

**I. INTRODUCTION**

[New text, page 1]

Subsection 163.3177 (5)(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.”

In 2002, the State Legislature made a change to Subsection 163.3177 (6) (d), F.S., which 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, as well as projected, water needs and sources for at least a 10-year period.”

In addition to the Conservation Element, Subsection 163.3177 (5)(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.

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 thirteen (13) 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; and
13. Avoiding duplication of regulations.

**Goals, Objectives and Policies  
Conservation & Coastal Management Element**

**GOAL 1**

[No change to text, page 1]

**OBJECTIVE 1.1:**

[Revised text, page 1]

~~By August 1, 1994, the Collier County will complete the development and implementation~~ continue to develop and implement of a comprehensive environmental management and conservation program, ~~which that~~ will ensure that the natural resources, including State and Federally listed plant and animal species of special status, of Collier County are properly, appropriately, and effectively identified, managed, and protected. ~~Species of special status are defined as species listed in the current "Official Lists of Endangered and Potentially Endangered and Potentially Endangered Fauna and Flora in Florida", published by the Florida Game and Fresh Water Fish Commission.~~

**Policy 1.1.1:**

[Revised text, page 1]

~~By August 1, 1989, appoint, and establish operational procedures for a technical advisory committee to advise and assist the County in the activities involved in the development and implementation of the County Environmental Resources Management Program.~~

Collier County has established and maintains an Environmental Advisory Council (EAC), which advises and assists the County Environmental Services Department, the Collier County Planning Commission (CCPC) and the Board of County Commissioners (BCC) in implementing the County’s environmental resources management programs.

**Policy 1.1.2:** **[Revised text, page 1]**

~~By the time mandated for the adoption of land development regulations pursuant to Chapter 163.3202, F.S., including any amendments thereto August 1, 1989 incorporate the goals, objectives, and policies contained within this Element into the County’s land development regulations as interim environmental resources protection and management standards.~~

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.

**Policy 1.1.3:** **[Revised text, page 1]**

~~By January 1, 1990, the County will have in place an appropriately administered and professionally staffed governmental unit capable of developing, administering, and providing long term direction for the Collier County Environmental Resources Management Program.~~

Collier County shall continue to support the Collier County Environmental Services Department, as 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.

**Policy 1.1.4:** **[Revised text, page 1]**

Collier County shall continue to ensure adequate and effective coordination between the Environmental Services Department Resources Management Program staff and all other units of local governmental entities involved in land use and/or environmental activities and regulations.

**Policy 1.1.5:** **[Revised text, page 1]**

Avoid unnecessary duplication of effort and The Collier County Environmental Services Department shall continue coordination and cooperation with private natural resource conservation and management organizations, as well as Regional, State, and Federal

~~environmental agencies and organizations. and will W~~work with other local governments to identify and manage shared natural resources.

**Policy 1.1.6:** [Revised text, page 1]

~~When developing the Collier County shall strive to 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.~~

**Policy 1.1.7:** [Revised text, page 1]

~~Continue with the phased preparation and adoption of all natural resources management and environmental protection standards and criteria needed for use in the Collier County land development review process. Implementation shall occur on an annual basis as standards and criteria are developed.~~

Collier County’s natural resources management and environmental protection standards and criteria shall be implemented through appropriate sections of the Collier County Land Development Code. The Land Development Code shall be periodically revised, as may be necessary, to reflect the adoption of new and/or revised natural resources management and environmental protection standards and criteria.

**Policy 1.1.8:** [Deleted text, page 2]

~~Continue with the phased preparation and adoption of all natural resources management and environmental protection standards and criteria needed for use in the Collier County land development review process. Implementation shall occur on an annual basis as standards and criteria are developed.~~

**Policy 1.1.98:** [Renumbered text, page 2]

**Objective 1.2:** [No change to text, page 2]

**Policy 1.2.1:** [No change to text, page 2]

**Policy 1.2.2:** [No change to text, page 2]

**Policy 1.2.3:** [No change to text, page 2]

**Policy 1.2.4:** [No change to text, page 2]

**Policy 1.2.5:** [Revised text, page 3]

~~The system will be maintained by the County staff and updated on a cooperative basis by qualified public and private organizations.~~

Collier County’s computerized environmental resources data storage, analysis and graphics system shall share information and resources with other Federal, State, Regional, local and private environmental management agencies and organizations. The County shall cooperate with these other entities when updating its system in order that the benefits of the updated system may be shared with all appropriate agencies and organizations.

**Objective 1.3:** [No change to text, page 3]

**Policy 1.3.1:** [Revised text, page 3]

*[Note: The Assessment has been completed, and GMP amendments adopted, for the entire Assessment area; this included establishing NRPA’s on the Future Land Use Map. There are no longer any interim NRPA’s or any study areas. The GMP amendments adopted for the Assessment area are now in effect; accordingly, the Final Order issued on June 22, 1999 by the Administration Commission, which included a partial moratorium for the Assessment area, is no longer in effect.]*

[No further changes to this policy.]

**Policy 1.3.2:** [No change to text, page 4]

**Policy 1.3.3:** [No change to text, page 4]

**Policy 1.3.4:** [No change to text, page 4]

**Policy 1.3.5:** [No change to text, page 4]

**GOAL 2** [No change to text, page 5]

**Objective 2.1:** [Revised text, page 5]

By January 4, ~~2000~~ 2008, the County shall begin the process of preparing Watershed Management Plans, ~~which that will address~~ contain appropriate mechanisms to protect the County’s estuarine and wetland systems. A funding schedule shall be established to ensure that all Watershed Management Plans will be completed by 2018. In selecting the order of Plan completion, the County shall give priority to watersheds where the development growth potential is greatest and will impact the greatest amount of wetland and listed species habitats. The schedule and priorities shall also be coordinated with the Federal and State agency plans that address Total Maximum Daily Loads (TMDLs).

**Policy 2.1.1:** [No change to text, page 5]

**Policy 2.1.2:** [No change to text, page 5]

**Policy 2.1.3:** [No change to text, page 5]

**Policy 2.1.4:****[Revised text, page 5]**

All Watershed Management Plans ~~should~~shall address the following concepts:

- a. Appropriate wetlands and associated uplands are conserved;
- b. Drainage systems do not unacceptably affect 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; ~~and~~
- 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; and
- h. Non-structural rather than structural methods of surface water management should be considered first in ~~any~~proposed new works;
- i. Wetland and estuarine habitat values are conserved and/or enhanced; and
- 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.

**Policy 2.1.5:****[Revised text, page 6]**

~~As appropriate, integrate environmental resources data collection, planning, and management activities with the water management basin studies described in other parts of this Plan.~~

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.

**Policy 2.1.6:****[Revised text, page 6]**

Collier County shall continue to Ppromote intergovernmental cooperation between Collier County and with the municipalities of Marco Island, Naples and Everglades City for consistent watershed management planning.

**Policy 2.1.7:****[No change to text, page 6]****Policy 2.1.8:****[New text, page 6]**

Collier County shall promote intergovernmental coordination between the County and other governmental agencies involved with watershed planning, including, but not necessarily limited to, 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, and the U.S. Army Corps of Engineers. The County will not necessarily take the lead in preparing each one of the necessary watershed management plans, but will rely upon the work performed 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.

**Objective 2.2:** [No change to text, page 6]

**Policy 2.2.1:** [Revised text, page 6]

Wastewater treatment plants shall not be allowed to discharge directly to rivers, canals or jurisdictional wetlands unless they meet ~~DER~~ Florida Department of Environmental Protection (FDEP) regulations and are not in violation of other Goals, Objectives and Policies of this Element.

**Policy 2.2.2:** [No change to text, page 6]

**Policy 2.2.3:** [No change to text, page 6]

**Policy 2.2.4:** [No change to text, page 6]

**Policy 2.2.5:** [Revised text, page 6]

~~By December 31, 1998, identify stormwater management systems that are not meeting State water quality treatment standards.~~

By December 31, 2008, Collier County shall have initiated a process to identify stormwater management systems that are not meeting State water quality treatment standards. In developing and implementing such a process, the County shall seek guidance and assistance from the South Florida Water Management District (SFWMD) and FDEP.

