

**EXHIBIT "A"**

**FUTURE LAND USE ELEMENT**

**B. North Belle Meade Overlay**

The North Belle Meade (NBM) Overlay is depicted on the FLUM. Uses shall be as provided for in Receiving, Neutral, NRPA and non-NRPA Sending Lands, except as provided herein for Neutral Lands in Section 24, Township 49 South, Range 26 East, and shown on the North Belle Meade Overlay Section 24 Map. Development and preservation standards within this Overlay shall be as provided herein.

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**1. IN GENERAL**

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**5. NEUTRAL LANDS**

Within the NBM Overlay there are ± 1,280 acres of land that are identified as Neutral Areas. The Neutral Areas consist of two ½ sections located at the northeast corner of this Overlay and Section 24 located in the northwest portion of this Overlay. The preservation standards for Neutral Lands shall be those contained in CCME Policy 6.1.2 for Neutral Lands, except as provided below for Section 24. The County has performed an RCW study for Section 24 and, if the results of the study, in part, are the basis for the below provisions applicable to Section 24. ~~warrant, the Plan will be amended.~~

**6. SECTION 24 NEUTRAL LANDS**

The following provisions apply only to all lands within Section 24, Township 49 South, Range 26 East, within the North Belle Meade Overlay, shown on the North Belle Meade Overlay Section 24 Map, and are pursuant to the partial stipulated settlement agreement between the Board of County Commissioners, Florida Department of Community Affairs, Petitioners-in-Intervention and Respondents-in-Intervention, approved by the Board on September 28, 2010.

- a. All Properties Except Those Specified Below in Paragraphs b., c., d., e. and f. - Lots 1, 2, 5-12, 20, 21, 36-40 and southerly portion of Lot 31, all whether a whole Lot or a portion thereof (uncolored and unlabelled, except for four Collier County Lots, on North Belle Meade Overlay Section 24 Map)

Words underlined are added; words ~~struck through~~ are deleted.

1) Allowable Uses:

- a) Agricultural uses consistent with Chapter 823.14(6), Florida Statutes (Florida Right to Farm Act)
- b) Detached single-family dwelling units at a maximum density of one dwelling unit per 40 acres or one dwelling unit per lot or parcel of less than 40 acres, which existed on or before June 22, 1999. For the purpose of this provision, a lot or parcel which is deemed to have been in existence on or before June 22, 1999 is 1) a lot or parcel which is part of a subdivision recorded in the public records of Collier County, Florida; or 2) a lot or parcel which has limited fixed boundaries, described by metes and bounds or other specific legal description, the description of which has been recorded in the public records of Collier County Florida on or before June 22, 1999; or 3) a lot or parcel which has limited fixed boundaries, for which an agreement for deed was executed prior to June 22, 1999.
- c) Habitat preservation and conservation uses.
- d) Passive parks and other passive recreational uses.
- e) Sporting and Recreational camps, within which the lodging component shall not exceed 1 unit per 5 gross acres.
- f) Essential Services necessary to serve permitted uses identified in paragraph a.1) a) through e), such as the following: private wells and septic tanks; utility lines, sewer lift stations, and water pumping stations; and, interim, private water and sewer facilities until such time as County central water and sewer service becomes available.
- g) Essential Services necessary to ensure public safety.
- h) Oil and gas exploration. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized to minimize impacts to native habitats.

2) Allowable Conditional Uses:

- a) The following uses are conditionally permitted subject to approval through a public hearing process:
  - (1) Commercial uses accessory to permitted uses a.1) a), c) and d), such as retail sales of produce accessory to farming, or a restaurant accessory to a park or preserve, so long as restrictions or limitations are imposed to insure the commercial use functions as an accessory, subordinate use.
  - (2) Oil and gas field development and production. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized to minimize impacts to native habitats.

