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PLANNING DEPARTMENT
TALLAHASSEE, FLORIDA

AN ORDINANCE AMENDING ORDINANCE NO. 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY; BY AMENDING SECTION 9.1 "ST-SPECIAL TREATMENT OVERLAY DISTRICT; PROVIDING FOR AN AREA OF CRITICAL STATE CONCERN - SENSITIVE TREATMENT (ACSC-ST) OVERLAY; BY AMENDING THE ZONING ATLAS TO IDENTIFY THE ACSC-ST OVERLAY; PROVIDING FOR DEVELOPMENT STANDARDS APPLICABLE TO THE ACSC - ST OVERLAY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Growth Management Plan adopted by the Board of County Commissioners provides for a Conservation Land Use Designation on the Future Land Use Map; and

WHEREAS, the Big Cypress Area of Critical State Concern (ACSC) is designated as an overlay district within that designation; and

WHEREAS, Policy 3.1B. of the Future Land Use Element requires the following: protect environmentally sensitive lands and provide for open space. This is to be accomplished, in part, through integration of State of Florida Big Cypress Area of Critical State Concern regulations into the Land Development Code;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that Collier County Ordinance No. 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, is hereby amended as follows:

SECTION ONE: SPECIAL REGULATIONS:

Section 9, Special Regulations, Subsection 9.1 "ST" Special Treatment Overlay District is hereby amended as follows:

"ST" Special Treatment Overlay District--Special Regulations for Areas of Environmental Sensitivity, and Lands and Structures of Historical and/or Archaeological Significance, and the Big Cypress Area of Critical State Concern.

- a. Intent and Purpose: Within Collier County there are certain areas, which because of their unique assemblages of flora and/or fauna, their aesthetic appeal, historical or archaeological significance or their

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contribution to their own and adjacent ecosystems, make them worthy of special regulations. Such regulations are directed toward the conservation, protection, and preservation of ecological, commercial, and recreational values for the greatest benefit to the people of Collier County. Such areas include, but are not necessarily limited to mangrove and fresh water swamps, barrier islands, coastal beaches, estuaries, cypress domes, natural drainage ways, aquifer recharge areas and lands and structures of historical and archaeological significance.

The purpose of this overlay district regulation is to assure the maintenance of these environmental and cultural resources and to encourage the preservation of the intricate ecological relationships within the systems and at the same time permit those types of developments which will hold changes to levels determined acceptable by the Board of County Commissioners after public hearing.

b. "ST" as a Zoning Overlay District; Designation of "P-ST" Lands, Designation of "ACSC-ST" Lands:

- 1) An overlay zoning classification to be known as the "ST" Special Treatment Overlay District, and to be designated on the Official Zoning Atlas by the symbol "ST" together with the symbol of the basic zoning district which it overlays, is hereby established. This overlay district classification will be used for those lands of environmental sensitivity and historical and archaeological significance where the essential ecological or cultural value of the land is not adequately protected under the basic zoning district regulations established by ordinance.

The placement or removal of this overlay zoning district shall be governed by the procedure for amending the Zoning Ordinance and the zoning atlas as prescribed in Section 14 of this Ordinance.

- 2) For purposes of identifying land from which the residential development rights have been transferred, such lands shall be designated on the Official Zoning Atlas by affixing the letter "P" for preservation to the symbol "ST", thusly "P-ST" together with the symbol of the basic zoning district which it overlays. Such designation shall be placed on the land after the Board of County Commissioners has accepted the deed and/or guarantee to said property.

- 3) In accordance with Section 380.05, Florida Statutes and Chapter 73-131 Laws of Florida, the Administration Commission instituted regulations for the Big Cypress Area of Critical State Concern (ACSC). The purpose of these regulations is to conserve and protect the natural, environmental and economic resources of the Big Cypress Area. Furthermore, these regulations are to provide a land and water management system that will preserve water quality, provide for the optimum utilization of the limited water resources of the area, facilitate orderly and well-planned development, and protect the health, safety and welfare of the residents of the State. Chapter 27F-3 of the

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Florida Administrative Code established criteria for site alteration, drainage, transportation facilities, and structure installation. These regulations are implemented through this Zoning Ordinance as set forth below in Subsection c.2). An overlay zoning classification to be known as Area of Critical State Concern/Sensitive Treatment Overlay shall be designated on the Official Zoning Atlas with the symbol ACSC-ST.

- c. 1) Uses Permitted on Land Designated "ST": Land designated "ST" shall be used only for the permitted principal use, the permitted accessory use, and/or the permitted provisional use under the basic zoning classification of such land. The consideration of an application for permitted provisional use shall be subject to a Public Hearing. This hearing may run concurrently with any public hearing required by this Section or may be held at a separate time. The fact that a use is permitted under the basic zoning district classification shall confer no right to the property owner for such use unless such use is specifically approved as a condition of approval of a site alteration plan and/or site development plan by the Board of County Commissioners as provided in paragraph 5, subparagraph B of this section.

c. 2) Development Standards and Regulations for ACSC-ST: All Development Orders issued within the ACSC - ST area shall comply with Chapter 27F-3, Florida Administrative Code, "Boundary and Regulations for the Big Cypress Area of Critical State Concern" as set forth below:

(a) Site Alteration

- (1) Site alteration shall be limited to 10% of the total site size, and installation of non-permeable surfaces shall not exceed 50% of any such area. However, a minimum of 2,500 square feet may be altered on any permitted site.
- (2) Except for roads, any non-permeable surface greater than 20,000 square feet shall provide for release of surface run off, 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 systems maintained in order to retain run off 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 pre-existing species or other suitable species except that undesirable exotic species (see list below) shall not be replanted or propagated.

