



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

**Please Note:**

Workshop series to review proposed charter amendments occurred on: 4/24/00, 4/27/00, 5/2/00, 5/4/00 and 5/5/00. Draft ordinances discussed are contained in the applicable files for these meetings in the City Clerk's Office. Charter amendment ordinances were heard on first reading 5/17/00, and second reading 5/31/00. Please refer to individual minutes for the above dates.

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**City Council Workshop Meeting – Monday, April 24, 2000 – 8:30 a.m.**

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Mayor MacKenzie called the meeting to order and presided.

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**ROLL CALL .....ITEM 1**

**Present:** Bonnie R. MacKenzie, Mayor  
Joseph Herms, Vice Mayor  
Council Members:  
Gary Galleberg  
William MacIlvaine  
Fred Tarrant  
Penny Taylor  
Tamela Wiseman

**Also Present:**

Kevin Rambosk, City Manager  
Tara Norman, City Clerk  
Virginia Neet, Deputy City Clerk  
Ron Lee, Planning Director  
Dr. Jon Staiger, Natural Resources Mgr.  
Brenda Blair, Recording Specialist  
Kelly Espinoza, Administrative Specialist  
Ann Walker, Senior Planner  
Laura Spurgeon, Planner II  
Michael Simonik  
James Dean  
Bill Boggess  
Allen Walburn

Charles Kessler  
Ed Ruff  
Clark Russell  
Richard Yovanovich

Other interested citizens and visitors

**Media:**

AnneElena Foster, Naples Daily News

Prior to commencement of the agenda, Michael Simonik representing the Conservancy addressed Council regarding a Martin County wetland protection ordinance which his organization is planning to discuss with Collier County (Attachment 1). He suggested that the Council might find some of its provisions compatible with the conservation related charter amendment under consideration.

**It is noted for the record that Council Member Wiseman entered the meeting at 8:40 a.m.**

Natural Resources Manager Jon Staiger then made the following clarifications in response to various Council Members' questions:

1. Flooding alone does not constitute a wetland and does not comport with the complex state definition which involves soil and plant type as well as flooding over a sufficient length of time to support wetland vegetation.
2. Virtually all jurisdictional wetlands in the City are now zoned "C" Conservation.
3. Wetlands must be described by jurisdictional lines drawn by professionals and confirmed by the Florida Department of Environmental Protection. There are few such jurisdictional wetlands identified in the city limits; however, any further jurisdictional lines drawn for the purpose of development must be established through the Development of Significant Environmental Impact (DSEI) process.
4. Protections in the Martin County ordinance are similar to those already contained in the City's comprehensive plan Policy 1-6 provided that Policy 1-7, delineating means of development, were eliminated from the plan. Nevertheless, there are more substantial requirements in the Martin County ordinance for buffering of a wetland, which would be its primary benefit to the City. Although some platted and developed areas in the City have no buffering, this would not be the case with Hamilton Harbor under such an ordinance; there may however also be some impacts on the planned Naples Cay development. (Dr. Staiger displayed a map showing areas in the City which are zoned conservation, pointing out such areas as Champney Bay, the Windstar development, the Commons, the airport, City owned facilities, etc. These lines have largely been drawn by using aerial photographs and would be more specifically delineated with jurisdictional lines were drawn in conjunction with the DSEI process. See the file for this meeting in the City Clerk's Office.) He said that it was doubtful that Hamilton Harbor would have been permitted under the Martin County ordinance.
5. Currently in the City one dwelling unit is permitted in transitional conservation areas per contiguous five net areas, not including wetlands.