- b) In addition to the criteria set forth in the Land Development Code, Conditional Uses shall be allowed subject to the following additional criteria:
- (1) The applicant shall submit a plan for development that demonstrates that wetlands, listed species and their habitat are adequately protected. This plan shall be part of the required EIS as specified in Policy 6.1.7 of the Conservation and Coastal Management Element.
  - (2) Conditions may be imposed, as deemed appropriate, to limit the size, location, and access to the conditional use.
- 3) Native Vegetation and Preservation Requirements: Ninety percent (90%) of the slash pine trees shall be preserved, and a greater amount may be preserved at the discretion of the property owner, unless a Red-cockaded Woodpecker Habitat Management Plan is prepared and it recommends a lesser amount. Preservation requirements of Policy 6.1.2 of the Conservation and Coastal Management Element shall not apply.
- b. Hideout Property – Lots 13 and 27 (Striped Pattern and Labeled “Hideout” on North Belle Meade Overlay Section 24 Map)
- 1) Allowable Uses: No development is allowed.
- c. Hideout Property – Lots 28-30, 31-34 and Northerly Portion of Lot 30 Combined (Colored Yellow and Labeled “Hideout” and “Yellow” on North Belle Meade Overlay Section 24 Map)
- 1) Allowable Uses:
    - a) Existing golf course development; OR, redevelop with any of the below uses b) through n), subject to the requirements and limitations of the RFMUD Neutral Lands designation;
    - b) Agricultural uses;
    - c) Dormitories, duplexes and other types of staff housing, as may be incidental to, and in support of, conservation uses;
    - d) Staff housing as may be incidental to, and in support of, safety service facilities and essential services;
    - e) Sporting and Recreational camps, within which the lodging component shall not exceed 1 unit per 5 gross acres;
    - f) Essential services;
    - g) Zoo, aquarium, botanical garden, or other similar uses;
    - h) Public educational plants and ancillary plants;
    - i) Facilities for the collection, transfer, processing and reduction of solid waste;
    - j) Community facilities, such as places of worship, childcare facilities, cemeteries, social and fraternal organizations;
    - k) Sports instructional schools and camps;

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- l) Earth mining, oil extraction and related processing;
  - m) Parks, open space, and recreational uses;
  - n) Private schools.
  - 2) Native Vegetation and Preservation Requirements: As provided for in Policy 6.1.2b. of the Conservation and Coastal Management Element, a minimum of 60% of the native vegetation present, not to exceed 45% of the total site area, shall be preserved.
- d. Hideout Property – Lots 22-24 Combined (Colored Green and Labeled “Hideout” and “Green” on North Belle Meade Overlay Section 24 Map)
- 1) Allowable Uses:
    - a) Thirty-seven (37) clustered dwelling units, single family or multi-family (fewer dwelling units may be developed at discretion of owner/developer);  
OR,
    - b) One dwelling unit located on each of the three lots of record (total of three dwelling units);
    - c) Essential services;
    - d) Parks, open space, and recreational uses.
  - 2) Clustering:
    - a) Only one clustered development is allowed, and a maximum of thirty-seven (37) dwelling units are allowed in that cluster. This dwelling unit figure is based upon the total Hideout ownership in Section 24 of approximately 187 acres.
    - b) The clustered development may be comprised of single family dwelling units, multi-family dwelling units or a combination.
    - c) The minimum gross acreage for clustering a single residential development shall be sixty-four (64) acres.
    - d) Lot size in clustered development shall not exceed an average of one acre, exclusive of areas to be dedicated, conveyed or set aside for right-of-way purposes. The lot size may be required to be less, depending upon the recommendations of the Red-cockaded Woodpecker Habitat Management Plan required in subparagraph d.5) below.
    - e) Any clustered residential development requires participation in a Red-cockaded Woodpecker Habitat Management Plan and the requirements set forth in subparagraph d.5) below.
    - f) Clustered residential development shall be located in an area of the property determined by the Red-cockaded Woodpecker Habitat Management Plan to be most appropriate for development. For the location of the clustered development, the Red-cockaded Woodpecker Habitat Management Plan shall

consider areas already developed and highly impacted in Section 24, as well as areas contiguous to areas in the southeast part of Section 24 that are already developed and highly impacted.

