

Information Regarding the Area of Critical State Concern

Overview of the Area of Critical State Concern

The Areas of Critical State Concern (ACSC) Program was created by the Florida Environmental Land and Water Management Act of 1972. The program is intended to protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources. (<http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern>)

The Big Cypress ACSC is in portions of Collier, Miami-Dade, and Monroe Counties. Within Collier County, there are several named communities that fall within the boundaries of the ACSC, including: Plantation Island, Copeland, and Port of the Islands. Additionally, Plantation Island falls within the ACSC/ST zoning district.

Please note that Chokoloskee and Goodland are *not* within the ACSC.

Process for Permits Issued in the Big Cypress Area of Critical State Concern

The standards for processing permits issued in the ACSC are contained in the Collier County Land Development Code (LDC) Section 4.02.14 which requires that all development orders are sent to the State of Florida, Department of Economic Opportunity for review with the potential to appeal the decision to the administration commission pursuant to the Florida Administrative Code. Collier County staff emails all permits to the State upon issuance.

Specific Site Alteration Criteria

The specific site alteration criteria within the ACSC-ST includes:

- Site alteration shall be limited to ten (10) percent of the total site size, and installation of nonpermeable surfaces shall not exceed fifty (50) percent of any such area. However, a minimum of 2,500 square feet may be altered on any permitted site, resulting in a maximum allowance of 1,250 square feet of impervious area.
- No ST permit is required for development in Plantation Island.

Please see the attached LDC code sections and map for further information.

4.02.14 - Design Standards for Development in the ST and ACSC-ST Districts

- A. All **development orders** issued within the Big Cypress Area of Critical State Concern Special Treatment Overlay (ACSC-ST) shall comply with the Florida Administrative Code, as amended, Boundary and Regulations for the Big Cypress Area of Critical State Concern.
- B. All **development orders** issued for projects within the ACSC-ST shall be transmitted to the State of Florida, Department of Economic Opportunity, for review with the potential for appeal to the administration commission pursuant to Florida Administrative Code, **development order** Requirements for Areas of Critical State Concern.
- C. Site **alteration** within the ACSC-ST.
 - 1. Site **alteration** shall be limited to ten (10) percent of the total site size, and installation of nonpermeable surfaces shall not exceed fifty (50) percent of any such area. However, a minimum of 2,500 square feet may be **altered** on any permitted site.
 - 2. Any nonpermeable surface greater than 20,000 square feet shall provide for release of surface runoff, collected or uncollected, in a manner approximating the natural surface water flow regime of the area.
 - 3. Soils exposed during site **alteration** shall be stabilized and retention ponds or performance equivalent **structures** or system maintained in order to retain runoff and siltation on the construction site. Restoration of vegetation to site **alteration** areas shall be substantially completed within 180 days following completion of a **development**. Revegetation shall be accomplished with preexisting species except that undesirable exotic species shall not be replanted or propagated. Exotic species included are enumerated in section 3.05.08 of this code.
 - 4. No mangrove trees or salt marsh grasses shall be destroyed or otherwise **altered**. Plants specifically protected by this regulation include: all **wetland** plants listed by the Florida DEP in the Florida Administrative Code.
 - 5. Fill areas and related dredge or borrow ponds shall be aligned substantially in the direction of local surface water flows and shall be separated from other fill areas and ponds by **unaltered** areas of vegetation of comparable size. Dredge or borrow ponds shall provide for the release of stormwaters as sheet flow from the downstream end into **unaltered** areas of vegetation. **Access** roads to and between fill areas shall provide for the passage of water in a manner approximating the natural flow regime and designed to accommodate the fifty (50)-year storm. Fill areas and related ponds shall not substantially retain or divert the tidal flow in or to a slough or strand or significantly impede tidal action in any portion of the estuarine zone.
 - 6. Manmade lakes, ponds, or other containment works shall be constructed with a maximum slope of thirty (30) degrees to a depth of six (6) feet of water. When mineral extraction is completed in new quarrying lakes, **shoreline** sloping, planting of littoral shelves with nursery-grown aquatic vegetation, restoration or revegetation of the property, and disposal of spoils or tailings shall be completed before abandonment of the site. Existing quarrying lakes are exempt from this provision, except that whenever any person carries out an activity defined in § 380.04, F.S. as amended, as **development** or applies for a **development** permit as defined in § 380.031, F.S. as amended, to develop any existing quarrying lake area, these regulations shall apply.
 - 7. Finger canals shall not be constructed in the ACSC-ST area.
 - 8. This rule shall not apply to site **alterations** undertaken in connection with the **agricultural use** of land or for the conversion of land to **agricultural use**.
 - 9. Drainage.
 - a. Existing **drainage facilities** shall not be modified so as to discharge water to any coastal waters, either directly or through existing **drainage facilities**. Existing **drainage facilities** shall not be expanded in capacity or length except in conformance with subsection 4.02.14