**Objective 2.3:** [No change to text, page 6]

**Policy 2.3.1:** [No change to text, page 6]

**Policy 2.3.2:** [No change to text, page 7]

**Policy 2.3.3:** [Revised text, page 7]

~~In an attempt to increase ground water levels and to restore the natural hydroperiod for the natural freshwater input to the estuarine system, any future modification of public water control structures in the watershed above the control structure which would amount to 50% or more of the cost of a new structure shall be designed to retain as much water as appropriate.~~

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.

**Policy 2.3.4:** [No change to text, page 7]

**Policy 2.3.5:** [No change to text, page 7]

**Policy 2.3.6:** [Revised text, page 7]

The County will only allow ~~Restrict~~ development activities ~~where~~ which will not such could adversely impact coastal water resources. This is implemented through the following mechanisms:

- a. Require Federal and State permits addressing water quality to be submitted to Collier County before Collier County issues a Final Development Order.
- b. Any project impacting 5 acres or more of wetlands must provide a pre and post development water quality analysis to demonstrate no increase in nutrient, biochemical oxygen demand, total suspended solids, lead, zinc and copper loading in the post development scenario.
- c. By January 2008, the County shall undertake an assessment of the current model used to evaluate pre and post development pollutant loadings referenced in (b) of this Policy. At a minimum, the purpose of this assessment will be to verify the accuracy of the model and to provide data evaluating stormwater management structure design. In reviewing the accuracy of the model, the County will include an evaluation of the reduction of lake depths with time and the corresponding loss of retention volume, the impact of lake stratification, and the need for aeration. The assessment will also include the sampling of runoff from undisturbed sites and from permitted stormwater outfalls for the parameters listed in (b) of this Policy and for lawn care pesticides. The results of the assessment and recommendations regarding the pollutant loading analysis, revisions to current model methodology, potential regulatory restrictions, and further monitoring shall be presented to the Board of County Commissioners.

**Objective 2.4:** [Revised text, page 7]

~~By June 30, 1998, complete a draft agreement with the Florida Department of Environmental Protection regarding coordinated and cooperative planning, management and monitoring programs for Rookery Bay and Cape Romano — Ten Thousand Islands Aquatic Preserves and their watersheds. The agreement shall identify the process for notifying FDEP of development projects within the watersheds of these preserve areas.~~

Collier County shall continue taking 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.

**Policy 2.4.1:** [No change to text, page 7]

**Policy 2.4.2:** [No change to text, page 7]

**Policy 2.4.3:** [No change to text, page 7]

**Objective 2.5:** [No change to text, page 8]

**Policy 2.5.1:** [No change to text, page 8]

**Policy 2.5.2:** [No change to text, page 8]

**Policy 2.5.3:** [No change to text, page 8]

**GOAL 3** [No change to text, page 9]

**Objective 3.1:** [Revised text, page 9]

~~Ground water quality shall meet all applicable Federal and State water quality standards by January 2002 and shall be maintained thereafter.~~

Collier County will continue to implement numerous proactive programs designed to protect the County’s ground water quality from man-made pollution sources. However, due to natural conditions impacting the water quality found in Collier County, some federal and state water quality conditions may not be achievable. Therefore, Collier County will continue to take all necessary actions to maintain the highest attainable level of ground water quality within its aquifer systems. Further, the County will apply Federal and State water quality standards as a means toward achieving this objective.

**Policy 3.1.1:** [Revised text, pages 9, 10]

There are changes to sub-paragraph 2.j) of this policy, only. All other portions of policy are unchanged.

- 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 shall continue to meet all construction and operating standards contained in Chapter 64E-10, F.A.C. as the rule existed on August 31, 1999 and shall implement a ground water monitoring plan.

**Objective 3.2:** [No change to text, page 10]

**Policy 3.2.1:** [No change to text, page 10]

**Policy 3.2.2:** [No change to text, page 10]

**Policy 3.2.3:** [Deleted text, page 10]

~~A committee of well contractors and drillers, County staff, Health Department staff, and South Florida Water Management District staff will continue to evaluate the need for well construction standards that are more specific to Collier County and reflect Collier County conditions.~~

**Policy 3.2.4 3.2.3:** [Revised, renumbered text, page 10]

~~The County will inform well contractors and drillers and the public on the necessity for proper well construction and hold workshops for well drillers on proper techniques for well construction in Collier County.~~

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.

**Policy 3.2.5 3.2.4:** [Renumbered text, page 10]

**Objective 3.3:** [No change to text, page 10]

**Policy 3.3.1:** [No change to text, page 10]

**Policy 3.3.2:** [Revised text, page 10]

~~Use the results of this analysis to modify the calculated “cones of influence” and amend the Comprehensive Plan to include these areas as “environmentally sensitive lands”.~~

Collier County shall use its three-dimensional computer model to calculate the actual and/or potential “cones of depression” around the County’s existing or planned potable water wellfields. 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 Countywide Future Land Use Map Series.

**Policy 3.3.3:** [No change to text, page 10]

**Policy 3.3.4:** [Deleted text, page 11]

~~Continue to establish and apply technically and legally defensible criteria for determining and mapping zones of protection.~~

**[Deleted text, page 11]**

**~~Former OBJECTIVE 3.3 and Policies 3.3.1, 3.3.2, 3.3.3, 3.3.4 [deleted]~~**

**Objective 3.4:** [No change to text, page 11]

**Policy 3.4.1:** [No change to text, page 11]

**Policy 3.4.2:** [No change to text, page 11]

**Policy 3.4.3:** [Revised text, page 11]

Groundwater quality monitoring data shall be assessed the data annually to determine whether monitoring and evaluation activities and County Ordinances require expansion, modification or reduction. The data will also be assessed for the purpose of determining whether County groundwater protection ordinances should be amended.

**Policy 3.4.4:** [No change to text, page 11]

**GOAL 4** [No change to text, page 12]

**Objective 4.1:** [No change to text, page 12]

**Policy 4.1.1:** [No change to text, page 12]

**Policy 4.1.2:** [No change to text, page 12]

**Policy 4.1.3:** [No change to text, page 12]

**Objective 4.2:** [Revised text, page 12]

The Collier County Water-Sewer District and the Collier County Water and Wastewater Authority will continue to promote conservation of its Collier County's potable water supply and by April 1, 1998, develop will continue to develop, implement and refine a comprehensive conservation strategy, which will identify specific goals for reducing per capita potable water consumption.

**Policy 4.2.1:** [No change to text, page 12]

**Policy 4.2.2:** [Revised text, page 12]

The County shall negotiate agreements with area golf courses to accept and use treated wastewater effluent for irrigation when and where such treated effluent same is available from existing and future wastewater treatment plants.

**Policy 4.2.3:** [No change to text, page 12]

**Policy 4.2.4:** [No change to text, page 12]

**Policy 4.2.5:** [No change to text, page 12]

~~**Policy 4.2.6:**~~ [Deleted text, page 12]

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

**GOAL 5** [No change to text, page 13]

**Objective 5.1:** [No change to text, page 13]

**Policy 5.1.1:** [Revised text, page 13]

~~The County shall allow mineral extraction operations as provided in the zoning code.~~

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 generally allowed, either by right, or through a conditional use permit. Mineral extraction activities are generally not allowed within the Immokalee Urban Area, as delineated within the Immokalee Area Master Plan (IAMP) Element of this Plan. The Collier County Land Development Code (LDC) shall allow mineral extraction activities in appropriate zoning districts, consistent with the provisions and limitations contained within this Plan.

~~**Policy 5.1.2:**~~ [Deleted text, page 13]

~~A water use plan must be prepared by the applicant and approved by the County Water Management Department before new mineral operations are permitted.~~

**Policy 5.1.3:** [Renumbered text, page 13]

~~**Policy 5.1.4**~~ **5.1.3:** [Renumbered, page 13]

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.)

~~**Policy 5.1.5**~~ **5.1.4:** [Renumbered, revised text, page 13]

Collier County shall routinely monitor mineral extraction activities for compliance with permit requirements including, but not limited to, monitoring shall be required to determine compliance with State water quality standards. Mining activities shall stop if State water quality standards are violated as a result of the mining operation mineral

extraction activities. Mineral extraction activities shall resume only upon appropriate resolution or mitigation of the State water quality violation.

**Policy 5.1.5:**

**[New text, page 13]**

If a petitioner for a mineral extraction permit is required to have Federal, State, South Florida Water Management District and/or other governmental agency permits, Collier County shall not issue a County permit for such activities until such time as the petitioner has received all other required permits.