- g) All other cluster provisions and requirements for RFMUD Neutral Lands - set out in the Rural Fringe Comprehensive Plan Amendments adopted June 19, 2002, by Ordinance number 2002-32, and incorporated into the comprehensive plan, and subsequently adopted into the Collier County Land Development Code, Ordinance No. 04-41, as amended - shall be applicable, except where in conflict with cluster provisions within this subparagraph 2).
- 3) Native Vegetation and Preservation Requirements:
- a) For clustered residential development, a minimum of eighty percent (80%) of the native vegetation shall be preserved in a manner which is consistent with the Conservation and Coastal Management Element, Policy 6.1.2e.-g., as that policy exists on September 28, 2010. However, this 80% shall be calculated based upon the acreage of these three lots combined with Lots 13 and 27 (approximately 81 acres total), yielding a required native vegetation preserve amount of approximately 65 acres.
- b) For clustered residential development, approximately 65 acres of native vegetation shall be conveyed to Conservation Collier, a Home Owners Association, or other like entity, for the purposes of conservation and preservation. The conveyance shall be in the form of a conservation easement, or other instrument acceptable to the entity.
- (1) The entity in whose favor the conservation easement is granted shall be obligated to implement and maintain the Red-cockaded Woodpecker Habitat Management Plan that will be developed for this area in association with the Safe Harbor Agreement required in subparagraph d.5) below.
- (2) Such entity shall provide financial assurances to Collier County, in the form of a bond, letter of credit, or equivalent, of its ability to implement and permanently maintain this Red-cockaded Woodpecker Habitat Management Plan.
- c) For non-clustered residential development, ninety percent (90%) of the slash pine trees shall be preserved, and a greater amount may be preserved at the discretion of the property owner, unless a Red-cockaded Woodpecker Habitat Management Plan is prepared and it recommends a lesser amount.
- d) For non-residential development, ninety percent (90%) of the slash pine trees shall be preserved, and a greater amount may be preserved at the discretion of the property owner, unless the Red-cockaded Woodpecker Habitat Management Plan, required in subparagraph d.5) below, recommends a lesser amount.

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- 4) Non-residential Use Habitat Management Plan Requirement: For non-residential development, Hideout shall participate in a Red-cockaded Woodpecker Habitat Management Plan and the requirements outlined in subparagraph d.5) below, and shall expend a sum of money to promptly implement the associated Red-cockaded Woodpecker Habitat Management Plan. This amount shall be \$30,000.00 plus five (5) percent per year as an inflation adjustment. Once the Red-cockaded Woodpecker Habitat Management Plan is implemented, Buckley shall fully fund the ongoing maintenance costs.
- 5) Safe Harbor Agreement: Clustered residential development, and non-residential development, is subject to the following requirements:
  - a) Hideout shall apply for and pursue a Safe Harbor Agreement with associated Red-cockaded Woodpecker Habitat Management Plan with the U.S. Fish and Wildlife Service for the approximately 81 acres of land they own in Section 24 that are described in subparagraphs b. and d. above.
  - b) If approved, the Red-cockaded Woodpecker Habitat Management Plan shall require such management techniques as the mechanical or manual thinning of trees and understory, and the removal of combustible materials to levels which would permit a “controlled burn” that would not destroy, but would maintain, the presence of a sufficient amount of slash pine trees for Red-cockaded Woodpecker foraging and cavity tree nests.
  - c) Hideout shall pay all legal and permitting fees related to their effort to obtain approval of the Safe Harbor Agreement. Additionally, if successful in obtaining a Safe Harbor Agreement, Hideout shall expend a sum of money to promptly implement the associated Red-cockaded Woodpecker Habitat Management Plan. This amount shall be \$30,000.00 plus five (5) percent per year as an inflation adjustment. Once the Red-cockaded Woodpecker Habitat Management Plan is implemented, Hideout shall fully fund the ongoing maintenance costs.
  - d) The Safe Harbor Agreement and associated Red-cockaded Woodpecker Habitat Management Plan must provide that Hideout can develop 37 residential dwelling units in the areas colored green and labeled “Hideout” as set forth on the North Belle Meade Overlay Section 24 Map. The Red-cockaded Woodpecker Habitat Management Plan must also delineate the maximum area that may be cleared, in accordance with the applicable provisions of the Growth Management Plan, within the green areas labeled “Hideout” set forth on the North Belle Meade Overlay Section 24 Map. The Safe Harbor Agreement must allow 20% of Hideout’s approximately 81 acres (approximately 16 acres) to be cleared when development occurs.
  - e) Once the Red-cockaded Woodpecker Habitat Management Plan is implemented, the County shall defer to the federal and state agencies as to