C.9.b. immediately following; however, modifications may be made to existing facilities that will raise the groundwater table or limit saltwater intrusion.

- b. New **drainage facilities** shall release water in a manner approximating the natural local surface flow regime, through a spreader pond or performance equivalent **structure** or system, either on-site or to a natural retention or filtration and flow area. New **drainage facilities** shall also maintain a groundwater level sufficient to protect **wetland** vegetation through the use of weirs or performance equivalent **structures** or system. Said facilities shall not retain, divert, or otherwise block or channel the naturally occurring flows in a strand, slough or estuarine area.
- c. New **drainage facilities** shall not discharge water into any coastal waters whether directly or through existing **drainage facilities**.
- d. This rule shall not apply to **drainage facilities** modified or constructed in order to use land for agricultural purposes or to convert land to such use.

10. Transportation.

- a. Transportation facilities which would retain, divert or otherwise block surface water flows shall provide for the reestablishment of sheet flow through the use of interceptor spreader systems or performance equivalent **structures** and shall provide for the passage of stream, strand, or slough waters through the use of bridges, culverts, piling construction, or performance-equivalent **structures** or systems.
- b. Transportation facilities shall be constructed parallel to the local surface flow, and shall maintain a historic ground level sufficient to protect **wetland** vegetation through the use of weirs or performance-equivalent **structures** or systems and as feasible, the flows in such works shall be released to natural retention filtration and flows areas.
- c. Transportation facility construction sites shall provide for siltation and runoff control through the use of settling ponds, soil fixing, or performance-equivalent **structures** or systems.

11. **Structure** installation.

- a. Placement of **structures** shall be accomplished in a manner that will not adversely affect surface water flow or tidal action.
- b. Minimum low floor elevation permitted for **structures** shall be at or above the 100-year **flood** level, as established by the administrator of the federal **flood** Insurance Administration. The construction of any **structure** shall meet additional federal **flood** insurance land management and use criteria.
- c. This rule shall not apply to **structures** used or intended for use in connection with the **agricultural use** of the land.

- D. Port of the Islands, Copeland, and Plantation Island. Port of the Islands, Copeland, and Plantation Island are developments located within the Urban Designated Area, but are also located within the Big Cypress Area of Critical State Concern. A portion of the Port of the Islands **development** was determined "vested" by the State of Florida, thus exempting it from the requirements of ch. 380, F.S. There is an existing **development agreement** between Port of the Islands, Inc., and the State of Florida, Department of Community Affairs, dated July 2, 1985, which regulates land uses at Port of the Islands. **Development** within Port of the Islands shall be regulated by the **development agreement** and the **residential density** and commercial intensities shall not exceed that permitted under zoning at time of adoption of the GMP. **Development** within the Urban Designated Areas of Copeland and Plantation Island shall be reviewed and approved administratively by the County Manager or designee for compliance with Area of Critical State Concern regulations. **Development** within the Urban Designated Areas of Copeland and Plantation Island shall not be required to go through the process of filing a petition for site **alteration** or site **development** plan approval, pursuant to 4.02.14 G, and not be required to follow the procedures for site **alteration** plan or site **development** plan approval pursuant to 4.02.14 E, 4.02.14 F.2 and 4.02.14 F.3. This does not exempt **development orders** required pursuant to Chapter 10 of the Code. There is also an

agreement for Plantation Island, between the Board of County Commissioners and the Department of Community Affairs, to allow site alteration, including dredging and filling of up to 2,500 square feet, regardless of the predevelopment vegetation. This Agreement is recorded in the Official Records, Book 3788, Page 3788, in the public records of Collier County.