**Objective 5.2:**

**[No change to text, page 13]**

**Policy 5.2.1:**

**[Revised text, page 13]**

~~The Program will define reclamation standards for the protection and restoration of wildlife habitat.~~

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.

**Objective 5.3:**

**[Revised text, page 13]**

~~The Collier County Engineering Services Department shall periodically ~~On biennial~~ basis, beginning in October, 1998, review and refine estimates of assess the types, and quantities and location of ~~existing~~ minable mineral resources in Collier County, based in information collected during previous biennium.~~

**Policy 5.3.1:**

**[Revised text, page 13]**

The Collier County Engineering Services Department shall ~~W~~work with the Florida Department of Environmental Protection, and the Florida Geological Survey and local mining industry officials to inventory and ~~evaluate~~ assess the existing mineral reserves in Collier County. The inventory and assessment will 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 earth-mining operations as well as the volume of fill that is permitted to be removed for each such active earth-mining operation.

**Objective 5.4:**

**[No change to text, page 14]**

**Policy 5.4.1:**

**[No change to text, page 14]**

**GOAL 6**

**[No change to text, page 15]**

**Objective 6.1:**

**[Revised text, page 15]**

The County shall protect native vegetative communities through the application of minimum preservation requirements. The following policies provide criteria to make this objective measurable. These policies shall apply to all of Collier County except for ~~the Eastern Lands Study Area, for which policies are required to be adopted by November 1, 2002~~ that portion of the County which is identified on the Countywide Future Land Use Map (FLUM) as the Rural Lands Stewardship Area Overlay.

**Policy 6.1.1:**

**[Revise text, pages 15, 16]**

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 ~~on-site~~ through the application of the following 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 lots or 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. ~~The standards and criteria provided for in this policy may change for the area governed by the Golden Gate Area Master Plan, which is currently under restudy, by Plan amendment.~~

Native Vegetation Retention Requirements

	Coastal High Hazard Area		Non-Coastal High Hazard Area	
Residential and Mixed Use Development	Less than 2.5 acres	10%	Less than 5 acres.	10%
	Equal to or greater than 2.5 acres	25%	Equal to or greater than 5 acres and less than 20 acres.	15%
			Equal to or greater than 20 ac.	25%
<u>Stand Alone</u> Golf Course		35%		35%
Commercial, <del>and</del> Industrial and other Development	Less than 5 acres.	10%	Less than 5 acres.	10%
	Equal to or greater than 5 acres.	15%	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.
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The following standards and criteria shall apply to the native vegetation retention requirements referenced above:

- (1) For the purpose of this policy, “native vegetation” is defined as a vegetative community having 75% or less canopy coverage of melaleuca or other invasive exotic 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. 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. ~~All~~ On-site or and off-site preserve areas shall be ~~identified as separate tracts and~~ protected by a permanent conservation ~~easement 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.
- (4) Selection of native vegetation to be retained as preservation 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 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.
  - ~~c.~~ Onsite wetlands having functionality scores of at least 0.65 WRAP or 0.7 UMAM, unless permitted for impact preserved 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.~~ Upland habitat shall be part of the preservation requirement when wetlands alone do not constitute all of the requirement. Upland habitats have the following descending order of priority:
1. Any upland habitat that serves as a buffer to a wetland area as identified in (4)c. above,
  2. Listed plant and animal species habitats,
  - ~~— 3. Xeric Scrub,~~
  - ~~— 4. Dune and Strand, Hardwood Hammocks,~~
  - e. 5. Dry Prairie, Pine Flatwoods, and
  - f. 6. All other upland native habitats.
- ~~d.~~ Exceptions to these priorities are noted in (7) below.
- (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. such as pervious nature trails or boardwalks are allowed within preserve areas, as long as any clearing required to facilitate these uses does not impact the minimum required vegetation. 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.
  - b. Receipt of treated stormwater discharge where such use, including conveyance, treatment and discharge structures, does not result in any adverse impact on the naturally occurring, native vegetation, 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 17-302, 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 (i).
- ~~(7) Exceptions, by means of mitigation in the form of increased landscape requirements shall be granted for parcels that cannot reasonably accommodate both the preservation area and the proposed activity. Criteria for allowing these exceptions include:~~
- ~~(a) Where site elevations or conditions requires placement of fill thereby harming or reducing the survivability of the native vegetation in its existing locations;~~



- ~~(b) Where the existing vegetation required by this policy is located where proposed site improvements are to be located and such improvements can not be relocated as to protect the existing native vegetation;~~
- ~~(c) Where native preservation requirements are not accommodated, the landscape plan shall 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 nature vegetation.~~

~~(8-7)~~ Parcels that were legally cleared of native vegetation prior to January 1989 shall be exempt from this requirement.

| (98) Preservation areas shall be interconnected within the site and to adjoining off-site preservation areas or wildlife corridors.

(409) 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.

(10) On-site preservation of native vegetation shall always be required where there are plant or animal listed species on-site, subject to receiving technical assistance from the wildlife agencies pursuant to Policy 7.1.2(c) of this Element, and when the required retained native vegetation provides for adequate habitat for the on-site listed species. When there are no listed species on-site, the County shall allow the required native vegetation retention to be satisfied by the off-site alternatives identified in Paragraph (11) subject to the following criteria:

- a. All land uses qualify for off site alternatives subject to the provisions of this policy, except for the following uses:
  - 1. Residential having no affordable housing component;
  - 2. The residential component of a mixed use development having no affordable housing component.;
  - 3. Stand Alone Golf Courses;
- b. Off-site alternatives are allowed for all qualified sites where the calculated total acreage of native vegetation is less than 0.5 acres, unless the on-site vegetation is contiguous to or adjoining off-site preserves such that the resulting combined area is equal to or greater than 0.5 acre;
- c. Off-site alternatives may be used to satisfy 100% of the native vegetation retention requirements for essential services;
- d. Off-site alternatives for qualified affordable housing may be used to satisfy up to 50% of the native vegetation retention requirement, but shall not result in an on-site preserve of less than 0.5 acre; and

- e. Off-site alternatives may be used to satisfy 100% of the native vegetation retention requirements directly associated with the taking of land required for a publicly-owned right of way.
- (11) Where an offsite alternative is allowed pursuant to Paragraph (10), it shall take the form of providing a payment to the Conservation Collier Program, or another publicly funded land acquisition program for the purchase of land in Collier County if the Conservation Collier Program no longer exists.
- a. The basis for determining the amount of payment will be based on the appraised value (AV) of the parcel to be developed, the area of native vegetation retention (NVT) that will be preserved off-site, and the applicable percentage of appraised value (PAV). The formula for calculating the required value is as follows:  $Required\ Value\ (\$) = PAV(\%) \times NVT(acres) \times AV(\$ per\ acre)$ .
- b. The PAV may range between 50% and 200% of the appraised value of the land to be developed depending on the amount of units set aside for qualified affordable housing. The procedures for determining the methodology for determining the AV and the relationship between affordable housing units and the PAV will be identified in the land development regulations.
- (12) Creation or restoration. Although the primary intent of this Policy is to retain and protect existing native vegetation, there are situations where creation or restoration is allowed. When allowed, creation or restoration of native vegetation shall provide for all three strata (ground covers, shrubs, and trees) using larger plant materials so as to more quickly re-create the lost mature vegetation, shall use appropriate native plants to recreate a native vegetative community that is compatible with the existing soils, and shall provide for the appropriate grade and elevations to ensure success of the recreated native plant community. Creation or restoration of native vegetation for the purpose of meeting the vegetation retention requirements of this policy is allowed under the following circumstances:
- a. Where a State or Federal permit requires the creation of native habitat on site;
- b. Where the native vegetation on the site occurs in isolated areas that are individually less than 0.5 acre in size in order to facilitate preservation areas consistent with Paragraph 2 of this Policy; or
- c. Where allowed through a variance process described in Paragraph 13 of this Policy.
- (13) Variance to Native Vegetation Retention Criteria. In exceptional circumstances, the County may grant a variance to the requirements of this Policy as specified below. The Collier County Land Development Code shall be amended during the next amendment cycle to set forth the process for obtaining a variance to the criteria specified in this policy. There are two types of variances: administrative and those requiring a public hearing by the Board of Zoning Appeals (BZA).
- a. Administrative variances.
1. Administrative variances shall be subject to the approval by the County Manager or his designee.

