

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL2040000XXXX

ORIGIN

Growth Management
Community Department
(GMCD)

SUMMARY OF AMENDMENT

This Land Development Code (LDC) amendment proposes to update the Rural Fringe Mixed Use District (RFMUD) in concert with the changes approved to the Growth Management Plan (GMP) with the adoption of Ordinance 2023-25. LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR).

HEARING DATES

Board	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	TBD

LDC SECTION TO BE AMENDED

02.03.07	Overlay Zoning Districts
02.03.08	Rural Fringe Zoning
02.06.01	Generally

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

On May 23, 2023, the Board adopted Ordinance 2023-25, which consisted of amending the Future Land Use Element (FLUE), Future Land Use Map (FLUM) and Map series, specifically requiring utilization of Transfer of Development Rights (TDR) credits for Comprehensive Plan amendments requesting an increase in residential density for properties located in the Urban Mixed Use District and the Rural Fringe Mixed Use District; amending the Urban Mixed Use District, Urban Residential Fringe Subdistrict to remove the density bonus cap on residential in-fill and remove the requirement to use TDR within one mile of the Urban boundary; and amending the Rural Fringe Mixed Use District of the FLUE to change development standards and requirements, increase density on receiving lands for affordable housing, add transfer of development rights credits, add uses for recreation in Sending Lands, and add a conditional use for recreation in Sending Lands, and to amend development standards for rural villages; and create the Belle Meade Hydrologic Enhancement Overlay; and to correct a scrivener's error for the Immokalee Road Rural Village Overlay on the FLUM. Once this ordinance was adopted, it was understood that staff would begin the process of updating the LDC accordingly.

FISCAL & OPERATIONAL IMPACTS

The fiscal impacts to Collier County resulting from this amendment are for staff time to prepare the amendment and costs for the associated legal advertising/public notice for the public hearings. Funds will be available from the Unincorporated Area General Fund (1011) and the Comprehensive Planning Cost Center.

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff after first review.

EXHIBITS: A) Exhibit Title

Amend the LDC as follows:

2.03.07 – Overlay Zoning Districts

* * * * *

D. Special Treatment Overlay (ST)

* * * * *

4. Transfer of Development Rights (TDR).

a. Purpose, Intent and Applicability.

i. *Purpose.* The primary purpose of the TDR process is to establish an equitable method of protecting and conserving lands determined to have significant environmental value, including large connected wetland systems and significant areas of habitat for listed species; and

To provide a viable mechanism for property owners of such environmentally valuable lands to recoup lost value and development potential which may be associated with the application of environmental preservations standards to such lands.

ii. *Intent.* These TDR provisions are intended to accomplish the above stated purpose through an economically viable process of transferring development rights from less suitable non-RFMU sending areas and RFMU sending lands to more suitable non-RFMU receiving areas and RFMU receiving lands.

iii. *Applicability.* These TDR provisions shall be applicable to those areas specifically identified in (b), (c) and (d) below. These TDR provisions shall not be applicable to the any transfer of development rights within the RLSA District.

b. Transfer of development rights from urban areas to urban areas. An owner of land located within areas designated as urban on the Future Land Use Map, including agriculturally zoned properties, which may or may not be identified with the ST overlay, may elect to transfer some or all of the residential development rights from one parcel of land to another parcel, as an alternative to the development of the sending lands. The lands to which the development rights are to be transferred shall be referred to as receiving lands and those lands from which development rights are transferred shall be referred to as sending lands, as provided herein and shall be located within the urban designated areas of the county.

i. The development rights shall be considered as interests in real property and be transferred in portions or as a total as provided in this section. Once used, the residential development rights shall not

1 be used again and the residential development rights of the subject
2 lands providing them shall be considered severed forever.

3
4 ii. The transfer of development rights to be used shall be subject to all
5 of the requirements of the basic zoning district to which they are
6 transferred unless specifically approved otherwise as provided by
7 law.

8
9 iii. The minimum area of land eligible for the transfer of development
10 rights shall be equal to the minimum lot size for the sending zone.
11 For the purposes of this section, legal non-conforming lots of record
12 may be eligible to transfer density, with the minimum area of the
13 receiving land equal to the area of the legal non-conforming lot of
14 record, excluding submerged land.

15
16 iv. Upon the approval of the transfer of residential development rights
17 by a super majority vote of the Board of County Commissioners, the
18 property owner of the sending land shall dedicate in fee simple the
19 land to the county or a state or federal agency; however, the lands
20 may be dedicated in fee simple to a private, not-for-profit
21 conservation or environmental organization in accordance with F.S.
22 § 704.06, as amended, with the approval of the Board of County
23 Commissioners.

24
25 v. The maximum number of residential units which may be requested
26 for transfer shall be compiled on the basis of the permitted density
27 pursuant to the underlying zoning category of the sending land.

28
29 vi. Maximum number of residential units which eligible lands may
30 receive.

31
32 a) Lands in all residential zoning districts and residential
33 components of planned unit development zoning districts
34 are eligible to receive residential development units
35 provided that the maximum number of residential units
36 which may be transferred to the receiving land does not
37 exceed ten percent of the maximum number of residential
38 units permitted under the receiving property's basic zoning
39 district. For the purpose of determining the number of
40 residential units which a parcel of land is capable of
41 receiving, the following formulas shall apply:

42
43 i) RSF-1 through RSF-5 districts, up to and including
44 five units per acre:

45
46 Units per base density × 10% = .1 to .5 units per acre

47
48 ii) RMF-6 district, up to and including six units per acre:

49
50 6 units × 10% = 0.6 units per acre
51

- 1 f) Survey of the land which receives the transfer of residential
- 2 development rights.
- 3
- 4 g) Three copies of an executed deed of transfer of ownership
- 5 of the sending property to the county or a state or federal
- 6 agency; however, the lands may be dedicated in fee simple
- 7 to a private, not-for-profit conservation or environmental
- 8 organization in accordance with F.S. § 704.06, as amended,
- 9 with the approval of the Board of County Commissioners in
- 10 a form approved by the county attorney.
- 11
- 12 h) The owner of the sending land shall provide a guarantee,
- 13 agreeable to and approved by ordinance of the Board of
- 14 County Commissioners, that the sending land will be utilized
- 15 only for the purposes of increasing public recreational
- 16 and/or educational opportunities, creation of linkages
- 17 between public or private open space, protection of critical
- 18 habitat/ecosystems, or other public purpose as specified in
- 19 the ordinance of adoption. Such a guarantee shall be
- 20 recorded with the clerk of the circuit court of Collier County,
- 21 Florida as a recorded restriction of the use of such land and
- 22 shall be binding upon all present and subsequent owners,
- 23 heirs, or assigns of such property. Such restrictions may not
- 24 be amended, deleted, or otherwise altered, except by a
- 25 majority vote of the BCC.
- 26
- 27 viii. Time limitations on Board of County Commissioners' approval of
- 28 transfer of residential development rights or authorization to
- 29 proceed with the processing of a building construction permit. The
- 30 Board of County Commissioners' approval of a transfer of
- 31 residential development rights or the County Manager or his
- 32 designee authorization to proceed with the processing of a building
- 33 or construction permit shall be valid so long as such approval is
- 34 permitted by law. The failure to act on the part of the petitioner to
- 35 exercise the transfer of residential development rights or obtain and
- 36 exercise an authorized building or construction permit within the
- 37 time period provided by law shall automatically terminate such
- 38 approval and the county shall be held harmless for any damages
- 39 arising out of the petitioner's failure to act.
- 40
- 41 ix. Sequential use of residential units approved for transfer by the
- 42 Board of County Commissioners. Upon the issuance of any permit
- 43 for the construction of residential unit(s) upon the receiving land,
- 44 the first residential units built thereon shall be considered to be the
- 45 residential units approved for transfer by the Board of County
- 46 Commissioners, and the succeeding residential units constructed
- 47 shall be considered the residential units permitted under the basic
- 48 zoning district regulations.
- 49
- 50 c. TDR credits from RFMU sending lands: General Provisions
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- i. Creation of TDR credits.
- a) TDR credits are generated from RFMU sending lands at a rate of 2~~4~~ TDR credits per 5 acres of RFMU Sending Land or, for those legal non-conforming lots or parcels of less than 5 acres that were in existence as of June 22, 1999, at a rate of 2~~4~~ TDR credits per legal non-conforming lot or parcel.
 - b) For lots and parcels 5 acres or larger, the number of TDR credits generated shall be calculated using the following formula:

$$\# \text{ of acres} \times 0.\underline{4}2 = \# \text{ of TDR credits generated.}$$

Where the number of TDR credits thus calculated is a fractional number, the number of TDR credits created shall be rounded to the nearest 1/100th.
- ii. Creation of TDR Bonus credits. TDR Bonus credits shall only be generated from RFMU sending land property from which TDR credits have been severed. The ~~three~~ types of TDR Bonus credits are as follows:
- a) Environmental Restoration and Maintenance Bonus credits. Environmental Restoration and Maintenance Bonus credits are generated at a rate of up to 0.6 ~~4~~ credit for each TDR credit severed from that RFMU sending land for which a Restoration and Management Plan (RMP) has been accepted by the County, but in no case less than 0.2 TDR credit per acre. In the case of legal nonconforming lots or parcels in existence as of June 22, 1999, where such lot or parcel is less than 5 acres, up to three (3) TDR credits may be severed from said lot or parcel. In order to be accepted, a RMP shall satisfy the following:
 - 1) The RMP shall include a listed species management plan.
 - 2) The RMP shall comply with the criteria set forth in LDC sections 3.05.08-A, and B.
 - 3) The RMP shall provide financial assurance, in the form of a letter of credit or similar financial security, establishing that the RMP shall remain in place and be performed, until the earlier of the following occurs:
 - a. Viable and sustainable ecological and hydrological functionality has been achieved on the property as measured by the success criteria set forth in the RMP.

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- b. The property is conveyed to a County, state, or federal agency as provided in b) below.
 - c. For sending lands properties in private ownership located entirely or partially within the Belle Meade Hydraulic Enhancement Overlay (BMHEO), the Environmental Restoration and Maintenance TDR Bonus Credit shall be granted when the property owner provides a “Flow-Way Easement” to Collier County and the property owner removes the invasive exotic plants from the parcel. The County will assume the responsibility for the recording of the easement and the perpetual exotic maintenance of the parcel as a condition of the property owner granting the easement.
 - 4) The RMP shall provide for the exotic vegetation removal and maintenance to be performed by an environmental contractor acceptable to the County.
 - b) Conveyance Bonus credits. Conveyance Bonus credits are generated at a rate of 1 credit for each TDR credit severed from that RFMU sending land that is conveyed in fee simple to a federal, state, or local government agency as a gift, or to a not-for-profit entity or land trust, approved by the Board of County Commissioners, by gift. Conveyance Bonus credits shall only be generated from those RFMU sending land properties on which an RMP has been accepted as provided in a) above.
 - c) Belle Meade Flow-Way TDR Bonus: Owners of private property located entirely or partially within the BMHEO, as depicted on the BMHEO Map, may sever development rights from Sending Lands at a maximum rate of 0.4 TDR credits per acre (two TDR credits per five acres) or legal nonconforming lot of record in exchange for providing a “Flow-Way Easement” to Collier County. Eligibility is limited to within two years of adoption of the establishment of the BMHEO. Eligible parcels area identified on the Belle Meade Hydrologic Enhancement Overlay Area Flow-Way TDR Bonus Credit Eligibility Map, adopted by separate resolution. ~~Early Entry Bonus credits. Early Entry Bonus credits shall be generated at a rate of 1 additional credit for each TDR credit that is severed from RFMU sending land for the period from March 5, 2004, until September 27, 2022, unless further extended by resolution by the Board of County Commissioners. Early Entry Bonus credits shall cease to be generated after the termination of this early~~

~~entry bonus period. However, Early Entry Bonus credits may continue to be used to increase density in RFMU and non-RFMU Receiving Lands after the termination of the Early Entry Bonus period.~~

- iii. Calculation of TDR Bonus credits.
 - a) Environmental Restoration and Maintenance Bonus credits are calculated as follows:
 - # TDR credits generated from property × % property subject to an approved RMP
 - b) Conveyance Bonus credits are calculated as follows:
 - # TDR credits generated from property × % property subject to an approved RMP and conveyed as provided in ii.b) above.
 - c) ~~Early Entry Bonus credits are calculated as follows:~~
 - ~~# TDR credits generated within Early Entry period × 1.~~
- iv. Receipt of TDR credits or TDR Bonus credits from RFMU sending lands. TDR credits or TDR Bonus credits from RFMU sending lands may be redeemed into Urban Areas, the Urban Residential Fringe, and RFMU receiving lands, as provided in subsections 2.03.07 4.d. and e. below.
- v. Prohibition on redemption of fractional TDR credits and TDR Bonus credits. While fractional TDR credits and TDR Bonus credits may be created, as provided in (ii) above, TDR credits and TDR Bonus credits may only be redeemed in increments of whole, not fractional, dwelling units. Consequently, fractional TDR credits and fractional TDR Bonus credits must be aggregated to form whole units, before they can be utilized to increase density in either non-RFMU Receiving Areas or RFMU Receiving lands.
- vi. Prohibition on severance of development rights.
 - a) ~~Neither~~ TDR credits ~~nor TDR Early Entry Bonus credits~~ shall not be generated from RFMU sending lands where a conservation easement or other similar development restriction prohibits the residential development of such property, with the exception of those TDR Early Entry Bonus credits associated with TDR credits severed from March 5, 2004, until [the effective date of this provision]. Environmental Restoration and Maintenance Bonus credits and Conveyance Bonus credits may only be generated from those RFMU sending lands where a conservation easement or other similar development restriction on development

1 was imposed in conjunction with the severance of TDR
2 credits.

3
4 b) Neither TDR credits nor any TDR Bonus credits shall be
5 generated from RFMU sending lands that were cleared for
6 agricultural operations after June 19, 2002, for a period of
7 twenty-five (25) years after such clearing occurs.

8
9 d. Redemption of TDRs into non-RFMU receiving areas.

10
11 i. Redemption into urban areas.

12
13 ~~a) Maximum density increase. In order to encourage
14 residential in-fill in urban areas of existing development
15 outside of the Coastal High Hazard Area, a maximum of 3
16 residential dwelling units per gross acre may be requested
17 through a rezone petition for projects qualifying under this
18 residential infill provisions of the Future Land Use Element
19 density Rating System, subject to the applicable provisions
20 of Chapters 2 and 9 of this Code, and the following
21 conditions:~~

22
23 ~~i) The project is 20 acres or less in size;~~

24
25 ~~ii) At time of development, the project will be served by
26 central public water and sewer;~~

27
28 ~~iii) The property in question has no common site
29 development plan in common with adjacent
30 property;~~

31
32 ~~iv) There is no common ownership with any adjacent
33 parcels; and~~

34
35 ~~v) The parcel in question was not created to take
36 advantage of the in-fill residential density bonus and
37 was created prior to the adoption of this provision in
38 the Growth Management Plan on January 10, 1989.~~

39
40 ~~vi) Of the maximum 3 additional units, one (1) dwelling
41 unit per acre shall be derived from RFMU sending
42 lands and redeemed at Site Plan or prior to Plat
43 recordation.~~

44
45 ~~b) Developments which meet the residential infill conditions i)
46 through v) above may increase the base density
47 administratively through a Site Development Plan or Plat
48 approval by a maximum of one dwelling unit per acre by
49 redeeming additional density derived from RFMU district
50 Sending Lands.~~

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- ii. In order to facilitate the County's monitoring and regulation of the TDR Program, the County shall serve as the central registry for all TDR severances, transfers (sales) and redemptions, as well as maintain a public listing of TDR credits available for sale along with a listing of purchasers seeking TDR credits. No TDR credit generated from RFMU sending lands may be utilized to increase density in any area unless the following procedures are complied with in full.
 - a) TDR credits shall not be used to increase density in either non-RFMU Receiving Areas or RFMU receiving lands until severed from RFMU sending lands. TDR credits shall be deemed to be severed from RFMU sending lands at such time as a TDR credit Certificate is obtained from the County. TDR credit Certificates shall be issued only by the County and upon submission of the following:
 - i) a legal description of the property from which the RFMU TDR credits originated, including the total acreage;
 - ii) a title opinion establishing that, prior to the severance of the TDR credits from RFMU sending lands, such sending lands were not subject to a conservation restriction or any other development restriction that prohibited residential development;
 - iii) an affidavit, signed by the owner, stating that the property was not subject to a conservation restriction or any other development restriction that prohibited residential development during the period between the effective date of the title opinion and conservation easement recordation;
 - iv) an executed Limitation of Development Rights Agreement, prepared in accord with the form provided by the County, that limits the allowable uses on the property after the severance of TDR credits as set forth in section 2.03.08 A.4.b.; and
 - v) a statement attesting that the TDR credits are not being severed from RFMU sending lands in violation of subsection 2.03.07 D.4.c.vi.b) of the Code.
 - vi) documented evidence that, if the property from which TDRs are being severed is subject to a mortgage, lien, or any other security interest; the mortgagee, lien holder, or holder of the security interest has consented to the recordation of the Limitation of Development Rights Agreement

required for TDR severance; transfer (sale) of TDR credit; and redemption of TDR credit.

b) TDR Bonus credits shall not be used to increase density in either non-RFMU receiving areas or RFMU receiving lands until a TDR credit certificate reflecting the TDR Bonus credits is obtained from the County and recorded.

1) ~~Early Entry Bonus credits. All TDR credit certificates issued by the County for the period from the effective date of this provision until September 27, 2022, unless further extended by resolution by the Board of County Commissioners, shall include one Early Entry Bonus credit or fractional Early Entry Bonus credit for each TDR credit or fractional TDR credit reflected on the TDR credit certificate. Where TDR credits were severed from March 5, 2004, until the effective date of this provision, the County shall, upon receipt of a copy of the TDR credit certificate reflecting those previously severed TDR credits, issue a TDR credit certificate entitling Early Entry Bonus credits equal in number to the previously severed TDR credits.~~

2) Environmental Restoration and Maintenance Bonus credit. A TDR certificate reflecting Environmental Restoration and Maintenance Bonus credits shall not be issued until the County has accepted a RMP for the sending lands from which the Environmental Restoration and Maintenance Bonus credit is being generated. Any sending lands from which TDR credits have been severed may also be used for mitigation programs and associated mitigation activities and uses in conjunction with any county, state or federal permitting. Where the Environmental Restoration and Maintenance Credit is applied for sending lands that are also being used (title or easement) for mitigation for permits or approvals from the U.S. Army Corps of Engineers, U. S. Fish and Wildlife Service, Florida Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, or the South Florida Water Management District, the County shall accept as the RMP for the sending mitigation lands, the restoration and/or maintenance requirements of permits issued by any of the foregoing governmental agencies for said lands.

3) Conveyance Bonus credit. A TDR certificate reflecting Conveyance Bonus credits shall not be issued until the County has accepted a RMP for the

1 Sending Lands from which the Conveyance Bonus
2 credit is being generated and such sending lands
3 have been conveyed, in fee simple, to a County,
4 state, or federal government agency.

5
6 c) A PUD or DRI utilizing TDR credits or TDR Bonus credits
7 may be conditionally approved, but no subsequent
8 application for site development plan or subdivision plat
9 within the PUD or DRI shall be approved, until the developer
10 submits the following:

11
12 i) Documentation that the developer has acquired all
13 TDR credits and TDR Bonus credits needed for that
14 phase of the development that is the subject of the
15 site development plan or subdivision plat.

16
17 d) The developer shall provide documentation of the
18 acquisition of full ownership and control of all TDR credits
19 and TDR Bonus credits needed for the development prior to
20 the approval of any site development plan, subdivision plat,
21 or other final local development order, other than a PUD or
22 DRI.

23
24 e) Each TDR credit shall have an individual and distinct
25 tracking number, which shall be identified on the TDR
26 certificate that reflects the TDR credit. The County TDR
27 Activity Log shall maintain an ongoing database that
28 categorizes all TDR credits relative to severance, transfer
29 (sale) and redemption activity.

30
31 f) Each TDR Bonus credit shall have an individual and distinct
32 tracking number, which shall be identified on the TDR
33 certificate and which shall identify the specific TDR credit
34 associated with the TDR Bonus credit. The County TDR
35 Registry shall maintain a record of all TDR Bonus credits, to
36 include a designation of those that have been expended.

37
38 g) The County bears no responsibility to provide notice to any
39 person or entity holding a lien or other security interest in
40 Sending Lands that TDR credits have been severed from
41 the property or that an application for such severance has
42 been filed.

43
44 g. Proportional utilization of TDR credits and TDR Bonus credits. Upon the
45 issuance of approval of a site development plan or subdivision plat that is
46 part of a PUD or DRI, TDR credits and TDR Bonus credits shall be
47 redeemed at a rate proportional to percentage of the PUD or DRI's
48 approved gross density that is derived through TDR credits and TDR Bonus
49 credits. All PUDs and DRIs utilizing TDR credits and TDR Bonus credits
50 shall require that the rate of TDR credit and TDR Bonus credits

1 consumption be reported through the monitoring provisions of section
2 10.02.12 and subsection 10.02.07.C.1.b of this Code.

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8 **2.03.08 – Rural Fringe Zoning**

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10 A. Rural Fringe Mixed-Use District (RFMU District).

11
12 1. Purpose and scope. The purpose and intent of the RFMU District is to provide a
13 transition between the Urban and Estates Designated lands and between the
14 Urban and Agricultural/Rural and Conservation designated lands farther to the
15 east. The RFMU District employs a balanced approach, including both regulations
16 and incentives, to protect natural resources and private property rights, providing
17 for large areas of open space, and allowing, in designated areas, appropriate
18 types, density and intensity of development. The RFMU District allows for a mixture
19 of urban and rural levels of service, including limited extension of central water and
20 sewer, schools, recreational facilities, commercial uses, and essential services
21 deemed necessary to serve the residents of the RFMU District. The innovative
22 planning and development techniques which are required and/or encouraged
23 within the RFMU District were developed to preserve existing natural resources,
24 including habitat for listed species, to retain a rural, pastoral, or park-like
25 appearance from the major public rights-of-way, and to protect private property
26 rights.

27
28 a. Establishment of RFMU Zoning Overlay District. In order to implement the
29 Rural Fringe Mixed Use District (RFMUD) designation in the Future Land
30 Use Element (FLUE) of the GMP, the RFMU District shall be designated
31 as "RFMUO" on the Official Zoning Atlas and is hereby established. The
32 RFMU District replaces the underlying zoning district where that underlying
33 zoning district is A, Rural Agricultural, except where development
34 standards are omitted in the RFMU District. The County-wide Future Land
35 Use Map is located in the Future Land Use Element of the GMP or can be
36 obtained from the Growth Management Department, located at 2800 N.
37 Horseshoe Drive, Naples, FL 34104. The lands included in the RFMU
38 District and to which LDC section 2.03.08 apply are depicted by the
39 following map:

40
41 * * * * *

42
43 2. RFMU receiving lands. RFMU receiving lands are those lands within the RFMU
44 district that have been identified as being most appropriate for development and
45 to which residential development units may be transferred from RFMU sending
46 lands. Based on the evaluation of available data, RFMU receiving lands have a
47 lesser degree of environmental or listed species habitat value than RFMU sending
48 lands and generally have been disturbed through development or previous or
49 existing agricultural operations. Various incentives are employed to direct
50 development into RFMU receiving lands and away from RFMU sending lands,
51 thereby maximizing native vegetation and habitat preservation and restoration.

1 Such incentives include, but are not limited to: the TDR process; clustered
2 development; density bonus incentives; and, provisions for central sewer and
3 water. Within RFMU receiving lands, the following standards shall apply, except
4 as noted in LDC subsection 2.03.08 A.1 above, or as more specifically provided in
5 an applicable PUD.

6
7 a. Outside rural villages.

8
9 (1) NBMO Exemption. Except as specifically provided herein NBMO
10 Receiving Lands are only subject to the provisions of LDC section
11 2.03.08 C.

12
13 (2) Maximum Density.

14
15 (a) Base density. The base residential density allowable within
16 RFMU receiving lands, exclusive of the applicable density
17 blending provisions set forth in LDC section 2.05.02, is 1 unit
18 per 5 gross acres (0.2 dwelling units per acre) or, for those
19 legal nonconforming lots or parcels in existence as of June
20 22, 1999, 1 unit per lot or parcel.

21
22 (b) Additional density

23
24 i. Additional Density Allowed Through the TDR
25 Process. Outside of rural villages, the maximum
26 density achievable in RFMU Receiving Lands
27 through TDR credits and TDR Bonus Credits is 1
28 dwelling unit per acre , except as allowed for housing
29 that is affordable.

30
31 a) Clustering Required. Where the transfer of
32 development rights or provision for housing
33 that is affordable is employed to increase
34 residential density within RFMU receiving
35 lands, such residential development shall be
36 clustered in accordance with the following
37 provisions:

38
39 i) Central water and sewer shall be
40 extended to the project. Where
41 County sewer or water services may
42 not be available concurrent with
43 development in RFMU receiving
44 lands, interim private water and
45 sewer facilities may be approved.

46
47 ii) The maximum lot size allowable for a
48 single-family detached dwelling unit
49 is 1 acre.
50

DRAFT

Text underlined is new text to be added

~~Text strikethrough is current text to be deleted~~

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iii) The clustered development shall be located on the site so as to provide to the greatest degree practicable: protection for listed species habitat; preservation of the highest quality native vegetation; connectivity to adjacent natural reservations or preservation areas on adjacent developments; and, creation, maintenance or enhancement of wildlife corridors.

b) Minimum Project Size. The minimum project size required in order to receive transferred dwelling units is 40 contiguous acres, except that no minimum project size is required for the Receiving Lands areas along Immokalee Road.

c) Emergency Preparedness. In order to reduce the likelihood of threat to life and property from a tropical storm or hurricane event any development approved under the provisions of this section shall demonstrate that adequate emergency preparedness and disaster prevention measures have been taken by, at a minimum:

i) Designing community facilities, schools, or other public buildings to serve as storm shelters if located outside of areas that may experience inundation during a Category 1 or worse storm event. While the need to utilize such shelters will be determined on a case-by-case basis, areas which are susceptible to inundation during such storm events are identified on the Sea, Lake, and Overland Surge from Hurricane (SLOSH) Map for Collier County.

ii) Evaluating impacts on evacuation routes, if any, and working with the Collier County Emergency Management staff to develop an Emergency Preparedness Plan to include provisions for storm shelter space, a plan for emergency evacuation, and other provisions that may be deemed appropriate and

1 necessary to mitigate against a
2 potential disaster.

3
4 iii) Working with the Florida Division of
5 Forestry, Collier County Emergency
6 Management staff, and the managers
7 of any adjacent or nearby public
8 lands, to develop a Wildfire
9 Prevention and Mitigation Plan that
10 will reduce the likelihood of threat to
11 life and property from wildfires. This
12 plan shall address, at a minimum:
13 project structural design; the use of
14 materials and location of structures
15 so as to reduce wildfire threat;
16 firebreaks and buffers; water
17 features; and, the rationale for
18 prescribed burning on adjacent or
19 nearby lands.

20
21 ii. Additional density Allowed Through Other Density
22 Bonuses. Once a density of one (1) unit per acre is
23 achieved through the use of TDR credits and TDR
24 Bonus credits, additional density may be achieved
25 as follows:

26
27 a) A density bonus of 0.1 unit per acre shall be
28 allowed for the preservation of additional
29 native vegetation as set forth in Section
30 3.05.07 E. 1. of the Code.

31
32 b) A density bonus of 0.1 units per acre shall be
33 allowed for projects that incorporate those
34 additional wetlands mitigation measures set
35 forth in Section 3.05.07 F. 4. b. of the Code.

36
37 iii. Maximum density for housing that is affordable. For
38 a project providing housing that is affordable, a
39 maximum density of 12.2 dwelling units per acre is
40 allowed, provided the project has an affordable
41 housing density bonus agreement consistent with
42 LDC section 2.06.00. TDR credits are not required
43 or allowed to achieve density.

44
45 iv. A TDR bonus credit shall be issued to the owner of
46 private property for each five (5) acre parcel or legal
47 nonconforming lot of record designated Receiving
48 Lands or Neutral Lands, at the transfer rate of one
49 (1) additional TDR bonus credit for each five acres
50 or legal nonconforming lot of record, utilized for a
51 conservation use. A perpetual easement shall be

placed on lands used for conservation uses to protect these lands in perpetuity. A restrictive covenant in favor of Collier County will be placed on lands used for conservation restricting the use in perpetuity to protect against non-conservation development.

(3) Allowable Uses.

(a) The Table of Uses identifies uses as permitted uses (P) or conditional uses (CU). Conditional uses shall require approval in accordance with the procedures set forth in LDC section 10.08.00.

(b) Accessory uses.

i. Accessory uses as set forth in LDC section 2.03.01 ~~of this Code.~~

ii. Accessory uses and structures that are accessory and incidental to uses permitted as of right in the RFMU district.

iii. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed, and approved on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to clubhouse, community center building, tennis facilities, playgrounds and playfields.

(c) Any use not listed in the Table of Uses is prohibited unless the County Manager or designee may determine that it falls within the same class as a listed use through the process outlined in LDC section 1.06.00, Rules of Interpretation.

(d) Table of Uses.

<u>i. Agricultural</u>		
<u>a)</u>	Agricultural activities, including, but not limited to: Crop raising; horticulture; fruit and nut production; forestry; groves; nurseries; ranching; beekeeping; poultry and egg production; milk production; livestock raising, and aquaculture for native species subject to the State of Florida Fish and Wildlife Conservation Commission permits.	P ¹
<u>ii. Residential</u>		
<u>b)</u>	Dormitories, duplexes and other types of staff housing, as may be incidental to, and in support of, conservation uses.	P

<u>c)</u>	Family Care Facilities: 1 unit per 5 acres and subject to <u>LDC</u> section 5.05.04 of this Code.	P
<u>d)</u>	Farm labor housing limited to 10 acres in any single location: a) Single family/duplex/mobile home: 11 dwelling units per acre; and b) Multifamily/dormitory: 22 dwelling units/beds per acre.	P
<u>e)</u>	Group care facilities and other care housing facilities, other than family care facilities, subject to a maximum floor area ratio of 0.45.	CU
<u>f)</u>	Multi-family residential structures, if clustering is employed.	P
<u>g)</u>	Single-family residential dwelling units, including mobile homes where a mobile home Zoning Overlay exists.	P
<u>h)</u>	Staff housing as may be incidental to, and in support of, safety service facilities and essential services.	P
<u>iii. Mixed Use</u>		
<u>a)</u>	<u>Any permitted use in the C-1, C-2, and C-3 zoning districts when developed as a mixed use project with housing that is affordable, subject to LDC section 2.03.08 A.2.a.(4)(c).</u>	<u>P</u>
<u>b)</u>	Rural villages, subject to the provisions set forth under <u>LDC</u> section 2.03.08 A.2.b. below.	P
<u>iv. Economic Development, formerly known as Qualified Targeted Industries</u>		
<u>a)</u>	<u>Apparel and other finished products (2311—2399)</u>	<u>P²</u>
<u>b)</u>	<u>Business services (7311—7319, 7331—7352, 7361—7389)</u>	<u>P</u>
<u>c)</u>	<u>Chemicals and allied products (2836, 2841, 2844)</u>	<u>CU</u>
<u>d)</u>	<u>Communications (4812—4899 including communications towers up to specified heights, subject to LDC section 5.05.09)</u>	<u>P²</u>
<u>e)</u>	<u>Depository and non-depository institutions (6011—6163)</u>	<u>CU</u>
<u>f)</u>	<u>Drugs (2833—2835)</u>	<u>P²</u>
<u>g)</u>	<u>Educational services (8231, 8299)</u>	<u>CU</u>
<u>h)</u>	<u>Electronic and other electrical equipment (3612—3699)</u>	<u>P²</u>
<u>i)</u>	<u>Engineering, accounting, research, management, and related services (8711—8748)</u>	<u>P²</u>
<u>j)</u>	<u>Fabricated metal products (3411—3499)</u>	<u>CU</u>
<u>k)</u>	<u>Food and kindred products (2011—2015 except slaughtering plants, 2021—2099)</u>	<u>P²</u>
<u>l)</u>	<u>Furniture and fixtures (2511—2599)</u>	<u>P²</u>
<u>m)</u>	<u>Guided missiles and space vehicles and parts (3761—3769)</u>	<u>CU</u>
<u>n)</u>	<u>Health services (8011—8049, 8092, 8093)</u>	<u>CU</u>
<u>o)</u>	<u>Holding and other investment offices (6712—6799)</u>	<u>CU</u>
<u>p)</u>	<u>Industrial and commercial machinery and computer equipment (3511—3599)</u>	<u>P²</u>
<u>q)</u>	<u>Insurance agents, brokers, and service (6411)</u>	<u>CU</u>
<u>r)</u>	<u>Insurance carriers (6311—6399)</u>	<u>CU</u>
<u>s)</u>	<u>Job Training and Vocational Rehabilitation Services (8331)</u>	<u>CU</u>
<u>t)</u>	<u>Leather and leather products (3131—3199)</u>	<u>P²</u>
<u>u)</u>	<u>Legal services (8111)</u>	<u>P²</u>
<u>v)</u>	<u>Local and suburban transit (4111—4173)</u>	<u>CU</u>
<u>w)</u>	<u>Lumber and wood products (2426, 2431—2499)</u>	<u>P²</u>

x)	<u>Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks manufacturing (3812—3873)</u>	<u>P²</u>
y)	<u>Medical and dental laboratories (8071, 8072)</u>	<u>P²</u>
z)	<u>Medicinal chemicals and botanical products (2833 vitamins only)</u>	<u>P²</u>
aa)	<u>Miscellaneous manufacturing industries (3911—3996, 3999 including "additive manufacturing," as defined in ISO ASTM 52900)</u>	<u>P²</u>
bb)	<u>Miscellaneous services (8999)</u>	<u>CU</u>
cc)	<u>Motion pictures (7812—7829)</u>	<u>P²</u>
dd)	<u>Motion pictures (7832—7833)</u>	<u>CU</u>
ee)	<u>Motor freight transportation and warehousing (4212—4225, 4226 except oil and gas storage, and petroleum and chemical bulk stations)</u>	<u>P²</u>
ff)	<u>Paper and allied products (2652—2679)</u>	<u>P²</u>
gg)	<u>Paper and paperboard mills (2621, 2631)</u>	<u>CU</u>
hh)	<u>Printing, publishing, and allied industries (2711—2796)</u>	<u>P²</u>
ii)	<u>Railroad transportation (4011, 4013)</u>	<u>CU</u>
jj)	<u>Rubber and miscellaneous plastic products (3021—3089)</u>	<u>CU</u>
kk)	<u>Sawmills and planing mills (2421, 2429)</u>	<u>CU</u>
ll)	<u>Security brokers, dealers, and flotation companies (6211)</u>	<u>CU</u>
mm)	<u>Space research and technology (9661)</u>	<u>P²</u>
nn)	<u>Stone, clay, glass, and concrete products (3211, 3221, 3231, 3251—3273, 3275, 3281)</u>	<u>CU</u>
oo)	<u>Textile mill products (2211—2299)</u>	<u>CU</u>
pp)	<u>Title Abstract Offices (6541)</u>	<u>CU</u>
qq)	<u>Transportation equipment (3714, 3716, 3721—3751, 3792, 3799)</u>	<u>P²</u>
rr)	<u>Transportation services (4724—4783, 4789 except stockyards)</u>	<u>CU</u>
ss)	<u>United States Postal services (4311)</u>	<u>P²</u>
tt)	<u>Vocational schools (8243—8249)</u>	<u>P²</u>
uu)	<u>Wholesale trade—Durable goods (5012—5014, 5021—5049, 5063—5092, 5094, 5099)</u>	<u>P²</u>
vv)	<u>Wholesale trade—Nondurable Goods (5111—5159, 5181, 5182, 5191 except that wholesale distribution of chemicals, fertilizers, insecticides, and pesticides must be a minimum of 500 feet from a residential zoning district, 5192—5199)</u>	<u>P²</u>
<u>v. Miscellaneous</u>		
a)	<u>Asphalt and concrete batch-making plants in RFMU receiving lands other than those within the NBMO.</u>	<u>CU</u>
b)	<u>Community facilities, such as, places of worship, childcare facilities, cemeteries, and social and fraternal organizations.</u>	<u>CU</u>
c)	<u>Earth mining and extraction in RFMU receiving lands other than those within the NBMO</u>	<u>CU</u>
d)	<u>Essential services identified in LDC sections 2.01.03 (G)(1) and (G)(3).</u>	<u>CU</u>
e)	<u>Facilities for the collection, transfer, processing, and reduction of solid waste.</u>	<u>CU</u>

<u>f)</u>	Golf courses or driving ranges, subject to the following standards:	P ³
<u>g)</u>	Oil and gas field development and production, subject to state field development permits and Collier County non-environmental site development plan review procedures.	CU ⁴
<u>h)</u>	Park, open space, and recreational uses.	P
<u>i)</u>	Private schools.	P
<u>j)</u>	Public educational plants and ancillary plants.	P
<u>k)</u>	Travel trailer recreation vehicle parks.	CU ⁵
<u>l)</u>	Sporting and Recreational camps not to exceed 1 cabin/lodging unit per 5 gross acres.	P
<u>m)</u>	Zoos, aquariums, and botanical gardens, and similar uses.	CU

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¹ Owning, maintaining, or operating any facility or part thereof for the following purposes is prohibited:

- i. Fighting or baiting any animal by the owner of such facility or any other person or entity.
- ii. Raising any animal or animals intended to be ultimately used or used for fighting or baiting purposes.
- iii. For purposes of this subsection, the term baiting is defined as set forth in § 828.122(2)(a), F.S., as it may be amended from time to time.

² All permitted economic development uses shall be subject to LDC section 2.03.08 A.2.a.(4)(d)

³ Golf courses or driving ranges, subject to the following standards:

- a) The minimum density shall be as follows:
 - i) For golf course projects: one (1) dwelling unit per five (5) gross acres.
 - ii) For golf course projects not utilizing density blending Provisions set forth in the Density Rating System of the FLUE, including free standing golf courses: one TDR credit or TDR Bonus credit shall be required per five (5) gross acres for the land area utilized as part of the golf course, including the clubhouse area, rough, fairways, greens, and lakes, but excluding any area dedicated as conservation, which is non-irrigated and retained in a natural state. A TDR credit or TDR Bonus credit used to entitle golf course acreage may not also be used to entitle a residential dwelling unit.
- b) Golf courses shall be designed, constructed, and managed in accordance with the Best Management Practices of 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

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been incorporated into the golf course's design and operational procedures.

c) 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, September 2012 ~~May 1995~~.

~~d) 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.~~

~~e) To ensure water conservation, golf courses shall incorporate the following in their design and operation:~~

~~i) 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.~~

~~ii) Golf courses shall utilize treated effluent reuse water consistent with Sanitary Sewer Sub-Element Objective 1.4 and its policies to the extent that a sufficient amount of such water is available and the piping or other conveyance necessary for delivery of such water exists at a location abutting the golf course property boundary or within 50 feet of such boundary and accessible via existing rights of way or easements;~~

~~iii) 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.~~

df) 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

1 for water dependent avian species. The combined length of vertical and
2 rip-rapped walls shall be limited to 25% of the shoreline. Credits to the site
3 preservation area requirements, on an acre- to- acre basis, shall be given
4 for littoral shelves that exceed these littoral shelf area requirements.

5
6 ~~eg)~~ Site preservation and native vegetation retention requirements shall be
7 those set forth in LDC section 4.06.00 ~~of this Code~~.

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10 ⁴ Directional-drilling and/or previously cleared or disturbed areas shall be utilized in
11 order to minimize impacts to native habitats, where determined to be practicable.
12 This requirement shall be deemed satisfied upon issuance of a state permit in
13 compliance with the criteria established in Chapter 62C-25 through 62C-30,
14 F.A.C., regardless of whether the activity occurs within the Big Cypress
15 Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County
16 environmental permitting requirements shall be considered satisfied by evidence
17 of the issuance of all applicable federal and/or state oil and gas permits for
18 proposed oil and gas activities in Collier County, so long as the state permits
19 comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those
20 areas of Collier County outside the boundary of the Big Cypress Watershed, the
21 applicant shall be responsible for convening the Big Cypress Swamp Advisory
22 Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter
23 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress
24 Watershed. All oil and gas access roads shall be constructed and protected from
25 unauthorized uses according to the standards established in Rule 62-
26 30.005(2)(a)(1) through (12), F.A.C.

27 ⁵ Subject to the following criteria:

- 28 a) the site is adjacent to an existing travel trailer recreational vehicle site; and
- 29 b) the site is no greater than 100% of the size of the existing adjacent park site.

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33 ~~(a) — Uses Permitted as of Right. The following uses are~~
34 ~~permitted as of right, or as uses accessory to permitted~~
35 ~~uses:~~

36
37 ~~i. — Agricultural activities, including, but not limited to:~~
38 ~~Crop raising; horticulture; fruit and nut production;~~
39 ~~forestry; groves; nurseries; ranching; beekeeping;~~
40 ~~poultry and egg production; milk production;~~
41 ~~livestock raising, and aquaculture for native species~~
42 ~~subject to the State of Florida Fish and Wildlife~~
43 ~~Conservation Commission permits. Owning,~~
44 ~~maintaining or operating any facility or part thereof~~
45 ~~for the following purposes is prohibited:~~

46
47 ~~a) — Fighting or baiting any animal by the owner~~
48 ~~of such facility or any other person or entity.~~

49
50 ~~b) — Raising any animal or animals intended to be~~
51 ~~ultimately used or used for fighting or baiting~~
52 ~~purposes.~~

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- ii) ~~For golf course projects not utilizing density blending Provisions set forth in the Density Rating System of the FLUE, including free standing golf courses: one TDR credit or TDR Bonus credit shall be required per five (5) gross acres for the land area utilized as part of the golf course, including the clubhouse area, rough, fairways, greens, and lakes, but excluding any area dedicated as conservation, which is non-irrigated and retained in a natural state. A TDR credit or TDR Bonus credit used to entitle golf course acreage may not also be used to entitle a residential dwelling unit.~~
 - b) ~~Golf courses shall be designed, constructed, and managed in accordance with the Best Management Practices of 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.~~
 - c) ~~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.~~
 - d) ~~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;~~

DRAFT

Text underlined is new text to be added

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- ~~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.~~
- ~~e) To ensure water conservation, golf courses shall incorporate the following in their design and operation:
 - ~~i) 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.~~
 - ~~ii) Golf courses shall utilize treated effluent reuse water consistent with Sanitary Sewer Sub-Element Objective 1.4 and its policies to the extent that a sufficient amount of such water is available and the piping or other conveyance necessary for delivery of such water exists at a location abutting the golf course property boundary or within 50 feet of such boundary and accessible via existing rights of way or easements;~~
 - ~~iii) Native plants shall be used exclusively except for special purpose areas such as golf greens, fairways, and building sites. Within~~~~

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~~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.~~

~~f) 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.~~

~~g) Site preservation and native vegetation retention requirements shall be those set forth in section 4.06.00 of this Code.~~

~~xii. Public educational plants and ancillary plants.~~

~~xiii. Oil and gas exploration, subject to applicable state and federal drilling permits and Collier County non-environmental site development plan review procedures. Directional drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where 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., as those rules existed on Oct. 3, 2005 [the effective date of this provision], 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~~

1 applicant shall be responsible for convening the Big
 2 Cypress Swamp Advisory Committee as set forth in
 3 Section 377.42, F.S., to assure compliance with
 4 Chapter 62C-25 through 62C-30, F.A.C., even if
 5 outside the defined Big Cypress Watershed. All oil
 6 and gas access roads shall be constructed and
 7 protected from unauthorized uses according to the
 8 standards established in Rule 62C-30.005(2)(a)(1)
 9 through (12), F.A.C.

10
 11 ~~xiv. Park, open space, and recreational uses.~~

12
 13 ~~xv. Private schools.~~

14
 15 ~~(b) Accessory uses.~~

16
 17 ~~i. Accessory uses as set forth in section 2.03.01 of this~~
 18 ~~Code.~~

19
 20 ~~ii. Accessory uses and structures that are accessory~~
 21 ~~and incidental to uses permitted as of right in the~~
 22 ~~RFMU district.~~

23
 24 ~~iii. Recreational facilities that serve as an integral part~~
 25 ~~of a residential development and have been~~
 26 ~~designated, reviewed, and approved on a site~~
 27 ~~development plan or preliminary subdivision plat for~~
 28 ~~that development. Recreational facilities may~~
 29 ~~include, but are not limited to clubhouse, community~~
 30 ~~center building, tennis facilities, playgrounds and~~
 31 ~~playfields.~~

32
 33 ~~(c) Conditional uses. The following uses are permissible as~~
 34 ~~conditional uses subject to the standards and procedures~~
 35 ~~established in LDC section 10.08.00.~~

36
 37 ~~i. Oil and gas field development and production,~~
 38 ~~subject to state field development permits and~~
 39 ~~Collier County non-environmental site development~~
 40 ~~plan review procedures. Directional drilling and/or~~
 41 ~~previously cleared or disturbed areas shall be~~
 42 ~~utilized in order to minimize impacts to native~~
 43 ~~habitats, where determined to be practicable. This~~
 44 ~~requirement shall be deemed satisfied upon~~
 45 ~~issuance of a state permit in compliance with the~~
 46 ~~criteria established in Chapter 62C-25 through 62C-~~
 47 ~~30, F.A.C., regardless of whether the activity occurs~~
 48 ~~within the Big Cypress Watershed, as defined in~~
 49 ~~Rule 62C-30.001(2), F.A.C. All applicable Collier~~
 50 ~~County environmental permitting requirements shall~~
 51 ~~be considered satisfied by evidence of the issuance~~

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~~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.~~

- ~~ii. Group care facilities and other care housing facilities, other than family care facilities, subject to a maximum floor area ratio of 0.45.~~
- ~~iii. Zoos, aquariums, and botanical gardens, and similar uses.~~
- ~~iv. Facilities for the collection, transfer, processing, and reduction of solid waste.~~
- ~~v. Community facilities, such as, places of worship, childcare facilities, cemeteries, and social and fraternal organizations.~~
- ~~vi. Travel trailer recreation vehicle parks, subject to the following criteria:

 - ~~a) the site is adjacent to an existing travel trailer recreational vehicle site; and~~
 - ~~b) the site is no greater than 100% of the size of the existing adjacent park site.~~~~
- ~~vii. Those essential services identified in sections 2.01.03 (G)(1) and (G)(3).~~
- ~~viii. In RFMU receiving lands other than those within the NBMO, asphalt and concrete batch making plants.~~
- ~~ix. In RFMU receiving lands other than those within the NBMO, earth mining and extraction.~~

- (4) Design Standards.
 - (a) Development Not Utilizing clustering:

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- i. Minimum lot area: 5 Acres.
- ii. Minimum lot width: 165 Feet.
- iii. Minimum yard requirements:
 - a) Front yard: 50 feet
 - b) Side yard: 30 feet
 - c) Rear yard: 50 feet
 - d) Nonconforming lots in existence as of June 22, 1999:
 - i) Front yard: 40 feet.
 - ii) Side yard: 10 percent of lot width, not to exceed 20 feet on each side.
 - iii) Rear yard: 50 feet.
- (b) Clustered development:
 - i. Lot areas and widths:
 - a) single-family
 - i) Minimum lot area: 4,500 square feet.
 - ii) Maximum lot area: One Acre.
 - iii) Minimum lot width: Interior lots 40 feet.
 - iv. Maximum lot width: 150 feet.
 - b) multi-family
 - i) Minimum lot area: One Acre.
 - ii) Maximum lot area: None.
 - iii) Minimum lot width: 150 feet.
 - iv) Maximum lot width: None.
 - ii. Minimum yard requirements

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- a) Single-Family. Each single-family lot or parcel minimum yard requirement shall be established within an approved PUD, or shall comply with the following standards:
 - i) Front: 20 feet (Note front yard setback may be reduced to 10 feet where parking for the unit is accessed via a rear alley).
 - ii) Side: 6 feet.
 - iii) Rear: 15 feet.
 - iv) Accessory: Per LDC section 4.02.03.
 - b) Multi-Family. For each multi-family lot or parcel minimum yard shall be established within an approved PUD, or shall comply with the following standards:
 - i) Setback from Arterial or Collector roadway(s): no multi-family dwelling may be located closer than 200 feet to a roadway classified or defined as an arterial roadway or 100 feet from any roadway classified or defined as a collector roadway.
 - ii) Front: 30 feet.
 - iii) Rear: 30 feet.
 - iv) Side yard/separation between any multi-family buildings: One-half of the building height or 15 feet, whichever is greater.
 - v) Accessory: Per LDC section 4.02.03.
 - iii. Height limitations
 - a) Principal structures
 - i) Single Family: 35 feet.
 - ii) Multi-family: Five Stories not to exceed 60 feet.

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- iii) Other structures: 35 feet except for golf course/community clubhouses, which may be 50 feet in height.
 - b) Accessory structures. 20 feet, except for screen enclosures, which may be the same height as the principal structure.
 - iv. Minimum floor space
 - a) Single Family: 800 square feet
 - b) Multi-family:
 - i) Efficiency: 450 Square feet
 - ii) One Bedroom: 600 square feet
 - iii) Two or More Bedrooms: 800 square feet
 - (c) Parking. As required in Chapter 4 of this Code.
 - (d) Landscaping. As required in Chapter 4 of this Code.
 - (e) Signs. As required in section 5.06.00 of this Code.
 - (c) For mixed use projects providing housing that is affordable, subject to compliance with LDC section 4.02.38.
 - (d) For economic development uses allowed in accordance with LDC section 2.03.08 A.2.a.(3)(d)iv.:
 - i. Loading areas. All loading areas shall be oriented away from adjacent residential uses, except for where obstructed by an intervening building.
 - ii. Outside storage and display. No outside storage and display shall be permitted except when approved as part of a temporary/special event in accordance with LDC section 5.04.05.
 - iii. Operations.
 - a) All activity associated with the uses in this category shall be conducted within a fully enclosed building. Activity includes but is not limited to the following:

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- i) The use or storage of any fixed or movable business equipment.
- ii) The use, storage, display, sale, delivery, offering for sale, production, or consumption in any business, or by any business invitee on the premises of the business, of any goods, wares, merchandise, products, or foods.
- iii) The performance of any work or services.
- b) All use operations and equipment, including accessory process equipment, such as compressors and air handlers, shall be contained in an enclosed structure.
- iv. Noise. No use shall produce noise exceeding the sound level limits for Commercial or Tourist uses as set forth in the Collier County Noise Control Ordinance No. 90-17, as amended.
- v. Odors. No use shall cause or allow the emission of odor.
- vi. Vibrations. No use shall operate to produce ground vibration noticeable by a reasonable person with normal sensitivity, outside the building for single-use buildings or outside the Economic Development use space inside mixed use and multi-tenant buildings.
- vii. Smoke and particulate matter. No use shall discharge outside the building for single-use buildings or outside the Economic Development use space inside mixed use and multi-tenant building any toxic or noxious matter in such a concentration that will endanger the public health, safety, comfort, or general welfare.
- viii. Electrical disturbance. No use shall create any electrical disturbance which interferes unduly with the normal operation of equipment or instruments or which is reasonably likely to cause injury to any person located inside or outside building.
- ix. Secondary containment. Secondary containment such as double walled tanks, leak-proof trays, floor curbing or other containment systems which provide

1 secondary liquid containment shall be installed for
 2 facilities that use, store, or handle, regulated
 3 substances in a single container of 55 gallons or
 4 more. The containment structure shall be capable of
 5 containing 110% of the volume of the largest
 6 container located within, be composed of materials
 7 impervious to the regulated substance, and be able
 8 to withstand deterioration from external
 9 environmental conditions. For containment areas
 10 with more than one storage container, capacity
 11 calculations shall be made after deducting the
 12 volume of the largest storage containers, other than
 13 the largest container. All regulated substances must
 14 be removed from the containment structure within
 15 24-hours of a spill or accidental release.
 16 Containment structures shall be sheltered so that
 17 the intrusion of precipitation is effectively prevented.
 18 These requirements shall apply to all areas of
 19 storage use, handling, and production, loading and
 20 off-loading areas, and to aboveground and
 21 underground storage areas.

- 22
- 23 x. Architectural and site design standards.
- 24
- 25 a) Appearance. Industrial/factory buildings shall
 26 be designed in accordance with the
 27 provisions of LDC section 5.05.08, excluding
 28 the exceptions, modifications, and additions
 29 listed in LDC section 5.05.08 E.7.b through
 30 h.
- 31
- 32 b) Rooftop mechanical equipment shall be fully
 33 screened by parapets or other methods of
 34 screening and such parapets or other
 35 screening material shall not exceed 10 feet
 36 in height.
- 37
- 38 c) Loading areas. All loading areas shall be
 39 oriented away from adjacent residential
 40 uses, except for where obstructed by an
 41 intervening building. Loading areas, solid
 42 waste facilities, recycling facilities, and other
 43 services elements shall be placed to the
 44 sides or rear of the building.
- 45
- 46 d) All exterior lighting fixtures shall be directed
 47 away or shielded from neighboring
 48 properties.
- 49
- 50 e) Illumination levels for exterior lighting shall
 51 not exceed 0.5 footcandles at property lines

1 where adjacent to residential development or
2 residentially-zoned property, excluding
3 where required pursuant to LDC section
4 6.06.03.
5

6 (5) Native vegetation Retention. As required in section 4.06.00 of this
7 Code.

8
9 (6) Usable open space.

10
11 (a) Projects utilizing TDR credits ~~of 40 or more acres in size~~
12 shall provide a minimum of 70% percent usable open space.
13 Affordable housing projects developed in accordance with
14 LDC section 2.06.00 shall provide a minimum of 50 percent
15 usable open space.

16
17 (b) Usable open space includes active or passive recreation
18 areas such as parks, playgrounds, golf courses, waterways,
19 lakes, nature trails, and other similar open spaces. Usable
20 open space shall also include areas set aside for
21 conservation or preservation of native vegetation and
22 landscape areas.

23
24 (c) Open water beyond the perimeter of the site, street right-of-
25 way, except where dedicated or donated for public uses,
26 driveways, off-street parking and loading areas, shall not be
27 counted towards required usable open space.

28
29 b. Rural villages. Rural villages, including rural villages within the NBMO, may
30 be approved within the boundaries of RFMU receiving lands, subject to the
31 following:

32
33 (1) Allowable Uses:

34
35 (a) All permitted uses identified in section 2.03.08A.2.a.(3)(a),
36 when specifically identified in, and approved as part of, a
37 RURAL VILLAGE PUD.

38
39 (b) CONDITIONAL USES 1 through 5, and 7 identified in
40 section 2.03.08A.2.a.(3)(c), when specifically identified in,
41 and approved as part of a RURAL VILLAGE PUD.

42
43 (c) All permitted and accessory uses listed in the C-4 General
44 Commercial District, section 2.03.02 (E), subject to the
45 design guidelines and development standards set forth in
46 this Section.

47
48 (d) Research and Technology Parks, with a minimum size of 19
49 acres and a maximum size of 4% of the total rural village
50 acreage, subject to the design guidelines and development
51 standards set forth herein, the applicable standards

1 contained in LDC section 2.03.06 C.7. Research and
2 technology park planned unit development district
3 guidelines and development standards, and further subject
4 to the following:

5
6 i. Research and Technology Parks shall be permitted
7 to include up to 20% of the total acreage for non-
8 target industry uses of the type identified in
9 paragraph (3) below; and, up to 20% of the total
10 acreage for workforce housing, except as provided
11 in paragraph (7) below. At a minimum, 60% of the
12 total park acreage must be devoted to target industry
13 uses identified in paragraph (2) below. The specific
14 percentage and mix of each category of use shall be
15 determined at the time of rural village PUD rezoning.

16
17 ii. The target industries identified by the Economic
18 development Council of Collier County are
19 aviation/aerospace industry, health technology
20 industry and information technology industry, and
21 include the following uses: software development
22 and programming; internet technologies and
23 electronic commerce; multimedia activities and CD-
24 ROM development; data and information
25 processing; call center and customer support
26 activities; professional services that are export
27 based such as laboratory research or testing
28 activities; light manufacturing in the high tech target
29 sectors of aviation/aerospace and health and
30 information technologies; office uses in connection
31 with on-site research; development testing and
32 related manufacturing; general administrative offices
33 of a research and development firm; educational,
34 scientific and research organizations; production
35 facilities and operations.

36
37 iii. Non-target industry uses may include hotels at a
38 density consistent with the provisions in section
39 2.03.02 and those uses in the C-1 through C-3
40 Zoning Districts that provide support services to the
41 target industries such as general office, banks,
42 fitness centers, personal and professional services,
43 medical, financial and convenience sales and
44 services, computer related businesses and services,
45 employee training, technical conferencing, day care
46 centers, restaurants and corporate and government
47 offices.

48
49 iv. The rural village PUD shall include standards for the
50 development of individual building parcels within the
51 park and general standards shall be adopted for

1 pedestrian and vehicular interconnections, buffering,
2 landscaping, open spaces, signage, lighting,
3 screening of outdoor storage, parking and access
4 management, all to be consistent with and
5 compatible to the other uses within the village.
6

7 v. The Research and Technology Park must be
8 adjacent to, and have direct access via an existing
9 or developer constructed local road to an arterial or
10 collector roadway. The portion of the local roadway
11 intended to provide access to the Research and
12 Technology Park shall not be within a residential
13 neighborhood and does not service a predominately
14 residential area.
15

16 vi. The Research and Technology Park shall be
17 compatible with surrounding land uses. Accordingly,
18 it shall be separated from any residentially zoned or
19 designated land within the rural village by a minimum
20 Type "C" landscape buffer, as set forth in section
21 4.06.00 of this Code.
22

23 vii. Whenever workforce housing is provided, it shall be
24 fully integrated with other compatible uses in the
25 park through mixed-use buildings and/or through
26 pedestrian and vehicular interconnections.
27

28 viii. Building permits for non-target industry uses
29 identified in paragraph (3) above shall not be issued
30 prior to issuance of the first building permit for a
31 target industry use.
32

33 (e) Any other use deemed by the Board of County
34 Commissioner to be appropriate and compatible within a
35 rural village.
36

37 (2) Mix of Neighborhood Types. Rural villages shall be comprised of
38 several neighborhoods designed in a compact nature such that a
39 majority of residential development is within one-quarter mile of a
40 neighborhood center. neighborhood centers may include small-
41 scale service retail and office uses, and shall include a public park,
42 square, or green. Village centers shall ~~be designed to~~ serve the
43 retail, office, civic, government uses and service needs of the
44 residents of the rural village. The village center shall be the primary
45 location for commercial uses. rural villages shall be surrounded by
46 a green belt in order to protect the character of the rural landscape
47 and to provide separation between rural villages and the low density
48 rural development, agricultural uses, and conservation lands that
49 may surround the rural village. Rural villages shall be designed to
50 include the following: a mixture of residential housing types;
51 institutional and/or commercial uses; and recreational uses, all of

1 which shall be sufficient to serve the residents of the rural village
2 and the surrounding lands. In addition, except as specifically
3 provided otherwise for rural villages within the NBMO, the following
4 criteria and conditions shall apply to all rural villages.

5
6 (a) Allocation of Land Uses. Specific allocations for land uses
7 including residential, commercial and other non-residential
8 uses within rural villages, shall include, but are not limited
9 to:

10
11 i. A mixture of housing types, including attached
12 and/or detached single family, as well as multi-family
13 shall be provided within a rural village. A minimum of
14 0.2 units per acre in a rural village shall be affordable
15 housing, of which at least 0.1 units per acre shall be
16 workforce housing. The rural village shall be
17 designed so as to disperse the Affordable and
18 workforce housing units throughout the Village
19 rather than concentrate them in a single location.

20
21 ii. A mixture of recreational uses, including parks and
22 village greens.

23
24 iii. Civic, community, and other institutional uses.

25
26 iv. A mixture of lot sizes, with a design that includes
27 more compact development and attached dwelling
28 units within neighborhood centers and the village
29 center, and reduced net densities and increasingly
30 larger lot sizes for detached residential dwellings
31 generally occurring as development extends
32 outward from the village center.

33
34 v. A mixture of retail, office, and services uses.

35
36 vi. If requested by the Collier County School Board
37 during the PUD ~~and/or DRI~~ review process, school
38 sites shall be provided and shall be located to serve
39 a maximum number of residential dwelling units
40 within walking distance to the schools, subject to the
41 following criteria:

42
43 a) Schools shall be located within or adjacent to
44 the village center;

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46 b) A credit toward any applicable school
47 impacts fees shall be provided based upon
48 an independent evaluation/appraisal of the
49 value of the land and/or improvements
50 provided by the developer; and
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- c) Schools shall be located in order to minimize busing of students and to co-locate schools with public facilities and civic structures such as parks, libraries, community centers, public squares, greens and civic areas.
 - vii. Within the NBM Overlay, elementary schools shall be accessed by local streets, pedestrian and bicycle facilities, and shall be allowed in and adjacent to the rural village center, provided such local streets provide adequate access as needed by the School Board.
 - viii. Greater than 50 percent of residential development shall be located within a quarter mile of a Neighborhood Center or Village Center.
 - ix. Rural villages shall include a Village Center and a minimum of two distinct neighborhoods.
 - (b) Acreage Limitations.
 - i. Rural villages shall be a minimum of 300 acres and a maximum of 1,500 acres, exclusive of the required green belt, with exception that the maximum size of a rural village within those RFMU receiving lands south of the Belle Meade NRPA shall not exceed 2,500 acres.
 - ii. Neighborhood center - ~~0.5% of the total rural village acreage, not to exceed 10 acres, within each neighborhood center.~~
 - a) Small-scale service retail and office uses allowed with a maximum FAR of 0.5.
 - b) Parks and public green spaces shall be required within the neighborhood center with a minimum size of one percent of the total village acreage.
 - iii. ~~Neighborhood center Commercial - Not to exceed 40% of the neighborhood center acreage and 8,500 square feet of gross leasable floor area per acre.~~
 - iv. Village center. ~~-Not to exceed 10% of the total rural village acreage.~~
 - v. ~~Village center commercial - Not to exceed 30% of the village center acreage and 10,000 square feet of gross leasable floor area per acre.~~

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- a) Retail and office uses shall have a maximum FAR of 0.5.
 - b) Civic, government, and institutional uses shall have a maximum FAR of 0.6.
 - c) Group housing uses shall have a maximum FAR of 0.45.
 - d) Transient lodging shall have a maximum of 26 units net acre.
 - e) Goods and services shall be required in the village center and with a minimum of 53 square feet of gross building area per dwelling unit.
 - f) Civic, government, and institutional services shall be required in the village center and with a minimum of 10 square feet per dwelling unit.
- vi. Research and Technology Parks are allowed, provided they are limited to a minimum size of 19 acres ~~and a maximum size of 4% of the total rural village acreage.~~
 - ~~vii. Civic Uses and Public Parks - Minimum of 10% of the total rural village acreage.~~
- (3) Density. A rural village shall have a minimum density of 2.0 units per gross acre and a maximum density of 3.0 units per gross acre, except that the minimum density within a NBMO rural village shall be 1.5 units per gross acre. Those densities shall be achieved as follows:
 - (a) Base density. A base density of 0.2 dwelling units per acre (1.0 dwelling units per five acres) for lands within the rural village, ~~and the land area designated as a greenbelt surrounding the rural village,~~ is granted by right for allocation within the designated rural village.
 - (b) Minimum density. The minimum gross density in a rural village is 2.0 units per acre outside of the NBMO and 1.5 units per acre within the NBMO.
 - i. For each TDR credit used to achieve the minimum required density in a rural village, one Rural Village Bonus Credit shall be granted. Rural Village Bonus Credits may only be utilized in rural villages and shall

- 1 not be available for use once the minimum required
- 2 density is achieved.
- 3
- 4 ii. The minimum density shall be achieved through any
- 5 combination of TDR Credits, Rural Village Bonus
- 6 Credits, and TDR Bonus Credits.
- 7
- 8 (c) Maximum density. The maximum gross density allowed in a
- 9 rural village is 3.0 units per acre. The maximum density shall
- 10 be achieved through any of the following, either in
- 11 combination or individually:
- 12
- 13 i. TDR credits;
- 14
- 15 ii. TDR Bonus Credits;
- 16
- 17 iii. An additional density bonus 0.3 units per acre for the
- 18 additional preservation of native vegetation as set
- 19 forth in Chapter 4;
- 20
- 21 iv. An additional density bonus of 0.3 units per acre for
- 22 additional wetlands mitigation as set forth in Chapter
- 23 4; and/or
- 24
- 25 v. An additional density bonus of ~~0.5~~ 1 units ~~per acre~~
- 26 ~~for each Affordable or workforce housing unit for~~
- 27 ~~each unit that is provided for low income residents.~~
- 28
- 29 (4) Other Design Standards
- 30
- 31 (a) Transportation System Design.
- 32
- 33 i. The rural village shall be designed with a formal
- 34 street layout, using primarily a grid design and
- 35 incorporating village greens, squares and civic uses
- 36 as focal points.
- 37
- 38 ii. Each rural village shall be served by a primary road
- 39 system that is accessible by the public. Neighborhood Circulator, Local Residential Access
- 40 and Residential Loop roads may be gated. The
- 41 primary roads within the rural village shall consist of
- 42 Rural Major Collectors at a minimum and be
- 43 designed to meet County standards and shall be
- 44 dedicated to the public.
- 45
- 46
- 47 iii. A rural village shall not be split by an arterial
- 48 roadway.
- 49
- 50 iv. Interconnection between the rural village and
- 51 adjacent development s shall be required.

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- v. Neighborhoods, neighborhood centers, and the village center shall be connected through local and collector streets and shall incorporate traffic calming techniques as may be appropriate to discourage high-speed traffic.
 - vi. Public transit and school bus stops shall be co-located, where practicable.
 - vii. Pedestrian paths and bikeways shall be designed so as to provide access and interconnectivity.
- (b) Location Restrictions and Standards.
- i. In locating both schools and housing units within the rural village, consideration shall be given to minimizing busing needs within the community.
 - ii. Reserved. ~~A rural village shall not be located any closer than 3.0 miles from another rural village.~~
 - iii. Reserved. ~~No more than one rural village may be located in each of the distinct RFMU district Receiving Areas depicted on the FLUM and on the Official Collier County Zoning Atlas maps.~~
 - iv. A rural village shall have direct access to a roadway classified by Collier County as an arterial or collector roadway. Alternatively, access to the rural village may be via a new collector roadway directly accessing an existing arterial, the cost of which shall be borne entirely by the developer.
 - v. A rural village shall be located where other public infrastructure, such as potable water and sewer facilities, already exist or are planned.
- (c) Size Limitations. Rrural villages shall be a minimum of 300 acres and a maximum of 1,500 acres, except within RFMU receiving lands south of the Belle Meade NRPA where the maximum size may not exceed 2,500 acres. This required rural village size is exclusive of the required greenbelt area set forth in section 2.03.08 (A)(2)(b)(6).
- (d) Additional Village Design Criteria: Rural villages shall be designed in accordance with the following provisions:
- i. Rural villages shall be developed in a progressive urban to rural continuum with the greatest density, intensity and diversity occurring within the village

- 1 center, to the least density, intensity and diversity
- 2 occurring within the edge of the neighborhoods
- 3 approaching the greenbelt.
- 4
- 5 ii. Rural villages may include "special districts" in
- 6 addition to the village center, neighborhood center
- 7 and Neighborhoods, to accommodate uses that may
- 8 require use specific design standards not otherwise
- 9 provided for herein. Such Special Districts, their
- 10 proposed uses, and applicable design standards
- 11 shall be identified as part of the rural village PUD
- 12 rezone process.
- 13
- 14 iii. The rural village PUD Master Plan shall designate
- 15 the location of the village center and each
- 16 neighborhood, neighborhood center and as may be
- 17 applicable, Special Districts. ~~Rural villages shall~~
- 18 ~~include a village center and a minimum of two~~
- 19 ~~distinct neighborhoods, with defined neighborhood~~
- 20 ~~centers.~~
- 21
- 22 iv. A mixture of allowable uses is encouraged to occur
- 23 within buildings in the village center and
- 24 neighborhood centers.
- 25
- 26 v. Reserved. ~~Transient lodging is permitted at up to 26~~
- 27 ~~guest units per acre calculated on the acreage of the~~
- 28 ~~parcel occupied by the transient lodging and its~~
- 29 ~~ancillary facilities, if such parcel includes multiple~~
- 30 ~~uses.~~
- 31
- 32 vi. Building heights may vary within the village center
- 33 and neighborhood centers, but shall not exceed 5
- 34 stories not exceeding 65 feet with the village center,
- 35 or 4 stories no exceeding 55 feet within the
- 36 neighborhood center, and 3 stories not to exceed 40
- 37 feet within 200 feet of the greenbelt. The height
- 38 exclusions set forth in section 4.02.01 of this Code
- 39 apply within a rural village. The height exclusion set
- 40 forth in section 4.02.01 applies in the village center
- 41 only, except that:
- 42
- 43 a) section 4.02.01 requiring 300 square feet of
- 44 green spaces for each parking space for
- 45 which the height waiver is granted shall not
- 46 apply; however,
- 47
- 48 b) For each parking space for which the height
- 49 waiver is granted, an equal amount of square
- 50 footage of open space shall be provided in

- 1 excess of the minimum set forth in section
- 2 2.03.08(A)(2)(b)(7).
- 3
- 4 vii. The minimum lot area shall be 1,000 SF; however,
- 5 within neighborhoods, especially approaching the
- 6 edge of the Village and the surrounding green belt,
- 7 less compact larger lot residential development may
- 8 occur.
- 9
- 10 viii. Within the village center and neighborhood centers,
- 11 individual block perimeters shall not exceed 2,500
- 12 linear feet.
- 13
- 14 ix. Within the village center and neighborhood centers
- 15 required yards shall be as follows:
- 16
- 17 a) Front setbacks - 0 to 10 feet from the right-
- 18 of-way line
- 19
- 20 b) Side setbacks - 0 feet
- 21
- 22 c) Rear setbacks - 0 feet
- 23
- 24 x. Within neighborhoods outside of a Neighborhood or
- 25 village center required yards may vary but shall be
- 26 designed so as to provide for adequate light, opens
- 27 space ad movement of air, and shall consider the
- 28 design objective of the urban to rural continuum with
- 29 the greatest density, intensity and diversity occurring
- 30 within the village center, to the least density,
- 31 intensity and diversity occurring within the edge of
- 32 the neighborhoods approaching the greenbelt.
- 33
- 34 xi. Within the village center and neighborhood centers
- 35 overhead encroachments such as awnings,
- 36 balconies, arcades and the like, must maintain a
- 37 clear distance of 9 feet above the sidewalk and 15
- 38 feet above the street.
- 39
- 40 xii. Seating for outdoor dining shall be permitted to
- 41 encroach the public sidewalks and shall leave a
- 42 minimum 6-foot clear pedestrian way between the
- 43 outdoor dining and the streetscape planting area.
- 44
- 45 xiii. Civic or Institutional Buildings shall be subject to the
- 46 specific standards of this subsection that regulate
- 47 building height, building placement, building use,
- 48 parking, and signage except as deviations are
- 49 deemed appropriate by the Collier County planning
- 50 staff with respect to the creation of focal points,
- 51 vistas, and significant community landmarks.

- 1 Specific design standards shall be provided in the
- 2 rural village PUD document.
- 3
- 4 xiv. Architectural Standards: Buildings within the village
- 5 center shall be made compatible through similar
- 6 massing, volume, frontage, scale and architectural
- 7 features. The PUD document shall adhere to the
- 8 provisions of section 5.05.08 of this Code; however,
- 9 deviations may be requested where such deviations
- 10 are shown to further these rural village design
- 11 standards.
- 12
- 13 xv. Required vehicular parking and loading amounts
- 14 and design criteria:
- 15
- 16 a) The amount of required parking shall be
- 17 demonstrated through a shared parking
- 18 analysis submitted application as part of the
- 19 rural village PUD. Parking shall be
- 20 determined utilizing the modal splits and
- 21 parking demands for various uses
- 22 recognized by the ITE, ULI or other sources
- 23 or studies. The analysis shall demonstrate
- 24 the number of parking spaces available to
- 25 more than one use or function, recognizing
- 26 the required parking will vary depending on
- 27 the multiple functions or uses in close
- 28 proximity which are unlikely to require the
- 29 spaces at the same time.
- 30
- 31 b) On-site parking areas shall be organized into
- 32 a series of small bays delineated by
- 33 landscape islands of varied sized. A
- 34 maximum spacing between landscape
- 35 islands shall be 10 spaces. Landscape
- 36 islands and tree diamonds shall have a
- 37 minimum of one canopy tree.
- 38
- 39 c) Parking lots shall be accessed from alleys,
- 40 service lanes or secondary streets.
- 41
- 42 d) Any or all of the above parking requirements
- 43 may be further reduced if a shared parking
- 44 plan is submitted as part of a rural village
- 45 PUD or subsequent site development plan
- 46 application. The shared parking plan shall
- 47 demonstrate that the reduced parking is
- 48 warranted as a result of the following: shared
- 49 building and/or block use(s) where parking
- 50 demands for certain uses are low when other
- 51 demands are higher; a concentration of

1 residential dwelling units located within 600
2 feet of non-residential uses; the existence of
3 transit for use by residents and visitors.
4

5 xvi. Landscaping minimums within the village center or
6 within neighborhood centers shall be met by:
7

8 a) Providing landscaping within parking lots as
9 described, and by providing a streetscape
10 area between the sidewalk and curb at a
11 minimum of 5 Ft. in width;
12

13 b) Planting street trees every 40 Ft. O.C. The
14 street tree pattern may be interrupted by
15 architectural elements such as arcades and
16 columns.
17

18 c) Plantings areas, raised planters, or planter
19 boxes in the front of and adjacent to the
20 buildings, where such planting areas do not
21 interfere with pedestrian access and mobility.
22

23 d) Providing for additional public use landscape
24 areas at intervals within the streetscape, on
25 identified parcels with blocks, or as part of
26 public greens, squares, parks or civic uses.
27

28 xvii. Signs: The PUD document shall adhere to the
29 provisions of section 5.06.00 of this Code; however,
30 deviations may be requested where such deviations
31 are shown to further these rural village design
32 standards by providing for pedestrian scale signage
33 standards with neighborhood centers or the village
34 center.
35

36 (5) Native vegetation. Native vegetation shall be preserved as set forth
37 in section 4.06.04.
38

39 (6) Greenbelt. Except within the NBMO rural village, a greenbelt
40 averaging a minimum of 200 ~~300~~ feet in width, but not less than 100
41 ~~200~~ feet in width at any location, shall be required at the perimeter
42 of the rural village. The greenbelt is required to ensure a
43 permanently undeveloped edge surrounding the rural village,
44 thereby discouraging sprawl. Greenbelts shall conform to the
45 following:
46

47 (a) Greenbelts may only be designated on RFMU receiving
48 lands.
49

50 (b) The allowable residential density shall be shifted from the
51 designated greenbelt to the rural village.

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- (c) ~~The greenbelt may be concentrated to a greater degree in areas where it is necessary to protect listed species habitat, including wetlands and uplands, provide for a buffer from adjacent natural reservations, or provide for wellfield or aquifer protection. However, at no location shall the greenbelt be less than 300 feet in width.~~
- (d) Golf courses and existing agriculture operations are permitted within the greenbelt, subject to the vegetation retention standards set forth in section 4.06.04. However, golf course turf areas shall only be located within 100 feet of the greenbelt boundaries (interior and exterior boundary); further, these turf areas shall only be located in previously cleared or disturbed areas.
- (7) Open space: Within the rural village, a minimum of 40% of open space shall be provided, inclusive of the greenbelt.
- (8) Process for Approval of a rural village. Applications for approval shall be submitted in the form of a Planned Unit Development (PUD) rezone utilizing the standard form(s) developed by Collier County, and subject to the Fees established for a PUD rezone application. ~~Where applicable, the rural village PUD application will be submitted in conjunction with a development of Regional Impact (DRI) application as provided for in Chapter 380 of Florida Statutes, or in conjunction with any other Florida provisions of law that may supercede the DRI process.~~ The applicant shall notify the owner(s) of subsurface mineral rights to the property within the boundaries of the proposed rural village prior to approval of the PUD. The Application for rural village PUD approval shall demonstrate general compliance with the provisions of section 2.03.06 and shall include the following additional submittal requirements:
- (a) EIS. An environmental impact statement for the rural village and surrounding greenbelt area shall be submitted an accordance with the requirements of Chapter 10 of this Code.
 - (b) Demonstration of Fiscal Neutrality. An analysis that demonstrates that the rural village will be fiscally neutral to county taxpayers outside of the rural village. This analysis shall evaluate the demand and impacts on levels of service for public facilities and the cost of such facilities and services necessary to serve the rural village. In addition, this evaluation shall identify projected revenue sources for services and any capital improvements that may be necessary to support the rural village. In conclusion, this analysis shall indicate what provisions and/or commitments will be to ensure that the provision of necessary facilities and services will be fiscally neutral to County taxpayers outside

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of the rural village. At a minimum, the analysis shall consider the following:

- i. Stormwater/drainage facilities;
- ii. Potable water provisions and facilities;
- iii. Reuse or "Grey" water provisions for irrigation;
- iv. Central sewer provisions and facilities;
- v. Law enforcement facilities;
- vi. School facilities;
- vii. Roads, ~~transit, bicycle and pedestrian facilities and pathways~~;
- viii. ~~a)~~ Solid waste facilities.
- ix. ~~b)~~ Development phasing and funding mechanisms to address any impacts to level of service in accordance with the county's adopted concurrency management program to ensure that there will be no degradation to the adopted level of service for public facilities and infrastructure identified in ~~(i.4)~~ through (viii.7) above.

3. Neutral lands. Neutral lands have been identified for limited semi-rural residential development. Available data indicates that neutral lands have a higher ratio of native vegetation, and thus higher habitat values, than lands designated as RFMU receiving lands, but these values do not approach those of RFMU sending lands. Therefore, these lands are appropriate for limited development, if such development is directed away from existing native vegetation and habitat. Within neutral lands, the following standards shall apply:

- a. Allowable uses. The following uses are permitted as of right:
 - (1) Uses Permitted as of Right.
 - (a) Agricultural activities, including, but not limited to: Crop raising, horticulture, fruit and nut production, forestry, groves, nurseries, ranching, beekeeping, poultry and egg production, milk production, livestock raising, and aquaculture for native species subject to the State of Florida Fish and Wildlife Conservation Commission. Owning, maintaining or operating any facility or part thereof for the following purposes is prohibited:
 - i. Fighting or baiting any animal by the owner of such facility or any other person or entity.

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- ii. Raising any animal or animals intended to be ultimately used or used for fighting or baiting purposes.
 - iii. For purposes of this subsection, the term baiting is defined as set forth in § 828.122(2)(a), F.S., as it may be amended from time to time.
 - (b) Single-family residential dwelling units, including mobile homes where a mobile home Zoning Overlay exists.
 - (c) Dormitories, duplexes and other types of staff housing, as may be incidental to, and in support of, conservation uses.
 - (d) Group housing uses subject to the following density/intensity limitations:
 - (e) Family Care Facilities: 1 unit per 5 acres;
 - (f) Group Care Facilities and other Care Housing Facilities: Maximum floor area ratio (FAR) not to exceed 0.45.
 - (g) Staff housing as may be incidental to, and in support of, safety service facilities and essential services.
 - (h) Farm labor housing limited to 10 acres in any single location:
 - i. Single family/duplex/mobile home: 11 dwelling units per acre;
 - ii. Multifamily/dormitory: 22 dwelling units/beds per acre.
 - (i) Sporting and Recreational camps, not to exceed 1 cabin/lodging unit per 5 gross acres.
 - (j) Those essential services identified in section 2.01.03 (A).
 - (k) Golf courses or driving ranges, subject to the following standards:
 - i. Golf courses shall be designed, constructed, and managed in accordance with the best management practices of 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

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Conservation & Renewable Energy Sources, Transportation, Greenspace and Corridors, Agriculture, and Building Design) have been incorporated into the golf course's design and operational procedures.

ii. 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, September 2012 ~~May 1995~~.

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

- ~~a) The use of slow release nitrogen sources;~~
- ~~b) The use of soil and plant tissue analysis to adjust timing and amount of fertilization applications;~~
- ~~c) The use of an integrated pest management program using both biological and chemical agents to control various pests;~~
- ~~d) The coordination of pesticide applications with the timing and application of irrigation water;~~
- ~~e) 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.~~

~~iv. 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.~~

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- ~~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.~~
 - v. 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.
 - vi. Site preservation and native vegetation retention requirements shall be the same as those set forth in the RFMU district criteria. Site preservation areas are intended to provide habitat functions and shall meet minimum dimensions as set forth in the LDC. These standards shall be established within one year.
 - (l) Public educational plants and ancillary plants.
 - (m) Oil and gas exploration, subject to applicable state and federal drilling permits and Collier County non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where 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., as those rules existed on Oct. 3, 2005 [effective date of this provision] 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

1 permitting requirements shall be considered satisfied by
 2 evidence of the issuance of all applicable federal and/or
 3 state oil and gas permits for proposed oil and gas activities
 4 in Collier County, so long as the state permits comply with
 5 the requirements of Chapter 62C-25 through 62C-30, F.A.C.
 6 For those areas of Collier County outside the boundary of
 7 the Big Cypress Watershed, the applicant shall be
 8 responsible for convening the Big Cypress Swamp Advisory
 9 Committee as set forth in Section 377.42, F.S., to assure
 10 compliance with Chapter 62C-25 through 62C-30, F.A.C.,
 11 even if outside the defined Big Cypress Watershed. All oil
 12 and gas access roads shall be constructed and protected
 13 from unauthorized uses according to the standards
 14 established in Rule 62C-30.005(2)(a)(1) through (12),
 15 F.A.C.

16
 17 n. Park, open space, and recreational uses.

18
 19 o. Private schools.

20
 21 (2) Accessory uses. The following uses are permitted as accessory to
 22 uses permitted as of right or to approved conditional uses:

23
 24 (a) Accessory uses and structures that are accessory and
 25 incidental to uses permitted as of right in section
 26 2.03.08(A)(3)(a)(1) above.

27
 28 (b) Recreational facilities that serve as an integral part of a
 29 residential development and have been designated,
 30 reviewed, and approved on a site development plan or
 31 preliminary subdivision plat for that development.
 32 Recreational facilities may include, but are not limited to
 33 clubhouse, community center building, tennis facilities,
 34 playgrounds and playfields.

35
 36 (3) Conditional uses. The following uses are permissible as conditional
 37 uses subject to the standards and procedures established in LDC
 38 section 10.08.00.

39
 40 (a) Zoo, aquarium, botanical garden, or other similar uses.

41
 42 (b) Community facilities, such as, places of worship, childcare
 43 facilities, cemeteries, social and fraternal organizations.

44
 45 (c) Sports instructional schools and camps.

46
 47 (d) Multi-family residential structures, subject to the following
 48 development standards:

49
 50 (i) Building height limitation: 2 stories

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- (ii) Buffer: 10 foot wide landscape buffer with trees spaced no more than 30 feet on center;
 - (iii) Setbacks: 50% of the height of the building, but not less than 15 feet.
 - (e) Those essential services identified in sections 2.01.03 (G)(1) and (G)(3).
 - (f) Oil and gas field development and production, subject to applicable state and federal field development permits and Collier County non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where 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., as those rules existed on January 14, 2005, 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 62C-30.005(2)(a)(1) through (12), F.A.C.
 - (g) Earth mining and extraction and related processing.
 - (h) Facilities for the collection, transfer, processing, and reduction of solid waste.
 - (i) Those essential services identified in sections 2.01.03 (G)(1) and (G)(3).
 - (j) Oil and gas field development and production, subject to state field development permits and Collier County non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native

1 habitats, where determined to be practicable. This
 2 requirement shall be deemed satisfied upon issuance of a
 3 state permit in compliance with the criteria established in
 4 Chapter 62C-25 through 62C-30, F.A.C., regardless of
 5 whether the activity occurs within the Big Cypress
 6 Watershed, as defined in Rule 62C-30.001(2), F.A.C. All
 7 applicable Collier County environmental permitting
 8 requirements shall be considered satisfied by evidence of
 9 the issuance of all applicable federal and/or state oil and gas
 10 permits for proposed oil and gas activities in Collier County,
 11 so long as the state permits comply with the requirements
 12 of Chapter 62C-25 through 62C-30, F.A.C. For those areas
 13 of Collier County outside the boundary of the Big Cypress
 14 Watershed, the applicant shall be responsible for convening
 15 the Big Cypress Swamp Advisory Committee as set forth in
 16 Section 377.42, F.S., to assure compliance with Chapter
 17 62C-25 through 62C-30, F.A.C., even if outside the defined
 18 Big Cypress Watershed. All oil and gas access roads shall
 19 be constructed and protected from unauthorized uses
 20 according to the standards established in Rule 62-
 21 30.005(2)(a)(1) through (12), F.A.C.

22
 23 (k) Earth mining and extraction and related processing.

24
 25 b. Density.

26
 27 (1) Maximum gross density. The maximum gross density in neutral
 28 lands shall not exceed one dwelling unit per five gross acres (0.2
 29 dwelling units per acre), except that the maximum gross density for
 30 those legal nonconforming lots or parcels in existence as of June
 31 22, 1999, shall be one dwelling unit per lot or parcel.

32
 33 (2) Residential clustering. Clustering of residential development is
 34 allowed and encouraged. Where clustered development is
 35 employed, it shall be in accordance with the following provisions:

36
 37 (a) If within the boundaries of the Rural Transition Water and
 38 Sewer District, as delineated on the Urban-Rural Fringe
 39 Transition Zone Overlay Map in the Future Land Use
 40 Element of the GMP, and consistent with the provisions of
 41 the Potable Water and Sanitary Sewer Sub-elements of this
 42 Plan, central water and sewer shall be extended to the
 43 project. Where County sewer or water services may not be
 44 available concurrent with development in neutral lands,
 45 interim private water and sewer facilities may be approved.

46
 47 (b) The clustered development shall be located on the site so
 48 as to provide to the greatest degree practicable:

49
 50 i. protection for listed species habitat;

51

- 1 ii. preservation of the highest quality native vegetation
- 2
- 3 iii. connectivity to adjacent natural reservations or
- 4 preservation areas on adjacent development; ~~.....b§~~
- 5 and
- 6
- 7 iv. creation, maintenance or enhancement of wildlife
- 8 corridors.
- 9

~~(c) — The minimum project size shall be at least 40 acres.~~

c. Dimensional and design standards. Dimensional and Design Standards set forth in section 4.02.01 of this Code shall apply to all development in neutral lands, except for development utilizing the residential clustering provisions in section 2.03.08 (A)(3)(b)(2) above. In the case of such clustered development, the following dimensional standards shall apply to all permitted housing structure types, accessory, and conditional uses:

- (1) Development that is Not Clustered:
 - (a) Minimum lot area: 5 Acres.
 - (b) Minimum lot width: 165 Feet.
 - (c) Minimum yard Requirements:
 - i. Front yard: 50 feet.
 - ii. Side yard: 30 feet.
 - iii. Rear yard: 50 feet.
 - iv. Nonconforming lots in existence as of June 22, 1999:
 - a) Front yard: 40 feet.
 - b) Side yard: 10 percent of lot width, not to exceed 20 feet on each side.
 - c) Rear yard: 50 feet.
- (2) Development that is Clustered.
 - (a) Minimum lot area: 4,500 square feet.
 - (b) Maximum lot area: One Acre.
 - (c) Minimum lot width: Interior lots 40 feet.
 - (d) Maximum lot width: 150 feet.

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- (3) Height Limitations.
 - (a) Principal: 35 feet.
 - (b) Accessory: 20 feet, except for screen enclosures, which may be the same height as the principal structure.
 - (c) Golf course/community clubhouses: 50 feet.
 - (4) Floor area. The minimum floor area for each dwelling unit shall be 800 square feet.
 - (5) Parking. As required in Chapter 4.
 - (6) Landscaping. As required in Chapter 4.
 - (7) Signs: As required in section 5.06.00.
 - d. Native vegetation retention. Native vegetation shall be preserved as set forth in Chapter 4.
 - e. Usable open space.
 - (1) Projects of 40 acres or more in size shall provide a minimum of 70% usable open space.
 - (2) Usable open space includes active or passive recreation areas such as parks, playgrounds, golf courses, waterways, lakes, nature trails, and other similar open spaces. Usable open space shall also include areas set aside for conservation or preservation of native vegetation and landscape areas.
 - (3) Open water beyond the perimeter of the site, street right-of-way, except where dedicated or donated for public uses, driveways, off-street parking and loading areas, shall not be counted towards required usable open space.
 - 4. RFMU sending lands. RFMU sending lands are those lands that have the highest degree of environmental value and sensitivity and generally include significant wetlands, uplands, and habitat for listed species. RFMU sending lands are the principal target for preservation and conservation. Density may be transferred from RFMU sending lands as provided in LDC section 2.03.07 D.4.c. All NRPAs within the RFMU district are also RFMU sending lands. With the exception of specific provisions applicable only to NBMO neutral lands, the following standards shall apply within all RFMU sending lands:
 - a. Allowable uses where TDR credits have not been severed.
 - (1) Uses Permitted as of Right:

- 1 (a) Agricultural uses consistent with Sections 163.3162 and
- 2 823.14(6) Florida Statutes (Florida Right to Farm Act).
- 3
- 4 (b) Detached single-family dwelling units, including mobile
- 5 homes where the mobile home Zoning Overlay exists,
- 6
- 7 (c) Habitat preservation and conservation uses.
- 8
- 9 (d) Passive parks and other passive recreational uses.
- 10
- 11 (e) Sporting and Recreational camps, within which the lodging
- 12 component shall not exceed 1 unit per 5 gross acres.
- 13
- 14 (f) Those essential services identified in section 2.01.03(B).
- 15
- 16 (g) Oil and gas exploration, subject to applicable state and
- 17 federal drilling permits and Collier County non-
- 18 environmental site development plan review procedures.
- 19 Directional-drilling and/or previously cleared or disturbed
- 20 areas shall be utilized in order to minimize impacts to native
- 21 habitats, where determined to be practicable. This
- 22 requirement shall be deemed satisfied upon issuance of a
- 23 state permit in compliance with the criteria established in
- 24 Chapter 62C-25 through 62C-30, F.A.C., as such rules
- 25 existed on Oct. 3, 2005 [the effective date of this provision],
- 26 regardless of whether the activity occurs within the Big
- 27 Cypress Watershed, as defined in Rule 62C-30.001(2),
- 28 F.A.C. All applicable Collier County environmental
- 29 permitting requirements shall be considered satisfied by
- 30 evidence of the issuance of all applicable federal and/or
- 31 state oil and gas permits for proposed oil and gas activities
- 32 in Collier County, so long as the state permits comply with
- 33 the requirements of Chapter 62C-25 through 62C-30, F.A.C.
- 34 For those areas of Collier County outside the boundary of
- 35 the Big Cypress Watershed, the applicant shall be
- 36 responsible for convening the Big Cypress Swamp Advisory
- 37 Committee as set forth in Section 377.42, F.S., to assure
- 38 compliance with Chapter 62C-25 through 62C-30, F.A.C.,
- 39 even if outside the defined Big Cypress Watershed. All oil
- 40 and gas access roads shall be constructed and protected
- 41 from unauthorized uses according to the standards
- 42 established in Rule 62C-30.005(2)(a)(1) through (12),
- 43 F.A.C.
- 44
- 45 (2) Accessory uses. Accessory uses and structures that are accessory
- 46 and incidental to uses permitted as of right in LDC section 2.03.08
- 47 A.4.a.1 above.
- 48
- 49 (3) Conditional uses.
- 50

- 1 (a) Those essential services identified in LDC section 2.01.03
- 2 G.2 and 4.
- 3
- 4 (b) Public facilities, including solid waste and resource recovery
- 5 facilities, and public vehicle and equipment storage and
- 6 repair facilities, shall be permitted within Section 25,
- 7 Township 49S, Range 26E, on lands adjacent to the existing
- 8 County landfill. This shall not be interpreted to allow for the
- 9 expansion of the landfill into Section 25 for the purpose of
- 10 solid waste disposal.
- 11
- 12 (c) Oil and gas field development and production, subject to
- 13 applicable state and federal field development permits and
- 14 Collier County non-environmental site development plan
- 15 review procedures. Directional-drilling and/or previously
- 16 cleared or disturbed areas shall be utilized in order to
- 17 minimize impacts to native habitats, where determined to be
- 18 practicable. This requirement shall be deemed satisfied
- 19 upon issuance of a state permit in compliance with the
- 20 criteria established in Chapter 62C-25 through 62C-30,
- 21 F.A.C., as those rules existed on Oct. 3, 2005 [the effective
- 22 date of this provision], regardless of whether the activity
- 23 occurs within the Big Cypress Watershed, as defined in Rule
- 24 62C-30.001(2), F.A.C. All applicable Collier County
- 25 environmental permitting requirements shall be considered
- 26 satisfied by evidence of the issuance of all applicable federal
- 27 and/or state oil and gas permits for proposed oil and gas
- 28 activities in Collier County, so long as the state permits
- 29 comply with the requirements of Chapter 62C-25 through
- 30 62C-30, F.A.C. For those areas of Collier County outside
- 31 the boundary of the Big Cypress Watershed, the applicant
- 32 shall be responsible for convening the Big Cypress Swamp
- 33 Advisory Committee as set forth in Section 377.42, F.S., to
- 34 assure compliance with Chapter 62C-25 through 62C-30,
- 35 F.A.C., even if outside the defined Big Cypress Watershed.
- 36 All oil and gas access roads shall be constructed and
- 37 protected from unauthorized uses according to the
- 38 standards established in Rule 62C-30.005(2)(a)(1) through
- 39 (12), F.A.C.
- 40
- 41 (d) Commercial uses accessory to permitted uses 1.a, 1.c. and
- 42 1.d above, such as retail sales of produce accessory to
- 43 farming, or a restaurant accessory to a park or preserve, so
- 44 long as restrictions or limitations are imposed to insure the
- 45 commercial use functions as an accessory, subordinate
- 46 use.
- 47
- 48 (e) Active recreational uses only on lands owned by
- 49 governmental entities other than the State of Florida and
- 50 designated North Belle Meade Overlay.
- 51

- 1 b. Allowable uses where TDR credits have been severed.
- 2
- 3 (1) Uses Permitted as of Right:
- 4
- 5 (a) Agricultural uses consistent with Sections 163.3162 and
- 6 823.14(6) Florida Statutes (Florida Right to Farm Act),
- 7 including water management facilities, to the extent and
- 8 intensity that such operations exist at the date of any
- 9 transfer of development rights.
- 10
- 11 (b) Cattle grazing on unimproved pasture where no clearing is
- 12 required;
- 13
- 14 (c) Detached single-family dwelling units, including mobile
- 15 homes where the mobile home Zoning Overlay exists, at a
- 16 maximum density of one dwelling unit per 40 acres. In order
- 17 to retain these development rights after any transfer, up to
- 18 one dwelling must be retained (not transferred) per 40
- 19 acres.
- 20
- 21 (d) One detached dwelling unit, including mobile homes where
- 22 the mobile home zoning overlay exists, per lot or parcel in
- 23 existence as of June 22, 1999, that is less than 40 acres. In
- 24 order to retain these development rights after any transfer,
- 25 up to one dwelling must be retained (not transferred) per
- 26 each lot or parcel. For the purposes of this provision, a lot
- 27 or parcel shall be deemed to have been in existence as of
- 28 June 22, 1999, upon a showing of any of the following:
- 29
- 30 i. the lot or parcel is part of a subdivision that was
- 31 recorded in the public records of the County on or
- 32 before June 22, 1999;
- 33
- 34 ii. a description of the lot or parcel, by metes and
- 35 bounds or other specific legal description, was
- 36 recorded in the public records of the County on or
- 37 before June 22, 1999; or
- 38
- 39 iii. an agreement for deed for the lot or parcel, which
- 40 includes description of the lot or parcel by limited
- 41 fixed boundary, was executed on or before June 22,
- 42 1999.
- 43
- 44 (e) Habitat preservation and conservation uses.
- 45
- 46 (f) Passive parks and passive recreational uses.
- 47
- 48 (g) Those essential services identified in section 2.01.03 B.
- 49
- 50 (h) Oil and gas exploration, subject to applicable state and
- 51 federal drilling permits and Collier County non-

1 environmental site development plan review procedures.
 2 Directional-drilling and/or previously cleared or disturbed
 3 areas shall be utilized in order to minimize impacts to native
 4 habitats, where determined to be practicable. This
 5 requirement shall be deemed satisfied upon issuance of a
 6 state permit in compliance with the criteria established in
 7 Chapter 62C-25 through 62C-30, F.A.C., as those rules
 8 existed on Oct. 3, 2005 [the effective date of this provision],
 9 regardless of whether the activity occurs within the Big
 10 Cypress Watershed, as defined in Rule 62C-30.001(2),
 11 F.A.C. All applicable Collier County environmental
 12 permitting requirements shall be considered satisfied by
 13 evidence of the issuance of all applicable federal and/or
 14 state oil and gas permits for proposed oil and gas activities
 15 in Collier County, so long as the state permits comply with
 16 the requirements of Chapter 62C-25 through 62C-30, F.A.C.
 17 For those areas of Collier County outside the boundary of
 18 the Big Cypress Watershed, the applicant shall be
 19 responsible for convening the Big Cypress Swamp Advisory
 20 Committee as set forth in Section 377.42, F.S., to assure
 21 compliance with Chapter 62C-25 through 62C-30, F.A.C.,
 22 even if outside the defined Big Cypress Watershed. All oil
 23 and gas access roads shall be constructed and protected
 24 from unauthorized uses according to the standards
 25 established in Rule 62C-30.005(2)(a)(1) through (12),
 26 F.A.C.

27
 28 (i) Mitigation in conjunction with any County, state, or federal
 29 permitting.

30
 31 (2) Conditional uses:

32
 33 (a) Those essential services identified in LDC section 2.01.03
 34 G.2 and 4.

35
 36 (b) Oil and gas field development and production, subject to
 37 applicable state and federal field development permits and
 38 Collier County non-environmental site development plan
 39 review procedures. Directional-drilling and/or previously
 40 cleared or disturbed areas shall be utilized in order to
 41 minimize impacts to native habitats, where determined to be
 42 practicable. This requirement shall be deemed satisfied
 43 upon issuance of a state permit in compliance with the
 44 criteria established in Chapter 62C-25 through 62C-30,
 45 F.A.C., as those rules existed on Oct. 3, 2005 [the effective
 46 date of this provision], regardless of whether the activity
 47 occurs within the Big Cypress Watershed, as defined in Rule
 48 62C-30.001(2), F.A.C. All applicable Collier County
 49 environmental permitting requirements shall be considered
 50 satisfied by evidence of the issuance of all applicable federal
 51 and/or state oil and gas permits for proposed oil and gas

1 activities in Collier County, so long as the state permits
 2 comply with the requirements of Chapter 62C-25 through
 3 62C-30, F.A.C. For those areas of Collier County outside
 4 the boundary of the Big Cypress Watershed, the applicant
 5 shall be responsible for convening the Big Cypress Swamp
 6 Advisory Committee as set forth in Section 377.42, F.S., to
 7 assure compliance with Chapter 62C-25 through 62C-30,
 8 F.A.C., even if outside the defined Big Cypress Watershed.
 9 All oil and gas access roads shall be constructed and
 10 protected from unauthorized uses according to the
 11 standards established in Rule 62C-30.005(2)(a)(1) through
 12 (12), F.A.C.

13
 14 (c) Conditional use approval criteria: In addition to the criteria
 15 set forth in section 10.08.00 of this Code, the following
 16 additional criteria shall apply to the approval of conditional
 17 uses within RFMU sending lands:

18
 19 i. The applicant shall submit a plan for development
 20 that demonstrates that wetlands, listed species and
 21 their habitat are adequately protected as specified in
 22 Chapters 3, 4 and 10.

23
 24 ii. Conditions may be imposed, as deemed
 25 appropriate, to limit the size, location, and access to
 26 the conditional use.

27
 28 c. Density.

29
 30 (1) 1.0 dwelling units per 40 gross acres; or

31
 32 (2) 1.0 dwelling unit per nonconforming lot or parcel in existence as of
 33 June 22, 1999. For the purpose of this provision, a lot or parcel
 34 which is deemed to have been in existence on or before June 22,
 35 1999 is:

36
 37 (a) A lot or parcel which is part of a subdivision recorded in the
 38 public records of Collier County, Florida;

39
 40 (b) A lot or parcel which has limited fixed boundaries, described
 41 by metes and bounds or other specific legal description, the
 42 description of which has been recorded in the public records
 43 of Collier County Florida on or before June 22, 1999; or

44
 45 (c) A lot or parcel which has limited fixed boundaries and for
 46 which an agreement for deed was executed prior to June
 47 22, 1999.

48
 49 d. Native vegetation retention. As required in Chapter 4.
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e. Other dimensional design standards. Dimensional standards set forth in section 4.02.01 of this Code shall apply to all development in Sending designated lands of the RFMU district, except as follows:

- (1) Lot Area and Width.
 - (a) Minimum lot Area: 40 acres.
 - (b) Minimum lot Width: 300 Feet.
- (2) Parking. As required in Chapter 4.
- (3) Landscaping. As required in Chapter 4.
- (4) Signs. As required in section 5.06.00.5. Specific vegetation standards for the RFMU district. For these specific standards, please refer to section 3.05.07 C. through 3.05.07 E. of this Code.

f. Clustering. Parcels must be a minimum of 80 acres, or an aggregation of parcels where each is a minimum of 40 acres, clustering is allowed, provided that the following standards are met:

- (1) The maximum lot size allowable for a single-family detached dwelling is one acre.
- (2) The clustered development shall be located on the site so as to provide to the greatest extent practicable, protection for listed species habitat, preservation of the highest quality native vegetation, connectivity to adjacent natural reservations or preservation areas on adjacent developments, and creation, maintenance, or enhancement of wildlife corridors.

#

2.06.00 - AFFORDABLE HOUSING DENSITY BONUS

2.06.01 – Generally

A. Within most of the coastal urban designated areas identified on the future land use map of the Collier County GMP, a base density of four residential dwelling units per gross acre is permitted. However, the base density may be adjusted depending on the characteristics of the development. One characteristic of a housing development which would allow the addition of density bonuses in order to increase the density over the base density is the provision of affordable housing in the development. The provision of affordable housing units may add up to 12 dwelling units per gross acre to the base density of four residential dwelling units per gross acre, plus any other density bonuses available and minus any density reduction that is required, pursuant to the GMP. For a project providing housing that is affordable in the Receiving Lands within the Rural Fringe Mixed Use District (RFMUD), the maximum density of 12.2 units per acre is allowed, subject to rezoning approval and to the approval of an “Affordable Housing Agreement,” pursuant to LDC section 2.06.03. The total eligible density must not exceed the maximum density allowed

1 pursuant to the GMP. The program to accomplish this increase to provide affordable
2 housing is called the affordable housing density bonus (AHDB) program.
3

4 B. Within most of the Immokalee Urban area, as identified on the Immokalee area master
5 plan future land use map of the growth management plan, base densities are four or six
6 or eight residential dwelling units per gross acre. However, the base density may be
7 adjusted depending on the characteristics of the development. One characteristic of a
8 housing development that would allow the addition of density bonuses is the provision of
9 affordable housing in the development. The provision of affordable housing units may add
10 up to 12 dwelling units per gross acre to the base density plus any other density bonuses
11 available. The total eligible density must not exceed the maximum allowed pursuant to the
12 GMP.
13

14 C. Within the Rural Lands Stewardship Area Overlay of the Agricultural/Rural area, as
15 identified on the future land use map of the growth management plan, towns, villages,
16 hamlets and compact rural developments are allowed at a density range of one-half to
17 four dwelling units per gross acre. The allowed density may be adjusted depending on the
18 characteristics of the development. One characteristic of a housing development that
19 would allow the addition of density bonuses is the provision of affordable housing in the
20 development. The provision of affordable housing units may add up to eight dwelling units
21 per gross acre to the allowed density of one-half to four dwelling units per gross acre, for
22 a total of eight and one-half to twelve and one-half residential dwelling units per gross
23 acre, plus any other density bonuses available.
24

25 D. In order to qualify for the AHDB for a development, the developer must apply for and obtain
26 the AHDB from the County for a development in accordance with this section, especially
27 in accordance with the provisions of the AHDB program, including the AHDB rating
28 system, the AHDB monitoring program, and the limitations on the AHDB.
29

30 1. *Preapplication conference.* Prior to submitting an application for AHDB, a
31 preapplication conference may be scheduled with the County Manager or
32 designee. The preapplication conference provides an opportunity to familiarize the
33 applicant with the AHDB program and provides an opportunity for the county staff
34 to obtain a clear understanding of the proposed development. The AHDB rating
35 system, the AHDB monitoring program, the limitations, criteria, procedures,
36 standard conditions, standard forms, and other information will be discussed and
37 made available to the applicant. Depending on the type of development proposed,
38 the application may be combined with an application for a planned unit
39 development (PUD), a rezone, or a Stewardship Receiving Area.
40

41 2. *Application.* An application for AHDB for a development must be submitted to the
42 County Manager or designee in the form established by the County Manager or
43 designee. The application must, at a minimum, include:
44

45 a. Zoning districts proposed by the applicant on the property and acreage of
46 each;
47

48 b. The total number of residential dwelling units in the proposed development,
49 categorized by number of bedrooms and whether the unit is to be rented or
50 owner-occupied;
51

- 1 c. The total number of AHDB units requested, categorized by number of
- 2 bedrooms and whether the unit is to be rented or owner-occupied;
- 3
- 4 d. Total number of affordable housing units proposed in the development,
- 5 categorized by level of income, number of bedrooms (one bedroom, two
- 6 bedrooms, three bedrooms, or more), and rental units and owner-occupied
- 7 units:
- 8
- 9 i. Gap-income households.
- 10
- 11 ii. Moderate-income households.
- 12
- 13 iii. Low-income households.
- 14
- 15 iv. Very-low-income housing units.
- 16
- 17 e. Gross density of the proposed development;
- 18
- 19 f. Whether the AHDB is requested in conjunction with an application for a
- 20 PUD, rezoning, SRA, or a conditional use for a Commercial Mixed-Use
- 21 project as provided for within LDC section 4.02.38; and
- 22
- 23 g. Any other information which would reasonably be needed to address the
- 24 request for AHDB for the development pursuant to the requirements set
- 25 forth in this section.
- 26
- 27 3. *Determination of completeness.* After receipt of an application for AHDB, the
- 28 County Manager or designee shall determine whether the application submitted is
- 29 complete. If it is determined that the application is not complete, the County
- 30 Manager or designee shall notify the applicant in writing of the deficiencies. The
- 31 County Manager or designee shall take no further steps to process the application
- 32 until the deficiencies have been remedied.
- 33
- 34 4. *Review and recommendation by the County Manager or designee.* After receipt of
- 35 a completed application for AHDB, the County Manager or designee must review
- 36 and evaluate the application in light of the AHDB rating system, the AHDB
- 37 monitoring program and the requirements of this section. The County Manager or
- 38 designee must coordinate with the Zoning Division director or designee to
- 39 schedule the AHDB application with the companion application for a PUD,
- 40 rezoning, SRA, or conditional use, and must recommend to the planning
- 41 commission and the BCC to deny, grant, or grant with conditions, the AHDB
- 42 application. The recommendation of the County Manager or designee must include
- 43 a report in support of recommendation.
- 44
- 45 5. *Review and recommendation by the planning commission.* Upon receipt by the
- 46 planning commission of the application for AHDB and the written recommendation
- 47 and report of the County Manager or designee, the planning commission must
- 48 schedule and hold a properly advertised and duly noticed public hearing on the
- 49 application. If the application has been submitted in conjunction with an application
- 50 for a PUD, rezoning, SRA, or conditional use, then the hearing must be
- 51 consolidated and made a part of the public hearing on the respective application

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1 before the planning commission. The planning commission must consider the
2 application for AHDB in conjunction with the application for the PUD, rezoning,
3 SRA, or conditional use. After the close of the public hearing, the planning
4 commission must review and evaluate the application in light of the requirements
5 of this section and the requirements for a PUD, rezoning, SRA, or conditional use,
6 as applicable, and must recommend to the BCC that the application be denied,
7 granted or granted with conditions.
8

9 6. *Review and determination by Board of County Commissioners.* Upon receipt by
10 the BCC of the application for AHDB and the written recommendation and report
11 of the County Manager or designee and recommendation of the planning
12 commission, the BCC must schedule and hold a properly advertised and duly
13 noticed public hearing on the application. If the application has been submitted in
14 conjunction with an application for a PUD, rezoning, SRA, or conditional use, then
15 the hearing must be consolidated and made a part of the public hearing on the
16 respective application before the BCC, and the BCC must consider the application
17 for AHDB in conjunction with the application for the PUD, rezoning, SRA, or
18 conditional use. After the close of the public hearing, the BCC must review and
19 evaluate the application in light of the requirements of this section and the
20 requirements for a PUD, rezoning, SRA, or conditional use, and must deny, grant,
21 or grant with conditions, the application in accordance with the AHDB rating system
22 and the AHDB monitoring program.
23

24 E. The procedures to request approval of a density bonus are described in Chapter 10 of this
25 LDC, along with requirements for the developer's agreement to ensure compliance.

26 # # # # # # # # # # # # # #

No Exhibits