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COLLIER COUNTY

AN ORDINANCE AMENDING COLLIER COUNTY ORDINANCE NO. 82-2, AS AMENDED, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY AMENDING SECTION 7.27, PLANNED UNIT DEVELOPMENT BY PROVIDING FOR HABITAT IDENTIFICATION; BY PROVIDING FOR REMOVAL OF EXOTIC SPECIES; BY PROVIDING FOR A PROGRAM TO PREVENT REINVASION OF EXOTIC SPECIES; BY PROVIDING A REQUIREMENT TO OBTAIN A TREE REMOVAL PERMIT PRIOR TO LAND CLEARING; BY PROVIDING A REQUIREMENT TO PRESERVE AN APPROPRIATE AMOUNT OF NATIVE HABITAT; BY REQUIRING FOR A PROTECTED SPECIES SURVEY; BY PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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FILED

WHEREAS, the current County Growth Management Plan, that has been approved by the Board of County Commissioners provides for identification, protection, conservation, and appropriate use of its native vegetative communities, and wildlife habitats; and,

WHEREAS, Policy 6.4.1 of the Conservation and Coastal Management Element of the County Growth Management Plan requires identification of native habitat communities; and

WHEREAS, Policy 6.4.3 of the Conservation and Coastal Management Element of the County Growth Management Plan requires new developments to implement a program for removal and long-term control of exotic plants; and

WHEREAS, Policy 6.4.5 of the Conservation and Coastal Management Element of the County Growth Management Plan requires that developments greater than 2.25 acres receive a tree removal permit according to the requirements of the Tree Removal Ordinance (Ord. 75-21), as amended; and

WHEREAS, policies 6.4.6, 6.4.7, and 6.4.8 of the Conservation and Coastal Management Element of the County Growth Management Element requires that new developments retain an appropriate amount of native vegetation on site; and

WHEREAS, Policies 7.3.6 of the Conservation and Coastal Management Element of the County Growth Management Plan requires a survey for protected species;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

Words underlined are additions; Words ~~struck-through~~ are deletions.

SECTION ONE:

Ordinance 82-2, Section 7, Subsection 7.27 (PUD) Planned Unit Development , e. Planned Unit Development District: General Requirements and Limitations: 2) Master Plan (a) A development plan, drawn to acceptable scale, which shall indicate:, shall be amended to read as follows:

- (3) Boundaries of the subject property, all existing streets, land uses, watercourses, easement, section lines, and other important physical features within and adjoining the proposed project. Developments shall identify, protect, conserve and appropriately use native vegetative communities and wildlife habitat. Habitats and their boundaries shall be identified on an aerial photograph of the site. Habitat identification will be consistent with the Florida Department of Transportation Florida Land Use Cover and Forms Classification System and shall be depicted on an aerial photograph having a scale of one inch equal to at least 200 feet when available from the County, otherwise, a scale of at least one inch equal to 400 feet is acceptable. Information obtained by ground-truthing surveys shall have precedence over information presented through photographic evidence.

SECTION TWO:

Ordinance 82-2, Section 7, Subsection 7.27 (PUD) Planned Unit Development, f. Planned Unit Development: Specific Requirements, Limitations, and Standards, shall be amended by the addition of the following:

- (13) Preservation and Protection of Desirable Natural Historic or Archaeological Features: Every effort shall be made in the planning and development of a PUD District to preserve and protect desirable natural, historic, or archaeological features of the site including trees and other vegetation of consequence. The disturbance of terrain or vegetation in a manner likely to significantly increase either wind or water erosion within or adjacent to the PUD District is prohibited.

All exotic plants, as defined in County Ordinance 82-37, as amended, shall be removed during each phase of construction from development areas, open space areas, and preserve areas. Following site development, a maintenance program shall be implemented to prevent reinvasion of the site by exctic species. This plan, which will describe control techniques and inspection intervals, shall be filed with and subject to approval by the Community Development Services Director or designee. Flexibility in the form of area trade-offs or mitigation should be allowed in the determination of areas within developments to be preserved.

