

4.08.00 RURAL LANDS STEWARDSHIP AREA ZONING OVERLAY DISTRICT STANDARDS AND PROCEDURES

4.08.01 Specific Definitions Applicable to the RLSA District

As used in the RLSA District Regulations, the terms below shall have the following meanings, set forth below, to the exclusion of any meanings ascribed to such terms in section 1.08.00:

A. Accessory dwelling unit. A **dwelling unit** that is supplemental and subordinate to a primary dwelling on the same premises, limited to 900 square feet.

B. Baseline Standards. Baseline Standards are the allowable uses, **density**, intensity and other land **development** regulations assigned to land within the RLSA District by the GMP, Collier County Land **development** Regulations and Collier County Zoning Regulations in effect prior to July 25, 2000, and subject to the further provisions of section 4.08.05.

C. Building Height. Refers to the vertical extent of a **building**. **Building** height is measured in Stories.

D. Building Height to Street Width Ratio. The maximum height of the tallest **building** divided by the width of the **street**. The **street** width is the distance between two **building facades**.

E. Civic and Institutional Uses. **Structures** developed for and/or used by established organizations or foundations dedicated to public service or cultural activities including the arts, education, government and religion.

F. Compact Rural development (CRD). Compact Rural **developments** are a form of SRA that provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village. A CRD may include, but is not required to have permanent residential housing and the services and facilities that support permanent residents. An example of a CRD without permanent residential housing is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to eco-tourists, but may not provide for the range of services necessary to support permanent residents.

G. Context Zones. Areas that establish the use, intensity and diversity within a town, village or hamlet. Context zones specify permitted land uses, FARs, **building** height, **setbacks**, and other regulating elements to guide the establishment of the urban to rural continuum.

H. Designation. Application of the SSA or SRA concepts through a formal application, review, and approval process as described in the RLSA District Regulations.

I. FSA - Flow way Stewardship Area. Privately owned lands delineated on the RLSA Overlay Map, which primarily include privately owned **wetlands** that are located within the Camp Keais Strand and Okaloacoochee Slough. FSAs form the primary **wetland** flow way systems in the RLSA District.

J. Hamlet. Hamlets are a form of SRA and are small rural residential areas with primarily single-family housing and a limited range of convenience-oriented services. Hamlets serve as a more compact alternative to traditional five (5) acre **lot** rural **subdivisions** currently allowed in the Baseline Standards.

- K.** HSA - Habitat Stewardship Area. Privately owned lands delineated on the RLSA Overlay Map, which include both areas with natural characteristics that make them suitable habitat for listed species and areas without these characteristics. These latter areas are included because they are located contiguous to habitat with natural characteristics, thus forming a continuum of landscape that can augment habitat values.
- L.** Incidental Clearing. Clearing of no more than 1% of the area of an SSA, which is conducted to accommodate the ability to convert from one Ag 1 use to another Ag 1 use and which connects existing Ag 1 acres, squares up existing Ag 1 farm fields, or provides access to or from Ag 1 areas.
- M.** Landmark **building**. A prominent civic or institutional **building** that creates a significant community feature, focal point, or terminating vista.
- N.** Land Use - Land Cover Indices. One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon land use and land cover characteristics as mapped using the Florida Land Use, Cover, and Forms Classification System (FLUCFCS) (FDOT 1999). For purposes of assigning values, land use and land cover codes are grouped as follows: Group 1 (Codes 617, 6172, 621, 6218, 6219, 624, 630, 641, 643); Group 2 (Codes 321, 411, 4119, 425, 434, 439, 428); Group 3 (211, 212, 213, 214, 221, 222, 241, 242, 243, 250, 260, 261, 310, 329, 330, 422, 510, 521, 523, 533, 534); and Group 4 (all others).
- O.** Land Use Layer (Layer). Permitted and conditional land uses within the Baseline Standards that are of a similar type or intensity and that are grouped together in the same column on the Land Use Matrix.
- P.** Land Use Matrix (Matrix). The tabulation of the permitted and conditional land uses within the Baseline Standards set forth in Section 4.08.06 B.4., with each Land Use Layer displayed as a single column.
- Q.** Listed Species Habitat Indices. One of the indices comprising the Natural Resource Index Value, with values assigned based upon the habitat value of the land for listed species. Index values are based on documentation of occupied habitat as established by the intersect of documented and verifiable observations of listed species with land cover identified as preferred or tolerated habitat for that species. Land mapped, using FLUCFCS, as 310, 321, 411, 425, 428, 434, 617, 6172, 621, 6218, 6219, 624, and 630 is deemed to be preferred or tolerated habitat for panthers for the purpose of assigning a value for these indices. An intersection of at least one data point establishing the presence of a listed species within a geographic information system (GIS) polygon of preferred or tolerated habitat for that species shall result in the entire polygon being scored as occupied habitat.
- R.** Natural Resource Index (Index). A measurement system that establishes the relative natural resource value of each acre of land by objectively measuring six different characteristics of land and assigning an index factor based on each characteristic. The sum of these six factors is the Index value for the land. The six characteristics measured are: Stewardship Overlay Delineation, Proximity, Listed Species Habitat, Soils/Surface Water, Restoration Potential, and Land Use/Land Cover.
- S.** Natural Resource Index Map Series (Index Maps). The Rural Lands Study Area Natural Resource Index Map Series adopted as part of the GMP.

T. Natural Resource Index Value (Index Value). The sum of the values assigned to each acre, derived through the calculation of the values assigned to each of the six (6) characteristics included in the Index.

U. Neighborhood Edge. A defining Context Zone that includes the least intensity and diversity within the town, village or hamlet. The zone is predominantly single-family residential and recreational uses. The Neighborhood Edge may be used to provide a transition to adjoining rural land uses.

V. Neighborhood General. A defining Context Zone that creates community diversity with the inclusion of a mix of single and multi-family housing, neighborhood scale goods and services, schools, parks and other recreational uses, and open space.

W. Neighborhood Goods and Services Zone. Zone located within the Neighborhood General Context Zone. These zones are intended to provide convenient neighborhood scale retail and office use within proximity to the residential uses in order to support community walkability.

X. Open space. **Open space** includes active and passive recreational areas such as parks, playgrounds, ball fields, golf courses, lakes, waterways, lagoons, **flood plains** , nature trails, **native vegetation** preserves, landscape areas, public and private conservation lands, agricultural areas (not including structures), and water retention and management areas. **Buildings** shall not be counted as part of any open space calculation. Vehicular use surface areas of **streets** , **alleys** , **driveways** , and off- **street** parking and loading areas shall not be counted as part of any **open space** calculation.

Y. Pathway. A defined corridor for the primary use of non-motorized travel.

Z. Post Secondary Institution Ancillary Uses. Any use or facility owned by a public or private post secondary institution that is of a type commonly found on public or private post secondary institution campuses.

AA. Proximity Indices. One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon the proximity of the land to areas designated on the RLSA Overlay Map as FSA, HSA, or WRA and to either public or private preserve lands. No additional value shall be added under the Proximity Indices for land that is within an FSA, HSA, WRA, or public or private preserve.

BB. Restoration Potential Indices. One of the indices comprising the Natural Resource Index Value of land, with values assigned based both upon the potential for restoration and the historic use or character of the land as a large mammal corridor, connector wetlands and flow way, wading bird habitat, or other listed species habitat.

CC. Restoration Zone. Privately owned lands delineated on the RLSA Overlay Map that are located within 500 feet of an FSA, but are not otherwise included in an HSA or WRA.

DD. RLSA District. Rural Lands Stewardship Area Zoning Overlay District. The area generally depicted on the Future Land Use Map and specifically depicted on the Official Zoning Atlas Map as the Rural Lands Stewardship Area Overlay, including lands within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment referred to in the State of Florida Administration Commission Final Order No. AC-99-002. The RLSA District generally includes rural lands in northeast Collier County lying north and east of Golden Gate Estates, north of the Florida Panther National Wildlife Refuge and Big Cypress National Preserve, south of the Lee County Line, and south and west of the Hendry County Line.