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protection of other state and federal listed species that may be present on the approximate 81 acres of land owned by Hideout and colored green and labeled “Hideout” and striped and labeled “Hideout” on the North Belle Meade Overlay Section 24 Map. Hideout shall comply with all federal and state listed species criteria for development within the areas that will be allowed to be cleared pursuant to the Safe Harbor Agreement.

- f) The County shall not comment to any of the state and federal permitting agencies during the permitting process for the Hideout parcels so long as the following takes place:
- (1) Residential development is clustered as provided herein; and
  - (2) The Safe Harbor Agreement with associated Red-cockaded Woodpecker Habitat Management Plan is approved and being implemented; and
  - (3) The conservation easement or fee simple title is granted to the appropriate entity for management of the Red-cockaded Woodpecker habitat, as required in subparagraph 3)b) above; and
  - (4) Permit applications are consistent with all provisions herein for Hideout property and all other provisions of the Collier County comprehensive plan, except they are not subject to:
    - (a) The Conservation and Coastal Management Element, Objective 2.1 and subsequent policies; Goal 6 and subsequent objectives and policies, excluding (are subject to) policies 6.1.2e.-g., 6.1.4, 6.1.5, and 6.1.7; and, Goal 7 and subsequent objectives and policies; and
    - (b) the Future Land Use Element, Rural Fringe Mixed Use District, Neutral Lands, paragraph 2., Clustering, subparagraph d), minimum project size; Paragraph 3. Allowable Uses, subparagraphs 3.a), d) through h), j) through p), r) and s) [these excepted uses are prohibited]; paragraph 5. Density Blending [this provision is not available for these parcels].
- g) Should Hideout be unable to secure an acceptable Safe Harbor Agreement with associated Red-cockaded Woodpecker Habitat Management Plan, or should the cost of implementing the Red-cockaded Woodpecker Habitat Management Plan exceed the sum of \$30,000.00 plus the inflation factor set forth herein and no additional funding can be obtained, then Hideout shall be deemed to have satisfied their Safe Harbor Agreement and associated Red-cockaded Woodpecker Management Plan obligations set forth herein with the contribution of \$30,000.00 toward management of the Red-cockaded Woodpecker habitat. In such an event, the remaining provisions and requirements relating to density, clustering, preservation and any other applicable development standards set forth herein and in the remainder of the

Collier County GMP, except as excepted in subparagraph 5)f)(4) above, shall remain effective and applicable to the Hideout parcels in Section 24.

e. Cowan Property – Lots 14-16, 25, 26 and 35 Combined (Colored Blue and Labeled “Cowan” and “Blue” on North Belle Meade Overlay Section 24 Map)

1) Allowable Uses:

- a) Nineteen (19) clustered dwelling units, single family or multi-family (fewer dwelling units may be developed at discretion of owner/developer); OR,
- b) One dwelling unit located on each of the six lots of record (total of six dwelling units);
- c) Essential services;
- d) Parks, open space, and recreational uses.
- e) Access road on Lot 35.

