or to separate wildlife corridors from areas of human activity,
    - (2) Location of roads away from identified corridors;
    - (3) Use of appropriate roadway crossings, underpasses and signage where it is unavoidable for roadways to cross wildlife trails;
    - (4) Any other techniques recommended by the USFWS and the FFWCC.
  - f. Outside of this open space buffer, other permitted uses shall be located in such a manner as to place the most intensive land uses the furthest distance from the natural reservation.
  - g. The County shall consider the recommendations by the USFWS and the FFWCC when considering the placement of open space next to natural reservations and setback distances from listed species as noted above. Any such changes shall be deemed consistent with the Growth Management Plan.
- (2) The wildlife protection criteria of Policy 7.1.1 shall also apply.
- (X) (3) Within the Rural Fringe Mixed Use District, stormwater management systems discharging directly to the natural reservation shall meet the Outstanding Florida Water criteria of one-half inch of dry retention or retention pretreatment as specified in Section 4.2.2(b), of the *Environmental Resource Permit Applicant's Handbook Volume II for use within the Geographic Limits of the South Florida Water Management District* (2014).
  - (X) (4) Proposed development shall demonstrate that ground water table drawdowns or diversions will not adversely impact the natural reservation. Detention and control elevations shall be set to protect the natural reservation and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 10.2.2.4 of the *Environmental Resource Permit Applicant's Handbook Volume I*, and Sections 3.11 and 3.12 of the *Environmental Resource Permit Applicant's Handbook Volume II for use within the Geographic Limits of the South Florida Water Management District* (2014).
- (II) **Policy 6.5.3:** [re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54] Criteria contained in the County's Rural Lands Stewardship Area (RLSA) Overlay shall apply to development within the RLSA that is contiguous to natural reservations.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

(IX) **GOAL 7:  
TO PROTECT AND CONSERVE THE COUNTY'S FISHERIES AND WILDLIFE.**

(II)(III)(VI)(IX)

**OBJECTIVE 7.1:**

Direct incompatible land uses away from listed animal species and their habitats. (The County relies on the listing process of State and Federal agencies to identify species that require special protection because of their endangered, threatened, or species of special concern status. Listed animal species are those species that the Florida Fish and Wildlife Conservation Commission has designated as endangered, threatened, or species of special concern, in accordance with Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C. and those species designated by various federal agencies as Endangered and Threatened species published in 50 CFR 17.)

(II)(III)(XI)

**Policy 7.1.1:**

Incompatible land uses are directed away from listed species and their habitats by the following mechanisms:

(1) Conservation Designation on the Future Land Use Map

The overall purpose of the Conservation Designation is to conserve and maintain the natural resources of Collier County and their associated environmental, recreational and economic benefits. These areas have been demonstrated to have high wildlife value. The allowed land uses specified in the FLUE's Conservation Designation will accommodate limited residential development and future non-residential development. These limitations help direct many incompatible land uses away from listed species and their habitats contained in this Future Land Use Designation. (*Reference FLUE: Future Land Use Designation, Description Section.*)

(2) *Big Cypress Area of Critical State Concern Overlay (ACSC)*

The land development regulations contained in the ACSC Overlay district provide standards that facilitate the goal of directing incompatible land uses away from listed species and their habitats. (*Reference FLUE: Future Land Use Designation, Description Section.*)

(3) Natural Resource Protection Areas (NRPAs)

The purpose of Natural Resource Protection Areas (NRPAs) is to support State and Federal agencies' efforts to protect endangered or potentially endangered species and their habitats. (*Reference CCME: Objective 1.3.*) These areas describe large, intact and relatively unfragmented habitats important for many listed species. Allowable land uses, vegetation preservation standards, development standards, and listed species protection criteria within NRPAs are specified in the FLUE. (*Reference the FLUE for the specific requirements.*) The NRPA Overlay is intended to direct incompatible land uses away from listed species and their habitats.

(4) Sending Lands (Transfer of Development Rights):

Sending Lands are those lands that have a high degree of environmental value and sensitivity and generally include wetlands, uplands, and habitat for listed species. Due to their high environmental value, Sending Lands are targeted for preservation and conservation either through acquisition or through incentives for private property owners. Privately owned lands within the Rural Fringe Mixed Use District that have a *Natural Resource Protection Area (NRPA) Overlay* are considered to be Sending Lands. Allowable land uses within Sending Lands are specified in the FLUE: Future Land Use Designation, Description Section, B, Rural Fringe Mixed Use District. These limitations help direct many incompatible land uses away from listed species and their habitats.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

(5) Habitat Stewardship Areas (HSAs)

*[re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]*

Listed animal and plant species and their habitats shall also be protected through the establishment of Habitat Stewardship Areas (HSAs) within the RLSA Overlay. HSAs are privately owned agricultural areas, which include areas with natural characteristics that make them suitable habitat for listed species and areas without these characteristics. These latter areas are included because they are located contiguous to habitat and help form a continuum of landscape that can augment habitat values. The Overlay provides an incentive to permanently protect HSAs by the creation and transfer of Credits resulting in the elimination of incompatible uses and the establishment of protection measures. *(Reference FLUE: RLSA Overlay.)*

(6) All other policies supporting Objective 7.1 of this Element.

*[re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]*

(II)(III)(XI)

**Policy 7.1.2:**

*[this Policy reflects merger of Ordinance No. 2002-32 and 2002-54]*

Within areas of Collier County, excluding the lands contained in the RLSA Overlay, non-agricultural development, excluding individual single family residences, shall be directed away from listed species and their habitats by complying with the following guidelines and standards:

(1) A wildlife survey shall be required for all parcels when listed species are known to inhabit biological communities similar to those existing on site or where listed species are directly observed on the site. The survey shall be conducted in accordance with the requirements of the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS) guidelines. The County shall notify the FFWCC and USFWS of the existence of any listed species that may be discovered.

(IX) (2) Wildlife habitat management plans for listed species and for those protected species identified below shall be submitted for County approval. A plan shall be required for all projects where the wildlife survey indicates listed species or the protected species identified below are utilizing the site, or the site contains potential habitat for listed species. These plans shall describe how the project directs incompatible land uses away from listed species and their habitats. Management plans for new preserves shall also outline a public awareness program to educate residents about the on-site preserve and the need to maintain habitat within the preserve for listed species and those protected species identified below.

(a) Management plans for new preserves shall incorporate proper techniques to protect listed species, and those protected species identified below, and their habitat from the negative impacts of proposed development. Developments shall be clustered to discourage impacts to listed species habitats. Open space and vegetation preservation requirements shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Provisions such as fencing, walls, or other obstructions shall be provided to minimize development impacts to the wildlife and to facilitate and encourage wildlife to use wildlife corridors. Appropriate roadway crossings, underpasses, and signage shall be used where roads must cross wildlife corridors.

