Objective 6.1: [Revised text, page 15]

The County shall protect native vegetative communities through the application of minimum preservation requirements. The following policies provide criteria to make this objective measurable. These policies shall apply to all of Collier County except for the Eastern Lands Study Area, for which policies are required to be adopted by November 1, 2002 that portion of the County which is identified on the Countywide Future Land Use Map (FLUM) as the Rural Lands Stewardship Area Overlay.

Policy 6.1.1: [Revise text, pages 15, 16]

For the County’s Urban Designated Area, Estates Designated Area, Conservation Designated Area, and Agricultural/Rural Mixed Use District, Rural-Industrial District and Rural-Settlement Area District as designated on the FLUM, 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 Area of Critical State Concern (ACSC) where the ACSC standards referenced in the Future Land Use Element shall apply. Notwithstanding the ACSC requirements, this policy shall apply to all non-agricultural development except for single-family dwelling units situated on individual lots or parcels that are not located within a watershed management conservation area identified in a Watershed Management Plan developed pursuant to policies supporting Objective 2.1 of this Element. The standards and criteria provided for in this policy may change for the area governed by the Golden Gate Area Master Plan, which is currently under restudy, by Plan amendment.

### Native Vegetation Retention Requirements

<table>
<thead>
<tr>
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<th>Coastal High Hazard Area</th>
<th>Non-Coastal High Hazard Area</th>
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<tbody>
<tr>
<td>Residential and Mixed Use Development</td>
<td>Less than 2.5 acres 10%</td>
<td>Less than 5 acres. 10%</td>
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<tr>
<td></td>
<td>Equal to or greater than 2.5 acres 25%</td>
<td>Equal to or greater than 5 acres and less than 20 acres. 15%</td>
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<td></td>
<td>Equal to or greater than 20 acres 25%</td>
<td>Equal to or greater than 20 acres 25%</td>
</tr>
<tr>
<td>Stand Alone Golf Course</td>
<td>35%</td>
<td>35%</td>
</tr>
<tr>
<td>Commercial, and Industrial and other Development</td>
<td>Less than 5 acres. 10%</td>
<td>Less than 5 acres. 10%</td>
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<td></td>
<td>Equal to or greater</td>
<td>Equal to or</td>
</tr>
<tr>
<td>Industrial Development (Rural-Industrial District only)</td>
<td>than 5 acres.</td>
<td>15%</td>
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<td>------------------------------------------------------</td>
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<td></td>
<td>50%, not to exceed 25% of the project site.</td>
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</table>

The following standards and criteria shall apply to the native vegetation retention requirements referenced above:

1. For the purpose of this policy, “native vegetation” is defined as a vegetative community having 75% or less canopy coverage of melaleuca or other invasive exotic plant species. The vegetation retention requirements specified in this policy are calculated based on the amount of “native vegetation” that conforms to this definition.

2. The preservation of native vegetation shall include canopy, under-story and ground cover emphasizing the largest contiguous area possible. The purpose for identifying the largest contiguous area is to provide for a core area that has the greatest potential for wildlife habitat by reducing the interface between the preserve area and development which decreases the conflicts from other land uses. Criteria for determining the dimensional standards of the preserve are to be set out in the Land Development Code.

3. Areas that fulfill the native vegetation retention standards and criteria of this policy shall be set aside as preserve areas. All on-site or and off-site preserve areas shall be identified as separate tracts and protected by a permanent conservation easement mechanism to prohibit further development, consistent with the requirements of this policy. The type of conservation mechanism, including conservation easements, required for a specific development may vary based on preserve area size, type of development approval, and other factors, as set forth in the County’s land development regulations.