EE. RLSA Overlay Map. The map entitled "Collier County Rural & Agricultural Area Assessment Stewardship Overlay Map," which identifies those areas delineated as FSA, HSA, WRA, Restoration Zone, and Open.

FF. RLSA District Regulations. LDC Section 4.08.00.

GG. Soils/Surface Water Indices. One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon soil types classified using the following Natural Soils Landscape Positions (NSLP) categories: Open Water and Muck Depression Soils (NSLP Categories 1 and 5); Sand Depression Soils (NSLP Category 6); Flats Soils (NSLP Category 7); and Non-Hydric Soils (NSLP Categories 8, 9, and 11).

HH. Special Districts. An area dedicated for certain uses that cannot be incorporated into one of the Context Zones. Special Districts provide for the inclusion of unique uses and **development** standards not otherwise defined in a context zone.

II. SRA - Stewardship Receiving Area. A designated area within the RLSA District that has been approved for the **development** of a Hamlet, Village, Town or CRD and that requires the consumption of Stewardship Credits.

JJ. SSA - Stewardship Sending Area. A designated area within the RLSA District that has been approved for the generation of Stewardship Credits in exchange for the elimination of one or more Land Use Layers.

KK. Stewardship Credit (Credit). A transferable unit of measure generated by an SSA and consumed by an SRA. Eight credits are transferred to an SRA in exchange for the **development** of one acre of land as provided in Section 4.08.06 B.

LL. Stewardship Credit Database. A database maintained by the County that keeps track of all of the credit transactions (generation of Credits through SSA designation and the consumption of credits through SRA designation) approved by the County.

MM. Stewardship Credit System. A system that creates incentives to protect and preserve natural resources and agricultural areas in exchange for the generating and use of credits to entitle compact forms of rural development. The greater the value of the natural resources being preserved and the higher the degree of preservation, the greater the number of credits that can be generated. Credits are generated through the designation of SSAs and consumed through the designation of SRAs.

NN. Stewardship Credit Worksheet. An analytical tool that manually describes the Stewardship Credit calculation process including the Natural Resource Index and Land Use Layer components. The worksheet can be used to document proposed changes to the Index component during the SSA and SRA designation processes.

OO. Stewardship Overlay Designation. One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon the designation of the land on the RLSA Overlay Map as FSA, HSA, WRA, or ACSC, or, where Land Use Layers 1 through 3 are removed, Restoration Zone. Land that is designated as ACSC, as well as FSA, HSA, or WRA shall receive value for the designation with the higher value but shall not receive value for both designations.

PP. Story. That portion of a **building** included between a floor which is calculated as part of the **building's** habitable floor **area** and the floor or roof next above it.

QQ. Story, half. The designation of a space on the upper level of a building in which the walls at the eaves are zero to four feet.

RR. Town. Towns are a form of SRA and are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and

infrastructure which support **development** that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns are comprised of several Villages and/or neighborhoods that have individual identity and character.

SS. Town Center. A defining Context Zone that is intended to provide a wide range of uses, including daily goods and services, culture and entertainment, and residential uses within a Town. The Town Center is an extension of the Town Core, however the intensity is less as the Town Center serves as a transition to surrounding neighborhoods.

TT. Town Core. A defining Context Zone within a Town. The Town Core is the most dense and diverse Context Zone with a full range of uses. The Town Core is the most active area within the Town with uses mixed vertically and horizontally.

UU. Village. Villages are a form of SRA and are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages are comprised of residential neighborhoods and shall include a mixed-use **village center** to serve as the focal point for the community's support services and facilities.

VV. Village center. A defining Context Zone within a Village that is intended to provide a wide range of uses including daily goods and services, culture and entertainment, and residential uses.

WW. WRA - Water Retention Area. Privately owned lands delineated on the RLSA Overlay Map, that have been permitted by the SFWMD to function as agricultural water retention areas and that provide surface water quality and other natural resource value. (Ord. No. 05-27, § 3.X)

4.08.02 Establishment of RLSA Zoning Overlay District

In order to implement the RLSA District Regulations, an RLSA District, to be designated as "RLSAO" on the official zoning atlas, is hereby established.

A. The lands included in the RLSA District and to which the RLSA District Regulations apply are depicted by the following map:

GRAPHIC LINK: [Click here](#)

B. Within the RLSA District, additional lands may be designated to implement the stewardship credit system as follows:

1. Establishment of SSA designations. An RLSA District classification to be known as SSAs, and to be designated on the official zoning atlas by the symbol "A-RLSAO-SSA", is hereby established. This overlay district classification will be used for those lands within the RLSA District that are designated by the board of county commissioners (BCC) as SSAs. The placement of this designation shall be governed by the procedures as prescribed in the RLSA District Regulations.

2. Establishment of SRA designations. An RLSA District classification to be known as SRAs, and to be designated on the official zoning atlas by the symbol "A-RLSAO-SRA", is hereby established. This overlay district classification will be used for those lands within the RLSA District that are designated by the BCC as SRAs. The placement of this designation shall be governed by the procedures as prescribed in the RLSA District Regulations.

4.08.03 Establishment of land uses allowed in the RLSA District.

Land uses allowed within the RLSA District are of two types: those allowed in the baseline standards prior to designation of SSAs and SRAs, and; those uses provided for in SSAs and SRAs after designation. The underlying land uses allowed within the RLSA District are included in the baseline standards. Upon designation of SSAs and SRAs pursuant to the RLSA District Regulations, the land uses allowed shall be as provided in sections 4.08.06 and 4.08.07, respectively.

4.08.04 Implementation of Stewardship Credits

A. *Establishment of a Stewardship Credit Database.* As part of the initial implementation of the RLSA Overlay, the County Manager or designee shall cause to be developed a Stewardship Credit Database to track the generation (by SSAs) and consumption (by SRAs) of Stewardship Credits within the RLSA District. The database shall be in an electronic form that can be linked to the RLSA Overlay Map and can readily produce reports that will afford convenient access to the data by the public. The database shall be updated upon approval of an SSA or SRA Designation Application and Credit Agreement.

B. *Authorization to Establish a Stewardship Credit Trust.* As part of the implementation of the RLSA Overlay, the County may elect to acquire Credits through a publicly funded program. Should the County pursue this option, the County shall establish a Stewardship Credit Trust to receive and hold Credits until such time as they are sold, transferred or otherwise used to implement uses within SRAs. Nothing herein shall preclude the County from permanently "retiring" those credits received or held.

C. *Density.* Except as provided in herein, there shall be no change to the underlying **density** and intensity of permitted uses of land within the RLSA District, as set forth in the Baseline Standards, until a property owner elects to utilize the provisions of the Stewardship Credit System pursuant to the provisions of Section 4.08.04. No part of the Stewardship Credit System shall be imposed upon a property owner without that owner's written consent. It is the intent of the RLSA District Regulations that a property owner will be compensated consistent with Policy 3.8 of the RLSA Overlay for the voluntary stewardship and protection of important agricultural and natural resources. The Baseline Standards will remain in effect for all land not subject to the transfer or receipt of Stewardship Credits.

D. *Creation of Stewardship Credits/General.* Stewardship Credits (Credits) may be created from any lands within the RLSA District from which one or more Land Use Layers are removed. These lands will be identified as SSAs. All privately owned lands within the RLSA District are candidates for designation as an SSA. Land becomes designated as an SSA upon petition by the property owner seeking such designation as outlined herein. A Stewardship Agreement shall be developed that identifies those land uses, which have been removed. Once land is designated as an SSA and Credits or other compensation is granted to the owner, no increase in **density** or additional uses that are not expressly identified in the Stewardship Agreement shall be allowed on such property.

E. *Transfer of Stewardship Credits/General.* Credits can be transferred only to lands within the RLSA District that meet the defined suitability criteria and standards set forth in Section 4.08.07 A.1. and that have been designated as SRAs. The procedures for the

establishment and transfer of Credits and SRA designation are set forth herein. Stewardship Credits will be exchanged for additional residential or non-residential entitlements in an SRA on a per acre basis. SRA **density** and intensity will thereafter differ from the Baseline Standards.

F. Allocation of Stewardship Credits/General. Stewardship Credits generated from one SSA may be allocated to one or more SRAs, and an SRA may receive Stewardship Credits generated from one or more SSAs.

G. Five Year Comprehensive Review.

1. Many of the tools, techniques, and strategies of the RLSA Overlay are new, innovative, and incentive-based and have yet to be tested in actual implementation. Consequently, by June 2008 and at such subsequent times as deemed appropriate by the BCC, the County shall prepare and submit to DCA for review a comprehensive analysis of the RLSA Overlay to assess the participation and effectiveness of the RLSA Overlay implementation in meeting the Goals, Objectives, and Policies of the RLSA Overlay by utilizing the measures of review delineated in Policy 1.22. The County shall encourage public participation in the review process through publicly noticed workshops and meetings and through the solicitation of public input.
2. Subsequent to the June 2008 review, the RLSA Overlay and RLSA District Regulations may be amended in response to the County's assessment and evaluation of the participation in and effectiveness of the Stewardship Credit System.
3. The value, exchange rate, and use of Stewardship Credits shall be governed by the RLSA Overlay and RLSA District Regulations in effect at the time the SSA from which those credits are generated is approved. The Restoration Stewardship Credits shall be governed by the RLSA Overlay and RLSA District Regulations in effect at the time that such Restoration Stewardship Credits are authorized by the BCC.

4.08.05 Baseline Standards

All lands within the RLSA District have been delineated on the RLSA Overlay Map. Unless and until designated as an SSA or SRA, lands within the RLSA District shall remain subject to the Baseline Standards.

A. Purpose and intent. These Baseline Standards will remain in effect for all land within the RLSA District unless or until such land becomes subject to the transfer or receipt of Stewardship Credits, except as to those **agricultural uses** subject to sections 163.3162(4) and 823.14(6), Florida Statutes. The Baseline Standards are intended to protect water quality and quantity, maintain the natural water regime, and protect listed animal and plant species and their habitats on land that has not been designated as an SSA or SRA. The opportunity to voluntarily participate in the Stewardship Credit Program, as well as the right to sell conservation **easements** or a fee or lesser interest in the land, shall constitute compensation for the loss of any **development** rights related to these standards.

B. Applicability of code. Except as otherwise specifically provided in this section 4.05.00, those provisions of this Code in effect as of July 25, 2000, shall apply to all land within the RLSA District unless or until such lands become subject to the transfer or receipt of Stewardship Credits.

C. Private lands delineated FSAs, HSAs, and WRAs. Lands delineated FSA, HSA, or WRA on the RLSA overlay map have been identified through data and analysis as having

a higher quality natural resource value than those lands not delineated. Although any land within the RLSA District can be designated as an SSA, generally those lands delineated FSAs, HSAs, and WRAs are the most likely candidates for designation because of the higher credit values applied to lands with those delineations.

D. Private lands delineated as open. Lands not otherwise classified as FSA, HSA, or WRA are delineated as "open" on the RLSA overlay map and are generally of a lower natural resource quality. Open lands may be designated as either SSAs or SRAs.

E. Area of critical state concern (ACSC). The RLSA District includes lands that are within the ACSC. Those ACSC lands are depicted on the RLSA overlay map and are eligible for designation as SRAs, subject to additional standards set forth in subsection 4.08.07 A.2. All ACSC regulations continue to apply to ACSC lands within the RLSA District regardless of designation.

F. Public or private conservation lands. Those lands within the RLSA District that are held in public ownership or in private ownership as conservation lands may be delineated on the RLSA overlay map as FSA, HSA, or WRA but are not eligible for designation as either an SSA or SRA.

G. No increase in **density** or intensity within the RLSA District is permitted beyond the Baseline Standards except in areas designated as SRAs. Within SRAs, **density** and intensity may be increased through the provisions of the Stewardship Credit System and, where applicable, through the **affordable housing density** Bonus as referenced in the **density** Rating System of the FLUE, and the **density** and intensity blending provision of the Immokalee Area Master Plan.

H. Allowable uses. The permitted, accessory, and **conditional uses** allowed shall be those set forth in section 2.03.00 in effect as of July 25, 2000, with the following exceptions:

- 1.** Residential Uses, General **conditional uses**, Earth Mining and Processing Uses, and Recreational Uses (layers 1--4) as listed in the Matrix at section 4.08.00 shall be eliminated in all FSAs, as provided in section 4.08.00.
- 2. Conditional use essential services** and governmental **essential services**, except those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with an Index value of 1.2 or less, as provided in section 4.08.00.
- 3.** Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for **oil and gas exploration** and **oil and gas field development and production** activities in FSAs and HSAs in order to minimize impacts to native habitats, when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the **applicant** shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas **access** roads shall be constructed and

protected from unauthorized uses according to the standards established in Rule 62-30.005(2)(a) 1 through 12, F.A.C.

4. Asphaltic and concrete batch making plants shall be prohibited in areas mapped as HSAs.

I. Standards applicable inside the ACSC. RLSA District lands within the ACSC shall be subject to all ACSC regulatory standards, including those that strictly limit non-agricultural clearing.

J. Standards applicable outside the ACSC. Except to the extent superceded by L. or M. below, the following standards shall apply to all **development** within those areas of the RLSA District that are outside of the ACSC, other than agricultural operations that fall within the scope of sections 163.3162 (4) and 823.14 (6), F.S., and single family residential **dwellings**, unless or until such lands are subject to transmittal or receipt of Stewardship Credits:

1. A wildlife survey, as set forth in Chapter 10, shall be required for all **parcels** when listed species are known to inhabit biological communities similar to those existing on site or where listed species are directly observed on the site.

2. If listed species are directly observed on the site of the project or are indicated by evidence, such as denning, foraging, or other indications, first priority shall be given to preserving the habitat of such listed species a minimum of 40% of native vegetation on site shall be retained, with the exception of clearing for incidental purposes.

3. If the wildlife survey indicates that listed species are utilizing the site, or the site is capable of supporting and is likely to support listed species, a wildlife habitat management plan shall be prepared and submitted to the County.

a. The wildlife habitat management plan within the RLSA District shall include the following techniques to protect listed species from the negative impacts of **development**:

i. **Open space** and vegetation preservation requirements shall be used to establish **buffer** areas between wildlife habitat areas and areas dominated by human activities.

ii. Fencing, walls, other obstructions, or other provisions shall be used to minimize **development** impacts to the listed species and to encourage wildlife to use wildlife corridors.

iii. Roadways crossings, underpasses, and signage shall be used where roads must cross wildlife corridors.

b. The wildlife habitat management plan shall also incorporate the following:

i. A description of the techniques used to direct incompatible land uses away from listed species and their habitats and to comply with the criteria identified in 1 and 2 above, as applicable;

ii. Identification of appropriate lighting controls for permitted uses and a consideration of the opportunity to utilize prescribed burning to maintain fire-adapted preserved vegetation communities and provide browse for white-tailed deer, consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, except as recommended otherwise by the UFWS or FFWCC; and

iii. If the **development** will be larger than 10 acres, a monitoring program.

c. The following references shall be used, as appropriate, to prepare the wildlife habitat management plan:

i. South Florida Multi-Species Recovery Plan, USFWS, 1999.

- ii. Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.
- iii. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale **development** in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.
- iv. Ecology and **development** -Related Habitat Requirements of the Florida Scrub Jay (*Apelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.
- v. Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco Sparverius Paulus*) on Large-scale **development** Sites in Florida, Non-game Technical Report No. 13, Florida Game and Fresh Water Fish Commission, 1993.
- d. The following species specific provisions shall be included within the wildlife habitat management plan if the wildlife survey indicates that the identified species utilizes the site or the site is capable of supporting and is likely to support such species:
 - i. Gopher tortoise. For **parcels** containing gopher tortoises (*Gopherus polyphemus*), priority shall be given to protecting the largest, most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off site **adjacent** gopher tortoise preserves.
 - ii. Florida scrub jay. Habitat preservation for the Florida scrub jay (*Apelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991. A maintenance program shall be established, which shall specify appropriate fire or mechanical protocols to maintain the natural scrub community. A public awareness program to educate residents about the **on-site** preserve and the need to maintain the scrub vegetation shall be developed. These requirements shall be consistent with the USFWS South Florida Multi-Species Recovery Plan, May 1999.
 - iii. Bald eagle. For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nest season. These requirements shall be consistent with the USFWS South Florida Multi-Species Recover Plan, May 1999.
 - iv. Red-cockaded woodpecker. For the red-cockaded woodpecker (*Ipicoides borealis*), the required habitat protection plan shall outline measures to avoid **adverse impacts** to active clusters and to minimize impacts to foraging habitat. Where adverse effects cannot be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the USFWS South Florida Multi-Species Recovery Plan, May 1999.
 - v. Florida black bear. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear-proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.
 - vi. Panther. For projects located in Priority I or Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to

currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be **buffered** from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses).

4. On property where the wildlife survey establishes that listed species are utilizing the site or where the site is capable of supporting listed species and such listed species can be anticipated to potentially occupy the site, the County shall, consistent with the RLSA Overlay of the GMP, consider and utilize recommendations and letters of technical assistance from the State of Florida Fish and Wildlife Conservation Commission and recommendations from the U.S. Fish and Wildlife Service in issuing **development orders**. It is recognized that these agency recommendations, on a case-by-case basis may change the requirements contained herein and any such change shall be deemed consistent with this Code.

K. Golf course standards. Except as otherwise required by L. or M. below, all golf courses within the RLSA District that are not within an SRA shall be subject to the following requirements:

1. Golf courses shall be designed, constructed, and managed in accordance with Audubon International's Gold Signature Program. The project shall demonstrate that the Principles for Resource Management required by the Gold Signature Program (Site Specific Assessment, Habitat Sensitivity, Native and Naturalized Plants and Natural Landscaping, Water Conservation, Waste Management, Energy Conservation & Renewable Energy Sources, Transportation, Greenspace and Corridors, Agriculture, and **Building Design**) have been incorporated into the golf course's design and operational procedures. In addition to addressing these requirements, golf courses shall meet the following specific criteria:

a. In order to prevent the contamination of soil, surface water and ground water by the materials stored and handled by golf course maintenance operations, golf courses shall comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995.

b. To protect ground and surface water quality from fertilizer and pesticide usage, golf courses shall demonstrate the following management practices:

i. The use of slow release nitrogen sources;

ii. The use of soil and plant tissue analysis to adjust timing and amount of fertilization applications;

iii. The use of an integrated pest management program using both biological and chemical agents to control various pests;

iv. The coordination of pesticide applications with the timing and application of irrigation water; and

v. The use of the procedure contained in IFAS Circular 1011, Managing Pesticides for Golf Course Maintenance and Water Quality Protection, May 1991 (revised 1995) to select pesticides that will have a minimum adverse impact on water quality.

2. To ensure water conservation, golf courses shall incorporate the following in their design and operation:

a. Irrigation systems shall be designed to use weather station information and moisture-sensing systems to determine the optimum amount of irrigation water needed considering soil moisture and evapotranspiration rates.

- b. As available, golf courses shall utilize treated effluent reuse water consistent with Sanitary Sewer Sub-Element Objective 1.4 and its policies;
- c. Native plants shall be used exclusively except for special purpose areas such as golf greens, fairways, and **building** sites. Within these excepted areas, landscaping plans shall require that at least 75% of the trees and 50% of the shrubs be freeze-tolerant native Floridian species. At least 75% of the required native trees and shrubs shall also be drought tolerant species.

3. Stormwater management ponds shall be designed to mimic the functions of natural systems: by establishing **shorelines** that are sinuous in configuration in order to provide increased length and diversity of the littoral zone. A Littoral shelf shall be established to provide a feeding area for water dependent avian species. The combined length of vertical and rip-rapped walls shall be limited to 25% of the **shoreline**. Credits to the site preservation area requirements, on an acre-to-acre basis, shall be given for littoral shelves that exceed these littoral shelf area requirements.

L. Standards applicable in FSAs, HSAs, and WRAs that are outside of the ACSC. The provisions of Chapters 3, 4, and 10 in effect as of July 25, 2000, shall apply to FSAs, HSAs, and WRAs outside of the ACSC, with the following exceptions:

- 1. Site clearing and **alteration** shall be limited to 20% of the property and non-permeable surfaces shall not exceed 50% of any such area.
- 2. Except for roads and lakes, any non-permeable surface greater than one acre shall provide for release of surface water run off, collected or uncollected, in a manner approximating the natural surface water flow regime of the surrounding area.
- 3. Roads shall be designed to allow the passage of surface water flows through the use of equalizer pipes, interceptor spreader systems or performance equivalent **structures** .
- 4. Re-vegetation and landscaping of cleared areas shall be accomplished with predominantly native species and planting of undesirable exotic species shall be prohibited.

M. Standards applicable to wetlands outside of FSAs, HSAs, WRAs, and the ACSC.

Wetlands located outside of FSAs, HSAs, WRAs, and the ACSC shall be preserved in accord with the following criteria:

- 1. The vegetative preservation requirement set forth in J.2. above shall first be met through preservation of **wetlands** having a functionality assessment score of 0.65 or greater. **Applicants** shall establish the **wetland functionality** score of **wetlands** using the South Florida Water Management District's Unified **Wetland** Mitigation Assessment Method, F.A.C. 62-345. Upland vegetative communities may be utilized to meet the vegetative, **open space** , and site preservation requirements when the **wetland functional** assessment score of on-site **wetlands** is less than 0.65.
- 2. **Wetlands** utilized by listed species or serving as corridors for the movement of listed species shall be preserved on site.
- 3. **Wetland flowway** functions through the project shall be maintained.
- 4. Ground water table drawdowns or diversions shall not adversely change the hydroperiod of preserved **wetlands** on or off-site and detention and control elevations shall be set to protect surrounding **wetlands** and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 4.2.2.4.6.11 and 6.12 of SFWMD's Basis of Review, January 2001.

5. All direct impacts shall be mitigated for as required by applicable federal or state agencies and in the same manner as set forth in section 4.06.04 of this Code.
6. Single family residences shall follow the requirements contained within Policy 6.2.7 of the Conservation and Coastal Management Element.
7. Appropriate **buffering** shall be provided to separate preserved **wetlands** from other land uses. A minimum 50-foot vegetated upland **buffer** is required **adjacent** to a natural water body and for other **wetlands** a minimum 25-foot vegetated upland **buffer adjacent** to the **wetland**. A structural **buffer**, consisting of a stem-wall, a **berm**, or a vegetative hedge with suitable fencing, may be used in conjunction with a vegetative **buffer** that would reduce the vegetative **buffer** width by 50%. A structural **buffer** shall be required **adjacent** to **wetlands** where direct impacts are allowed. **Wetland buffers** shall conform to the following standards:
 - a. The **buffer** shall be measured landward from the approved jurisdictional line.
 - b. The **buffer** zone shall consist of preserved **native vegetation** . Where **native vegetation** does not exist, **native vegetation** compatible with the existing soils and expected hydrologic conditions shall be planted.
 - c. The **buffer** shall be maintained free of Category I Exotics.
 - d. The following land uses are considered to be compatible with **wetland functions** and are allowed within the **buffer** :
 - i. Passive recreational areas, boardwalks and recreational shelters;
 - ii. Pervious nature trails;
 - iii. Water management **structures** ;
 - iv. Mitigation areas;
 - v. Any other conservation and related **open space** activity or use which is comparable in nature with the foregoing uses.
8. **Mitigation Requirements.** Mitigation shall be required for direct impacts to **wetlands**, such that the **wetland functional** score of the mitigation equals or exceeds the **wetland functional** score of the impacted **wetlands** .
 - a. Priority shall be given to mitigation within FSAs and HSAs.
 - b. Loss of storage or conveyance volume resulting from direct impacts to **wetlands** shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or **adjacent** to the impacted **wetland** .
 - c. Protection shall be provided for preserved or created **wetland** or upland vegetative communities offered as mitigation by placing a conservation **easement** over the land in perpetuity, providing for initial exotic plant removal (Class I invasive exotic plants defined by the Florida Exotic Plant Council) and continuing exotic plant maintenance, or by appropriate ownership transfer to a state or federal agency along with sufficient funding for perpetual management activities.
9. Prior to issuance of any final **development order** that authorizes site **alteration**, the **applicant** shall demonstrate compliance with paragraphs 8.a. through 8.c. above, as applicable. If state or federal agency permits have not provided mitigation consistent with paragraphs 8 above, the County shall require mitigation exceeding that of the jurisdictional agencies.
10. **Wetland** preservation, **buffer** areas, and mitigation areas shall be identified or platted as separate tracts. In the case of a Planned Unit **Development** (PUD), these areas shall also be depicted on the PUD Master Plan. These areas shall be maintained free from

trash and debris and from Category I Exotics. Land uses allowed in these areas shall be limited to those identified in 7.d. above.

4.08.06 SSA Designation

Lands within the RLSA District may be designated as SSAs subject to the following regulations:

A. Lands Within the RLSA District that can be Designated as SSAs. Any privately held land within the RLSA District delineated on the RLSA Overlay Map as FSA, HSA, WRA, Restoration, or Open, may be designated as an SSA, including lands within the ACSC.

1. *May be within an SRA Boundary.* A WRA, whether designated as an SSA or not, may be contiguous to or surrounded by an SRA. Should a WRA be used to provide water retention for an SRA, the provisions of section 4.08.06 A.4.b. shall apply.

2. *FSA Delineated Lands.*

a. In the case where lands delineated as FSA are designated as an SSA, at a minimum, Residential uses, General **conditional uses**, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Land Use Matrix shall be eliminated as permitted land uses.

b. Conditional use essential services and governmental **essential services**, other than those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less.

c. Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for **oil and gas exploration** and oil and gas field **development**, and production activities in FSAs in order to minimize impacts to native habitats when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit requiring compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on June 16, 2005, regardless of whether the activity occurs within the Big Cypress Swamp as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, FAC. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C. even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protect from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)1 through 12, FAC. Nothing contained herein alters the requirement to obtain **conditional use** permits for oil and gas field **development** and production activities. Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for **oil and gas exploration** and **oil and gas field development and production activities** in FSAs in order to minimize impacts to native habitats when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit requiring compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on January 14, 2005, regardless of whether the FSA in which oil and gas exploration and **oil and gas field development** and production activities is within the Big Cypress Swamp as defined in Rule 62C-30.001(2), F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C. even if outside the defined Big Cypress Watershed. Nothing contained herein alters the requirement to

obtain **conditional use** permits for **oil and gas field development and production** activities.

d. The elimination of the Earth Mining layer (Layer 3) shall not preclude the excavation of lakes or other water bodies if such use is an integral part of a restoration or mitigation program within an FSA.

e. Once land in an FSA is designated as an SSA, no expansion of Agriculture Group 1 (Layer 5) or Agriculture Group 2 (Layer 7) and no conversion of Agriculture Group 2 to Agriculture Group 1 shall be allowed beyond those land uses in existence or allowed by applicable permits as of the date that the SSA designation is approved other than incidental clearing as set forth in f. below.

f. Incidental clearing is permitted, provided that the Ag 1 Land Use Layer has been retained on the areas to be incidentally cleared and the Natural Resource Index Value score has been adjusted to reflect the proposed change in land cover. In the event said incidental clearing impacts lands having a Natural Resource Index Value in excess of 1.2, appropriate mitigation shall be provided.

3. HSA Delineated Lands.

a. In the case where lands delineated as HSA are designated as an SSA, at a minimum, Residential Land Uses (Layer 1), as listed in the Matrix, shall be eliminated.

b. General **conditional uses**, Earth Mining and Processing Uses, and Recreational Uses shall be allowed only on HSA lands with a Natural Resource Stewardship Index value of 1.2 or less.

c. In addition to the requirements imposed in the LDC for approval of a **conditional use**, uses listed in b. above will only be approved upon submittal of an EIS which demonstrates that clearing of **native vegetation** has been minimized, the use will not significantly and adversely impact listed species and their habitats and the use will not significantly and adversely impact **aquifers**. This demonstration shall be made by establishing the following:

(1) Clearing of **native vegetation** shall not exceed 15% of the **native vegetation** on the **parcel**.

(2) Priority shall be given to utilizing contiguous areas of previously cleared land before native vegetated areas.

(3) **Buffering** to Conservation Land shall comply with Section 4.08.07 J.6.10.

(4) Stormwater Management design shall base water control elevations on seasonal high water elevations of **adjacent wetlands** to protect **wetland** hydroperiods in accord with the SFWMD Basis of Review.

(5) The area has a Listed Species Habitat Indices Value of 0.4 or less and no state or federal direct impact take permit is required for the use.

(6) Activities that are the subject of an approved SFWMD Environmental Resource Permit or Consumptive Use Permit and that utilize best management practices designed to protect groundwater from contamination from allowable land uses are deemed not to significantly and adversely impact **aquifers**.

d. As an alternative to the submittal of an EIS, the **applicant** may demonstrate that such use is an integral part of a State or Federally approved restoration plan or mitigation program.

e. **Conditional use essential services** and governmental **essential services**, other than those necessary to serve permitted uses or for public safety, shall only be allowed in HSAs with a Natural Resource Stewardship Index value of 1.2 or less.

f. Asphaltic and concrete batch making plants are prohibited in all HSAs.

g. Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for **oil and gas exploration** and **oil and gas field development**, and **production** activities in HSAs in order to minimize impacts to native habitats when

determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit requiring compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on June 16, 2005, regardless of whether the activity occurs within the Big Cypress Swamp as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, FAC. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C. even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)1 through 12, FAC. Nothing contained herein alters the requirement to obtain **conditional use** permits for **oil and gas field development and production activities** .

h. Golf Course design, construction, and operation in any HSA shall comply with the best management practices of Audubon International's Gold Program and the Florida DEP, which standards shall be adopted by December 13, 2003.

i. Once land in an HSA is designated as an SSA, no expansion of Agriculture Group 1 (Layer 5) or Agriculture Group 2 (Layer 7) and no conversion of Agriculture Group 2 to Agriculture Group 1 shall be allowed beyond those land uses in existence or allowed by applicable permits as of the date that the SSA designation is approved other than incidental clearing as set forth in j. below.

j. Incidental clearing is permitted, provided that the Ag 1 Land Use Layer has been retained on the areas to be incidentally cleared and the Natural Resource Index Value score has been adjusted to reflect the proposed change in land cover. In the event said incidental clearing impacts lands having a Natural Resource Index Value in excess of 1.2, appropriate mitigation shall be provided.

4. WRA Delineated Lands.

a. In the case where lands delineated as WRA are designated as an SSA, at a minimum, Residential Land Uses (Layer 1), as listed in the Matrix, shall be eliminated as permitted land uses.

b. During permitting to serve new uses within an SRA, additions and modifications to WRAs may be required, including but not limited to changes to control elevations, discharge rates, storm water pre-treatment, grading, excavation or fill. Such additions and modifications shall be allowed subject to review and approval by the SFWMD in accordance with best management practices. Such additions and modifications to WRAs shall be designed to ensure that there is no net loss of habitat function within the WRAs unless there is compensating mitigation or restoration in other areas of the RLSA District that will provide comparable habitat function. Compensating mitigation or restoration for an impact to a WRA contiguous to the Camp Keais Strand or Okaloacoochee Slough shall be provided within or contiguous to that Strand or Slough.

5. Restoration Zone Delineated Lands. To further direct other uses away from and to provide additional incentive for the protection, enhancement, and restoration of the Okaloacoochee Slough and Camp Keais Strand, when lands within a Restoration Zone are designated as an SSA and at least Land Use Layers 1 through 3 are eliminated as permitted uses, such Restoration Zone shall receive a Stewardship Overlay Designation value of 0.6.

B. SSA Credit Generation - Stewardship Credit System. Stewardship Credits (Credits) are created from any lands within the RLSA District from which one or more Land Use

Layers are removed and that are designated as SSAs. Once land is designated as an SSA and Credits or other compensation consistent with Policy 3.8 of the RLSA Overlay is granted to the owner, no increase in **density** or additional uses not expressly identified in the Stewardship Agreement shall be allowed on such property. A methodology has been adopted in the GMP for the calculation of credits based upon: 1) the Natural Resource Index Value of the land being designated as an SSA, and 2) the number of land use layers being eliminated.

1. Early Entry bonus credits . Early Entry **bonus credits** are hereby established to encourage the voluntary designation of SSAs within the RLSA District. The bonus shall be in the form of an additional one Stewardship Credit per acre of land designated as an SSA that is within an HSA located outside of the ACSC and one-half Stewardship Credit per acre of land designated as an SSA that is within an HSA located inside the ACSC.

a. The early entry bonus shall be available until January 30, 2009.

b. The early designation of SSAs and the resultant generation of Stewardship Credits do not require the establishment of SRAs or otherwise require the early use of Credits.

c. Credits generated under the early entry bonus may be used after the termination of the bonus period.

d. The maximum number of Credits that can be generated under the early entry bonus is 27,000.

e. Early Entry **bonus credits** shall not be transferred into or otherwise used to entitle an SRA within the ACSC.

2. The Stewardship Credit Worksheet, adopted as Attachment "A" of the GMP RLSA Goals, Objectives, and Policies, sets out the mathematical formula that shall be used to determine the number of credits available for each acre of land being considered for an SSA.

3. Natural Resource Indices and Values. A set of Natural Resource Indices has been established as part of the Stewardship Credit Worksheet.

a. Natural Resource Indices.

Stewardship Overlay Designation

Proximity Indices

Listed Species Habitat Indices

Soils/Surface Water Indices

Restoration Potential Indices

Land Use - Land Cover Indices

b. Index Values. During the RLSA Study, based upon data and analysis, each acre within the RLSA District was assigned a value for each Index except for the Restoration Potential Index. The Restoration Potential Index is assigned during the SSA designation process if appropriate, and credit adjustments are made at that time.

c. Slough/Strand Index Score Upgrade. An index score upgrade is hereby established as an incentive for the protection, enhancement and restoration of the Okaloacoochee Slough and Camp Keais Strand. All lands within 500 feet of the delineated FSAs that comprise the Slough or Strand that are not otherwise included in an HSA or WRA shall receive the same natural index score (0.6) that an HSA receives, if such property is designated as an SSA and retains only agricultural, recreational and/or conservation layers of land use.

d. Index Map. A Natural Resource Index Map adopted as a part of the RLSA Overlay, indicates the Natural Resource Stewardship Index Value for all land within the RLSA District. Credits from any lands designated as SSAs, shall be based upon the Natural Resource Index values in effect at the time of designation. At the time of designation, the Natural Resource Index Assessment required in Section 4.08.06 C.3. shall document any necessary adjustments to the index values reflected on the Index Map. Any change

in the characteristics of land due to **alteration** of the land prior to the designation of an SSA that either increases or decreases any Index Value shall result in a corresponding adjustment in the credit value.

e. Restoration Potential Index Value. If the **applicant** asserts that the land being designated as an SSA has a Restoration Potential Index Value of greater than zero (0), an evaluation of the restoration potential of the land being designated shall be prepared by a qualified environmental consultant (per Chapter 10 of the LDC) on behalf of the **applicant** and submitted as part of the SSA Designation Application Package. In the event that restoration potential is identified, the appropriate Restoration Potential Index Value shall be determined in accord with the Credit Worksheet. The credit value of each acre to which the Restoration Potential Index Value is applied shall be recalculated by adding the Restoration Potential Index Value to that acre's total Index Value.

f. Restoration Stewardship Credits. Restoration Stewardship Credits are hereby established in addition to the Restoration Potential Index Value. In certain locations there may be the opportunity for flow way or habitat restoration such as locations where flow ways have been constricted or otherwise impeded by past activities or where additional land is needed to enhance wildlife corridors. Restoration Stewardship Credits shall be applied to an SSA subject to the following regulations:

(1) Priority has been given to restoration within the Camp Keais Strand FSA or contiguous HSAs. Therefore, four (4) additional Stewardship Credits shall be generated for each acre of land dedicated by the **applicant** for restoration activities within any of the following areas: the Camp Keais Strand FSA, contiguous HSAs, or those portions of the Restoration Zone depicted on the RLSA Overlay Map that are contiguous to the Camp Keais Strand.

(2) Two (2) additional Stewardship Credits shall be generated for each acre of land dedicated for restoration activities within the Okaloacoochee Slough, contiguous HSAs, or those portions of the Restoration Zone depicted on that are contiguous to the Okaloacoochee Slough.

(3) The actual implementation of restoration improvements is not required for the owner to receive such credits referenced in (1) and (2) above.

(4) Lands designated "Restoration" shall be restricted to Agriculture - Group 2 and **conservation uses** and all natural areas shall be maintained in their existing natural condition until such time as restoration activities occur. Upon completion of restoration, the land shall be managed in accordance with the applicable restoration permit conditions, which may impose further restriction on the allowed use of the property.

(5) If the **applicant** agrees to complete the restoration improvements and the eligibility criteria below are satisfied, four (4) additional Stewardship Credits shall be authorized at the time of SSA designation, but shall not become available for transfer until such time as it has been demonstrated that the restoration activities have met applicable success criteria as determined by the permitting or commenting agency authorizing said restoration. One or more of the following eligibility criteria shall be used in evaluating an **applicant's** request for these additional Restoration Stewardship Credits:

(a) FSA and/or HSA lands where restoration would increase the width of flow way and/or habitat corridors along the Camp Keais Strand or Okaloacoochee Slough so that, in the opinion of the **applicant's** environmental consultant and County environmental or natural resources staff, there will be functional enhancement of the flow way or wildlife corridor;

(b) FSA and/or HSA lands where restoration would increase the width of flow way and/or habitat corridors within two miles of existing public lands so that, in the opinion of the **applicant's** environmental consultant and County environmental or natural

resources staff, there will be a functional enhancement of the flow way or wildlife corridor;

(c) Documentation of state or federal listed species utilizing the land or a contiguous **parcel**;

(d) Lands that could be restored and managed to provide habitats for specific listed species (e.g., gopher tortoise, Big Cypress fox squirrel, red-cockaded woodpecker, etc.), or;

(e) Occurrence of a land **parcel** within foraging distance from a wading bird rookery or other listed bird species colony, where restoration and proper management could increase foraging opportunities (e.g., wood storks).

4. Land Use Layers to be Eliminated. A set of Land Use Layers has been established as part of the Stewardship Credit Worksheet and adopted as the *Land Use Matrix* set forth below. Each Layer incorporates a number of the permitted or **conditional uses** allowed under the Baseline Standards. Each Layer listed below has an established credit value (percentage of a base credit) developed during the RLSA Study. At the time of designation application, a landowner wishing to have his/her land designated as an SSA determines how many of the Land Use Layers are to be removed from the designated lands. A Land Use Layer can only be removed in its entirety (all associated activities/land use are removed), and Layers shall be removed sequentially and cumulatively in the order listed below.

a. Land Use Layers.

1 - Residential Land Uses

2 – General **conditional uses**

3 - Earth Mining and Processing Uses

4 - Recreational Uses

5 - Agriculture - Group 1

6 - Agriculture - Support Uses

7 - Agriculture - Group 2

8 - Conservation, Restoration and Natural Resources

b. Land Use Matrix (see next page)

TABLE INSET:

Residential Land Uses	General Conditional Uses	Earth Mining and Processing Uses	Recreational Uses	Agriculture Group 1	Agriculture - Support Uses	Agriculture Group 2	Conservation, Restoration and Natural Resources
Single-family dwelling, incl. Mobile home (P)	Family care facilities (P)	Excavation, extraction or earthmining and related processing and production (CU)	Golf courses and/or golf driving ranges (CU)	Crop raising; horticulture; fruit and nut production; groves; nurseries; improved pasture (P)	Farm labor housing (A)	Unimproved pasture and grazing, forestry (P)	Wildlife management, plant and wildlife conservancies, refuges and sanctuaries (P)
Mobile homes [(P) in MH Overlay; (A) as temporary use]	Collection and transfer sites for resource recovery (CU)	Asphaltic and concrete batch making plants (CU)	Sports instructional schools and camps (CU)	Animal breeding (other than livestock), raising, training, stabling or kenneling (P)	Retail sale of fresh, unprocessed agricultural products; grown primarily on the property (A)	Ranching; livestock raising (P)	Water management, groundwater recharge (P)
Private boathouses and docks on lake, canal or	Veterinary clinic (CU)		Sporting and recreational camps	Dairying, beekeeping; poultry and egg production;	Retail plant nurseries (CU)	Hunting cabins (CU)	Restoration, mitigation (P)

waterway lots (A)			(CU)	milk production (P)			
Recreational facilities integral to residential development, e.g., golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields (A)	Child care centers and adult day care centers			Aquaculture for native species (P) and non-native species (CU)	Packinghouse or similar agricultural processing of farm products produced on the property (A)	Cultural, educational, or recreational facilities and their related modes of transporting participants, viewers or patrons; tour operations, such as, but not limited to airboats, swamp buggies, horses and similar modes of transportation (CU)	Water supply, wellfields (P); oil and gas exploration (P)
Guesthouses (A)	Zoo, aquarium, aviary, botanical garden, or other similar uses (CU)			The commercial production, raising or breeding or	Sawmills (CU)	Excavation and related processing incidental to Ag(A)	Boardwalks, nature trails (P)

				exotic animals (CU)			
	Churches and other places of worship (CU)			Wholesale reptile breeding and raising - non-venomous (P) and venomous(CU)			Natural resources not otherwise listed (P)
	Communications towers (P)(CU)						Essential services (P and CU)
	Social and fraternal organizations (CU)						Oil and gas field development and production (CU)
	Private landing strips for general aviation (CU)						
	Cemeteries (CU)						
	Schools (CU)						
	Group care facilities, ALF (CU)						

Uses as listed in LDC- Rural Agricultural District

(P) **principal/use**

(a) **accessory/use**

(CU) **conditional use**

5. Matrix Calculation. The maximum number of credits generated through designation as an SSA is established in a matrix calculation that multiplies each Natural Resource Index Value by the value of each Land Use Layer, thereby establishing a credit value for each acre in the Overlay, weighted by the quality of its natural resources. As Land Use Layers are removed, the sum of the percentages of those Layers removed is multiplied by the Natural Resource Index Values to determine the Stewardship Credits to be generated by each acre being designated as an SSA.

C. SSA Designation Application Package. A request to designate lands(s) within the RLSA District as an SSA shall be made pursuant to the regulations of this Section. An SSA Application Package shall include the following:

1. SSA Designation Application. A landowner or his/her agent, hereafter "**applicant** ," shall submit a request for the designation of SSA for lands within the RLSA District to the County Manager or his designee, on an approved application form. The application shall be accompanied by the documentation as required by this Section.

2. Application Fee. An application fee shall accompany the application.

3. Natural Resource Index Assessment. The **applicant** shall prepare and submit as part of the SSA Designation Application a report entitled Natural Resource Index Assessment that documents the Natural Resource Index Value scores. The Assessment shall include a summary analysis that quantifies the number of acres by Index Values, the level of conservation being proposed, and the resulting number of Credits being generated. The Assessment shall:

a. Verify that the Index Value scores assigned during the RLSA Study are still valid through recent aerial photography or satellite imagery, agency-approved mapping, or other documentation, as verified by field inspections.

b. if this Assessment establishes that the Index Value scores assigned during the RLSA Study are no longer valid, document the Index Value of the land as of the date of the SSA Designation Application.

c. Establish the suggested "Restoration Potential" Index Value for any acres as appropriate and provide evidence/documentation supporting the suggested Index Value;

d. Quantify the acreage of agricultural lands, by type, being preserved;

e. Quantify the acreage of non-agricultural acreage, by type, being preserved;

f. Quantify the acreage of all lands by type within the proposed SSA that have an Index Value greater than 1.2; and

g. Quantify all lands, by type, being designated as SSA within the ACSC, if any.

4. Support Documentation. In addition, the following support documentation shall be provided for each SSA being designated:

a. Legal description, including sketch or survey;

b. Acreage calculations, e.g., acres of FSAs, HSAs, and WRAs, etc., being put into the SSA;

c. RLSA Overlay Map delineating the area of the RLSA District being designated as an SSA;

d. Aerial photograph(s) having a scale of one (1) inch equal to at least 200 feet when available from the County, otherwise, a scale of at least one (1) inch equal to 400 feet is acceptable, delineating the area being designated as an SSA;

e. Natural Resource Index Map of area being designated as an SSA;

f. FDOT Florida Land Use Cover and Forms Classification System (FLUCFCS) map(s) delineating the area being designated as an SSA on an aerial photograph having a scale

of one (1) inch equal to at least 200 feet when available from the County, otherwise, a scale of at least one (1) inch equal to 400 feet is acceptable;

g. Listed species occurrence map(s) from United States Fish and Wildlife Service, Florida Fish Wildlife Conservation Commission, and Florida Natural Areas Inventory, delineating the area being designated as an SSA;

h. United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) Soils map(s) delineating the area being designated as an SSA;

i. Documentation to support a change in the related Natural Resource Index Value(s), if appropriate; and

j. Calculations that quantify the number of acres by Index Values, the level of conservation being offered, and the resulting number of credits being generated.

5. SSA Credit Agreement. Any landowner petitioning to have all or a portion of land owned within the RLSA District designated as an SSA and who is to obtain SSA credits for the land so designated shall enter into a SSA Credit Agreement with the County. SSA Credit Agreements entered into by and between a landowner and the County shall contain the following:

a. The number of acres, and a legal description of all lands subject to the SSA Credit Agreement;

b. A map or plan (drawn at a scale of 1"= 500') of the land subject to the agreement which depicts any lands designated FSAs, HSAs, or WRAs and the acreage of lands so designated;

c. A narrative description of all land uses, including **conditional uses**, if any, that shall be removed from the land upon approval of the SSA Credit Agreement;

d. Calculations that support the total number of SSA credits that result from the Natural Resource Index Assessment;

e. A copy of the Stewardship **easement**, (or deed if a fee simple transfer is proposed) applicable to the land, which shall be granted in perpetuity and shall be recorded by the County upon approval of the SSA Credit Agreement;

f. Land management measures;

g. Provisions requiring that, upon designation of land as an SSA, the owner shall not seek or request, and the County shall not grant or approve, any increase in **density** or any additional uses beyond those specified in the SSA Credit Agreement on the land;

h. Provisions requiring that, upon designation of land within either an FSA or an HSA as an SSA, the owner shall not thereafter seek or request, and the County shall not thereafter grant or approve any expansion or conversion of agricultural land uses in violation of sections 4.08.06 A.2 and A.3.;

i. Provisions regarding and ensuring the enforceability of the SSA Credit Agreement; and

j. If applicable, the number of credits to be granted for restoration (Restoration Credits), together with the following information:

(1) A legal description of lands to be designated for restoration;

(2) A map depicting the land being designated as SSA, with the lands to be dedicated for restoration, but which the **applicant** makes no commitment to undertake restoration, identified as Restoration I ("R I"); and the lands dedicated for restoration and for which the **applicant** has committed to carry out the restoration identified as Restoration II ("R II");

(3) The number of Restoration Credits to be granted for the lands designated R I and R II;

(4) A Restoration Analysis and Report, which shall include a written evaluation of the restoration area's existing ecological/habitat value and the necessary restoration efforts required to reestablish original conditions; enhance the functionality of **wetlands** or

wildlife habitat; or remove exotics so as to enhance the continued viability of **native vegetation** and **wetlands** ; and

(5) When the restoration is to be undertaken by the **applicant**, a Restoration Plan that addresses, at a minimum, the following elements:

- (a) Restoration goals or species potentially affected;
- (b) Description of the work to be performed;
- (c) Identification of the entity responsible for performing the work;
- (d) Work Schedule;
- (e) Success Criteria; and
- (f) Annual management, maintenance and monitoring.

6. Public Hearing for Credit Agreement. The SSA Credit Agreement shall be approved by a resolution of the BCC at an advertised public meeting by majority vote.

7. Recording of SSA Memorandum. Following approval by the County, an SSA Memorandum shall be prepared and recorded in the public records, together with the following portions or exhibits of the SSA Credit Agreement as attachments:

- a. The legal description of the lands subject to the SSA Credit Agreement and the number of SSA Credits assigned to the land designated as SSA, including lands designated for restoration, if any, and the Restoration Credits assigned to such land;
- b. The Stewardship **easement** Agreement on the SSA lands, describing the land uses remaining on the land;
- c. A summary of the Restoration Plan, if restoration is to be undertaken by the **applicant**, to include the elements set forth in Section 4.08.06 C.5.

8. Stewardship easement Agreement or Deed. The **applicant** shall prepare and submit a Stewardship **easement** Agreement in all cases except when the property is being deeded in fee simple to a "conservation/preservation agency."

- a. The Agreement shall impose a restrictive covenant or grant a perpetual restrictive **easement** that shall be recorded for each SSA, shall run with the land and shall be in favor of Collier County and one or more of the following: Florida DEP, Florida Department of Agriculture and Consumer Services, SFWMD, or a recognized land trust.
- b. The Stewardship **easement** Agreement shall identify the specific land management measures that will be undertaken and the party responsible for such measures.
- c. In the event that the land being designated as an SSA is being transferred to a conservation entity by fee simple title, a deed shall be submitted in lieu of the Stewardship **easement** Agreement.

D. SSA Application Review Process.

1. Pre-application Conference with County Staff. Prior to the submission of a formal application for SSA designation, the **applicant** shall attend a pre-application conference with the County Manager or his designee and other county staff, agencies, and officials involved in the review and processing of such applications and related materials. If an SRA designation application is to be filed concurrent with an SSA application, only one pre-application conference shall be required. This pre-application conference should address, but not be limited to, such matters as:

- a. Conformity of the proposed SSA with the goals, objectives, and policies of the GMP;
- b. Review of the Stewardship Credit Worksheet and Natural Resource Index Assessment for the property;
- c. Identification of the recognized entity to be named in the covenant or perpetual restrictive **easement** , and;
- d. Identification of the proposed land management measures that will be undertaken and the party responsible for such measures.

2. Application Package Submittal and Processing Fees. The required number of copies of each SSA Application and the associated processing fee shall be submitted to the

County Manager or his designee. The contents of said application package shall be in accordance with Section 4.08.06 C.

3. Application Deemed Sufficient for Review. Within fifteen (15) working days of receipt of the SSA Application, the County Manager or his designee shall advise the **applicant** in writing that the application is complete and sufficient for agency review or advise what additional information is needed to find the application sufficient. If required, the **applicant** shall submit additional information. Within ten (10) working days of receipt of the additional information, the County Manager or his designee shall advise the **applicant** in writing that the application is complete, or, if additional or revised information is required, the County manager shall again inform the **applicant** what information is needed, and the timeframe outlined herein shall occur until the application is found sufficient for review.

4. Review by County Reviewing Agencies: Once the SSA application is deemed sufficient, the County Manager or his designee will distribute it to specific County staff for their review.

5. Designation Review. Within sixty (60) days of receipt of a sufficient application, county staff shall review the submittal documents and provide written comments, questions, and clarification items to the **applicant** . If deemed necessary by county staff or the **applicant** , a meeting shall be held to resolve outstanding issues and confirm public hearing dates.

6. Designation Report. Within ninety (90) days from the receipt of a sufficient application, county staff shall prepare a written report containing their review findings and a recommendation of approval, approval with conditions or denial
This timeframe may be extended upon written agreement by the **applicant** .

E. SSA Application Approval Process.

1. Public Hearing. The BCC shall hold an advertised public hearing on the proposed resolution approving an SSA Application and SSA Credit Agreement. Notice of the Board's intention to consider the Application and proposed SSA Credit Agreement shall be given at least fifteen (15) days prior to said hearing by publication in a newspaper of general circulation in the County. A copy of such notice shall be kept available for public inspection during regular business hours of the Office of Clerk to the BCC. The notice of proposed hearing shall state the date, time and place of the meeting, the title of the proposed resolution, and the place or places within the County where the proposed resolution and agreement may be inspected by the public. The notice shall provide a general description and a map or sketch of the affected land and shall advise that interested parties may appear at the meeting and be heard with respect to the proposed resolution. The BCC shall review the staff report and recommendations and, if it finds that all requirements for designation have been met, shall, by resolution, approve the application. If it finds that one or more of the requirements for designation have not been met, it shall either deny the application or approve it with conditions mandating compliance with all unmet requirements. Approval of such resolution shall require a majority vote by the BCC.

2. Legal Description. Following the BCC's approval of the SSA Application and SSA Credit Agreement, a legal description of the land designated SSA, the SSA credits granted, and the Stewardship **easement** applicable to such lands, shall be provided to the Collier County Property Appraiser and the **applicant** , and shall be recorded within thirty (30) days by the **applicant** in the public records.

3. Update the RLSA Overlay Map and Official Zoning Atlas. The Official Zoning Atlas shall be updated to reflect the designation of the SSA. Sufficient information shall be included on the updated zoning maps so as to direct interested parties to the appropriate public records associated with the designation, including but not limited to Resolution

number and SSA Designation Application number. The RLSA Overlay Map shall be updated to reflect the SSA designation during a regular growth management cycle no later than twelve months from the effective date of the SSA Agreement.

F. SSA Amendments. Collier County shall consider an amendment to an approved SSA in the same manner described in this Section for the designation of an SSA. Amendment(s) to approved SSAs shall only be considered if the application removes one or more additional Land Use Layers from the existing SSA. Under no circumstances shall Land Use Layers, once removed as part of an SSA designation, be added back to the SSA. The application to amend the SSA may be submitted as part of an application to designate a new SSA provided such lands are contiguous to the previously approved SSA and are under the same ownership.

(Ord. No. 05-27, § 3.Z)