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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
**FILED**

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1989 AUG -7 PM 2:11

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 9, SPECIAL REGULATIONS, BY PROVIDING FOR HABITAT IDENTIFICATION; BY AMENDING THE REQUIREMENTS TO OBTAIN A TREE REMOVAL PERMIT; BY REQUIRING A PROTECTED SPECIES SURVEY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 development 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 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:

SECTION ONE:

Subsection 9.1 "ST" Special Treatment Overlay District, i.e., Procedure and Requirements for Site Alteration Plan or Site Development Plan Approval for Development in "ST" Designated Land. e.2) Requirements: (a)(5), shall be amended to read as follows:

Words underlined are added; words ~~struck-through~~ are deleted.

Exact survey showing the project boundaries, any existing street, water courses or easements within or adjacent to the proposed development. 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 Systems 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:

Subsection 9.1 "ST" Special Treatment Overlay District, i.e., Procedure and Requirements for Site Alteration Plan or Site Development in "ST" Designated Land. e.2) Requirements: (k), shall be amended to read as follows:

(k) ~~Submission and approval of a tree removal plan as required by County ordinance, if applicable. The developer 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 any land clearing. A site clearing plan shall be submitted to the Development Services Director or designee for their review and subject to approval in phases to coincide with the development schedule. The layout incorporates retained native vegetation to the maximum extent practical and how roads, buildings, lakes, parking lots, another 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:

Subsection 9.1 "ST" Special Treatment Overlay District, i.e. Procedure and Requirements for Site Alteration Plan or Site Development Plan Approval for Development in "ST" Designated Land. e.2) Requirements: shall be amended by the addition of the following paragraphs:

(n) An appropriate protected species survey using current methodology of the Florida Game and Fresh Water Fish Commission shall be required for development 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.

(o) All exotic plants, as defined in Collier 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 exotic 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.

SECTION FOUR: 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.

SECTION FIVE: 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

*By Virginia Magee, Sec.*  
7-25-89

BY *Max A. Saunders, Vice Ch.*  
BURT L. SAUNDERS, CHAIRMAN

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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

This ordinance filed with the  
Secretary of State's Office the  
*3rd* day of *Aug.* 1989  
and acknowledgment of that  
filing received this *1st* day  
of *August* 1989  
*Debrae Chesner*  
Deputy Clerk

STATE OF FLORIDA )  
COUNTY OF COLLIER )

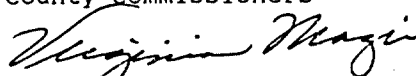
I, JAMES C. GILES, Clerk of Courts in and for the  
Twentieth Judicial Circuit, Collier County, Florida, do  
hereby certify that the foregoing is a true copy of:

Ordinance No. 89-50

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



By: Virginia Magri  
Deputy Clerk