The developer of the Planned Unit Development shall be subject to Ordinance 75-21 (or the tree/vegetation removal ordinance in existence at the time of permitting), requiring a tree removal permit prior to an

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land clearing. A site clearing plan shall be submitted to the Development Services Director or designee for their review and subject to approval prior to any work on the site. This plan may be submitted in phases to coincide with the development schedule. The site clearing plan shall clearly depict how the final site layout incorporates retained native vegetation to the maximum extent practical and how roads, buildings, lakes, parking lots, and other facilities have been oriented to accommodate this goal. One criterion to be used in evaluating the extent of native vegetation to be retained shall be a consideration of the land use.

SECTION THREE:

Ordinance 82-2, Section 7, Subsection 7.27 (PUD) Planned Unit Development, f. Planned Unit Development: Specific Requirements, Limitations and Standards: 3) Character of the Site; shall be amended by the addition of the following paragraphs, to read as follows:

- 3) Character of Site: Any proposed PUD shall be suitable for development in the manner proposed without undue hazards to persons or property, on or off the tract, from probability of flooding, wind or water erosion, subsidence of buildings or other structures of facilities. Condition of soil, ground water level, drainage, and topography shall all be appropriate to both kind and pattern of use or uses intended. The site shall also contain sufficient width and depth to accommodate adequately its proposed use and design.

All new residential developments greater than 2.5 acres in the Coastal Management Area as defined in the 1989 edition of the Future Land Use Element of the County Growth Management Plan and greater than 20 acres in the coastal Urban Designated Area as defined in the General Plan Requirements section of the Adoption Notebook of the 1989 edition of the Future Land Use Element of the County Growth Management Plan shall retain 25% of the viable naturally functioning native vegetation on site including both the understory and the ground cover emphasizing the largest contiguous area possible. When several different native plant communities exist on site, the development plans will reasonably attempt to preserve examples of all of them if possible. Areas of landscaping and open space which are planted with native species shall be included in the 25% requirement considering both understory and groundcover. Where a project has included open space, recreation amenities or preserved wetlands that meet or exceed the minimum open space criteria of Collier County, this policy shall not be construed to require a larger percentage of open space set aside to meet the 25% native vegetation policy. This policy shall not be interpreted to allow development in wetlands, should the wetlands alone constitute more than 25% of the site. Exceptions shall be granted for parcels that cannot reasonably accommodate both the native vegetation and the proposed activity.

All other types of new development shall be required to preserve an appropriate portion of the native vegetation of the site as determined through the County development review process. Preservation of different contiguous

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habitats is to be encouraged. When several native plant communities exist on site the development plans will reasonably attempt to preserve examples of all of them is possible. However, this policy shall not be interpreted to allow development in wetlands, should wetlands alone constitute more than the portion of the site required to be preserved. Exceptions shall be granted for parcels which can not reasonably accommodate both the preservation area and the proposed activity.

Agriculture shall be exempt from the above preservation requirements provided that any new clearing of land for agriculture shall not be converted to non-agricultural development for at least ten years. For any such conversion in less than ten years, the converted land will be restored with native vegetation to the degree required by County ordinances in effect at the time the clearing occurred.

SECTION FOUR:

Ordinance 82-2, Section 7, Subsection 7.27 (PUD) Planned Unit Development, a. Planned Unit Development District: 2) Master Plan shall be amended by the addition of the following requirement:

1. Developments shall identify, protect, conserve and appropriately use native vegetative communities and wildlife habitat.

An appropriate protected species survey using current methodology of the Florida Game and Fresh Water Fish Commission shall be required for developments greater than 10 acres as part of the County's EIS review process. An appropriate protected species survey should include considerations for species known or likely to occur in or around habitats in the development area.

SECTION FIVE: 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 the 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 SIX: 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.

ATTEST:
JAMES C. GILES, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

FILED
RECEIVED
AUG 11 1989

By Virginia Meyer
7-25-89

BY: *Max A. Hesse* Vice Chairman
BURT L. SAUNDERS, CHAIRMAN

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

FOR *David C. Seigel*
KENNETH B. CUYLER
COUNTY ATTORNEY

This ordinance filed with the
Secretary of State's Office the
3rd day of Aug, 1989
and acknowledgement of that
filing received this 7th day
of Aug, 1989
By: *Louise Chesnut*
Deputy Clerk

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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. 89-49

which was adopted by the Board of County Commissioners on the
25th 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 2nd
August, 1989.

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

Virginia Magri

By: Virginia Magri
Deputy Clerk