1. Management guidelines contained in publications utilized by the FFWCC and USFWS as their technical assistance shall be used for developing required management plans.
2. The County shall consider any other techniques recommended by the USFWS and the FFWCC, subject to the provisions of paragraph (3) of this Policy.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017



3. When listed species are directly observed on site or indicated by evidence, such as denning, foraging or other indications, priority shall be given to preserving the listed species habitats first, as a part of the retained native vegetation requirement contained in Policy 6.1.1 and Policy 6.1.2 of this Element. The County shall also consider the recommendations of other agencies, subject to the provisions of paragraph (3) of this Policy.
- (b) For parcels containing gopher tortoises (*Gopherus polyphemus*), habitat management plans are required and shall give priority to protecting the largest most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off site adjacent gopher tortoise preserves.
  - (c) Habitat preservation plans for the Florida scrub jay (*Aphelocoma coerulescens*) are required and shall provide for a maintenance program and specify appropriate fire or mechanical protocols to maintain the natural scrub community.
  - (d) For the bald eagle (*Haliaeetus leucocephalus*), habitat management plans are required and shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nesting season.
  - (e) For the red-cockaded woodpecker (*Picoides borealis*), habitat protection plans are required and shall outline measures to avoid adverse impacts to active clusters and to minimize impacts to foraging habitat. Where adverse effects cannot be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain.
- (IX)
- (f) In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, management plans are required and shall require that garbage be placed in bear-resistant containers where such containers are available and accepted for use by Collier County, or containers stored in locations not easily accessible to bears. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans.
  - (g) For projects located in Priority I and Priority II Panther Habitat areas, management plans are required and shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be buffered from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses). Golf courses within the Rural Fringe Mixed Use District shall be designed and managed using standards found in that district. The management plans shall identify appropriate lighting controls for these permitted uses and shall also address the opportunity to utilize prescribed burning to maintain fire-adapted preserved vegetative communities and provide browse for white-tailed deer.
- (IV)
- (h) In order to protect loggerhead (*Caretta caretta*) and other listed sea turtles that nest along Collier County beaches, projects within 300 feet of the MHW line shall limit outdoor lighting to that necessary for security and safety. Floodlights and landscape or accent lighting shall be prohibited.
  - (i) The Management Plans shall contain a monitoring program for developments greater than 10 acres.

(IX) = Plan Amendment by Ordinance No. 2013-12 on January 8, 2013

(3) The County shall, consistent with applicable GMP policies, consider and utilize recommendations and letters of technical assistance from the Florida Fish and Wildlife Conservation Commission and recommendations from the US Fish and Wildlife Service in issuing development orders on property containing listed species. It is recognized that these agency recommendations, on a case by case basis, may change the requirements contained within these wildlife protection policies and any such change shall be deemed consistent with the Growth Management Plan.

(II)(VI)(IX)

**Policy 7.1.3:**

Listed species within the Rural Lands Stewardship Area (RLSA) shall be protected pursuant to the RLSA Overlay policies within the Future Land Use Element.

(II)(III)

**Policy 7.1.4:** *[re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]*

All development shall comply with applicable federal and state permitting requirements regarding listed species protection.

(II)(III)

**Policy 7.1.5:** *[re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]*

The County shall provide for adequate staff to implement the policies supporting Wildlife Conservation Commission has designated as endangered, threatened, or species of special concern, in accordance with Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C. and those species designated by various federal agencies as Endangered and Threatened species published in 50 CFR 17.

(VI)(IX)

**Policy 7.1.6:**

The County shall continue to evaluate the need for the protection of listed plants and adopt land development regulations, as needed, to protect listed plants.

(II)(III)(IV)(IX)

**OBJECTIVE 7.2:**

Minimize the number of manatee deaths due to boat related incidents. (Historical data from 1990-1996 shows that the average number of manatee deaths in Collier County, due to incidents with watercraft, is approximately 3.2 per year per 10,000 boats.)

(II)(III)(IV)

**Policy 7.2.1:**

The County shall apply the marina siting criteria contained in the Collier County Manatee Protection Plan (NR-SP-93-01), May 1995 in order to direct increased boat traffic away from sensitive manatee habitats.

(II)(III)(XI)

**Policy 7.2.2:**

Sea-grass beds shall be protected through the application of Policies 6.3.1, 6.3.2 and 6.3.3 of this Element.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

(II)(III)(IV)

**Policy 7.2.3:**

In order to protect manatees, marinas shall be discouraged in designated manatee critical habitat unless other protective measures are provided. (Reference Policy 10.1.5 of this Element.) The County shall maintain the manatee protection speed zones that were adopted in the Collier County Manatee Protection Plan (NR-SP-93-01), May 1995 and make revisions as needed. The County shall continue to work with appropriate State and Federal agencies to identify areas where the use of propeller driven boats may be restricted or prohibited, or where speed zones may need to be changed.

(II)(III)(VI)(IX)

**OBJECTIVE 7.3:**

Minimize the number of sea turtle disorientations. (Analysis of historical data from 2005 – 2009 shows that the average number of sea turtle disorientations is approximately equal to 4% of the hatchlings from all nests in the County.)

(II)(III)(IX)

**Policy 7.3.1:**

The County shall apply the lighting criteria contained in Policy 7.1.2(2)(h) of this Element in order to protect sea turtle hatchlings from adverse lighting conditions.

(II)(III)

**Policy 7.3.2:**

County staff shall conduct regular inspections to ensure coastal properties comply with proper lighting conditions and with applicable prohibitions of overnight storage of furniture and other equipment during sea turtle season (May 1 through October 30).

(II)(III)

**Policy 7.3.3:**

The County shall update the public awareness materials designed to inform coastal residents and visitors how they can protect sea turtles.

(II)(III)(IX)

**OBJECTIVE 7.4:**

Continue to improve marine fisheries productivity by enhancing existing artificial reefs and building additional artificial reefs.

(II)(III)(IX)

**Policy 7.4.1:**

The County shall continue to apply for reef construction grants and/or other available or similar funding and annually place more materials on the existing permitted sites.

(II)(III)

**Policy 7.4.2:**

The County will coordinate its activities with the Florida Department of Environmental Protection, the Marine Extension Office and other appropriate agencies.

**GOAL 8:**

**TO MAINTAIN COLLIER COUNTY'S EXISTING AIR QUALITY.**

(X)

**OBJECTIVE 8.1:**

Comply with all applicable federal and State air quality standards.