2. Administrative variances may be granted where one of the following conditions exist:
    - (a) Where the amount of native vegetation that is the subject of the variance request is less than 0.5 acres.;
    - (b) Where plant and animal listed species as identified in Policy 7.1.1 are absent;
    - (c) Where application of the criteria specified in Paragraphs 4, 5, 8, 10b, 10d, and 12 of this Policy conflict with each other;
    - (d) Where the location of transportation access points, or other County, Federal or State mandates require specific site improvements that can not meet the requirements of this policy.
  3. An appeals process for administrative decisions will be established in the land development regulations.
- b. Board of Zoning Appeals (BZA) variances.
1. The BZA shall review the request for a variance for cases where the conditions for an administrative variance are not present or as an appeal to an Administrative variance.
  2. BZA variances may be granted where the following conditions exist:
    - (a) Where other requirements of the Growth Management Plan, land development regulations, including the location of transportation access points, or other County, Federal or State mandates require specific site improvements that can not be re-located to meet the requirements of this policy;

**Policy 6.1.2:****[Revise text, pages 17, 18, 19]**

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 preservation and vegetation retention standards and criteria:

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.
- 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 that, for Section 24, Township 49 South, Range 26 East, located in the North Belle Meade Overlay, a minimum of 70% of the native vegetation present, not to exceed 70% of the total site area, shall be preserved.~~
- (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 clearing 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.
  - 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.
- (1) For the purpose of this policy, “native vegetation” is defined as a vegetative community having 75% or less canopy coverage of melalueca or other invasive exotic plant species. The vegetation retention requirements specified in this policy are calculated 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. 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. ~~All~~ On-site or and off-site preserve areas shall be ~~identified as separate tracts and~~ protected by a permanent conservation easement 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.
  - (4) Selection of native vegetation to be retained as ~~the~~ preserve areas shall reflect the following criteria in descending order of priority:
    - a. ~~Onsite wetlands shall be preserved pursuant to Policy 6.2.5 of this element;~~
    - ~~ab.~~ Wetland or upland ~~Areas~~ known to be utilized by plant or animal 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. ~~Parcels containing gopher tortoises shall protect the largest, most contiguous gopher tortoise habitat with the~~

- ~~greatest number of active burrows, and provide a connection to off site adjacent gopher tortoise preserves.~~
- b. Xeric Scrub, Dune and Strand, Hardwood Hammocks.
- ~~c.~~ b. Onsite wetlands preserved pursuant to Policy 6.2.5 of this Element;
- e. ~~Upland habitat shall be part of the preservation requirement when wetlands alone do not constitute all of the requirement. Upland habitats have the following descending order of priority:~~
- d. 1. Any upland habitat that serves as a buffer to a wetland area, as identified in (4)c. above.
2. ~~Listed plant and animal species habitats,~~
3. ~~Xeric Scrub,~~
4. ~~Dune and Strand, Hardwood Hammocks,~~
- e. 5. Dry Prairie, Pine Flatwoods, and
- f. 6. ~~All other upland native habitats.~~
- (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. such as pervious nature trails or boardwalks are allowed within preserve areas, as long as any clearing required to facilitate these uses does not impact the minimum required vegetation. 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.
- b. Receipt of treated stormwater discharge where such use, including conveyance, treatment and discharge structures, does not result in any adverse impact on the naturally occurring, native vegetation, 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 17-302, 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 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 (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 CCME Objective 6.5 of this element;
  - (11) Preservation areas shall be interconnected within the site and to adjoining off-site preservation areas or wildlife corridors;
  - (12) 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.

**Policy 6.1.3:** [No change to text, page 19]

**Policy 6.1.4:** [Revised text, page 19]

*[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) ~~Applicants~~ Petitioners for development permits 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 shall 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 ~~it~~ such list as necessary.

**Policy 6.1.5:** [No change to text, page 19]

**Policy 6.1.6:** [Revised text, page 19]

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

Exemptions from the native vegetation retention requirements of CCME Policy 6.1.2 – The requirements of ~~this~~ Policy 6.1.2 shall not apply to, affect or limit the continuation of existing uses. Existing use shall ~~include~~ be defined as: those uses for which all required permits were issued prior to June 19, 2002; or, projects for which a Conditional Use or Rezone petition ~~has been~~ was approved by the County prior to June 19, 2002; or, land use petitions for which a completed application ~~has been~~ was submitted prior to June 19, 2002. The continuation of existing uses shall include expansions of those uses if such expansions are consistent with, or clearly ancillary to, the existing uses.

(No change to second paragraph of above Policy.)

**Policy 6.1.7:** [No change to text, page 20]

**Policy 6.1.8:** [Revised text, page 20]

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

An Environmental Impact Statement (EIS) 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.

a. An EIS shall be required for:

1. Any site with an ST or ACSC-ST overlay, or within the boundaries of Sending Lands or NRPAs.
2. All sites ~~seaward of the Coastal High Hazard Area boundary that are 2.5 or more acres.~~
3. ~~All sites landward of the Coastal High Hazard Area boundary that are ten~~ twenty (20) or more acres.
3. Any site that is known to be utilized by plant or animal listed species or wetlands with a functionality score of greater than 0.65 WRAP or 0.7 UMAM
4. Any other development or site alteration, which in the opinion of the development services director, would have substantial impact upon environmental quality.

- b. The EIS requirement does not apply to a single family or duplex use on a single lot or parcel. Exemptions shall not apply to any parcel with an ST or ACSC-ST overlay, or within the boundaries of Sending Lands or NRPA's or as otherwise allowed by the ST or ACSC-ST criteria.
- c. The EIS requirement may be waived subject to the following:
  - 1. Agricultural uses as defined in Rule 9J-5.003(2), FAC, ~~including aquaculture for native species.~~
  - 2. After inspection of appropriate data and information by County staff ~~and filing of a written report~~, any land or parcel of land that has been so altered as to have irreparable damage to the ecological, drainage, or groundwater recharge functions; or that the development of the site will improve or correct the existing ecological ~~functions~~ deficiencies or not require any major alteration of the existing landforms, drainage, or flora and fauna elements of the property. For the purpose of this policy, major alteration shall mean greater than 10% of the site.
  - ~~d.3.~~ Exemptions shall not apply to any parcel with an ST or ACSC-ST overlay, or within the boundaries of Sending Lands or NRPA's except for single family homes or as otherwise allowed by the ST or ACSC-ST criteria.

**Policy 6.1.9:** [No change to text, page 21]

**Objective 6.2:** [Revised text, page 21]

The County shall protect and conserve wetlands and the natural functions of wetlands pursuant to the appropriate policies under Goal 6. The following policies provide criteria to make this objective measurable. ~~These policies shall apply to all of Collier County except for the Eastern Lands Study Area, for which policies are required to be adopted by November 1, 2002.~~ The County's wetland protection policies and strategies shall be coordinated with the Watershed Management Plans as required by Objective 2.1 of this Element.

**Policy 6.2.1:** [No change to text, page 21]

**Policy 6.2.2:** [No change to text, page 21]

**Policy 6.2.3:** [Revised text, page 21, 22, 23]

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, ~~t~~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



lands 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. Protection measures for wetlands and wetland systems located within the ~~Eastern Lands portion of the County's Rural and Agricultural Assessment (depicted on the FLUM)~~ 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 ~~W~~within the Urban and Estates designated areas of the County; the County will rely on 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, ~~this~~ the permitting agency's mitigation requirements shall be deemed to preserve and protect wetlands and their functions.

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 ~~by~~ through implementation of the following protection and conservation mechanisms:

(1) *Conservation Designation*

Best available data indicates that 76% of all wetlands found in Collier County are contained within the ~~boundary~~ boundaries of the ~~land designated as~~ Conservation Designation as depicted on the Countywide 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. 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.