.....**ITEM 2**  
**DISCUSSION OF CHARTER AMENDMENT REFERENDUM LANGUAGE: CONSER-**  
**VATION ZONING AND COMMERCIAL DENSITY / INTENSITY**

**Conservation Amendment**

Council Member Taylor suggested that the Council explore the possibility of including the buffering aspect of the Martin County ordinance in the conservation charter amendment being discussed. Planning Director Ron Lee, however, requested additional time to evaluate this proposal. Mr. Lee then indicated that there are 726 total conservation acres in the City, 254 under private ownership and 471 in public ownership; there are no areas which are currently zoned transitional conservation although rezone to this category is provided for in the Code of Ordinances. He said he would provide a full breakdown with map by the end of that week.

Although Vice Mayor Herms proffered a motion (seconded by Council Member Tarrant) to direct that charter amendment ballot language be prepared and other amendments to the conservation amendment made, the motion was restated following further discussion. (See Page 5.)

Council discussed the advisability of continuing this workshop until Thursday, April 27, at a time determined later in the meeting. (See Page 8 for final determination.)

**Public Input:** Bill Boggess, 1100 Eighth Avenue South, urged Council to make this amendment as easily understood as possible, the main intent being to prevent future administrations from

altering conservation zoning. **Ed Ruff, 899 Tenth Avenue South**, spoke against using charter amendments to effect zoning regulation and further pointed out that this legislation is being discussed at a time when many City property owners are away for the summer. He also said he felt it would be impossible to summarize the proposed actions in 75 words. He said Council should not expect the public to make decisions on issues of such extreme complexity and which would interfere with private property rights.

In Council dialog with Mr. Ruff, Council Member Tarrant said that past Councils had however violated City zoning and state law and pandered to developers which can result in litigation costly to the taxpayer. Vice Mayor Herms stated that the most important component is to curtail the negative impact of PD zoning which is detrimental to enforcement of the Code of Ordinances. Council Member Galleberg said, however, that he felt it was arrogance on the part of the majority of the current Council to preclude actions by future Councils; he called the process undemocratic. Council Member Taylor observed, however, that the charter amendments were being proposed to save the community from what she described as death due to over-development and cited as an example Bayfront Marketplace approved by a previous Council. Council Member Tarrant cited the control afforded by the charter amendments over a prior scenario of competing development interests; he said he did not feel protecting conservation lands was being arrogant. Council Member MacIlvaine said that the charter amendment process was an expression of passion rather than arrogance and would enable the Council to do what is right for the future of the community. Mr. Ruff said that if past Councils had, as alleged, broken the law they should be prosecuted. He noted that 80% of Collier County lands will not be developed due to various types of governmental ownership; the charter amendment process would therefore create inequity for property already designated for a specific use. He recommended that to place charter amendments on the November 2000 ballot would foreclose participation of many people who would otherwise be able to be heard in dialog over the coming year. Vice Mayor Herms cited the “D” Downtown district as an example of intensification. He pointed out that those who disagree with the Council giving various entities certain rights to develop either must accept this fact or anticipate litigation while waiting as long as two years for an opportunity to replace their elected officials. Therefore, he said, the zoning which had created the community would be protected from change by raising it to the level of charter amendment. Council Member Taylor, while thanking Mr. Ruff for his participation, contrasted the recently enacted height limitation, which she said had not received the support of the sitting Council, with the current proposed charter amendments which have support from Council, staff and legal. Nevertheless, she cited the importance of a thorough public education process once the language of the amendments is finalized.

Mr. Ruff responded by pointing out that the Council would be placing the rights of various private property owners in the hands of people who do not have a complete understanding of the issues involved or the circumstances of individual properties. These property owners must then pursue protection of their rights through the courts, he said. Council Member Tarrant, however, observed that when a developer induces a City Council to violate its own ordinances and comprehensive plan it is a taking from citizens. He predicted that the Council would however not go beyond the three issues in the charter amendment process. Mayor MacKenzie said that she had been elected to wisely employ the power of land use regulation in the best interests of the City. Placing questions before the voters, she said, should also be done responsibly, expressing the belief that the building height charter amendment had created inconsistencies. She said that a closer inspection of the Vero Beach codes being used as an example for the proposed amendments reveals that the City of Naples is in fact more restrictive. As an example, Mayor MacKenzie noted that the redevelopment area on Fifth Avenue has a height limit of 51 feet wherein Vero Beach limits heights to 65 feet to the inside of the

