

### 3.05.07 Preservation Standards

All development not specifically exempted by this ordinance shall incorporate, at a minimum, the preservation standards contained within this section.

A. General standards and criteria. The following criteria shall be used to administer the preservation standards in all areas of the County.

1. The preservation of native vegetation shall include all naturally occurring strata including canopy, under-story and ground cover emphasizing the largest contiguous area possible, except as otherwise provided in sub-section 3.05.07 H.1.e. For the purpose of this section, "native vegetation" means a vegetative community having 25 percent or more canopy coverage or highest existing vegetative strata of native plant species.

Xeric scrub and hardwood hammocks excluded, native vegetation shall not include areas with clumps of individual trees less than one quarter acre in size, with or without exotic and other non-native vegetation present, and with no native under-story and no native ground cover vegetation present. Herbaceous ruderal type vegetation shall not be counted as native plant species for the purpose of this definition. Andropogon species shall not be considered ruderal type vegetation within jurisdictional wetlands since they are important pioneer species for wetland restoration.

Along artificially created shorelines, individual trees or strips of vegetation less than 20 feet in width shall not be considered native vegetation.

2. Areas that fulfill the native vegetation retention standards and criteria of this Section shall be set aside as preserve areas, subject to the requirements of section 3.05.07 H. ~~Single family residences are exempt from the requirements of section 3.05.07 H.~~
3. Preserve areas shall be selected in such manner as to preserve the following, in descending order of priority, except to the extent that preservation is made mandatory in sections 3.05.07 F.3. and 3.05.07 G.3.c.:
  - a. Areas known to be utilized by listed species or that serve as corridors for the movement of wildlife;
  - b. Onsite wetlands having an accepted WRAP score of 0.65 or a Uniform Wetland Mitigation Assessment Score of 0.7;
  - c. Any upland habitat that serves as a buffer to a wetland area;
  - d. Listed plant and animal species habitats;
  - e. Xeric Scrub;
  - f. Dune and Strand, Hardwood Hammocks;

- g. Dry Prairie, Pine Flatwoods; and
    - h. All other upland habitats.
    - i. Existing native vegetation located contiguous to a natural reservation.
  4. Preservation areas shall be interconnected within the site and to adjoining off-site preservation areas or wildlife corridors.
  5. To the greatest extent possible, native vegetation, in quantities and types set forth in section 4.06.00, shall be incorporated into landscape designs in order to promote the preservation of native plant communities and to encourage water conservation.
  6. Where a site has been totally or partially cleared, the amount of native vegetation used to calculate the preservation requirement will be that amount present at the time of application, if the site was legally cleared. Where vegetation has been illegally cleared, the amount of native vegetation used to calculate the preservation requirement will be that amount present at the time prior to the illegal clearing. Criteria to determine the legality and criteria for the clearing are found in Sections 10.02.06 and 3.05.05.
  7. For re-development where preserves have already been established pursuant to prior development order approvals, preservation of native vegetation shall be calculated based on the acreage of native vegetation present at the time of prior development order approval(s).
  8. Right of Way acquisitions for all purposes necessary for roadway construction, including ancillary drainage facilities, and including utilities within the Right of Way acquisition area exempt from preservation requirements.
  9. Unless otherwise required in the **RFMU District**, single-family residences shall be exempt from the native vegetation retention requirements and from having on site preserves. Setbacks to preserves shall be in accordance with section 3.05.07.
  10. Development standards pursuant to section 4.02.14 shall apply to all development, including single-family, within the ACSC.
- B. Specific standards applicable outside the RFMU and RLSA districts. Outside the RFMU and RLSA Districts, 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 ACSC where the ACSC standards referenced in the Future Land Use Element shall apply. This Section shall not apply to~~ **single-family dwelling units** situated on individual lots or parcels.
  1. Required preservation.