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

Best available data indicates that 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 District, 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.*) ~~specifies~~ specify that site alterations shall be limited to

10% of the total site. ~~A large percentage~~ 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. ~~(Land Use Designation Section V.~~

(3) *Natural Resource Protection Areas (NRPAs)*

Major wetland systems and regional flow-ways were used as criteria to establish the NRPA Overlay District as shown on the Future Land Use Map, and as discussed in FLUE Land Use Designation, Section V.C. These areas ~~identify~~ include high functioning wetland systems ~~in the County~~ and, although portions of the NRPA Overlay include lands within the Conservation Designation, represent ~~an additional~~ approximately 12%± of the County's wetlands, ~~that~~ 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 ~~for~~ within NRPAs are also subject to native vegetation retention and preservation standards of 90%. ~~(Reference the NRPA Overlay in the FLUE.)~~

(4) *Rural Fringe ~~Mixed Use~~ 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 ~~constituting~~ 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 FLUE, Land Use Designation, Section II.B. Incompatible land uses are also directed away from Sending Lands ~~by restricting~~ through restrictions on allowable uses. ~~(Reference FLUE Rural Fringe Mixed Use District.)~~ 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. ~~(Reference CCME Policy 6.7.1.)~~

(5) *Flowway Stewardship Areas [re-numbered to reflect merger of Ordinance No. 2002-32 and 2002-54]*

Flowway Stewardship Areas have been designated ~~W~~within the Rural Lands Stewardship Area Overlay (RLSA), ~~as designated~~ 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 ~~primarily~~ for the most part privately owned wetlands that are located within the Camp Keais Strand and Okaloacoochee Slough. These lands form the ~~primary~~ principal wetland flowway systems in the RLSA. The Overlay provides an incentive to permanently protect FSAs ~~by~~ through the creation and transfer of Stewardship Credits. It also contains provisions that eliminate ~~elimination~~ of incompatible uses from the FSAs and, which establish ~~establishment~~ of protection measures.

(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.

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 (~~Reference FLUE Rural Fringe Mixed Use District.~~).
- (5) The protection of wetlands that are part of an established watershed management plan, as per Objective 2.1 of this Element.

**Policy 6.2.4:****[Revised text, page 23]**

Within the *Urban Designated* area, the County shall rely on the wetland jurisdictional determinations and permit requirements issued by the applicable jurisdictional agency. 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.
- (2) The County shall require the appropriate jurisdictional permit prior to the issuance of a final local development order permitting site improvements, 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 the issuance of a final local development order permitting site improvements.
- (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 a acquisition by a public or private conservation entity ~~such as CREW lands; public or private mitigation banks;~~ 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 plant or animal listed species.
- (4) Within the Immokalee Urban Designated Area, there exists 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. ~~As part of the County's Evaluation and Appraisal Report (EAR), the County shall identify this area and map its boundaries on the Future Land Use Map.~~ This area has been identified and is shown on the Future Land Use Map for the Immokalee Area Master Plan.

**Policy 6.2.5:****[Revised text, page 23]**

*(Note: This revision applies only to the first paragraph of the subject policy.)*

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 below 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:

**Policy 6.2.6:****[Revised text, page 25]**

*[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.

**Policy 6.2.7:****[Revised text, pages 25, 26]**

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. This policy shall be implemented as follows:

- (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 before Collier County issues a building permit.
- (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 construction 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 the issuance of a building permit. The County shall also notify the applicable federal and state agencies of single-family building permits applications in these areas.
- (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 County's approved watershed management plans, as per Objective 2.1 of this Element. 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 residences 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 is required prior to the issuance of a County building permit.
- ~~(43)~~ ~~Within one (1) year of the adoption of these amendments,~~ Collier County shall continue to work with federal and state agencies to identify properties that have a high ~~probabilities~~ probability of wetlands and/or plant or animal listed species occurrence. The identification process will be based on ~~H~~hydric soils data and other applicable criteria. Once this identification process is complete, the County will determine if ~~the process~~ the process is sufficiently accurate to require federal and state wetland approvals prior to ~~issuing~~ the issuance of a building permit within these areas. The County shall use ~~this~~ 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.

**Policy 6.2.8:****[No change to text, page 26]****Policy 6.2.9:****[No change to text, page 26]**

**OBJECTIVE 6.3:** [No change to text, page 26]

**Policy 6.3.1:** [No change to text, page 26]

**Policy 6.3.2:** [No change to text, page 26]

**Policy 6.3.3:** [No change to text, page 26]

**OBJECTIVE 6.4:** [No change to text, page 26]

**Policy 6.4.1:** [No change to text, page 26]

**Policy 6.4.2:** [Revised text, page 26]

Collier County shall continue to meet coordinate with the appropriate adjacent Counties at a specified frequency to discuss upcoming when reviewing proposed land development projects that would have an impact on ecological communities in both one or more of the adjacent Counties.

**Policy 6.4.3:** [Revised text, page 27]

~~The County shall assist to assure compliance with all State and Federal Regulations pertaining to endangered and rare species living in such “shared” ecological systems.~~

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. Such coordination shall ensure the following:

- (1) The County’s environmental management policies regarding the shared ecological community are consistent with those of the neighboring jurisdiction.
- (2) Such environmental management policies are in compliance with State and Federal regulations regarding listed species.

**OBJECTIVE 6.5:** [No change to text, page 27]

**Policy 6.5.1:** [No change to text, page 27]

**Policy 6.5.2:** [No change to text, pages 27, 28]

**Policy 6.5.3:** [No change to text, page 28]

**GOAL 7** [No change to text, page 29]

**OBJECTIVE 7.1:** [Revised text, page 29]

The County shall direct incompatible land uses away from listed plant and animal species and their habitats. ~~These policies shall apply to all of Collier County except for the Eastern Lands Study Area, for which policies are required to be adopted by November 1, 2002.~~ 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 plant species are those species that are designated endangered, threatened, and commercially exploited, by the Florida Department of Agriculture and Consumer Services in accordance with Chapter 5B-40, F.A.C. and by various federal agencies published in 50 CFR 17. 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.

**Policy 7.1.1:** [No change to text, pages 29, 30]

**Policy 7.1.2:** [No change to text, pages 30, 31, 32]

**Policy 7.1.3:** [No change to text, page 32]

**Policy 7.1.4:** [No change to text, page 32]

**Policy 7.1.5:** [No change to text, page 32]

**Policy 7.1.6:** [New text, page 32]

Provisions shall be made for the relocation of listed plant species to on site preserves or to a suitable off-site location. Preserve management plans shall provide for appropriate mechanisms to ensure the survivability of the listed plant species.

**OBJECTIVE 7.2:** [No change to text, page 32]

**Policy 7.2.1:** [No change to text, page 32]

**Policy 7.2.2:** [No change to text, page 32]

**Policy 7.2.3:** [No change to text, page 32]

**OBJECTIVE 7.3:** [Revised text, page 32]

Analysis of ~~H~~historical data from 1996-1999 shows that the average number of sea turtle disorientations in Collier County is approximately equal to 5% of the hatchlings from all

~~total~~ nests in the County. Through the following policies, the County’s objective is to minimize the number of sea turtle disorientations.

**Policy 7.3.1:** [No change to text, page 33]

**Policy 7.3.2:** [No change to text, page 33]

**Policy 7.3.3:** [No change to text, page 33]

**OBJECTIVE 7.4:** [No change to text, page 33]

**Policy 7.4.1:** [No change to text, page 33]

**Policy 7.4.2:** [No change to text, page 33]

**GOAL 8** [No change to text, page 34]

**OBJECTIVE 8.1:** [No change to text, page 34]

**Policy 8.1.1:** [No change to text, page 34]

**Policy 8.1.2:** [Revised text, page 34]

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

**Policy 8.1.3:** [Deleted text, page 34]

~~The local fire departments, Florida Department of Environmental Protection, and the Florida Division of Forestry will investigate and act on complaints that are called in or referred to them.~~

**Policy ~~8.1.4~~ 8.1.3:** [Renumbered, revised text, page 34]

~~Automobile emissions will be reduced by the policy of the Sheriff’s Department to stop smoking vehicles and either warn or ticket the operator for the offense, and by the policy of the County to require bike paths or sidewalks on new subdivisions and major County roadways and improvements.~~

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 stop vehicles with visible exhaust emissions and issue warnings or tickets to the operators of such vehicles, requiring that the vehicles be repaired.
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.

**Policy 8.1.5 ~~8.1.4~~:** [Renumbered, revised text, page 34]

~~By January 1, 2000, the Collier County shall investigate the need for a more~~ continue to develop and maintain a comprehensive local county-wide air quality monitoring program.

**GOAL 9** [No change to text, page 35]

**OBJECTIVE 9.1:** [No change to text, page 35]

**Policy 9.1.1:** [Revised text, page 35]

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).