interior ceiling. Only in the most dense area in 41-10 is a 65 foot height allowed, she said. Mayor MacKenzie also said that she perceived no interest on the part of the Council to determine which buildings on Fifth Avenue had been made non-conforming by the height amendment or which could be rebuilt if destroyed. This, she said, constitutes a cloud on the title of these properties and also hampers borrowing and future use. Related amendments to Section 110 (embellishments) were being done irresponsibly, Mayor MacKenzie then noted, even though Council was unwilling to hear the claims of those affected. She described what she called an uncommon lack of concern on the part of City Council Members for the rights of citizens who both live and invest in the City, even though these same Council Members had portrayed themselves as championing private property rights. Not to involve property owners participation as was done with the Fifth Avenue or Gulf Shore Boulevard rezoning, she predicted, would result in unmitigated disaster. In conclusion, Mayor MacKenzie said that, while sympathetic with the goals of the charter amendments, the method being followed was neither right, nor good government nor good manners.

Vice Mayor Herms then directed further comments to Mr. Ruff regarding the issue of property right takings, stating that the Council was merely extracting language from the code and inserting it into the charter. Mr. Herms said further that property owners, upon survey of their conservation zoned land through the DSEI process, could petition to rezone and thus develop areas identified as conservation transitional within permitted and conditional uses. Mayor MacKenzie, however, observed that the other proposed amendments are in fact different from what is in the current code. Council Member Taylor noted that the three spaces per 1,000 square foot standard proposed in the charter amendments is actually the most liberal of those currently codified. In conclusion, Mr. Ruff said he appreciated the opportunity to speak and that he would return and make further comments.

Mayor MacKenzie then further addressed the building height charter amendment enacted in February by explaining that the prior Council had declined to place it for referendum both because of unknown factors and because the Council had not received the language before being requested to place it on the ballot. There had also not been opportunity to schedule a workshop discussion on the issue, she said, although the effect on property rights had been to lower 51 and 65 foot height allowances to 42 feet. Council Member Taylor, however, observed that the rules for vested rights claims had been already established through litigation and that this area was not within the purview of the City Council. Mayor MacKenzie reiterated her position that the process should be conducted in a reasonable manner to eliminate the potential for litigation and to allow responsible exercise of the powers of office. Council Member Wiseman said that she found it ironic that many opponents of Hamilton Harbor had argued that the review and approval had been rushed but were now rushing charter amendments by adding workshops. She called the process absurd in light of the fact that the current composition of City Council would be in office two years which would afford ample time to work with the proposals. Mrs. Wiseman also questioned whether the intent of placing the proposals on the November ballot was to avoid a City election year. Council Member Taylor, however, disputed this, stating that a Council vote on Hamilton Harbor should not be compared with a vote of the people on the charter amendments; the public would have until November in which to determine their positions, she added. The low scale residential character of the community, Miss Taylor continued, is being eroded, project by project; therefore, the people should be asked whether this should continue. Addressing Council Member Wiseman's concerns, Mr. MacIlvaine observed that once a property is allowed to develop, the proposed limitations would have no effect. Council Member Galleberg then noted, however, that Mr. MacIlvaine's statement was inconsistent with the premise that the charter amendments were not intended to take away property rights.

Council then discussed the impact of the height charter amendment on future development intensity of the 41-10 area and its impact upon the Bayfront Marketplace development had it been in place prior to that project's being reviewed by the Council.