- E. Site **alteration** plan or site **development** plan approval required. Prior to the clearing, **alteration** , or **development** of any land designated ST or ACSC-ST, property owners or their legally designated agent shall apply for and receive approval of a site **alteration** plan or site **development** plan, as the case may be, by the BCC as provided in 4.02.14 F (below).
- F. Procedures for site **alteration** plan or site **development** plan approval for **development** in ST or ACSC-ST designated land.
 - 1. Preapplication conference. Prior to filing a petition for site **alteration** or site **development** approval of ST or ACSC-ST land, the petitioner shall request and hold a preapplication conference with the County Manager or designee. The preapplication conference is for the purpose of guidance and information, and for ensuring insofar as is possible, that the petition is in conformity with these regulations.
 - 2. Review and recommendation by the County Manager or designee, Planning Commission and Environmental Advisory Council. The site **alteration** plan or site **development** plan shall be submitted to the County Manager or designee who shall have it reviewed by the appropriate county staff. The County Manager or designee shall then forward the site **alteration** plan or site **development** plan and the county staff recommendations to the Planning Commission (CCPC) and the Environmental Advisory Council (EAC) for review and recommendation. Hearings before the CCPC and EAC are not required to be legally advertised and not required to provide notice to abutting property owners, but shall be held in a regular meeting. Recommendations from the CCPC, EAC and staff shall be forwarded to the BCC for final action.
 - 3. Final action by Board of County Commissioners (BCC). Final action on the site **alteration** plan or site **development** plan lies with the BCC. The BCC shall review the proposed site **alteration** plan or site **development** plan in a regular meeting and shall act formally by resolution stipulating reasons for approval, or approval with modification, or denial of the site **alteration** plan or **development** plan.
 - 4. Other permits required. The petitioner may at any time during the county review process apply for the appropriate local, state and federal permits for the **alteration** or **development** of the subject property.
 - 5. Commencement of site **alteration** or site development. Upon obtaining all required local, state and federal permits in order to **alter** or develop the subject property, the petitioner may commence **alteration** or **development** in accordance with the conditions and requirements of said permits.
- G. Submission requirements for site **alteration** plan or site **development** plan approval for **development** in ST or ACSC-ST designated land. The following shall be submitted in a petition for site alteration or site **development** approval of ST or ACSC-ST land, where applicable:
 - 1. Submission requirements pursuant to 10.02.00 and 10.08.00, as applicable.
 - 2. Locations for **beach access** as required the Beach Access Ordinance No. 76-20 [Code ch. 146, art. III] or its successor in function.
 - 3. Document that the project is consistent with 3.03.00 and the Objectives and Policies in Goal 10 of the Conservation and Coastal Management Element of the GMP.
- H. Exceptions from public hearing requirements. The County Manager or designee may administratively approve a site alteration plan or site **development** plan for land designated ST or ACSC-ST without the public hearing otherwise required by this section if:

1. The area of the proposed alteration or **development** is five (5) acres or less in gross area; there are no transfer of **development** rights involved, and the following conditions, where applicable, exist:
 - a. The proposed site alteration or site **development** will occur on land that was lawfully cleared and no more than ten percent of the cleared lands have re-grown with **native vegetation** .
 - b. Where the proposed alteration or **development** involves a single-family principal **structure** or the renovation or replacement of a single-family **structure** and the proposed site alteration or site **development** plan will not require any significant modification of topography, drainage, flora, or fauna on the site. "Significant modification" shall mean modification greater than 15 percent of the site.
 - c. No pollutants will be discharged from the area that will further degrade the air, water or soil.
 - d. Water management berms and **structures** proposed for the protection and/or enhancement of the ST areas will meet the minimum dimensions permitted by the South Florida Water Management District.
2. Temporary site alteration for oil and gas geophysical surveys and testing. "Temporary site" alteration shall mean only those alterations involving and cutting of vegetation for surveys and equipment entry, drill shot holes not exceeding six inches in diameter and rutting associated with vehicle **access** . Trimming of vegetation for **access** routes shall be kept to the minimum width necessary for surveying and testing. The site shall be restored as required by federal, state and county permits within 90 days of the start of the project.
3. A conditional use has been approved.
4. Site alteration or site **development** around existing communication towers to expand or construct **accessory structures** associated with an already existing tower, not to exceed five acres.
5. All other site alteration or site **development** plan approvals of any size shall be as required to comply with the provisions in 4.02.14 D, E and F, as applicable.
- I. Exemptions. The following activities shall be exempt from the requirements of 4.02.14 E and F.
 1. Removal and control of exotic vegetation as defined in Chapter 3 of this Code.
 2. Prescribed fires and associated firebreaks as approved by the Florida Department of Forestry.
 3. Removal of non-native vegetation pursuant to Chapter 3 of this Code.

(Ord. No. 06-07, § 3.G; Ord. No. 12-38, § 3.I)

2012-2025
FUTURE LAND USE MAP
Collier County Florida

DETAILS OF THE RLSA OVERLAY AREA ARE SHOWN
ON THE FUTURE LAND USE MAP TITLED:
"COLLIER COUNTY RURAL & AGRICULTURAL
AREA ASSESSMENT STEWARDSHIP OVERLAY MAP"

URBAN DESIGNATION
MIXED USE DISTRICT
Urban Residential Subdistrict
Residential Density Bands
Urban Coastal Fringe Subdistrict
Urban Residential Fringe Subdistrict
BUSINESS PARK SUBDISTRICT
OFFICE AND INFILL COMMERCIAL SUBDISTRICT
PUD NEIGHBORHOOD VILLAGE CENTER SUBDISTRICT
RESIDENTIAL MIXED USE NEIGHBORHOOD SUBDISTRICT
Orange Blossom
Mixed Use Subdistrict
Vanderbilt Beach / Collier Blvd.
Commercial Subdistrict
Henderson Creek
Mixed Use Subdistrict
RESEARCH AND TECHNOLOGY PARK SUBDISTRICT
Buckley Mixed Use Subdistrict
COMMERCIAL MIXED USE SUBDISTRICT
Hibiscus Residential Infill Subdistrict
Livingston Road / Radio Road
Commercial Infill Subdistrict
Vanderbilt Beach Road
Neighborhood Commercial Subdistrict
Collier Blvd Community
Facility Subdistrict
Vincennes Mixed Use Subdistrict
Industrial District
BUSINESS PARK SUBDISTRICT
RESEARCH AND TECHNOLOGY PARK SUBDISTRICT
NOTE :
(1) THIS MAP CAN NOT BE INTERPRETED WITHOUT THE GOAL, OBJECTIVES AND POLICIES OF THE COLLIER COUNTY GROWTH MANAGEMENT PLAN.
(2) EXACT BOUNDARIES OF ALL ACTIVITY CENTERS ARE IDENTIFIED IN THE FUTURE LAND USE ELEMENT.
(3) THE CONSERVATION DESIGNATION IS SUBJECT TO CHANGE AS AREAS ARE ACQUIRED AND MAY INCLUDE OUTPARCELS.
(4) THE FUTURE LAND USE MAP SERIES INCLUDES NUMEROUS MAPS IN ADDITION TO THE COUNTYWIDE FUTURE LAND USE MAP.
(5) THESE ARE LISTED AT THE END OF THE FUTURE LAND USE ELEMENT TEXT.
(6) REFER TO THE GOLDEN GATE AREA MASTER PLAN AND THE IMMOKALEE ARE MASTER PLAN FOR FUTURE LAND USE MAPS OF THOSE COMMUNITIES.