**Policy 9.1.2:** [Revised text, page 35]

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

**Policy 9.1.3:** [No change to text, page 35]

**Policy 9.1.4:** [No change to text, page 35]

**Policy 9.1.5:** [No change to text, page 35]

**Policy 9.1.6:** [No change to text, page 35]

**Policy 9.1.7:** [No change to text, page 35]

**OBJECTIVE 9.2:** [No change to text, page 35]

**Policy 9.2.1:** [No change to text, page 35]

**Policy 9.2.2:** [No change to text, page 36]

**Policy 9.2.3:** [New text, page 36]

The Collier County Pollution Control and Prevention Department shall work with the Florida Department of Environmental Protection (FDEP) to establish a new cooperative agreement between the County and FDEP. The purpose of this agreement shall be to ensure an additional layer of regulatory oversight in enforcing businesses to be compliant with federal, state and local hazardous waste management regulations.

**OBJECTIVE 9.3:** [No change to text, page 36]

**Policy 9.3.1:** [No change to text, page 36]

**OBJECTIVE 9.4:** [No change to text, page 36]

**Policy 9.4.1:** [Revised text, page 36]

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.

**Policy 9.4.2:** [No change to text, page 36]

**Policy 9.4.3:** [Revised text, page 36]

~~Unless otherwise provided for in CCME Policy 3.1.1, storage tank systems shall adhere to containment provisions required in 62-761, F.A.C., as it existed on August 31, 1999.~~

All storage tank systems in Collier County shall adhere to the provisions of Section 62-761 or 62-762, Florida Administrative Code (F.A.C.) as applicable. Unless otherwise provided for within Section 62-761, F.A.C., individual storage tank systems shall adhere to the provisions of Section 62-761, F.A.C., in effect at the time of approval of the storage tank system.

~~**OBJECTIVE 9.5 and Policy 9.5.1 [deleted]**~~ [Deleted text, page 36]

**GOAL 10** [No change to text, page 37]

**OBJECTIVE 10.1:** [No change to text, page 37]

**Policy 10.1.1:** [Revised text, page 37]

Priorities for water-dependent and water-related uses shall be:

a. Public recreational facilities over private recreational facilities;

ab. Public Boat Ramps;

~~bc.~~ Marinas

- 1. Ceommercial (public) marinas over private marinas;
- 2. Dry over wet storage;

~~ed.~~ Commercial fishing facilities;

~~de.~~ Other non-polluting water-dependent industries or utilities;

f. Marine supply/repair facilities;

g. Residential development.

**Policy 10.1.2:** [No change to text, page 37]

~~**Policy 10.1.3:**~~ [Deleted text, page 37]

~~Priorities for water related uses shall be:~~

- ~~a. ——— Recreational facilities~~
- ~~b. ——— Marine supply/repair facility~~
- c. Residential development

**Policy ~~10.1.4~~ 10.1.3:** [Renumbered, revised text, page 37]

In order to minimize the destruction or disturbance of native vegetative communities,  
~~The following priority ranking of shoreline development and the resultant destruction or disturbance of native vegetative communities for water dependent/water related land uses 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.

~~**Policy 10.1.5:**~~ [Deleted text, page 37]

~~In order to protect manatees, marinas shall be discouraged in designated manatee critical habitat unless other protective measures are provided. (Reference Policy 7.2.3.)~~

**Policy ~~10.1.6~~ 10.1.4:** [Renumbered text, page 38]

**Policy ~~10.1.7~~ 10.1.5: [Renumbered, revised text, page 38]**

Marinas and all other water-dependent and water-related uses shall conform to ~~other~~ all applicable policies regulations regarding development in marine wetlands. Marinas and water-dependent/water-related uses that propose to destroy wetlands shall provide for ~~use by the general public~~ use.

**Policy ~~10.1.8~~ 10.1.6: [Renumbered, revised text, page 38]**

All new marinas, water-dependent and water-related uses that propose to destroy viable, naturally functioning marine wetlands shall be required to perform a fiscal analysis in order to demonstrate the public benefit economic need and financial feasibility for of the ~~proposed such~~ development.

**Policy ~~10.1.9~~ 10.1.7: [Renumbered, revised text, page 38]**

Objective 10.1 and its accompanying ~~These~~ policies shall serve as criteria for the review of proposed development within the “Special Treatment” (“ST”) Zoning Overlay District designated lands. The purpose of the “ST” Overlay District Regulation is to assure the preservation and maintenance of environmental and cultural resources and to encourage the preservation of the intricate ecological relationships within Collier County’s natural systems, while at the same time permitting those types of development, compatible with these resources and natural systems, as determined by the Board of County Commissioners after public hearing.

**OBJECTIVE 10.2: [No change to text, page 38]**

**Policy 10.2.1: [No change to text, page 38]**

**Policy 10.2.2: [No change to text, page 38]**

**Policy 10.2.3: [Revised text, page 39]**

~~A credit towards any developed recreation and open space impact fee shall be given for developments, which provide public access facilities.~~

Developments that provide public access to beaches, shores and/or waterways shall 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: [No change to text, page 39]**

**Policy 10.2.5: [No change to text, page 39]**

**Policy 10.2.6: [No change to text, page 39]**

**OBJECTIVE 10.3:** [No change to text, page 39]

**Policy 10.3.1:** [No change to text, page 39]

**Policy 10.3.2:** [No change to text, page 39]

**Policy 10.3.3:** [No change to text, page 39]

**Policy 10.3.4:** [Revised text, page 39]

~~Public expenditure shall be limited to property acquisition and for public safety, education, restoration, exotic removal, recreation and research facilities that will not substantially alter the natural characteristics and the natural function of the undeveloped coastal barrier system.~~

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:** [No change to text, page 39]

**Policy 10.3.6:** [Revised text, page 39]

Prohibit construction of structures seaward of the Coastal Construction ~~Control~~ Setback 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:** [No change to text, page 40]

**Policy 10.3.8:** [Revised text, page 40]

~~Development density on undeveloped coastal barrier systems shall not exceed the lowest density provided in the Future Land Use Element.~~

The density of residential development on previously undeveloped coastal barrier islands shall not exceed a density of four (4) units per acre.

**Policy 10.3.9:** [No change to text, page 40]

**Policy 10.3.10:** [No change to text, page 40]

**Policy 10.3.11:** [No change to text, page 40]

**Policy 10.3.12:** [Deleted text, page 40]

~~Require the use of the “Planned Unit Development” (PUD) provisions of the Zoning Ordinance for new developments or redevelopment’s proposed to take place within areas identified as Coastal Barrier system with the exception of one single family dwelling unit on a single parcel.~~

**Policy 10.3.13** [Deleted text, page 40]

~~These policies shall be implemented through the existing “ST” zoning procedures.~~

**Policy 10.3.14 10.3.12:** [Renumbered, revised text, page 40]

Substantial alteration of the natural grade on undeveloped coastal barriers, ~~by~~ through filling or excavation shall be prohibited except as part of an approved dune and/or beach restoration program, ~~or as part of a DER approved wastewater treatment system~~ or as part of an approved public development plan for one or more of the uses allowed by Policy 10.3.4, above.

**Policy 10.3.15 10.3.13:** [Renumbered text, page 40]

**Policy 10.3.14:** [New text, page 40]

All new development proposed on coastal barrier systems shall be reviewed through the County’s existing “Special Treatment” (“ST”) zoning overlay district. Objective 10.3 and its accompanying policies shall serve as criteria for such review. The purpose of the “ST” overlay district regulations is to assure the preservation and maintenance of environmental and cultural resources and to encourage the preservation of the intricate ecological relationships within Collier County’s natural systems, while at the same time permitting those types of development, compatible with these resources and natural systems, as determined by the Board of County Commissioners after public hearing.

**OBJECTIVE 10.4:** [No change to text, page 40]

**Policy 10.4.1:** [No change to text, page 41]

**Policy 10.4.2:** [No change to text, page 41]

**Policy 10.4.3:** [Revised text, page 41]

Collier County shall Pprohibit 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:** [No change to text, page 41]

**Policy 10.4.5:** [No change to text, page 41]

**Policy 10.4.6:** [No change to text, page 41]

**Policy 10.4.7:** [Revised text, page 41]

Collier County shall prohibit construction seaward of the Coastal Construction Control Setback Line except where the same such construction would be permitted pursuant to the provisions of the Florida Coastal Zone Protection Act of 1985, or where said such prohibition would result in no reasonable economic utilization of the property in questions, or for safety reasons. In such cases, construction will be as far landward as is practicable and effects shall be minimized on the beach and dune system and the natural functions of the coastal barrier system shall be minimized.