**Recess: 11:13 a.m. to 11:34 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.**

Vice Mayor Herms then restated his prior motion, the content of which was acknowledged and accepted by the seconder:

***MOTION by Herms to DIRECT STAFF to: 1) modify the proposed conservation ordinance so that Section 2 refers to transitional conservation designated lands and that Section 3 states that transitional conservation lands may be rezoned through the DSEI process; 2) draft charter amendment language which will be submitted to the voters; and 3) schedule a subsequent City Council workshop on Thursday, April 27, (either morning or evening) to continue to review charter amendments. This motion was seconded by Council Member Tarrant and carried 4-3 (Wiseman-no, Herms-yes, MacIlvaine-yes, Taylor-yes, Tarrant-yes, Galleberg-no, MacKenzie-no).***

Mayor MacKenzie indicated that her opposition to this motion stemmed from setting a meeting on Thursday, the 27th, when it is known that all Council Members would not be able to attend.

### **Standards for Commercial Development**

Planning Director Ron Lee indicated that by Wednesday, the 26th, the staff would have completed an analysis of the potential impact of these requirements upon the 41-10 redevelopment district and would continue to examine other zoning districts and make reports to the Council when completed.

After a brief discussion of the ability of property owners to restore non-conforming buildings if destroyed, Vice Mayor Herms suggested that language be included to explain that non-conforming buildings may be improved and renovated, and existing lot coverage maintained; however, parking and landscaping requirements must be met if the building is expanded. City Manager Kevin Rambosk then explained that although charter amendments can only be enacted through referendum, provisions of the Code of Ordinances to which they refer can be amended by the Council. Council Member Wiseman took issue with proceeding with these discussions without the presence of a legal advisor; she therefore proffered the following motion:

***MOTION by Wiseman that on workshops dealing with charter amendment drafting, the CITY ATTORNEY BE PRESENT AND PART OF THE DISCUSSIONS; seconded by Herms and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).***

Council Member Tarrant proposed that the prohibition of parking garages be contained in a separate charter amendment ordinance and a separate ballot questions. Vice Mayor Herms agreed.

***MOTION by Herms to remove language which prohibits multi-level parking garages and decks and place it in a separate ordinance, defining multi-level as any structure above the ground level that accommodates the parking of motorized vehicles and allowing only on-grade parking structures; seconded by MacIlvaine and carried 5-2, all members present and voting (MacIlvaine-yes, Taylor-yes, Tarrant-yes, Galleberg-yes, Herms-yes, Wiseman-no, MacKenzie-no).***

During the roll call, Mr. Galleberg said that his vote merely addressed the advisability of splitting of the ordinances and Mrs. Wiseman said that she could not cast an affirmative vote for any ordinance which would encourage structures with parking beneath. Council Member Galleberg further predicted that this provision would engender stilted buildings over parking which he said he believed to be the least attractive design and not compatible with pedestrians. He said he would object to any

such ordinance. Council Member Taylor however said that because of the size of the 41-10 district it may not possible to establish a pedestrian environment throughout; structures like the Paragon and Martin Buildings were built to their current sizes, she observed, because parking was allowed beneath. She also pointed out that because these types of buildings are suburban in nature, they offer both a balance to retail and foster commercial diversity.

Planning Director Lee confirmed for Council Member Wiseman that, as written, the Section 3 prohibition against reduction in required commercial parking would not apply to residential portions of a mixed use project. Vice Mayor Herms therefore recommended that a specific requirement be inserted for residential mixed use; he also recommended considering a maximum residential density at the standards applicable to various zoning districts. Council Member Tarrant received clarification that a reference to residential density was not intended for inclusion in the ballot language. In a discussion of transient lodging density, Council Member Tarrant also cautioned that the Council remain steadfast in its position that no regulations, other than those currently in the code, be added to the charter. However, Council Member Galleberg stated that changes were in fact being proposed, such as removal of parking garages which are now allowed by super-majority in the Fifth Avenue South Overlay District; Council Member Tarrant disagreed, stating that this provision was not considered a standard. Council Member Wiseman suggested that specifics be inserted to allow voters to distinguish applicability. While Vice Mayor Herms agreed, Council Member Taylor cautioned that concepts involving vested rights be subject to thorough legal research before inclusion in a charter amendment.