(X) = Plan Amendment by Ordinance No. 2015-07 on January 27, 2015

(X) **GOAL 8:  
TO MAINTAIN COLLIER COUNTY'S EXISTING AIR QUALITY.**

(X) **OBJECTIVE 8.1:**  
Comply with all applicable federal and State air quality standards.

**Policy 8.1.1:**

The County will rely on the Florida Department of Environmental Protection, the Florida Division of Forestry or the local fire departments as appropriate under their jurisdiction to permit and visually inspect the permitted air pollutant sources in the County.

(VI) **Policy 8.1.2:**

The County will receive complaints concerning air pollution problems and refer such complaints to the Florida Department of Environmental Protection, the Florida Division of Forestry, or the local fire departments as appropriate.

(VI) **Policy 8.1.3:**

Collier County shall act to reduce air pollution from automobile emissions through continuation of the following procedures:

1. The Collier County Sheriff's Office will continue to enforce vehicle exhaust emissions standards.
2. As part of its development review process, Collier County will require the construction of sidewalks, bicycle lanes or bicycle paths in all new subdivisions.
3. The County will construct sidewalks, bicycle lanes or bicycle paths in conjunction with County-funded transportation improvements.

(VI) **Policy 8.1.4:**

Collier County shall continue to develop and maintain a comprehensive county-wide air quality monitoring program.

(IX) **GOAL 9:  
TO APPROPRIATELY MANAGE HAZARDOUS MATERIALS AND WASTE TO PROTECT THE COUNTY'S POPULOUS AND NATURAL RESOURCES AND TO ENSURE THE HIGHEST ENVIRONMENTAL QUALITY.**

(IX) **OBJECTIVE 9.1:**  
Maintain and update biennially a hazardous materials emergency response element as part of the County's Comprehensive Emergency Management Plan.

(VI) **Policy 9.1.1:**

The plan shall be developed in cooperation with the Southwest Florida Regional Planning Council and the local planning committee established under Federal Title III, the Superfund Amendments and Reauthorization Act (SARA).

(VI) **Policy 9.1.2:**

The plan shall identify a community coordinator, facility coordinators, and other Federal, State and local agency contacts (especially for the Cities of Naples, Marco Island and Everglades City) including the responsibilities and duties of each agency.

(X) = Plan Amendment by Ordinance No. 2015-07 on January 27, 2015

**Policy 9.1.3:**

The plan shall identify emergency notification procedures and lines of communication among reacting agencies.

**Policy 9.1.4:**

The plan shall provide a description of community and industry emergency equipment and facilities and the identity of persons responsible for them.

**Policy 9.1.5:**

The plan shall address hazardous substances, transportation routes, location of significant hazardous materials, probable affected areas in the event of a release, and emergency evacuation plans.

(IX) **Policy 9.1.6:**

An emergency response training program shall be maintained for emergency response personnel.

(IX) **Policy 9.1.7:**

The Collier County Bureau of Emergency Services shall be responsible for developing, implementing, and evaluating the effectiveness of the Comprehensive Emergency Management Plan, including periodic updates.

(IX) **OBJECTIVE 9.2:**

Verify the management and disposal practices of identified businesses that are potential generators of hazardous waste, at a rate of 20% of these businesses per year.

**Policy 9.2.1:**

During the verification visits the County shall advise businesses on proper management and disposal of hazardous wastes and shall encourage the reduction of hazardous waste through recycling.

**Policy 9.2.2:**

The verification visits shall concentrate on businesses generating waste oil and spent solvents and other hazardous waste in areas close to potable wellfields.

(VI)(IX) **Policy 9.2.3:**

The Collier County Pollution Control Department shall maintain its cooperative agreement with the Florida Department of Environmental Protection to ensure regulatory oversight in enforcing businesses to be compliant with federal, state and local hazardous waste management regulations.

(X) **OBJECTIVE 9.3:**

Continue to hold hazardous waste collection days at least once per year.

(X) **Policy 9.3.1:**

Hazardous waste collection days shall target residential households but also allow small businesses to participate to some extent.

(X) = Plan Amendment by Ordinance No. 2015-07 on January 27, 2015

(I)(IX) **OBJECTIVE 9.4:**  
Maintain the County's local storage tank compliance program.

(VI) **Policy 9.4.1:**  
The County shall implement provisions of the contract with the Florida Department of Environmental Protection under the Federal Title III, the Superfund Amendments and Reauthorization Act (SARA) provisions in order to avoid any duplication of effort.

(I) **Policy 9.4.2:**  
The County shall concentrate on storage tank installation, inspection, and contractor certification and oversight of maintenance and monitoring of petroleum contamination sites.

(I)(VI)(IX) **Policy 9.4.3:**  
All storage tank systems in the County shall adhere to the provisions of Section 62-761 or 62-762, Florida Administrative Code (F.A.C.) as applicable.

(IX) **GOAL 10:**  
**TO PROTECT, CONSERVE, MANAGE, AND APPROPRIATELY USE THE COUNTY'S COASTAL BARRIERS INCLUDING SHORELINES, BEACHES AND DUNES AND PLAN FOR, AND WHERE APPROPRIATE, RESTRICT ACTIVITIES WHERE SUCH ACTIVITIES WILL DAMAGE OR DESTROY COASTAL RESOURCES.**

(IV)(IX)(XI) **OBJECTIVE 10.1:**  
Give priority to water dependent shoreline land uses over water related shoreline land uses, based on type of water-dependent use, adjacent land use, and surrounding marine and upland habitat considerations. (The Collier County Manatee Protection Plan (NR-SP-93-01) May 1995 restricts the location of marinas and may limit the number of wet slips, the construction of dry storage facilities, and boat ramps, based upon the Plan's marina siting criteria.)

(VI)(IX) **Policy 10.1.1:**  
The County shall prioritize water-dependent and water-related uses as follows:

- a. Public recreational facilities over private recreational facilities;
- b. Public boat ramps;
- c. Marinas
  1. Commercial (public) marinas over private marinas;
  2. Dry storage over wet storage;
- d. Commercial fishing facilities;
- e. Other non-polluting water-dependent industries or utilities;
- f. Marine supply/repair facilities;
- g. Residential development.

(IX) **Policy 10.1.2:**  
Identify recreational and commercial working waterfronts and then investigate strategies for possible implementation, as feasible, to ensure protection and preservation of those waterfronts.