Australian Pine - Casuarina equisetifolia
Bishopwood - Bischofia javanica
Brazilian Pepper (holly) - Shinus terebinthfolius
Castor Bean - Ricinus communis

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Common Papaya - Carica papaya
Common Snakeplant - Sansevieria trifasciata
Day Jessamine - Cestrum diurnum
Hunters Robe - Raphidophora aurea
Melaleuca (cajeput) - Melaleuca leucadendra
Queensland Umbrella Tree - Schefflera
actinophylla
Trailing Wedelia - Wedelia trilobata

- (4) No mangrove trees or salt marsh grasses shall be destroyed or otherwise altered. Plants specifically protected by this regulation include:

Red Mangrove - Rhizophora Mangle
Black Mangrove - Avicennia Nitida
White Mangrove - Laguncularia racemosa
Needlerush - Juncus roemerianus
Salt Cordgrasses - S. patens S. cynosuroides,
S. spartinae, Sprartina
alterniflora.
Seashore Saltgrass - Distichlis spicata

- (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 storm waters as sheet flow from their 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 50 year storm. Fill areas and related ponds shall not substantially retain or divert the total flow in or to a slough or strand or significantly impeded tidal action in any portion of the estuarine zone.
- (6) Man-made lakes, ponds, or other containment works shall be constructed with a maximum slope of 30 degrees to a depth of six feet of water. Whenever mineral extraction is completed in new quarrying lakes, shoreline sloping, revegetation and disposal of spoils or tailings shall be completed before abandonment. Existing quarrying lakes are exempt from this provision, except that whenever any person carries out any activity defined in Section 380.04, Florida Statutes, as development or applies for a development permit as defined in Section 380.031, Florida Statutes, 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.

(b) Drainage

- (1) Existing drainage facilities shall not be modified so as to discharge water to any

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coastal waters, either directly or through existing drainage facilities. Existing drainage facilities shall not be expanded in capacity or length except in conformance with paragraph (2) below; however, modifications may be made to existing facilities that will raise the ground water table or limit salt water intrusion.

- (2) 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 natural filtration and flow area. New drainage facilities shall also maintain a ground water level sufficient to protect wetland vegetation through the use of weirs or performance equivalent structures or systems. Said facilities shall not retain, divert, or otherwise block or channel the naturally occurring flows in a strand, slough or estuarine area.
- (3) New drainage facilities shall not discharge water to any coastal waters either directly or through existing drainage facilities.
- (4) 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.

c) Transportation

- (1) 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 passage of stream, strand, or slough waters through the use of bridges, culverts, piling construction or performance equivalent structures or systems. Channelization of such areas shall be the minimum length necessary to maintain reasonable flow and prevent weed blockage.
- (2) Transportation facilities, constructed substantially parallel to the local surface flow, shall maintain a ground water 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 flow areas.
- (3) 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.

(d) Structure Installation

- (1) Placement of structures shall be accomplished in a manner that will not adversely affect surface water flow or tidal action.

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(2) Minimum lowest 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 Lard Management and Use Criteria (24 CFR 1910), as administered by the appropriate local agency.

(3) This rule shall not apply to structures used or intended for use in connection with the agricultural use of the land.

All Development Orders issued for projects within the Big Cypress Area of Critical State Concern shall be rendered to the State of Florida Department of Community Affairs for review with the potential for appeal to the Administration Commission per Chapter 9J-1, Florida Administrative Code, "Development Order Requirements for Areas of Critical State Concern".

SECTION TWO:

Any properties which have received or receive in the future, a binding letter of vested rights from the Department of Community Affairs, a Development Agreement with the Department of Community Affairs, or are determined to have vested development rights shall be exempt from the provisions hereof; provided however, they shall be subject to the provisions of said vested rights determination or the terms of said Development Agreement.

SECTION THREE: Conflict and Severability:

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion.

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SECTION FOUR: Effective Date:

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

DATE: July 18, 1988

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:
JAMES C. GILES, CLERK

BY: Burt L. Saunders
BURT L. SAUNDERS, CHAIRMAN

By: Virginia Meyer
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Kenneth B. Cuyler
KENNETH B. CUYLER
COUNTY ATTORNEY

This ordinance filed with the
Secretary of State's Office this
21st day of July, 1988
and acknowledgement of that
filing received this 21st day
of July, 1988
By: James Charnis
Deputy Clerk

82-2 ORDINANCE AMENDMENT

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STATE OF FLORIDA)
COUNTY OF COLLIER)

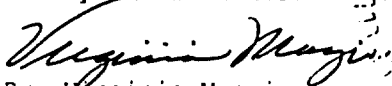
I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 89-41

which was adopted by the Board of County Commissioners on the
18th day of July, 1989, during Regular Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 25th
day of July, 1989.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners


By: Virginia Magri
Deputy Clerk