Planning Director Lee suggested that the Council make a determination of the point at which a property must comply with the charter amendment requirements.

Council Member Taylor also suggested that the possibility of shared parking be addressed. Mayor MacKenzie predicted that the proposed requirements would result in commercial uses taking precedence over residential spaces in downtown areas because of greater return on commercial, such as restaurants, despite a great demand for downtown residential. Vice Mayor Herms pointed out that because of parking shortages in the 41-10 area, residential usage on upper floors would in fact maximize use of the property. Council then discussed various means of achieving public input; Council Member Taylor suggested commercial property owners be notified by mail of these proposals. While supporting notification, Mayor MacKenzie and Council Member Wiseman expressed the opinion that the charter amendment process was moving too rapidly and that more forums should be offered for a thorough review by professionals and all others affected.

In a discussion of landscape requirements, it was noted that the proportion of landscaped areas on projects previously cited by various City Council Members was in the range 13 to 16 percent; however, Council Member Galleberg took exception to basing requirements for the entire community on these few buildings. Mayor MacKenzie observed that the Civic Association's community character public survey had resulted in preferences for well designed buildings of mixed use, which comport with standards found on Fifth Avenue South. She said she feared that the Council was therefore applying an incorrect standard because it was not allowing sufficient time to avail itself of available local professional expertise. Vice Mayor Herms noted, however, that the charter amendments were merely putting in place the standards which saw the community through forty years of development. Mayor MacKenzie observed that those same standards had seen a 78% vacancy rate on Fifth Avenue South; she said the community has a higher level of expectation.

**Public Input:** (12:50 p.m.) **Bill Boggess, 1100 Eighth Avenue South,** indicated support for including in the charter those zoning standards which had been in place for many years. He said that City administrations were to some extent responsible for blight on Fifth Avenue and in 41-10 because of lack of governmental investment. He said that while reasonable redevelopment was needed, recent redevelopment had been too intense. The public, as well as developers, has vested rights to the community they came to Naples to enjoy, he said. He took issue with the recent Naples Daily News editorial which had been critical of Vice Mayor Herms as attempting to stop growth. While praising the Naples Daily News for many aspects of its coverage, Council Member Tarrant said that source of advertising revenue is reflected in editorial policy. In conclusion, Mr. Boggess noted that mixed use development had not been successful in Kansas City, Kansas, where he had previously resided. **Tom Reed, 775 Willow Head Drive, representing Old Naples Seaport,** said that his proposed project had then been approved after having received input from the Council that it was desirable to reduce commercial intensity in favor of residential uses; nevertheless, he said he feared that the proposed new limits such as lot coverage may cause the project to be in conflict with the charter. He therefore requested that the issue of grandfathering be addressed. Vice Mayor Herms acknowledged a variation in lot coverage among various zoning districts and suggested that this be addressed. Mr. Reed urged the Council to obtain as much property owner input as possible in the hope that potential negative impacts might be identified, including effects upon the review and approval process. In response to Council Member MacIlvaine, he reported that his project was approximately six months from actual building permit issuance. **Rich Yovanovich, Attorney with Goodlette, Coleman & Johnson,** said that all districts except “HC” Highway Commercial would be affected because all exceed 35% lot coverage, making the regulations more stringent in every district except Highway Commercial. He said that in general the development community brings forward the quality of projects which elected officials can support. Mr. Yovanovich pointed out, however, that PD zoning did not facilitate the breaking of zoning laws but, instead, was intended to allow for creativity. Confusion nevertheless continues on the meaning of the height limitation as it applies to a PD which has residential components, he said, and urged inclusion of language stating that the charter amendments do not apply to PD’s with residential components, many of which have multi-level parking garages. Vice Mayor Herms said that the charter language should then refer to commercial or mixed-use PD’s. **AnneElena Foster, Naples Daily News,** said she wished to clarify a common misconception about her industry which had earlier in this meeting placed on the record. She stressed that she had observed no influence by advertising neither on the administration nor editorial division at the Naples Daily News and that news content is generated by the reporter assigned, not the editorial staff. She also noted the separation between news coverage and editorial opinion. Council Member MacIlvaine said he felt that coverage of the City had been fair and illuminating. Council Member Tarrant said he appreciated the clarification and noted that his prior comments had been intended merely to convey that newspapers are commercial enterprises. Council Member Taylor suggested that the Council consider responding to the aforementioned editorial; Council Member Galleberg, however, expressed the view that this would be inappropriate, and Council Member Tarrant said he had already written a letter to the editor. Mr. Herms, however, made the motion which appears below, stressing the importance of informing the public that the editorial in the prior day’s Naples Daily News had been based upon a charter amendment that does not yet exist. He suggested that Council Members Tarrant, Taylor and MacIlvaine propose text for incorporating into such a letter. Mr. Tarrant, however, recommended that individual Council Members write as citizens to clarify and correct newspaper items rather than as a Council, regardless of justification. Council Member Galleberg agreed. Council Member Taylor further explained that her comments had been prompted by criticism of the process, not by criticism of the individual involved; however, Mr. Galleberg said that society is based on freedom of speech which begins on the editorial page of the local newspaper.