2) Clustering:

- a) Up to two clustered developments are allowed, and a maximum of nineteen (19) total dwelling units are allowed in cluster development(s). This dwelling unit figure is based upon the total Cowan ownership in Section 24 of approximately 97.7 acres.
- b) Lot 35 may contain up to, but no more than, three clustered dwelling units - in addition to road access for all Cowan property development(s). A second residential cluster outside of Lot 35 may contain the balance of the nineteen clustered dwelling units not built on lot 35.
- c) The clustered development may be comprised of single family dwelling units, multi-family dwelling units or a combination.
- d) The minimum gross acreage for clustering a single residential development shall be sixty-four (64) acres, except as provided in subparagraph 2)b) above.
- e) Lot size in clustered development shall not exceed an average of one acre, exclusive of areas to be dedicated, conveyed or set aside for right-of-way purposes. The lot size may be required to be less, depending upon the recommendations of the Red-cockaded Woodpecker Habitat Management Plan required in paragraph e.5) below.
- f) Any clustered residential development requires participation in a Red-cockaded Woodpecker Habitat Management Plan and the requirements set forth in paragraph e.5) below.
- g) Clustered residential development shall be located in an area(s) of the property determined by the Red-cockaded Woodpecker Habitat Management Plan to be most appropriate for development. For the location of the clustered development, the Red-cockaded Woodpecker Habitat Management Plan shall consider areas already developed and highly impacted in Section 24, as well

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- as areas contiguous to areas in the southeast part of Section 24 that are already developed and highly impacted.
- h) All other cluster provisions and requirements for RFMUD Neutral Lands - set out in the Rural Fringe Comprehensive Plan Amendments adopted June 19, 2002, by Ordinance number 2002-32, and incorporated into the comprehensive plan, and subsequently adopted into the Collier County Land Development Code, Ordinance No. 04-41, as amended - shall be applicable, except where in conflict with cluster provisions within this subparagraph 2).
  - i) For clustered residential development, Cowan, or his assigns, shall participate in a Red-cockaded Woodpecker Habitat Management Plan and the requirements outlined in subparagraph e.5) below, and shall expend a sum of money to promptly implement the Red-cockaded Woodpecker Habitat Management Plan for Cowan's parcels totaling 97.7 acres. This initial amount ("Initial Management Amount") shall be no greater than \$30,000.00. Once the Red-cockaded Woodpecker Habitat Management Plan is implemented, Cowan, or his assigns, shall fund the Initial Management Amount plus five percent (5%) per year, which shall accrue annually, as an inflation adjustment.
- 3) Native Vegetation and Preservation Requirements:
- a) For clustered residential development, a minimum of eighty percent (80%) of the native vegetation shall be preserved in a manner which is consistent with the Conservation and Coastal Management Element, Policy 6.1.2e.-g., as that policy exists on September 28, 2010. This 80% shall be calculated based upon the total of 97.7 acres, yielding a required native vegetation preserve amount of approximately 78 acres.
  - b) For clustered residential development, approximately 78 acres of native vegetation shall be conveyed or granted by a conservation easement or deed (as determined by Cowan or his assignee) to Conservation Collier, a Home Owners Association, or other like entity, its successors and assigns, a non-exclusive easement, license, and privilege to enter upon, maintain, preserve and conserve such property and wildlife.
    - (1) The entity in whose favor the conservation easement is granted shall be obligated to implement and maintain the Red-cockaded Woodpecker Habitat Management Plan that will be developed for this area in association with the Safe Harbor Agreement required in subparagraph e.5) below.
    - (2) Such entity shall provide financial assurances to Collier County, in the form of a bond, letter of credit, or equivalent, of its ability to implement and permanently maintain this Red-cockaded Woodpecker Habitat Management Plan.