4. Selection of native vegetation to be retained as preservation preserve areas shall reflect the following criteria in descending order of priority:
   a. Wetland or upland areas known to be utilized by listed plant or animal species or that serve as corridors for the movement of wildlife shall be preserved and protected in order to facilitate the continued use of the site by listed species or movement through the site, consistent with the requirements of Policy 7.1.1 and 7.1.2 of this Element.
   b. Xeric Scrub, Dune and Strand, Hardwood Hammocks.
   c. Onsite wetlands having functionality scores of at least 0.65 WRAP or 0.7 UMAM, unless permitted for impact preserved pursuant to Policy 6.2.4 of this Element. WRAP means South Florida Water Management District’s Wetland Rapid
Assessment Procedures as described in Technical Publication Reg 001 (September 1997, as updated August 1999). UMAM means Uniform Wetland Mitigation Assessment Method as described in Chapter 62-345, F.A.C.

d. Upland habitat shall be part of the preservation requirement when wetlands alone do not constitute all of the requirement. Upland habitats have the following descending order of priority:

1. Any upland habitat that serves as a buffer to a wetland area as identified in (4)c. above,
2. Listed plant and animal species habitats,
3. Xeric Scrub,
4. Dune and Strand, Hardwood Hammocks,
5. Dry Prairie, Pine Flatwoods, and
6. All other upland native habitats.

d. Exceptions to these priorities are noted in (7) below.

(5) The uses allowable within preserve areas are limited to:

a. Passive recreational uses that do not impact the minimum required vegetation or cause a loss of function to the preserve area, such as pervious nature trails or boardwalks are allowed within preserve areas, as long as any clearing required to facilitate these uses does not impact the minimum required vegetation. Criteria identifying what constitutes a loss of function shall be set forth in the land development regulations and will address various types of construction that are compatible with the function of the preserve. The land development regulations will also provide criteria to define appropriate passive recreational uses.

b. Receipt of treated stormwater discharge where such use, including conveyance, treatment and discharge structures, does not result in any adverse impact on the naturally occurring, native vegetation, as determined by criteria set forth in the land development regulations. Discharge to preserves having wetlands requires treatment that will meet water quality standards as set forth in Chapter 17-302, F.A.C. and will conform to the water quality criteria requirements set forth by the South Florida Water Management District.

(6) A management plan shall be submitted for preserve areas identified by specific criteria in the land development regulations to identify actions that must be taken to ensure that the preserved areas will maintain natural diversity and will function as proposed. The plan shall include methods to address control and treatment of invasive exotic species, fire management, stormwater management (if applicable), and maintenance of permitted facilities. If applicable, a listed species monitoring program shall be submitted pursuant to Policy 7.1.2(i).

(7) Exceptions, by means of mitigation in the form of increased landscape requirements shall be granted for parcels that cannot reasonably accommodate both the preservation area and the proposed activity. Criteria for allowing these exceptions include:
(a) Where site elevations or conditions requires placement of fill thereby harming or reducing the survivability of the native vegetation in its existing locations;
(b) Where the existing vegetation required by this policy is located where proposed site improvements are to be located and such improvements can not be relocated as to protect the existing native vegetation;
(c) Where native preservation requirements are not accommodated, the landscape plan shall re-create a native plant community in all three strata (ground covers, shrubs and trees), utilizing larger plant materials so as to more quickly re-create the lost mature vegetation.

(8) Parcels that were legally cleared of native vegetation prior to January 1989 shall be exempt from this requirement.

(9) Preservation areas shall be interconnected within the site and to adjoining off-site preservation areas or wildlife corridors.

(10) Should the amount of wetland vegetation exceed the minimum vegetation requirements as specified herein, retention of wetland vegetation having significant habitat or hydrologic value is encouraged. Increased preservation shall be fostered through incentives including, but not limited to: clustered development, reduced development standards such as open space, setbacks, and landscape buffers, to allow for increased areas of preserved wetland vegetation. Significant habitat or hydrologic value is determined by wetland function, not the size of the wetland.