**MOTION by Herms to RESPOND TO THE PRIOR DAY'S EDITORIAL**  
***regarding the charter amendment process; seconded by Taylor.***

Following the above discussion, Vice Mayor Herms, however, withdrew his motion and Council Member Taylor withdrew her second.

In further dialog regarding lot coverage and landscape requirements, Planning Director Lee clarified that lot coverage in Highway Commercial is 30%, and all other commercial districts range from 40% to 60%; there are now no landscape percentage requirements specified in the code. Vice Mayor Herms recommended that the current zoning requirements be followed in the proposed charter amendments, except for "PD" Planned Development and "D" Downtown zoning. Mayor MacKenzie also restated Council's understanding that the requirements under consideration apply to commercial uses only, as well as only to the commercial portion of a mixed-use PD. There had also been a request for determination of methods of grandfathering of existing buildings, she said, as well as what portion of redevelopment would trigger compliance with the requirements.

**MOTION by Herms to DIRECT STAFF** *that by Thursday (April 27) to make the following changes to the commercial development standards ordinance: 1) insert in Section 1 Planned Commercial and Mixed-use Building District (or similar wording); 2) insert under Maximum Building Lot Coverage C1, C1-A - 45%, C2, C2-A, C4, Medical and Office - 40%, Highway Commercial - 30%, C2-A, marinas - 50%, and PD's and Downtown - 45%; and 3) add in Section 1-3, residential mixed-use, a standard of 1.5 parking spaces per unit (1 per unit in Downtown for mixed-use) and 3 spaces per 1000 square feet in commercial; 3) establish maximum residential density at 8 units per acre except for Medical at 12; 4) add in Section 2 reference to PD commercial mixed-use; and 5) add Section 4 to the effect that existing nonconforming or mixed-use buildings in regard to lot coverage may be improved or updated so long as all parking and landscaping is provided for within the expansion. This motion was seconded by MacIlvaine.* Prior to vote, this motion was amended below.

During the formulation of this motion Mr. Herms indicated that additional discussion should be held relative to lot coverage for the Fifth Avenue Overlay District (C1-A) which is now regulated only by setback. Mayor MacKenzie also expressed the desire to further address Highway Commercial standards to achieve parity with County requirements, particularly along boundary lines.