COMMERCIAL DISTRICT
Mixed Use
Activity Center Subdistrict
Interchange Activity Center Subdistrict
Livingston / Pine Ridge
Commercial Infill Subdistrict
BUSINESS PARK SUBDISTRICT
RESEARCH AND TECHNOLOGY PARK SUBDISTRICT
Livingston Road / Eatonwood Lane
Commercial Infill Subdistrict
Livingston Road
Commercial Infill Subdistrict
COMMERCIAL MIXED USE SUBDISTRICT
Livingston Road / Veteran's Memorial Blvd.
Commercial Infill Subdistrict
Goodlette / Pine Ridge
Commercial Infill Subdistrict
Orange Blossom / Airport Crossroads
Commercial Subdistrict
Davis-Radio Commercial Subdistrict
**AGRICULTURAL / RURAL
DESIGNATION**
AGRICULTURAL/RURAL MIXED USE DISTRICT
RURAL COMMERCIAL SUBDISTRICT
Corkscrew Island Neighborhood
Commercial Subdistrict
**RURAL FRINGE
MIXED USE DISTRICT**
Receiving Lands
Sending Lands
Neutral Lands

Rural Settlement Area District
Rural Industrial District
Estates Designation
Conservation Designation
**OVERLAYS AND
SPECIAL FEATURES**
Incorporated Areas
Coastal High Hazard Area
Area of Critical State Concern
Airport Noise Area
Natural Resource
Protection Area (NRPA)
Baysshore/Gateway Triangle
Redevelopment Overlay
Rural Lands
Stewardship Area Overlay
Urban-Rural Fringe
Transition Area Overlay
North Belle Meade Overlay

FUTURE LAND USE MAP	
ADOPTED - JANUARY, 1989	
AMENDED - JANUARY, 1990	
AMENDED - FEBRUARY, 1991	
AMENDED - MAY, 1992	
AMENDED - MAY, 1993	
AMENDED - APRIL, 1994	
AMENDED - OCTOBER, 1997	
AMENDED - JANUARY, 1998	
AMENDED - FEBRUARY, 1999	
AMENDED - FEBRUARY, 2000	
AMENDED - MAY, 2000	
AMENDED - DECEMBER, 2000	
AMENDED - MARCH, 2001	
AMENDED - MAY 14, 2002 (Ord. No. 2002-24)	
AMENDED - JUNE 19, 2002 (Ord. No. 2002-32)	
AMENDED - OCTOBER 22, 2002 (Ord. No. 2002-54)	
AMENDED - FEBRUARY 11, 2003 (Ord. No. 2003-7)	
AMENDED - SEPTEMBER 9, 2003 (Ord. No. 2003-43)	
AMENDED - SEPTEMBER 10, 2003 (Ord. No. 2003-44)	
AMENDED - DECEMBER 16, 2003 (Ord. No. 2003-67)	
AMENDED - OCTOBER 26, 2004 (Ord. No. 2004-71)	
AMENDED - JUNE 7, 2005 (Ord. No. 2005-25)	
AMENDED - JANUARY 25, 2007 (Ord. No. 2007-18)	
AMENDED - DECEMBER 4, 2007 (Ord. No. 2007-78.79.81)	
AMENDED - OCTOBER 14, 2008 (Ord. No. 2008-57.58.59)	
AMENDED - SEPTEMBER 13, 2011 (Ord. No. 2011-26)	
AMENDED - SEPTEMBER 13, 2011 (Ord. No. 2011-27)	
AMENDED - JANUARY 8, 2013 (Ord. No. 2013-14)	
AMENDED - MAY 28, 2013 (Ord. No. 2013-41)	
AMENDED - JUNE 10, 2014 (Ord. No. 2014-20)	
AMENDED - FEBRUARY 10, 2015 (Ord. No. 2015-13)	
AMENDED - APRIL 14, 2015 (Ord. No. 2015-26)	
AMENDED - JUNE 9, 2015 (Ord. No. 2015-32)	
AMENDED - JULY 7, 2015 (Ord. No. 2015-42)	
AMENDED - MAY 24, 2016 (Ord. No. 2016-15)	
AMENDED - JUNE 13, 2017 (Ord. No. 2017-22)	