(IX) **Policy 10.1.3:**  
No deep water ports shall be allowed.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

(VI)(IX) **Policy 10.1.4:**

In order to minimize the destruction or disturbance of native vegetative communities, the following priority ranking of shoreline development shall apply:

- a. areas presently developed;
- b. disturbed uplands;
- c. disturbed freshwater wetlands;
- d. disturbed marine wetlands;
- e. viable, unaltered uplands;
- f. viable, unaltered freshwater wetlands;
- g. viable, unaltered marine wetlands.

(VI)(IX) **Policy 10.1.5:**

New marinas shall conform to the following criteria:

- a. Marinas must provide vehicular parking and sewage pump-out facilities;
- b. Fueling facilities shall be designed to contain spills from on-land equipment and shall be prepared to contain spills in the water.
- c. Marina facilities must be accessible to all public services essential to ensure their safe operation.
- d. Marinas and multi-slip docking facilities shall prepare hurricane plans for approval which describe measures to be taken to minimize damage to marina sites and neighboring properties and the environment; this hurricane plan shall be reviewed and approved by the County.
- e. Dry storage should be encouraged over wet storage.

(IX) **OBJECTIVE 10.2:**

Ensure that access to beaches, shores and waterways remain available to the public and continue with the County's program to expand the availability of such access and a method to fund its acquisition.

(IX) **Policy 10.2.1:**

Existing public beach access shall be maintained by new development. New beachfront development shall show on their site-plans existing beach access ways and the proposed development shall continue that access way, relocate it on the site as deemed appropriate by the County, or donate it to the County.

**Policy 10.2.2:**

Evaluate appropriate public access intervals for renourished beaches considering the demand for recreation and the ability of the natural system to support the demand. If existing access is not sufficient, then the County shall acquire additional access points as a part of the renourishment project.

(VI) **Policy 10.2.3:**

Developments that provide public access to beaches, shores and/or waterways may be eligible for credit toward any recreation and open space impact fee adopted by the Collier County Board of County Commissioners.

**Policy 10.2.4:**

All public access facilities shall include parking facilities and roadway access.

(IX) = Plan Amendment by Ordinance No. 2013-12 on January 8, 2013

**Policy 10.2.5:**

The County shall accept donations of shoreline lands suitable for use as public access facilities.

**Policy 10.2.6:**

The County shall coordinate with State and Federal agencies regarding use of and access to Federal and State owned properties in the Coastal Zone for public use.

(IX)(XIII) **OBJECTIVE 10.3:**

Maintain undeveloped coastal barriers, mapped as part of the Federal Coastal Barrier Resources System, predominantly in their natural state and protect, maintain and enhance their natural function as a defense against coastal flooding.

**Policy 10.3.1:**

"Undeveloped" coastal barrier systems shall be defined as set forth in the Federal Guidelines based on the amount of structures per acre of fastlands and for which no development approval or permits have been issued by Collier County, or plats recorded. "Fastlands" are the upland area as defined in the Federal Guidelines.

**Policy 10.3.2:**

Any development activities on an undeveloped coastal barrier must be compatible with protection of the natural form and function of the coastal barrier system.

**Policy 10.3.3:**

The highest and best use of undeveloped coastal barriers are as functioning natural systems; therefore the first alternative to development should be consideration of acquisition by or for the public benefit to preserve the natural function.

(VI) **Policy 10.3.4:**

Public expenditures within Collier County's undeveloped coastal barrier system shall be limited to acquisition for purposes of public safety, education, restoration, and removal of exotic vegetation, recreational use, and/or research facilities. Such uses will be allowed only if the establishment of such use would not substantially alter the natural characteristics and natural functions of the undeveloped coastal barrier system.

**Policy 10.3.5:**

Native or other County approved vegetation shall be required as the stabilizing medium in any coastal barrier vegetation or restoration program.

(VI)(XIII) **Policy 10.3.6:**

Prohibit construction of structures seaward of the Coastal Construction Control Line on undeveloped coastal barriers. Exception shall be for passive recreational structures, access crossovers, and where enforcement would not allow any reasonable economic utilization of such property. In the latter event, require construction that minimizes interference with natural function of such coastal barrier system.

**Policy 10.3.7:**

Participate in and encourage Regional and State programs to acquire naturally functioning, undeveloped coastal barrier systems to insure the preservation of their natural function.

(XIII) = Plan Amendment by Ordinance No. 2022-17 on May 10, 2022



- (VI) **Policy 10.3.8:**  
Development density on undeveloped coastal barrier systems shall not exceed one (1) dwelling unit per five (5) acres or as already allowed for established legal nonconforming parcels or lots of record.
- Policy 10.3.9:**  
Native vegetation on undeveloped coastal barriers should be preserved. To the extent that native vegetation is lost during land development activities and the remaining native vegetation can be supplemented without damaging or degrading its natural function, any native vegetation lost during construction shall be replaced by supplementing with compatible native vegetation on site. All exotic vegetation shall be removed and replaced with native vegetation where appropriate.
- Policy 10.3.10:**  
No new bridges, causeways, paved roads or commercial marinas shall be permitted to or on undeveloped barrier systems.
- Policy 10.3.11:**  
Shoreline hardening structures (e.g., rip-rap, seawalls, groins, etc.) shall not be allowed on undeveloped coastal barriers except in the interest of public safety or of land use related hardship.
- (VI) **Policy 10.3.12:**  
Encourage the use of the “Planned Unit Development” (PUD) provisions of the Zoning Ordinance for new development or redevelopment proposed to take place within areas identified as Coastal Barrier system, with the exception of one single family dwelling unit on a single parcel.
- (VI) **Policy 10.3.13:**  
Substantial alteration of the natural grade on undeveloped coastal barriers, through filling or excavation shall be prohibited except as part of an approved dune and/or beach restoration program, or as part of an approved public development plan for one or more of the uses allowed by Policy 10.3.4, above.
- (VI) **Policy 10.3.14:**  
Agriculture and timbering are not exempt from the above Goals, Objectives, and Policies related to coastal barrier systems.
- (VI)(XI) **Policy 10.3.15:**  
Development on undeveloped coastal barrier islands within the “Special Treatment” (“ST”) zoning overlay district shall be reviewed through criteria established in the land development regulations. Applicable Policies under Goal 10 will be used in developing such criteria.
- (IX) **OBJECTIVE 10.4:**  
Restore and then maintain, when appropriate, developed coastal barriers and developed shorelines, by establishing mechanisms or projects which limit the effects of development and restores the natural functions of coastal barriers, including beaches and dunes.
- Policy 10.4.1:**  
Promote environmentally acceptable and economically feasible restoration of the developed coastal barriers and the urban beach and dune systems.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

**Policy 10.4.2:**

Prohibit further shore hardening projects except where necessary to protect existing structures, considering the total beach system and adjacent properties.