Further discussion also occurred regarding continuance of this meeting to Thursday, April 27, and the following motion was made:

**MOTION by Herms to AMEND PRIOR MOTION** *to add continuance of this workshop to Thursday, April 27, at 6:30 p.m., with a maximum of two hours in duration; the amendment was accepted by the seconder. This motion was approved 4-3 (MacIlvaine-yes, Taylor-yes, Tarrant-yes, Galleberg-no, Herms-yes, Wiseman-no, MacKenzie-no).*

**CORRESPONDENDE and COMMUNICATIONS.....**

Council Member Galleberg provided an update on research on special events indicating that staff would differentiate among those which occur on public or private property. He said that once this is completed, a town meeting style presentation would be made to interested parties. Council Member MacIlvaine requested that the staff determine whether the Community Redevelopment Agency would be able to meet in August since the Council will be on vacation in July and unable to hold a meeting in accordance with by-law requirements at the second quarter session.

**OPEN PUBLIC INPUT.....**  
None.



**RECESS**.....  
1:41 p.m.

\_\_\_\_\_  
Bonnie R. MacKenzie, Mayor

Minutes prepared by:

\_\_\_\_\_  
Tara A. Norman, City Clerk

Minutes approved:\_\_\_\_\_

# **Wetland Protection Ordinance**

**Martin County Number 548**

- **Adopted June 1999**
- **Incorporated into Land Development Regulations and Comprehensive Plan**
- **Purpose: To protect natural wetland systems and sustain natural wetlands hydroperiods, to minimize activities that degrade, destroy or otherwise negatively impact wetland values and functions, and where appropriate, to re-establish and restore productive wetland systems.**
- **Applicability: All wetlands shall be protected, except as provided for in waivers and exemptions. Applies to all activities, whether urban or agricultural.**
- **Wetlands are defined by Florida Statutes, Section 373.019(22)**
- **Man-made excavations in uplands are exempt, i.e., stormwater ponds.**

- **Consult the Composite Wetlands Map and obtain field delineations prior to land use decisions**
- **Basic wetland information required for application**
- **Wetland buffers and setbacks:**
  1. **adjacent native vegetation to be preserved, or**
  2. **buffer areas to be planted with native vegetation**
  3. **exotic vegetation to be removed**
  4. **75 foot minimum buffer on natural rivers, creeks, and water bodies**
  5. **50 foot minimum buffer on isolated wetlands**

- **25 areas are listed as Wetland Areas of Special Concern**
  1. **more restrictive requirements**
  2. **100 foot buffer of native vegetation**
  3. **300 foot buffer for breeding T & E species, outward of the nest**
  4. **25 foot setback outside the 100 foot buffer (no buildings, golf course greens, row crops)**
  5. **supplemental vegetation planting plan**
  
- **Preserve Area Management Plan (PAMP) for developments over five acres, abbreviated form for residential lots**
- **Ability to transfer density from wetland sites, no greater than 15 units/acre**
- **Performance standards**
- **Waste disposal prohibited or 300 foot setback**

- **Stormwater and Surface Water Management**
  1. **maintain wetland hydrology and water quality**
  2. **no alteration of water levels unless to restore function**
- **Shoreline Protection Zone: to protect rivers and tributaries, mangroves**
- **Shoreline Stabilization: hardening of shoreline allowed only when no other method proves suitable, rip-rap, etc. or significant erosion exists**
- **Prohibition on any new navigable canals**
- **Proposed alteration must not significantly alter tidal flushing and circulation patterns**



- **Waivers and Exceptions:**
  1. ordinance not intended to result in a taking of property
  2. buffers reduced to 25 feet for residential under one acre
  3. platted residential grand-fathered (1982-1998)
  4. less than five acre lots exempt from Wetlands of Special Concern criteria
  5. grand-fathered residential exempt from replanting of native vegetation
  6. waivers for access: water and upland access
  7. waiver for bridges in public right-of-way
  8. waiver for public utilities
  9. exception for docks, boardwalks, and boat ramps
  10. waivers approved administratively, appealed to BCC
  11. removal of exotics exempt
  12. maintenance of legal uses exempt
  13. waivers to provide minimum reasonable use to preclude a taking
- **Correction of a violation: restoration.**