**Policy 10.4.8:** [Revised text, page 41]

Collier County shall allow construction seaward of the Coastal Construction Control Setback Line will be allowed for public access and protection and activities related to restoration of beach resources. Such construction seaward of the Coastal Construction Control Line, shall not interfere with sea turtle nesting, will utilize appropriate 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 and will vegetate with appropriate native vegetation.

**Policy 10.4.9:** [Revised text, page 41]

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

**Policy 10.4.10:** [Revised text, page 41]

The County shall prohibit vehicles traffic or traffic on the beaches and primary dunes shall be prohibited except for the following:

1. Emergency vehicles responding to incidents.
2. Vehicles associated with and approved 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 routine permitted uses of commercial hotels.
4. Beach raking or beach cleaning.
5. Vehicles needed for beach nourishment or inlet maintenance

6. Vehicles necessary for construction that cannot otherwise access a site from an upland area.

~~The County shall enforce this requirement with the existing Vehicle on the Beach Ordinance.~~ 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:** [No change to text, page 42]

**Policy 10.4.12:** [Revised text, page 42]

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.

**Policy 10.4.13:** [No change to text, page 42]

**OBJECTIVE 10.5:** [No change to text, page 42]

**Policy 10.5.1:** [No change to text, page 42]

**Policy 10.5.2:** [No change to text, page 42]

**Policy 10.5.3:** [No change to text, page 42]

**Policy 10.5.4:** [Revised text, page 42]

Prohibit construction of any structure seaward of the Coastal Construction Setback Control Line. 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 beaches and dunes.

**Policy 10.5.5:** [Revised text, page 42]

The County shall ~~p~~Prohibit ~~motorize~~ vehicles on the beaches and dunes except for emergency, environmental monitoring and environmental maintenance purposes. ~~The County shall enforce this requirement with the existing Vehicle On The Beach Ordinance.~~



**Policy 10.5.6:** [No change to text, page 42]

**Policy 10.5.7:** [No change to text, page 42]

**Policy 10.5.8:** [No change to text, page 43]

**Policy 10.5.9:** [Revised text, page 43]

Prohibit construction seaward of the Coastal Construction ~~Control~~ Setback Line except as follows:

- a. Construction will be allowed 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.

**Policy 10.5.10:** [No change to text, page 43]

**Policy 10.5.11:** [Revised text, page 43]

The County will waive all other non-safety related setback requirements and site planning requirements before allowing construction seaward of the Coastal Construction ~~Control~~ Setback Line.

**Policy 10.5.12:** [No change to text, page 43]

**OBJECTIVE 10.6:** [No change to text, page 43]

**Policy 10.6.1:** [Revised text, page 43]

In addition to those applicable policies supporting Objectives 10.1, 10.2, 10.3, 10.4, and 10.5, 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. ~~Tigertail Unit FL-63 P,~~
  - ed. 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.

~~Policy 10.6.2:~~ [Deleted text, page 44]

~~The requirements of Policy 10.6.1 identifies the guidelines and performance standards for the undeveloped coastal barriers and estuaries contained within the coastal barrier and estuarine NRPA (CCME Policy 1.3.2). These standards therefore satisfy the requirements of CCME Policy 1.3.2.~~

~~Policy 10.6.3~~ 10.6.2: [Renumbered text, page 44]

Policy 10.6.3: [No change to text, page 44]

GOAL 11 [No change to text, page 45]

OBJECTIVE 11.1: [No change to text, page 45]

Policy 11.1.1: [No change to text, page 45]

Policy 11.1.2: [No change to text, page 45]

Policy 11.1.3: [No change to text, page 45]

GOAL 12 [No change to text, page 46]

OBJECTIVE 12.1: [Revised text, page 46]

The County will maintain the ~~1994~~, hurricane evacuation time for a Category 3 storm at a maximum of ~~28~~ 18 hours as defined by the ~~1996~~ 2001 Southwest Florida Regional

Planning Council's Hurricane Evacuation Study Update, and will reduce that time frame by ~~1999~~ 2011, to ~~27.2~~ 10 hours. Activities to support this Objective will include on-site sheltering for new mobile home developments, increased shelter space, and maintenance of equal or lower densities ~~of~~ in the Category 1 evacuation zone, as defined in the ~~1996~~ 2001 Southwest Florida Regional Planning Council's Hurricane Evacuation Study Update.

**Policy 12.1.1:** **[Revised text, page 46]**

Collier County will develop and maintain ~~A~~ comprehensive public awareness program ~~will be developed and~~. The program will be publicized prior to May 30<sup>th</sup> of each year. Evacuation zones, public shelters and routings ~~evacuation routes~~ shall be printed in each local newspaper, displayed on the Collier County Emergency Management 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.

**Policy 12.1.2:** **[No change to text, page 46]**

**Policy 12.1.3:** **[Revised text, page 46]**

The County shall continue to identify and maintain shelter space that complies with Red Cross standards for 45,000 persons by ~~1998~~ 2006 and 60,000 by ~~2002~~ 2010. Shelter space capacity will be determined at the rate of 20 square feet per person.

**Policy 12.1.4:** **[Revised text, page 46]**

The County shall continue to maintain hurricane refuge requirements and standards ~~for hurricane shelters~~ for all new mobile home parks or subdivisions, or existing mobile home parks or subdivisions in the process of expanding, which ~~are~~ contain 26 units or ~~larger in size~~ more. Such parks or subdivisions shall be required to provide emergency shelter refuge space on-site, or to provide funding to enhance one or more existing public shelters off-site. The Bbuilding, which provides the on-site refuge space (if this option is chosen), will be of such a size as to house ~~provide refuge to~~ park or subdivision residents at the rate of 20 ~~sq. square~~ square ~~feet~~ per resident person. For the purposes of this policy, Resident size will be estimated by averaging park population during the June-November time frame. the size of the on-site refuge 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 Emergency Management Department. On-site shelters shall be elevated to a minimum height equal to or above the worst case Category 3 hurricane flooding level utilizing the current National Oceanic and Atmospheric Administration's storm surge model, known as Sea, Lake, and Overland Surges from Hurricanes (SLOSH).; The design and construction of the required shelters shall be guided by the wind loads applied to buildings and structures designated as "essential facilities" in the latest Standard Building Code, Table 1205. Shelters shall be constructed with adequate emergency electrical power and potable water supplies; shall provide adequate glass protection by shutters or boards; and shall provide for adequate

~~ventilation, sanitary facilities and first aid equipment. A telephone and battery-operated telephone is also required within the shelter.~~

**Policy 12.1.5:**

**[New text, page 46]**

On-site refuges within mobile home parks or subdivisions shall be elevated to a minimum height equal to or above the worst case Category 3 hurricane flooding level, based upon the most 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 Standard Building Code, Table 1205, shall guide the design and construction of the required refuges. Refuges shall be constructed with adequate emergency electrical power and potable water supplies; shall provide adequate glass protection by shutters or other approve material/device; and shall provide for adequate ventilation, sanitary facilities and first aid equipment. A telephone, automatic external defibrillator (AED) and battery-operated radio are also required within the shelter.

**Policy ~~12.1.5~~ 12.1.6:**

**[Renumbered, revised text, page 46]**

The ~~D~~irectors of the Transportation Planning and Emergency Management Departments will review, at least annually, evacuation route road improvement needs to assure ensure that necessary improvements are ~~incorporated~~ reflected within the ~~Capital Improvement and Traffic Circulation Element projects, as indicated in Table 1 of the Appendix Table A, the Five-Year Schedule of Capital Improvements, as contained within the Capital Improvement Element of this Growth Management Plan.~~

**Policy ~~12.1.6~~ 12.1.7:**

**[Renumbered, revised text, page 47]**

The County shall update the hurricane evacuation portion of the Collier County Peacetime-Emergency 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.

**Policy ~~12.1.7~~ 12.1.8:**

**[Renumbered text, page 47]**

**Policy ~~12.1.8~~ 12.1.9:**

**[Renumbered, revised text, page 47]**

Collier County shall annually update its approved Hazard Mitigation Plan, formerly known as the “Local Hazard Mitigation Strategy” through the identification of new or ongoing local hazard mitigation projects and appropriate funding sources for such projects.