(VI)(XI) **Policy 10.4.3:**

Collier County shall prohibit activities which would result in man-induced shoreline erosion beyond the natural beach erosion cycle or that would deteriorate the beach and dune system. Implementation of this Policy will be based upon available scientific/coastal engineering literature/studies that have established benchmarks for natural rates of beach erosion.

**Policy 10.4.4:**

Require dune stabilization and restoration improvements in land development projects along beach areas.

**Policy 10.4.5:**

Initiate and support beach and dune restoration and preservation programs where appropriate.

**Policy 10.4.6:**

Require native vegetation as landscaping in development activities in developed coastal barrier systems and on the beach and dune systems.

(VI)(XIII) **Policy 10.4.7:**

Collier County shall prohibit construction seaward of the Coastal Construction Control Line except where such construction would be permitted pursuant to the provisions of the Florida Coastal Zone Protection Act of 1985 and the Dennis L. Jones Beach and Shore Preservation Act of 2012 (Florida Statutes, Chapter 161, Parts I and II), and where such prohibition would result in no reasonable economic utilization of the property in question, or for safety reasons. In such cases, construction will be as far landward as is practicable and effects on the beach and dune system and the natural functions of the coastal barrier system shall be minimized.

(VI)(XIII) **Policy 10.4.8:**

Collier County shall allow construction seaward of the Coastal Construction Control Line for public access and protection and activities related to restoration of beach resources. Such construction shall not interfere with sea turtle nesting, will utilize native vegetation for dune stabilization, will maintain the natural beach profile, will minimize interference with natural beach dynamics, and, where appropriate, will restore the historical dunes with native vegetation.

(VI) **Policy 10.4.9:**

Collier County shall prohibit seawall construction on properties fronting the Gulf of Mexico except in instances where erosion poses an imminent threat to existing buildings.

(VI) **Policy 10.4.10:**

The County shall prohibit vehicles on beaches and dunes except for the following:

1. Emergency vehicles responding to incidents.
2. Vehicles associated with environmental maintenance, environmental monitoring, or conservation purposes.
3. Vehicles limited to set-up and removal of equipment of permitted events, in conjunction with permanent concession facilities, or permitted uses of commercial hotels.
4. Beach raking or beach cleaning.

(XIII) = Plan Amendment by Ordinance No. 2022-17 on May 10, 2022

5. Vehicles needed for beach nourishment or inlet maintenance
6. Vehicles necessary for construction that cannot otherwise access a site from an upland area.

Vehicles shall be operated in a manner that does not negatively impact the beach or dune environment. Additional protective regulations shall apply during sea turtle nesting season.

**Policy 10.4.11:**

Develop tax incentives and other land use incentives to encourage additional access or parking areas to provide utilization of the high capacity urban beaches.

(VI) **Policy 10.4.12:**

In permitting the repair and/or reconstruction of shore parallel engineered stabilization structures, require, where appropriate, at a minimum:

- a. All damaged seawalls will be replaced with, or fronted by, riprap.
- b. Where appropriate, repaired structures will be redesigned and/or relocated landward to align with adjacent structures.

(XIII) **Policy 10.4.13:**

Development and redevelopment proposals shall consider the implications of rise in sea level.

(IX)(XI) **OBJECTIVE 10.5:**

Provide improved opportunities for recreational, educational, scientific, and aesthetic enjoyment of coastal resources for undeveloped shorelines by protecting beaches and dunes and by utilizing existing construction standards, or where necessary, establishing new construction standards, which will minimize the impact of manmade structures on the beach and dune systems.

(XI) **Policy 10.5.1:**

Passive recreation that is compatible with the natural functions of beaches and dunes shall be regarded as the highest and best land use.

(XI) **Policy 10.5.2:**

The County shall prioritize acquisition efforts in order to meet the projected need for additional public beaches.

(XI) **Policy 10.5.3:**

The County shall prohibit activities which would result in man induced shoreline erosion beyond the natural beach erosion cycle or that would deteriorate the beach dune system.

(VI)(XI)(XIII)

**Policy 10.5.4:**

The County shall not allow construction of any structure seaward of the Coastal Construction Control Line. Exceptions may be allowed for passive recreational structures, access crossovers, and where enforcement would not allow any reasonable economic utilization of such property. In the latter event, construction shall minimize interference with natural functions of such beaches and dunes.

(XIII) = Plan Amendment by Ordinance No. 2022-17 on May 10, 2022

- (VI) **Policy 10.5.5:**  
The County shall prohibit vehicles on the beaches and dunes except for emergency, environmental monitoring and environmental maintenance purposes.
- (XI) **Policy 10.5.6:**  
The County shall regulate activities so that they will not threaten the stability of the dunes or the beach itself.
- (XI) **Policy 10.5.7:**  
The County shall pursue the acquisition of undeveloped beaches and dunes as the first alternative to development.
- (XI) **Policy 10.5.8:**  
The County shall prohibit shoreline armoring processes and encourage non-structural methods for stabilizing beaches and dunes.
- (VI)(XI)(XIII) **Policy 10.5.9:**  
The County shall prohibit construction seaward of the Coastal Construction Control Line except as follows:
- a. For public access;
  - b. For protection and restoration of beach resources;
  - c. In cases of demonstrated land use related hardship or safety concerns as specified in The 1985 Florida Coastal Zone Protection Act, there shall be no shore armoring allowed except in cases of public safety; and
  - d. As otherwise allowed by the Dennis L. Jones Beach and Shore Preservation Act of 2012 (Florida Statutes, Chapter 161, Parts I and II).
- Policy 10.5.10:**  
Construction activities shall not interfere with the sea turtle nesting, shall preserve or replace any native vegetation on the site, and shall maintain the natural beach profile and minimize interference with the natural beach dynamics and function.
- (VI)(XIII) **Policy 10.5.11:**  
The County will waive all other non-safety related setback requirements and site planning requirements before allowing construction seaward of the Coastal Construction Control Line.
- (XI) **Policy 10.5.12:**  
Beach front land development related projects shall require dune stabilization and restoration improvements, removal of exotic vegetation, and replacement with native vegetation, as appropriate.
- (I)(IX) **OBJECTIVE 10.6:**  
Conserve the habitats, species, natural shoreline and dune systems contained within the County's coastal zone.