- c) For non-clustered residential development, ninety percent (90%) of the slash pine trees shall be preserved, and a greater amount may be preserved at the discretion of the property owner, unless a Red-cockaded Woodpecker Habitat Management Plan is prepared and it recommends a lesser amount.
- d) For non-residential development, ninety percent (90%) of the slash pine trees shall be preserved, and a greater amount may be preserved at the discretion of the property owner, unless the Red-cockaded Woodpecker Habitat Management Plan, required in subparagraph e.5) below, recommends a lesser amount.
- 4) Non-residential Use Habitat Management Plan Requirement: For non-residential development, Cowan shall participate in a Red-cockaded Woodpecker Habitat Management Plan and the requirements outlined in subparagraph e.5) below, and shall expend a sum of money to promptly implement the associated Red-cockaded Woodpecker Habitat Management Plan. This amount shall be \$30,000.00 plus five (5) percent per year as an inflation adjustment. Once the Red-cockaded Woodpecker Habitat Management Plan is implemented, Buckley shall fully fund the ongoing maintenance costs.
- 5) Safe Harbor Agreement: Clustered residential development, and non-residential development, is subject to the following requirements:
  - a) Cowan shall apply for and pursue a Safe Harbor Agreement with associated Red-cockaded Woodpecker Habitat Management Plan with the U.S. Fish and Wildlife Service for the approximately 97.7 acres of land they own in Section 24 that are described in subparagraph e.
  - b) If approved, the Red-cockaded Woodpecker Habitat Management Plan shall require such management techniques as the mechanical or manual thinning of trees and understory, and the removal of combustible materials to levels which would permit a “controlled burn” that would not destroy, but would maintain, the presence of a sufficient amount of slash pine trees for Red-cockaded Woodpecker foraging and cavity tree nests.
  - c) Cowan shall pay all legal and permitting fees related to their effort to obtain approval of the Safe Harbor Agreement. Additionally, if successful in obtaining a Safe Harbor Agreement, Cowan shall expend a sum of money to promptly implement the associated Red-cockaded Woodpecker Habitat Management Plan. This amount shall be \$30,000.00 plus five (5) percent per year as an inflation adjustment. Once the Red-cockaded Woodpecker Habitat Management Plan is implemented, Cowan shall fully fund the ongoing maintenance costs.
  - d) The Safe Harbor Agreement and associated Red-cockaded Woodpecker Habitat Management Plan must provide that Cowan can develop 19 residential dwelling units in the areas colored blue and labeled “Cowan” as set forth on

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the North Belle Meade Overlay Section 24 Map. The Red-cockaded Woodpecker Habitat Management Plan must also delineate the maximum area that may be cleared, in accordance with the applicable provisions of the Growth Management Plan, within the blue areas labeled “Cowan” set forth on the North Belle Meade Overlay Section 24 Map. The Safe Harbor Agreement must allow 20% of Cowan’s approximately 97.7 acres (approximately 19.54 acres) to be cleared when development occurs.