On-site preservation of native vegetation shall always be required where there are plant or animal listed species on-site, subject to receiving technical assistance from the wildlife agencies pursuant to Policy 7.1.2(c) of this Element, and when the required retained native vegetation provides for adequate habitat for the on-site listed species. When there are no listed species on-site, the County shall allow the required native vegetation retention to be satisfied by the off-site alternatives identified in Paragraph (11) subject to the following criteria:

a. All land uses qualify for off-site alternatives subject to the provisions of this policy, except for the following uses:
   1. Residential having no affordable housing component;
   2. The residential component of a mixed use development having no affordable housing component;
   3. Stand Alone Golf Courses;

b. Off-site alternatives are allowed for all qualified sites where the calculated total acreage of native vegetation is less than 0.5 acres, unless the on-site vegetation is contiguous to or adjoining off-site preserves such that the resulting combined area is more equal to or greater than 0.5 acre;
bc. Off-site alternatives may be used to satisfy 100% of the native vegetation retention requirements for essential services;
ed. Off-site alternatives for qualified affordable housing may be used to satisfy up to 50% of the native vegetation retention requirement, but shall not result in an on-site preserve of less than 0.5 acre; and

dd. Off-site alternatives may be used to satisfy 100% of the native vegetation retention requirements directly associated with the taking of land required for a publicly-owned right of way.

(11) Where an offsite alternative is allowed pursuant to Paragraph (10), it **shall** take the form of providing a payment to the Conservation Collier Program, or another publicly funded land acquisition program for the purchase of land in Collier County if the Conservation Collier Program no longer exists.

a. The basis for determining the amount of payment will be based on the appraised value (AV) of the parcel to be developed, the area of native vegetation retention (NVT) that will be preserved off-site, and the applicable percentage of appraised value (PAV). The formula for calculating the required value is as follows: Required Value ($) = PAV(%) x NVT(acres) x AV($ per acre).

b. The PAV may range between 50% and 200% of the appraised value of the land to be developed depending on the amount of units set aside for qualified affordable housing. The procedures for determining the methodology for assessing the appraised value and the relationship between affordable housing units and the PAV will be identified in the land development regulations.

(12) Creation or restoration. Although the primary intent of this Policy is to retain and protect existing native vegetation, there are situations where creation or restoration is allowed. When allowed, creation or restoration of native vegetation shall provide for all three strata (ground covers, shrubs, and trees) using larger plant materials so as to more quickly re-create the lost mature vegetation, shall use appropriate native plants to recreate a native vegetative community that is compatible with the existing soils, and shall provide for the appropriate grade and elevations to ensure success of the recreated native plant community. Creation or restoration of native vegetation for the purpose of meeting the vegetation retention requirements of this policy is allowed under the following circumstances:

a. Where a State or Federal permit requires the creation of native habitat on site;

b. Where the native vegetation on the site occurs in isolated areas that are individually less than 0.5 acre in size in order to facilitate preservation areas consistent with Paragraph 2 of this Policy; or

c. Where allowed through a variance process described in Paragraph 13 of this Policy.

(13) Variance to Native Vegetation Retention Criteria. In exceptional circumstances, the County may grant a variance to the requirements of this Policy as specified below. The Collier County Land Development Code shall be amended during the next amendment cycle to set forth the process for obtaining a variance to the criteria specified in this policy.
variances: administrative and those requiring a public hearing by the Board of Zoning Appeals (BZA).

a. Administrative variances.

1. Administrative variances shall be subject to the approved approval by the County Manager or his designee.

2. Administrative variances may be granted where the following conditions exist:
   - Where the amount of native vegetation that is the subject of the variance request is less than 0.5 acres, or;
   - Where plant and animal listed species as identified in Policy 7.1.1 are absent;
   - Where application of the criteria specified in Paragraphs 4, 5, 8, 10b, 10d, 10d and 12 of this Policy conflicts with each other;
   - Where the location of transportation access points, or other County, Federal or State mandates require specific site improvements that cannot be relocated to meet the requirements of this policy.

3. An appeals process for administrative decisions will be established in the land development regulations.

b. Board of Zoning Appeals (BZA) variances.

1. The BZA shall review the request for a variance for cases where the conditions for an administrative variance are not present or as an appeal to an Administrative variance.

2. An appeals process for administrative decisions will be established in the land development regulations.

D2. BZA variances may be granted where the following conditions exist:

(a) Where other requirements of the Growth Management Plan, land development regulations, including the location of transportation access points, or other County, Federal or State mandates require specific site improvements that can not be re-located to meet the requirements of this policy: