

Topic:	Sea Level Rise Adaptation; Coastal Protection; Environmental Impact Review Requirements
Resource Type:	Regulations
State:	Florida
Jurisdiction Type:	Municipal
Municipality:	County of Collier
Year (adopted, written, etc.):	2004
Community Type - applicable to:	Urban; Suburban; Rural
Title:	County of Collier Coastal Zone Management Ordinance
Document Last Updated in Database:	April 14, 2017

Abstract

In order to protect, conserve, and appropriately use its coastal areas, the Collier County Coastal Zone Management ordinance requires planning consistence, site development prioritization, and impact planning that considers potential impacts of sea level rise. The law requires that all new and existing development in the coastal zone furthers the goals, objectives and policies of the Growth Management Plan's Conservation and Coastal Management Element, preserving native vegetation and limiting development densities for sites within undeveloped coastal barriers. The ordinance establishes a hierarchy of preferred site development that discourages development on unaltered wetlands. Additionally, when environmental impact statements are required for shoreline development plans, these assessments must consider effects of six inches of projected sea level rise.

Resource

Land Development Code, Chapter 3: Resource Protection 3.03 Coastal Zone Management

3.03.01 Purpose

The purpose of this section is to manage and conserve the habitats, species, natural shoreline, and dune systems in the County's coastal zone, as defined in the Collier County GMP and herein, through the identification, protection, conservation, and appropriate use of native vegetative communities and wildlife habitats.

3.03.02 Applicability

A. New and existing development in the coastal zone shall be in compliance with the

goals, objectives, and policies of the Conservation and Coastal Management Element (CCME) of the Collier County GMP and with this LDC until the formal adoption by the County of all land development regulations, ordinances, policies, and programs which implement the coastal zone Management Plan--1991, as adopted by the BCC, and as prescribed by the conservation and Coastal Management Element of the Collier County GMP.

B. In addition to these coastal zone regulations, all land development activities on shorelines, and/or undeveloped and developed coastal barriers, shall comply with the County's environmental land development regulations, including, but not limited to: section 2.03.07(D)(1), Special Treatment Overlay district (ST); procedural requirements in Chapter 10; section 3.05.00, Vegetation Removal, Protection and Preservation; section 3.04.03, Sea Turtle Protection; section 3.04.00, Endangered, Threatened or Listed Species Protection; Chapter 10, Coastal Construction setback line variance; and as required by Vehicle on the beach Regulations in the County Code of Ordinances.

3.03.03 Priority for Location of Structures, Development, or Site Alterations

A. Any proposed structure or site alteration on a shoreline shall be located within the boundaries of the subject parcel with the most impacted coastal habitats existing on the subject parcel receiving the highest priority for siting of the proposed structure or site alteration. The following categories of impacts, 1 through 7, shall be used to determine the priority for location of development or site alteration:

1. Areas presently developed.
2. Disturbed uplands.
3. Disturbed freshwater wetlands.
4. Disturbed brackish water and marine wetlands.
5. Viable unaltered uplands.
6. Viable unaltered freshwater wetlands.
7. Viable unaltered brackish water and marine wetlands.

B. If "1. Areas presently developed" exists on the subject parcel, it shall be the preferred site for the proposed structure or site alteration. If "1" is not present, and "2. Disturbed uplands" exists on the subject parcel, "2" shall be the preferred site for development or site alteration. This siting process shall continue in the same manner through "7," until a specific area is identified as an appropriate location for the proposed structure or site alteration on the subject parcel.

C. In the event that the proposed development or site alteration requires a larger area than is available in the highest category of impacted habitat, then any adjoining land in the next highest category of impacted habitat shall, in addition, be allocated for location of the proposed development or site alteration. Where there is a mixture of categories of impacted habitat, and it is not possible to follow the priorities noted above, the proposed development or site alteration shall be planned to maximize the use of land

for development in the highest ranked categories and to minimize the use of land in the lowest ranked categories. The burden of proof shall be on the applicant to establish that a higher ranked category of impacted habitat is not feasible for siting the proposed development or site alteration.

3.03.04 Procedures

Proposed development shall be shown on preliminary or final plats or on site development plans. Requirements for plats, site development plans, and review are described in Chapter 10.

3.03.05 Sea Level Rise

An analysis shall be required demonstrating the impact of a six (6) inch rise in sea level for Development projects on a shoreline. This requirement shall be met by inclusion of this analysis in an environmental impact statement (EIS). This requirement shall be waived when an EIS is not required. This analysis shall demonstrate that the development will remain fully functional for its intended use after a 6 inch rise in sea level. In the event that the applicant cannot meet this requirement, a list shall be provided by the applicant of the changes necessary in order for the development to meet the standard.

(Ord. No. 06-63, § 3.M)

3.03.06 Native Vegetation Retention on Coastal Barriers

Native vegetation retention or revegetation shall be in compliance with the requirements of section 3.05.00, and shall incorporate, at a minimum, the preservation and revegetation standards as follows:

A. Native vegetation shall be preserved to the maximum extent possible. To the extent that native vegetation cannot be retained on-site, and the remaining native vegetation can be supplemented without degrading or damaging its natural function, then the existing native vegetation shall be supplemented with compatible vegetation on-site.

B. All beachfront land development projects shall be required to revegetate the dune where the dune is devoid of coastal dune vegetation.

C. All land development projects shall provide 100 percent native Southern Floridian species within their required landscaping and buffering standards as established within section 4.06.00.

D. Appropriate coastal dune or strand vegetation shall be required as the only stabilizing medium in any coastal barrier dune or strand vegetation restoration program.

3.03.07 Undeveloped Coastal Barriers

In addition to the regulations contained in section 3.03.02, the following standards shall apply to any proposed structure or site alteration within all undeveloped coastal barriers:

A. The County shall not approve any plan of development of an undeveloped coastal barrier which would exceed a density of 1 structure per 5 acres of fastland, except for legal nonconforming lots of record, either individually or in combination with adjacent developments.

B. The following land development activities shall be prohibited:

1. Bridges and causeways to or on undeveloped coastal barrier islands;
2. Paved roads;
3. Commercial marinas; and
4. Shore-hardening structures.

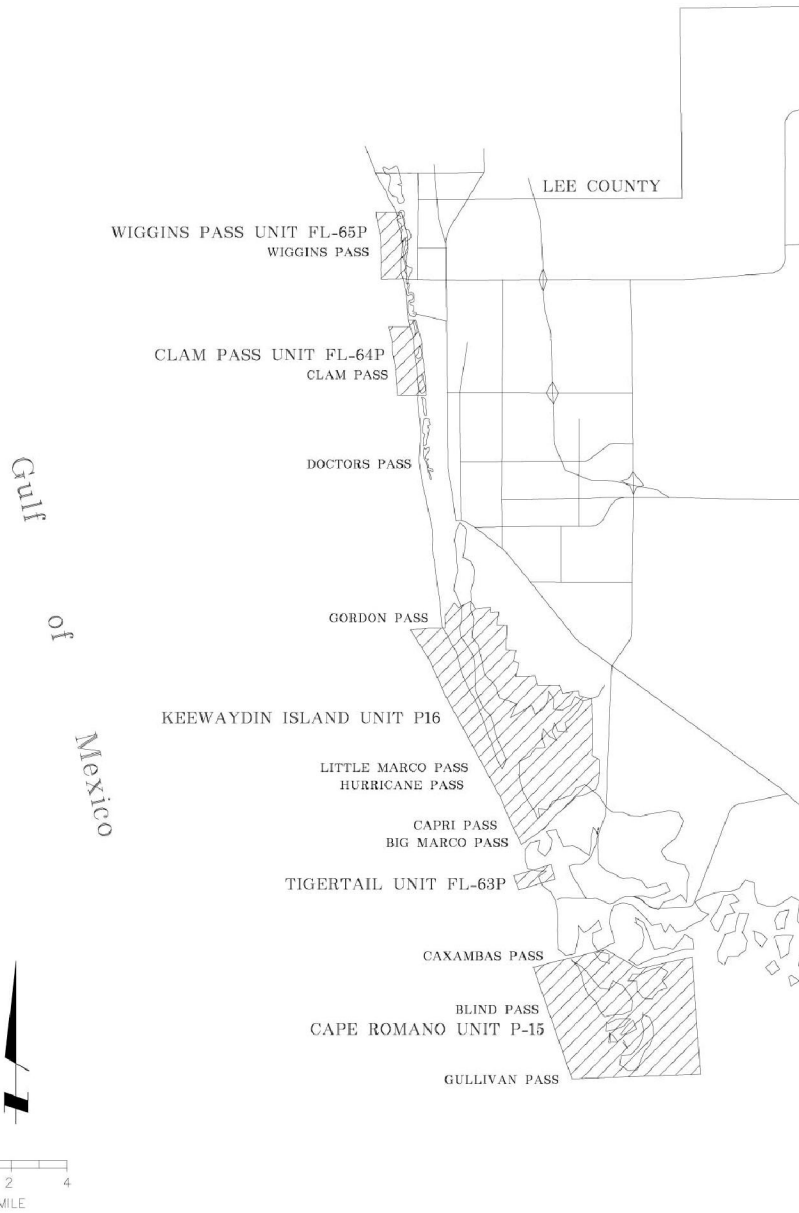
C. Filling and excavation are prohibited on undeveloped coastal barriers, except as follows:

1. When part of a dune or beach restoration program, as permitted by governmental agencies having jurisdiction.
2. When part of a wastewater treatment system, as permitted by governmental agencies having jurisdiction.
3. When part of a public development plan, as permitted by governmental agencies having jurisdiction.

D. The undeveloped coastal barriers of Collier County are depicted by the following illustrations:

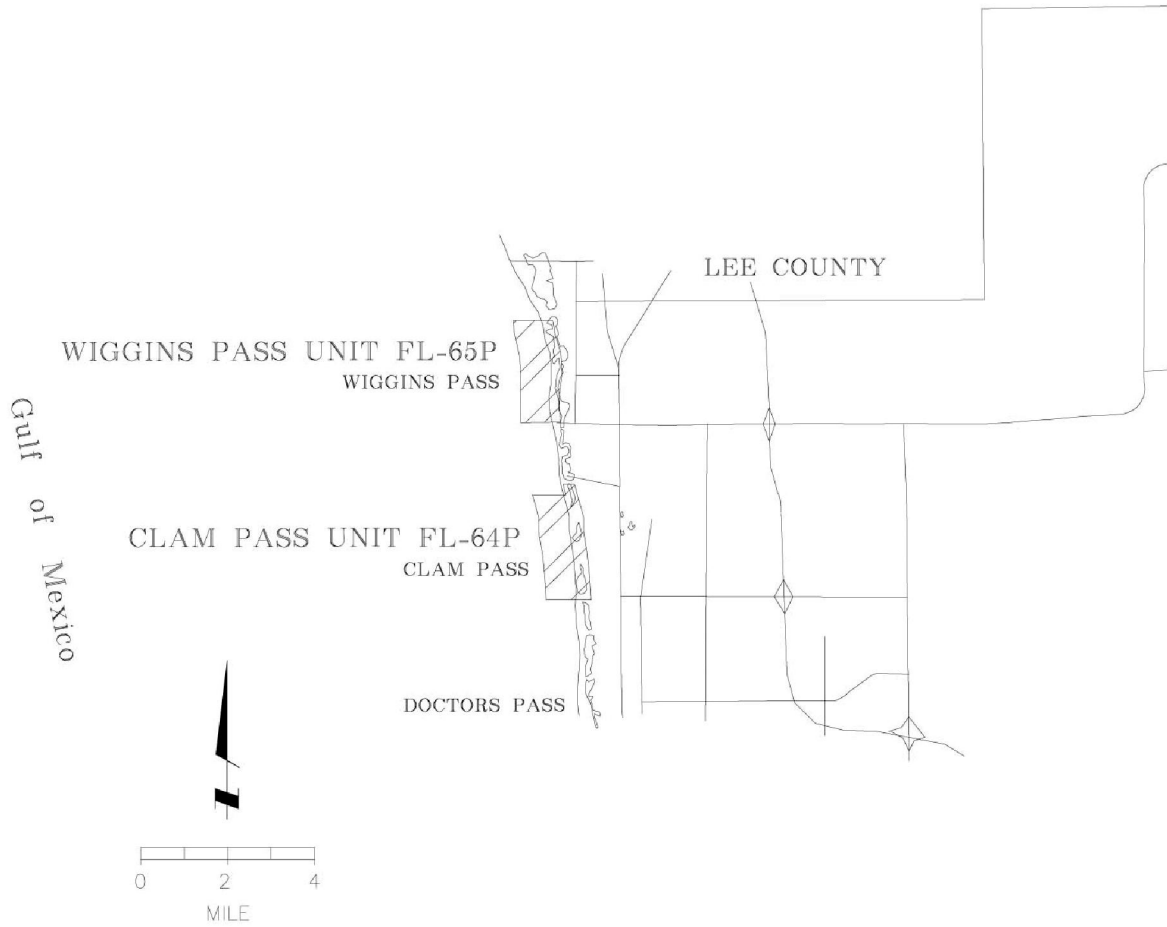
1. Undeveloped Coastal Barriers in Collier County
2. Undeveloped Coastal Barriers in Collier County – Wiggins Pass / Clam Pass
3. Undeveloped Coastal Barriers in Collier County – Keewaydin Island Unit / Tigertail Unit
4. Undeveloped Coastal Barriers in Collier County – Cape Romano Unit

UNDEVELOPED COASTAL BARRIERS IN COLLIER COUNTY



UNDEVELOPED COASTAL BARRIERS
OF COLLIER COUNTY

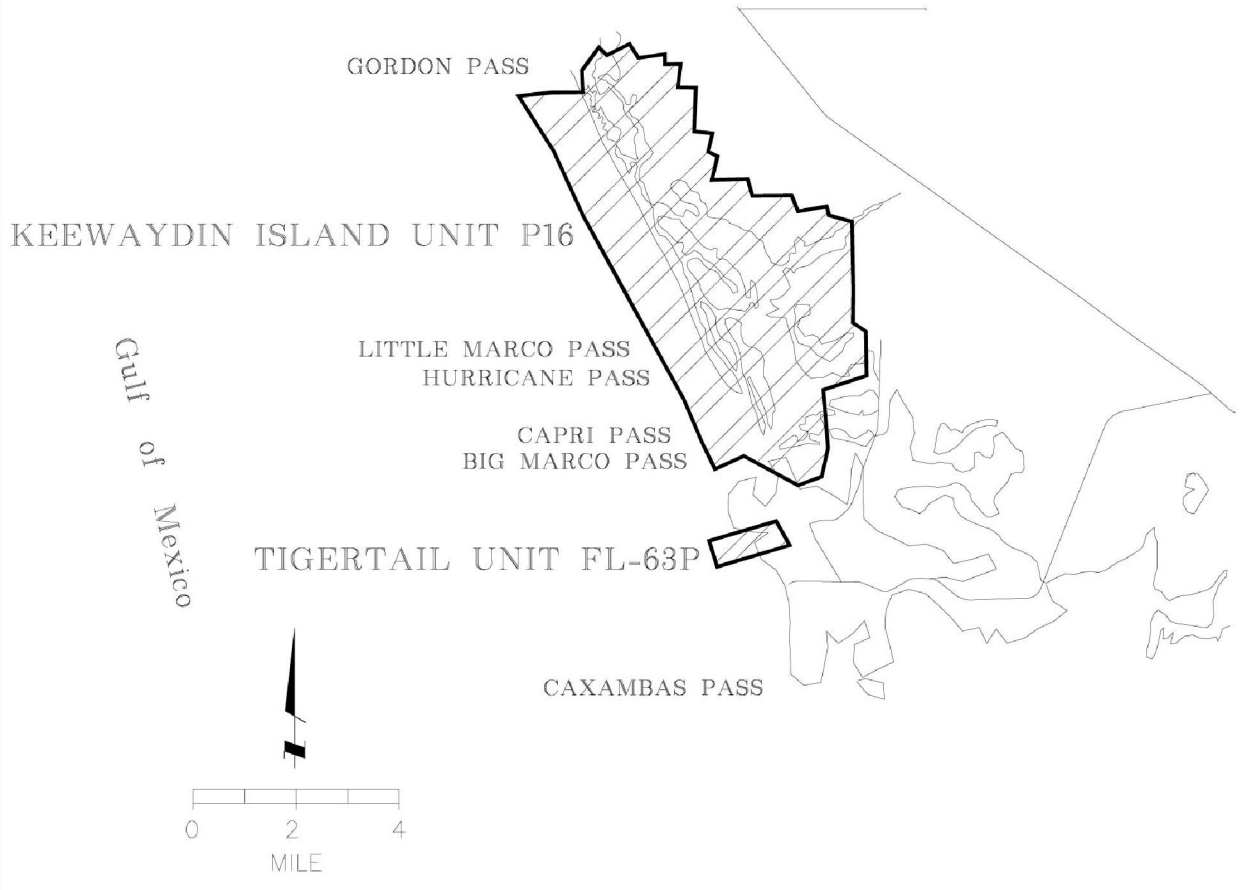
WIGGINS PASS UNIT FL-65P
CLAM PASS UNIT FL-64P



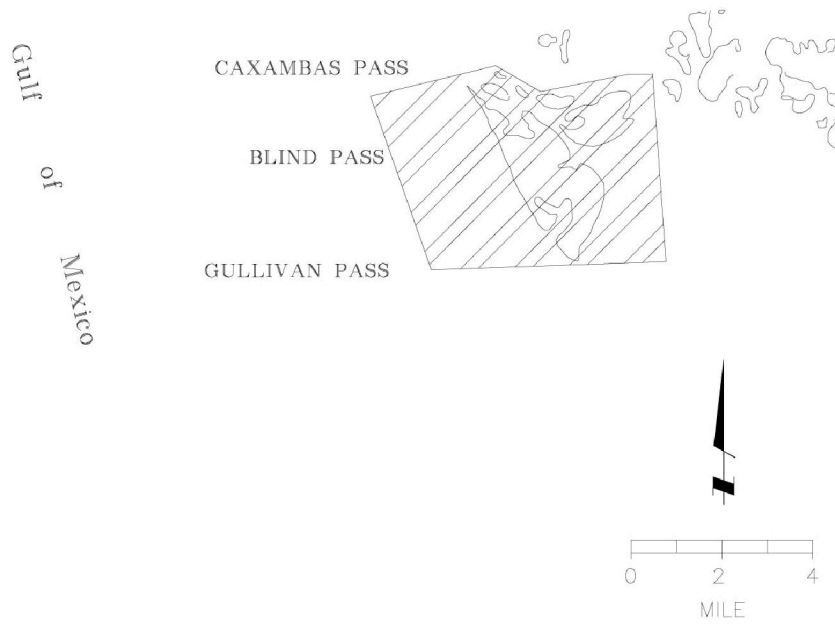
UNDEVELOPED COASTAL BARRIERS OF COLLIER COUNTY

KEEWAYDIN ISLAND UNIT P16

TIGERTAIL UNIT FL63P



UNDEVELOPED COASTAL BARRIERS
OF COLLIER COUNTY
CAPE ROMANO UNIT P-15



(Ord. No. 04-54, § 3, 7-27-04)

Available at http://search.municode.com/html/13992/level2/CHAP3_3.03.00.html