2. ~~Exceptions. An exception from the vegetation retention standards above shall be granted in the following circumstances:~~

Development Type	Coastal High Hazard Area		Non-Coastal High Hazard Area	
	Residential and Mixed Use development	Less than 2.5 acres	10%	Less than 5 acres
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 acres	25%
Golf Course		35%		35%
Commercial and Industrial development and all other non-specified development types	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.	

- a. ~~where the parcel was legally cleared of native vegetation prior to January 1989;~~
- b. ~~where the parcel cannot reasonably accommodate both the application of the native vegetation retention standards and the proposed uses allowed under this Code, subject to the criteria set forth in section 3.05.07(H)(1)(e).~~

3. Offsite vegetation retention.

- a. Applicability. A property owner may request that all or a portion of the native vegetation preservation retention requirement be satisfied offsite for only the following situations and subject to restrictions listed below.
  - i. The entire property is zoned commercial and/or industrial, with preserve requirements of less than 5 acres in size.
  - ii. Park sites with individual preserves less than one acre in size. All other essential services.
  - iii. Preserves less than one acre in size.
  - iv. Affordable housing projects with a BCC approved Affordable Housing Density Bonus Agreement. The

maximum percent of native vegetation retention allowed offsite shall be no more than the percent of affordable housing units allowed under the Affordable Housing Density Bonus Agreement.

- v. Preserves requiring mechanical clearing of exotic vegetation in order to restore the habitat, as determined by the County Manager or designee.
- vi. Preserves overrun by Category 1 Prohibited Exotics and other aggressive non-native vegetation and where restoration is not possible, as determined by the County Manager or designee. Preserves that arrive at this state due to lack of management shall mitigate off site at a ratio of 2 to 1.
- vii. Created preserves where previous restoration requirements have not been successful, as determined by the County Manager or designee, or where preserves have not been planted in a manner which mimics a natural plant community.

b. Restrictions.

- i. Xeric scrub and hardwood hammocks which are one acre or more in size, mangrove, coastal dune and strand environments, and native habitats known to be utilized by listed species or that serve as corridors for the movement of wildlife shall not be allowed to have the native vegetation preservation retention requirement provided offsite.
- ii. Preserves shall remain on site if located adjacent to major flowways, natural water bodies, estuaries, preserves (not meeting the offsite preservation criteria herein), conservation acquisition areas, wildlife corridors, and protected or listed species nests, buffers and foraging habitat.
- iii. Remaining portions of preserves left onsite must be a minimum of one acre in size and must not meet the offsite criteria of v, vi and vii above, unless preserved with higher quality habitat not qualifying for offsite vegetation retention. Remaining preserves less than one acre in size may also be satisfied offsite.

c. Alternatives.

- i. Offsite retention of the native vegetation preservation retention requirement may be by monetary payment, or by land donation
- ii. Monetary payment shall be to Conservation Collier

for the purchase and management of conservation lands within the County. The monetary payment shall be calculated based upon the appraised value of the land to be developed. The appraisal shall be based upon the value of land with the acquired zoning. Appraisals shall be made within six months of final site plan/construction plan submittal. Payment of 100 percent of this value, for land acquisition, and fees or endowments for management as negotiated by Conservation Collier shall be made prior to final site plan/construction plan approval.

- iii. Applicant's choosing to donate land shall be required to demonstrate that the land to be donated contains native vegetation communities equal to or of higher priority as described in 3.05.07(A) than the land required to be preserved on site. Land donated to satisfy the offsite vegetation preservation retention requirement must be located entirely within Collier County and must not be used as mitigation for any other Federal, State or County permit or approval. Fees or endowments for management as negotiated by Conservation Collier or other accepting entity shall be required to ensure the native vegetation preserved is adequately managed in perpetuity. Donations of land for preservation shall be made to a government or approved private entity established for the conservation and management of land in perpetuity. Approved private entities will be determined by resolution. Evidence that donations of land for preservation and the applicable fees or endowments for management have been accepted by and donated to the entity stated above shall be made prior to final site plan/construction plan approval. Lands to be donated must have all exotic, non-native and nuisance vegetation removed by a contractor acceptable to the receiving entity, prior to being donated to that entity.