**Policy ~~12.1.9~~ 12.1.10: [Renumbered, revised text, page 47]**

~~Construct~~ All new Public Safety facilities in Collier County will ~~to~~ be floodproofed and designed to meet ~~160~~ 155 mph wind load requirements and should have provisions for back-up generator power.

**Policy ~~12.1.10~~ 12.1.11: [Renumbered, revised text, page 47]**

The County will continue to coordinate with Collier County Public Schools to ensure that all new public schools outside of the Coastal High Hazard Area are ~~to be~~ designed and constructed to meet the Public Shelter Design Criteria, as contained in “State Requirements for Educational Facilities” (1997 1999), ~~Section 5.4(15)~~.

**Policy ~~12.1.11~~ 12.1.12: [Renumbered, revised text, page 47]**

The County will 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 ~~to be~~ designed and constructed to meet the Public Shelter Design Criteria, as contained in “State Requirements for Educational Facilities” (1997 1999), ~~Section 5.4(15)~~ and the Florida Building Code.

**Policy ~~12.1.12~~ 12.1.13: [Renumbered, revised text, page 47]**

The County will 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 from funds identified in the State’s annual ~~S~~shelter ~~D~~deficit ~~S~~studies.

**Policy 12.1.14: [New text, page 47]**

Prior to adoption of the 2007 Annual Update and Inventory Report (A.U.I.R.), Collier County shall evaluate whether to include hurricane shelters in the 5-year schedule of Capital Improvements as a Category A Public Facility.

**Policy ~~12.1.13~~ 12.1.15: [Renumbered, revised text, page 47]**

All new nursing homes and assisted living facilities that are licensed for more than 15 clients will 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 is required for new public schools and public community colleges and universities (“State Requirements for Educational Facilities,” 1999). Additionally this area shall be capable of suitable ventilation or air conditioning provided by back-up generator for a period of no less than 48 hours.

**Policy ~~12.1.14~~ 12.1.16:****[Renumbered, revised text, page 47]**

~~The County will consider establishing one-way evacuation routes on County maintained roads for storm events that have the potential for inundating low lying populated areas. The County will coordinate with the Florida Department of Transportation FDOT to consider on its plans to one-waying evacuation routes on State maintained roads that are primary evacuation routes for vulnerable populations.~~

**Policy 12.1.17****[New Text, pages 47]**

Collier County is conducting a Hurricane Evacuation Study. If warranted by the results of that study, further restriction on development in the coastal high hazard will be proposed.

**OBJECTIVE 12.2:****[Revised text, pages 47, 48]**

The County shall ensure that publicly funded building and development activities are carried out in a manner, which minimizes the danger to life and property from hurricanes. The public shall limit its expenditures within the coastal high hazard area to the maintenance of existing facilities. ~~Such expenditures may involve~~ ing, but shall not necessarily be limited to, beach and dune restoration and renourishment, road repair (not to include new road construction), repair and maintenance of publicly owned seawalls, and repair and maintenance of publicly owned docking facilities and parking areas. All future unimproved requests for development in the coastal high hazard areas will be denied.

**Policy 12.2.1:****[Revised text, page 48]**

The Hazard Mitigation ~~section Annex~~ of the Collier County peacetime Comprehensive Emergency Management Plan (PEP) (CEMP) shall continue to be reviewed and updated every ~~three (3)~~ four (4) years beginning in ~~1988~~ 2005. The Director shall also incorporate hazard mitigation reports from other agencies into the CEMP Peacetime Emergency Plan. 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.

**Policy 12.2.2:****[Revised text, page 48]**

Within the coastal high hazard area, tThe 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 ~~projections within the coastal high hazard area.~~ The Future Land Use Element, ~~limits new residential development, (thus obligation to infrastructure expenditures) to a maximum of four dwelling units per gross acre. within the coastal high hazard area. In addition, existing zoning not vested shall be re-evaluated within three years and may change to a density level consistent with the Future Land Use Element.~~

**Policy 12.2.3:** [No change to text, page 48]

**Policy 12.2.4:** [Revised text, page 48]

The County shall maintain requirements for structural wind resistance as stated in the 2004 ~~latest approved~~ edition of the Southern Florida Standard Building Code.

**Policy 12.2.5:** [Revised text, page 48]

The County shall consider the Ceoastal Hhigh Hhazard Aarea as that geographic area lying within the Category 1 hurricane evacuation zone, as defined in the Southwest Florida Regional Planning Council's Hurricane Evacuation Study, Update 2001.

**Policy 12.2.6:** [No change to text, page 48]

**Policy 12.2.7:** [Revised text, page 48]

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

**Policy 12.2.8:** [No change to text, page 48]

**OBJECTIVE 12.3:** [No change to text, page 48]

**Policy 12.3.1:** [No change to text, page 48]

**Policy 12.3.2:** [No change to text, pages 48, 49]

**Policy 12.3.3:** [Revised text, page 49]

The Recovery Task Force ~~recovery task force~~ shall include ~~local law enforcement authorities~~ the Sheriff of Collier County, the Community Development and Environmental Services Division Administrator, the Comprehensive Planning and Director, the Zoning and Land Development Review Director, the Emergency Management Director and other members as directed by the Board of County Commissioners ~~(BCC)~~. The Board BCC should also invite ~~R~~representatives from municipalities within Collier County that have received ~~receiving~~ damage from the storm ~~should also be to become~~ members of the Rrecovery Ttask Fforce.

**Policy 12.3.4:** [Revised text, page 49]

~~The recovery task force shall review and decide upon emergency building permits, coordinate with State and Federal officials to prepare disaster assistance applications, analyze and recommend to the County Commission hazard mitigation options including reconstruction or relocation of damaged public facilities, recommend amendments to the~~

~~Comprehensive Plan, Peacetime Emergency Plan and other appropriate policies and procedures.~~

The Collier County Recovery Task Force shall have the following responsibilities:

1. Serve as an advisory committee to the County Manager to review all planning associated with the recovery and reconstruction process as described in the Collier County Comprehensive Emergency Response Plan and associated plans dealing with implementation of post disaster moratoria and build back policies.
2. Serve as the post disaster advisory committee to advise the County manager and Board of County Commissioners on recommended recovery priority and goals and to coordinate and prioritize the recovery and reconstruction process with the construction industry.
3. Initiate recommendations for the enactment, repeal or extension of emergency ordinances and resolutions for consideration.
4. Recommend the imposition of any building moratoria that may be warranted as a result of the disaster.
5. Review the nature of damages, identify and evaluate alternate program objectives for repairs and reconstruction, and formulate recommendations to guide community recovery.
6. Develop strategy and coordinate implementation for temporary housing efforts if recommended by the U.S. Department of Homeland Security –Federal Emergency Management Agency.

**Policy 12.3.5:** [No change to text, page 49]

**Policy 12.3.6:** [No change to text, page 49]

**Policy 12.3.7:** [Revised text, page 49]

The County ~~shall~~ has developed, and adopted and maintains a Post-disaster Recovery, Reconstruction and Mitigation Ordinance ~~prior to May 30, 1997, to~~ for the purpose of evaluateing options for damaged public facilities including abandonment (demolition), repair in place, relocations, and reconstruction with structural modifications. ~~This process shall~~ 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:** [No change to text, page 49]



**OBJECTIVE 12.4:** [Revised text, page 49]

The County shall make every reasonable effort to meet the emergency preparedness requirements of people 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 Emergency Management Department shall open and operate one or more refuges for persons listed on the County’s Special Needs Registry and their caregivers. Medical and support equipment at such refuges will include, but not necessarily be limited to, respirators, oxygen tanks, first aid equipment, disaster cots and blankets, and defibrillators.

**Policy 12.4.1:** [No change to text, page 49]

**Policy 12.4.2:** [No change to text, page 50]

**Policy 12.4.3:** [No change to text, page 50]

**GOAL 13** [No change to text, page 51]

**OBJECTIVE 13.1:** [No change to text, page 51]

**Policy 13.1.1:** [No change to text, page 51]

**Policy 13.1.2:** [No change to text, page 51]

**Policy 13.1.3:** [Revised text, page 51]

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 ~~presently~~ adequately ~~met~~ 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 increases to expansion of County staff.
- c. The cost to the County of implementing the regulation ~~shall have~~ has been identified and considered.