(XIII) = Plan Amendment by Ordinance No. 2022-17 on May 10, 2022

(I)(VI)(XI) **Policy 10.6.1:**

In addition to those applicable Policies supporting Objectives 10.1, 10.2, 10.3, 10.4, and 10.5 above, development within the County's coastal zone shall also meet the following criteria:

1. Densities on the following undeveloped coastal barriers shall not exceed 1 unit per 5 acres;
  - a. Wiggins Pass Unit FL-65P,
  - b. Clam Pass Unit FL-64P,
  - c. Keywaydin Island Unit P-16,
  - d. Cape Romano Unit P-15.
2. Site alterations shall be concentrated in disturbed habitats thus avoiding undisturbed pristine habitats (Reference Policy 10.1.4).
3. Beachfront developments shall restore dune vegetation.
4. Projects on coastal barriers shall be landscaped with native Southern Floridian species.
5. Boathouses, boat shelters and dock facilities shall be located and aligned to stay at least 10 feet from any existing seagrass beds except where a continuous bed of seagrass exists off of the shore of the property, in which case facility heights shall be at least 3.5 feet NGVD, terminal platforms shall be less than 160 square feet and access docks shall not exceed a width of four (4) feet.
6. The requirements of this Policy identify the guidelines and performance standards for undeveloped coastal barriers and estuarine areas that are contained within the County's coastal barrier and estuarine area Natural Resource Protection Area (NRPA – reference CCME Policy 1.3.1). These guidelines and standards therefore satisfy the requirements of CCME Policy 1.3.1.

(I)(VI)(IX)

**Policy 10.6.2:**

The owners of shoreline development projects that require an EIS shall provide an analysis that demonstrates the project will remain fully functional for its intended use after a six-inch rise in sea level.

(I) **Policy 10.6.3:**

Collier County supports federal and state agency efforts to deny permits and establish a permanent moratorium on the offshore oil and gas exploration and drilling along the west coast of Florida, and to the extent allowed by law, shall take appropriate actions to oppose any offshore oil and gas exploration and drilling projects in this sensitive area.

(X) **GOAL 11:**

**TO PROVIDE FOR THE PROTECTION, RESERVATION, AND SENSITIVE RE-USE OF HISTORIC RESOURCES.**

(X) **OBJECTIVE 11.1:**

Protect historic and archaeological resources in Collier County.

(XI) **Policy 11.1.1:**

Regulations regarding development and other land alteration activities shall continue to ensure the conservation, sensitive re-use, preservation of significant historic and archaeological resources, or appropriate mitigation in accordance with State standards.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

**Policy 11.1.2:**

There shall be no loss of historic or archaeological resources on County-owned property and historic resources on private property shall be protected, preserved or utilized in a manner that will allow their continued existence. Conservation techniques shall include at a minimum:

- a. During the development permit review process, historic or archaeological sites shall be identified and shown on the site plans;
- b. The County shall establish waivers for non-safety related set back requirements and site planning requirements in order to accommodate historic structures or historic sites within a proposed development;
- c. As an alternative to preserving archaeological sites, the Owner may allow excavation of the site by the State of Florida Division of Historic Resources or the approved alternate prior to development. Should a site be scientifically excavated, then development may proceed without preserving the site;
- d. The County shall accept donations of historic or archaeological sites;
- e. Archaeological sites that are to be preserved may be utilized to satisfy required setbacks, buffer strips or open space up to the maximum area required by development regulations. Conservation of such historic or archaeological sites shall qualify for any open space requirements mandated by development regulations.

**Policy 11.1.3:**

If, during the course of site clearing, excavation, or other constructional activities, an archaeological or historical site, artifact, or other indicator is discovered, development activities at that specific archaeological site shall be immediately stopped and the appropriate agency notified. Development will be suspended for a sufficient length of time to enable the County or a designated consultant to assess the find and determine the proper course of action in regard to its salvageability. The County will respond to any such notification in a timely and efficient manner so as to provide only a minimal interruption to any constructional activity.

(IX) **GOAL 12:  
TO MAKE EVERY REASONABLE EFFORT TO ENSURE THE PUBLIC SAFETY, HEALTH AND WELFARE OF PEOPLE AND PROPERTY FROM THE EFFECTS OF HURRICANE STORM DAMAGE.**

(I)(VI)(IX)(XI)

**OBJECTIVE 12.1:**

Maintain hurricane evacuation clearance times as required by state law. An evacuation clearance time is defined as having residents and visitors in an appropriate refuge away from storm surge prior to the arrival of sustained Tropical Storm force winds, i.e., winds equal to or greater than 39 mph. To further this Objective, for future mobile home developments located outside of the storm surge zone, such development is to include on-site sheltering or retro-fitting of an adjacent facility. The Collier County Bureau of Emergency Services continues to seek opportunities to increase shelter facilities and associated capacities under the direction of the Florida Division of Emergency Management.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

- (VI)(IX) **Policy 12.1.1:**  
The County shall continue to enhance and maintain a comprehensive public awareness program. The program will be publicized prior to May 30<sup>th</sup> of each year. Evacuation zones, public shelters and evacuation routes shall be provided to each local newspaper, displayed on the Collier County Bureau of Emergency Services' website, and the availability of this information will be discussed on local television newscasts. This information shall also be made readily available to all hotel/motel guests.
- (I) **Policy 12.1.2:**  
Land use plan amendments in the Category 1 hurricane vulnerability zone shall only be considered if such increases in densities provide appropriate mitigation to reduce the impacts of hurricane evacuation times.
- (VI)(IX) **Policy 12.1.3:**  
The County shall continue to identify and maintain shelter space for 32,000 persons by 2012 and 45,000 by 2015. Shelter space capacity shall be determined at the rate of 20 square feet per person.
- (VI)(XI) **Policy 12.1.4:**  
The County shall maintain hurricane shelter requirements and standards for all new mobile home parks and mobile home subdivisions, or existing mobile home parks and mobile home subdivisions in the process of expanding, which accommodate or contain twenty-six (26) units or more. Such mobile home parks or mobile home subdivisions shall be required to provide emergency shelter space on-site, or to provide funding to enhance one or more existing public shelters off-site. The building which provides the on-site shelter space (if this option is chosen) will be of such a size as to provide shelter to park or subdivision residents at the rate of twenty (20) square feet per person. For the purposes of this Policy, the size of the on-site shelter structure shall be determined by estimating the park or subdivision population during the June – November time frame, based upon methodologies utilized by the Collier County Bureau of Emergency Services.
- (VI)(IX) **Policy 12.1.5:**  
On-site shelters within mobile home parks or mobile home subdivisions shall be elevated to a minimum height equal to or above the worst case Category 3 hurricane flooding level, based upon the current National Oceanic and Atmospheric Administration's storm surge model, known as Sea, Lake, and Overland Surges from Hurricanes (SLOSH). The wind load criteria for buildings and structures designated as "essential facilities" in the latest Florida Building Code, shall guide the design and construction of the required shelters. Shelters shall be constructed with emergency electrical power and potable water supplies; shall provide glass protection by shutters or other approved material/device; and shall provide for ventilation, sanitary facilities and first aid equipment. A telephone, automatic external defibrillator (AED) and battery-operated radio with NOAA weather Specific Area Message Encoded capability are also required within the shelter.
- (VI)(X) **Policy 12.1.6:**  
The Directors of the Engineering Services Department/Transportation Planning Section and Bureau of Emergency Services will, at least annually, review evacuation route road improvement needs to ensure that necessary improvements are reflected within the Five-Year Schedule of Capital Improvements, as contained within the Capital Improvement Element of this Growth Management Plan.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

- (VI)(IX) **Policy 12.1.7:**  
The County, in coordination with municipalities within the County, shall update the hurricane evacuation portion of the Collier County Comprehensive Emergency Management Plan prior to June 1<sup>st</sup> of each year by integrating all appropriate regional and State emergency plans in the identification of emergency evacuation routes.
- (VI)(XI) **Policy 12.1.8:**  
County land development regulations shall include mitigation policies addressing flood plains, beach and dune alteration and storm water management.
- (I)(VI)(IX)  
**Policy 12.1.9:**  
The County through its Local Mitigation Working Group shall annually update its approved Local Mitigation Strategy through the identification and review of new or ongoing local hazard mitigation projects including, identifying the appropriate funding sources for such projects.
- (I)(VI) **Policy 12.1.10:**  
All new Public Safety facilities in Collier County will be flood-resistant and designed to meet 155 mph wind load requirements and shall have provisions for back-up generator power.
- (I)(VI)(IX)  
**Policy 12.1.11:**  
The County shall continue to coordinate with Collier County Public Schools to ensure that all new public schools outside of the Coastal High Hazard Area are designed and constructed to meet the Public Shelter Design Criteria, as contained in “State Requirements for Educational Facilities” (2007).
- (I)(VI)(IX)  
**Policy 12.1.12:**  
The County shall continue to work with the Board of Regents of the State University System to ensure that all new facilities in the State University System that are located outside of the Coastal High Hazard Area are designed and constructed to meet the Public Shelter Design Criteria, as contained in “State Requirements for Educational Facilities” (2007) and the Florida Building Code.
- (I)(VI)(IX)  
**Policy 12.1.13:**  
The County shall continue to mitigate previously identified shelter deficiencies through mitigation from Developments of Regional Impact, Emergency Management Preparedness and Enhancement grants, Hazard Mitigation and Pre-disaster Mitigation Grant Programs funding, and available funds identified in the State’s annual shelter deficit studies.
- (I)(VI)(IX)(X)(XI)  
**Policy 12.1.14:**  
All new nursing homes and assisted living facilities that are licensed shall have a core area to shelter residents and staff on site. The core area will be constructed to meet the Public Shelter Design Criteria that are required for new public schools and public community colleges and universities (“State Requirements for Educational Facilities,” (2014). Additionally, this area shall be capable of ventilation or air conditioning provided by back-up generator for a period of no less than seventy-two (72) hours.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017



(I)(VI)(X) **Policy 12.1.15:**

The County will coordinate with the Florida Department of Transportation on its plans to one-way evacuation routes on State maintained roads that are primary evacuation routes for vulnerable populations.

(VI)(IX) **Policy 12.1.16:**

If warranted by the results of Hurricane Evacuation Studies that are periodically conducted by the State of Florida and/or Federal Authorities, further restriction on development may be proposed.

(VI)(IX)(XI)(XIII)

**OBJECTIVE 12.2:**

Ensure that publicly funded buildings and publicly funded development activities are carried out in a manner that demonstrates best practice to minimize the loss of life, property, and re-building cost from the affects from hurricanes, flooding, sea level rise, natural and technological disaster events. Best practice efforts include, but are not limited to:

- a. Construction above the flood plain;
- b. maintaining a protective zone for wildfire mitigation;
- c. installation of on-site permanent generators or temporary generator emergency connection points;
- d. beach and dune restoration, re-nourishment, or emergency protective actions to minimize the loss of structures from future events;
- e. emergency road repairs;
- f. repair and/or replacement of publicly owned docking facilities, parking areas, and sea walls, etc.

(VI) **Policy 12.2.1:**

The Hazard Mitigation section of the Collier County Comprehensive Emergency Management Plan (CEMP) shall continue to be reviewed and updated every four (4) years beginning in 2005. This periodic update of the CEMP shall include a review and update (as may be necessary) of the County's hurricane evacuation and sheltering procedures.

(VI) **Policy 12.2.2:**

Within the coastal high hazard area, the calculated needs for public facilities, as represented in the Annual Update and Inventory Report (A.U.I.R.) and Five-Year Schedule of Capital Improvements, will be based on the County's adopted level of service standards and projections of future growth allowed by the Future Land Use Element.

**Policy 12.2.3:**

The County shall participate in the National Flood Insurance Program (NFIP).

(VI) **Policy 12.2.4:**

The County shall maintain requirements for structural wind resistance as stated in the latest edition of the Florida Building Code.

(XIII) = Plan Amendment by Ordinance No. 2022-17 on May 10, 2022

(I)(VI)(IX)(X)

**Policy 12.2.5:**

The County shall consider the Coastal High Hazard Area as a geographical area lying below the elevation of the Category 1 storm surge line as presently defined in the 2011 Southwest Florida Regional Planning Council's Hurricane Evacuation Study, or subsequently authorized storm surge or evacuation planning studies coordinated by the Collier County Bureau of Emergency Services and approved by the Board of County Commissioners.

**Policy 12.2.6:**

The County shall require that all new sanitary sewer facilities in the coastal high hazard area be flood proofed, be designed to reduce leakage of raw sewage during flood events to the maximum extent practicable and, new septic tanks shall be fitted with back-flow preventers.

(VI) **Policy 12.2.7:**

The County shall continue to assess all undeveloped property within the coastal high hazard area and make recommendations on appropriate land use.

(IX) **OBJECTIVE 12.3:**

Develop and maintain a task force that will plan and guide a unified County response to post-hurricane disasters.

(XI) **Policy 12.3.1:**

The Comprehensive Emergency Management Plan shall comply with the Policies under this Objective, and shall contain step-by-step details for post disaster recovery.

(IX) **Policy 12.3.2:**

The Board of County Commissioners shall meet to hear preliminary damage assessments after a hurricane that has necessitated an evacuation. At that time, the Commission may activate the recovery task force and consider a temporary moratorium on building activities not necessary for the public health, safety and welfare.

(VI)(IX)(X)(XI)

**Policy 12.3.3:**

The Recovery Task Force shall include the Sheriff, the Growth Management Department Head, the Zoning Director, the Bureau of Emergency Services Director and other members as directed by the Board of County Commissioners, such as representatives from municipalities within the County that have received damage from a storm.

(VI) **Policy 12.3.4:**

The Collier County Recovery Task Force responsibilities shall be identified in the Code of Laws and Ordinances.

**Policy 12.3.5:**

Immediate repair and clean-up actions needed to protect the public health and safety include repairs to potable water, wastewater, and power facilities, debris removal, stabilization or removal of structures that are in danger of collapsing, and minimal repairs to make dwellings habitable. These actions shall receive first priority in permitting decisions.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

**Policy 12.3.6:**

Structures in the coastal high hazard area which have suffered damage to pilings, foundations, or load-bearing walls on one or more occasion shall be required to rebuild landward of their current location or to modify the structure to mitigate any recurrence of repeated damage.

(VI) **Policy 12.3.7:**

The County has developed, adopted and maintains a Post-disaster Recovery, Reconstruction and Mitigation Ordinance, for the purpose of evaluating options for damaged public facilities including abandonment (demolition), repair in place, relocation, and reconstruction with structural modifications. The process described within the Ordinance considers these options in light of factors such as cost to construct, cost to maintain, recurring damage, impacts on land use, impacts on the environment and public safety.

**Policy 12.3.8:**

Within 30 days of a hurricane resulting in disaster the County shall identify non-public structures in the coastal high-hazard area, inventory their assessed value, judge the utility of the land for public access and make recommendations for acquisition during post-disaster recovery.

(VI)(IX)(X)(XI)

**OBJECTIVE 12.4:**

Make every reasonable effort to meet the emergency preparedness requirements of Persons with Special Needs such as the elderly, handicapped, the infirmed and those requiring transportation from a threatened area.

In the event of a countywide emergency, such as a hurricane or other large-scale disaster, the County Bureau of Emergency Services, in coordination with the County Health Department and other officials, opens and operates one or more refuges for persons listed on the County's Special Needs Registry and their caregivers. Medical and support equipment at such refuges include, but are not limited to, respirators, oxygen tanks, first aid equipment, disaster cots and blankets, and defibrillators.

(X) **Policy 12.4.1:**

All new hospitals, nursing homes, and adult congregate living facilities shall prepare an emergency preparedness plan for approval by the Bureau of Emergency Services prior to receiving a final development order.

**Policy 12.4.2:**

The County, in cooperation with other public agencies and public service groups, shall make a reasonable effort to provide for the emergency transportation needs of people having limited mobility that do not reside in licensed institutions serving people with special needs.

**Policy 12.4.3:**

The County, in cooperation with the Collier County Health Department and other public service groups shall make a reasonable effort to provide basic medical services in selected shelters designated as special needs shelters.

(XI) = Plan Amendment by Ordinance No. 2017-20 on June 13, 2017

(X) **GOAL 13:  
TO AVOID UNNECESSARY DUPLICATION OF EXISTING REGULATORY PROGRAMS.**

(X) **OBJECTIVE 13.1:**

Establish, prior to the adoption of any land development regulation to implement this Element, including but not limited to NRPA management guidelines and watershed management plans, a program to review such regulations and identify existing regulatory programs exercised by regional, State, or Federal agencies with jurisdiction over the activities sought to be regulated.

**Policy 13.1.1:**

There will be no unnecessary duplication of existing Regional, State, or Federal permitting programs.

**Policy 13.1.2:**

The County may adopt regulations to strengthen existing permitting programs.

(VI) **Policy 13.1.3:**

Prior to adopting any new regulations to implement this Element, the following guidelines shall be met:

- a. The regulation fulfills an important need that is not adequately addressed by existing Regional, State, or Federal regulations.
- b. The regulation can be effectively and efficiently administered by existing County staff or by an authorized expansion of County staff.
- c. The cost to the County of implementing the regulation has been identified and considered.

(XIII) **GOAL 14:  
TO FOSTER RESILIENCY BY COORDINATING WITH OUR MUNICIPALITIES, STATE AND FEDERAL PARTNERS, AND OTHER EXPERTS TO EXCHANGE DATA AND DEVELOP COORDINATED STRATEGIES TO ADDRESS THE IMPACTS OF SEA-LEVEL RISE.**

(XIII) **OBJECTIVE 14.1:**

Beginning in 2022 and every five years thereafter, the County shall adopt, implement, and pursue strategies that foster resiliency in accordance with Section 163.3178 FS, which requires the County to have specific requirements related to sea level rise, including a redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise, and:

1. Includes development and redevelopment principles, strategies and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Encourages the use of best practice development and redevelopment principles, strategies, and engineering solutions that result in the removal of coastal real estate property from flood zone designations established by the Federal Emergency Management Agency.
3. Identifies site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies.

(XIII) = Plan Amendment by Ordinance No. 2022-17 on May 10, 2022

4. Are consistent with the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
5. Requires that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with Chapter 161.

Encourages local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for residents.

**Policy 14.1.1:**

The County shall review and monitor the best available climate and local sea level data, including but not limited to data from the National Oceanic and Atmospheric Administration (NOAA) Coastal Services Center and the local Adaptation of Coastal Urban and Natural Ecosystems (ACUNE) project. The County shall consider potential effects of climate change and local sea level rise on the need to reduce flood risks that result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise in evaluating public infrastructure and natural resource decisions.

**Policy 14.1.2:**

The County shall evaluate and update the public infrastructure and resource protection standards of the Land Development Code and this Plan as necessary.

**Policy 14.1.3:**

The County shall continue to support Chapter 161, Florida Statutes, Beach and Shore Preservation, which sets forth guidelines for the regulation of beach construction and reconstruction, beach and shore preservation, coastal zone protection, and coastal resources.

**Policy 14.1.4:**

The County shall consider the potential impacts from climate change, including rising sea levels and shoreline stabilization needs, in its planning for infrastructure and public facilities.

**Policy 14.1.5:**

The County shall develop an adaptation action area designation for those low-lying coastal zones that are experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. Local governments that adopt an adaptation action area may consider policies within the coastal management element to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea-level rise. Criteria for the adaptation action area may include, but need not be limited to, areas for which the land elevations are below, at, or near mean higher high water, which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

**Policy 14.1.6:**

The County shall coordinate with local municipalities regarding sea level rise adaptation and mitigation measures.