- e) Once the Red-cockaded Woodpecker Habitat Management Plan is implemented, the County shall defer to the federal and state agencies as to protection of other state and federal listed species that may be present on the approximate 97.7 acres of land owned by Cowan and colored blue and labeled “Cowan” on the North Belle Meade Overlay Section 24 Map. Cowan shall comply with all federal and state listed species criteria for development within the areas that will be allowed to be cleared pursuant to the Safe Harbor Agreement.
- f) The County shall not comment to any of the state and federal permitting agencies during the permitting process for the Cowan parcels so long as the following takes place:
- (1) Residential development is clustered as provided herein; and
  - (2) The Safe Harbor Agreement with associated Red-cockaded Woodpecker Habitat Management Plan is approved and being implemented; and
  - (3) The conservation easement or fee simple title is granted to the appropriate entity for management of the Red-cockaded Woodpecker habitat, as required in paragraph 3)b) above; and
  - (4) Permit applications are consistent with all provisions herein for Hideout property and all other provisions of the Collier County comprehensive plan, except they are not subject to:
    - (a) The Conservation and Coastal Management Element, Objective 2.1 and subsequent policies; Goal 6 and subsequent objectives and policies, excluding (are subject to) policies 6.1.2e.-g., 6.1.4, 6.1.5, and 6.1.7; and, Goal 7 and subsequent objectives and policies; and
    - (b) the Future Land Use Element, Rural Fringe Mixed Use District, Neutral Lands, paragraph 2., Clustering, subparagraph d), minimum project size; Paragraph 3. Allowable Uses, subparagraphs 3.a), d) through h), j) through p), r) and s) [these excepted uses are prohibited]; paragraph 5. Density Blending [this provision is not available for these parcels].
- g) Should Cowan be unable to secure an acceptable Safe Harbor Agreement with associated Red-cockaded Woodpecker Habitat Management Plan, or should the cost of implementing the Red-cockaded Woodpecker Habitat Management

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Plan exceed the sum of \$30,000.00 plus the inflation factor set forth herein and no additional funding can be obtained, then Cowan shall be deemed to have satisfied their Safe Harbor Agreement and associated Red-cockaded Woodpecker Management Plan obligations set forth herein with the contribution of \$30,000.00 toward management of the Red-cockaded Woodpecker habitat. In such an event, the remaining provisions and requirements relating to density, clustering, preservation and any other applicable development standards set forth herein and in the remainder of the Collier County GMP, except as excepted in subparagraph 5)f)(4) above, shall remain effective and applicable to the Cowan parcels in Section 24.

f. Buckley Property – Lots 3, 4 and 17-19 Combined (Labeled “Buckley” on North Belle Meade Overlay Section 24 Map)

1) Allowable Uses:

- a) Sixteen (16) clustered dwelling units, single family or multi-family (fewer dwelling units may be developed at discretion of owner/developer); OR,
- b) Agricultural uses;
- 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: Family Care Facilities: 1 unit per 5 acres; Group Care Facilities and other Care Housing Facilities: Maximum Floor Area Ratio (FAR) not to exceed 0.45;
- e) Staff housing as may be incidental to, and in support of, safety service facilities and essential services;
- f) Farm labor housing limited to 10 acres in any single location: Single family/duplex/mobile home: 11 dwelling units per acre; Multifamily/dormitory: 22 dwelling units/beds per acre;
- g) Sporting and Recreational camps, within which the lodging component shall not exceed 1 unit per 5 gross acres;
- h) Essential services;
- i) Golf courses or driving ranges, subject to the standards for these uses contained in the Rural Fringe Mixed Use District Neutral Lands designation;
- j) Zoo, aquarium, botanical garden, or other similar uses;
- k) Public educational plants and ancillary plants;
- l) Community facilities, such as places of worship, childcare facilities, cemeteries, social and fraternal organizations;
- m) Sports instructional schools and camps;
- n) Oil extraction and related processing;

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- o) Parks, open space, and recreational uses;
- p) Private schools.
- 2) Clustering:
  - a) Only one clustered development is allowed, and a maximum of sixteen (16) dwelling units are allowed in that cluster. This dwelling unit figure is based upon the total Buckley ownership in Section 24 of approximately 81 acres.
  - b) The clustered development may be comprised of single family dwelling units, multi-family dwelling units or a combination.
  - c) The minimum gross acreage for clustering a single residential development shall be sixty-four (64) acres.
  - d) Lot size in clustered development shall not exceed an average of one acre, exclusive of areas to be dedicated, conveyed or set aside for right-of-way purposes. The lot size may be required to be less, depending upon the recommendations of the Red-cockaded Woodpecker Habitat Management Plan required in subparagraph f.6) below.
  - e) Any clustered residential development requires participation in a Red-cockaded Woodpecker Habitat Management Plan and the requirements set forth in subparagraph f.6) below.
  - f) Clustered residential development shall be located in an area of the property determined by the Red-cockaded Woodpecker Habitat Management Plan to be most appropriate for development. For the location of the clustered development, the Red-cockaded Woodpecker Habitat Management Plan shall consider areas already developed and highly impacted in Section 24, as well as areas contiguous to areas in the southeast part of Section 24 that are already developed and highly impacted.
  - g) All other cluster provisions and requirements for RFMUD Neutral Lands - set out in the Rural Fringe Comprehensive Plan Amendments adopted June 19, 2002, by Ordinance number 2002-32, and incorporated into the comprehensive plan, and subsequently adopted into the Collier County Land Development Code, Ordinance No. 04-41, as amended - shall be applicable, except where in conflict with cluster provisions within this subparagraph 2).
  - h) For clustered residential development, Buckley shall participate in a Red-cockaded Woodpecker Habitat Management Plan and the requirements outlined in subparagraph f.6) below, and shall expend a sum of money to promptly implement the Red-cockaded Woodpecker Habitat Management Plan for Buckley's parcels totaling 81 acres. This amount shall be \$30,000.00 plus five percent (5%) per year as an inflation adjustment. Once the Red-cockaded Woodpecker Habitat Management Plan is implemented, Buckley shall fully fund the ongoing maintenance costs.

- 3) Native Vegetation and Preservation Requirements:
- a) For clustered residential development, a minimum of eighty percent (80%) of the native vegetation shall be preserved in a manner which is consistent with the Conservation and Coastal Management Element, Policy 6.1.2e.-g., as that policy exists on September 28, 2010. This 80% shall be calculated based upon the total of 81 acres, yielding a required native vegetation preserve amount of approximately 65 acres.
  - b) For clustered residential development, approximately 65 acres of native vegetation shall be conveyed to Conservation Collier, a Home Owners Association, or other like entity, for the purposes of conservation and preservation. The conveyance shall be in the form of a conservation easement, or other instrument acceptable to the entity.
    - (1) The entity in whose favor the conservation easement is granted shall be obligated to implement and maintain the Red-cockaded Woodpecker Habitat Management Plan that will be developed for this area in association with the Safe Harbor Agreement as required in subparagraph f.6) below.
    - (2) Such entity shall provide financial assurances to Collier County, in the form of a bond, letter of credit, or equivalent, of its ability to implement and permanently maintain this Red-cockaded Woodpecker Habitat Management Plan.
  - c) For non-clustered residential development, ninety percent (90%) of the slash pine trees shall be preserved, and a greater amount may be preserved at the discretion of the property owner, unless a Red-cockaded Woodpecker Habitat Management Plan is prepared and it recommends a lesser amount.
  - d) For non-residential development, native vegetation shall be preserved in a manner which is consistent with the Habitat Management Plan required in subparagraph f.6) below and with the Conservation and Coastal Management Element, Policy 6.1.2e.-g., as that policy exists on September 28, 2010.
- 4) Non-residential Use Location: Non-residential uses shall be located in an area of the property determined by the best available data, including the Red-cockaded Woodpecker Habitat Management Plan, to be most appropriate for non-residential development.
- 5) Non-residential Use Habitat Management Plan Requirement: For non-residential development, Buckley shall participate in a Red-cockaded Woodpecker Habitat Management Plan and the requirements outlined in subparagraph f.6) below, and shall expend a sum of money to promptly implement the associated Red-cockaded Woodpecker Habitat Management Plan. This amount shall be \$30,000.00 plus five (5) percent per year as an inflation adjustment. Once the Red-cockaded

Woodpecker Habitat Management Plan is implemented, Buckley shall fully fund the ongoing maintenance costs.

- 6) Safe Harbor Agreement: Clustered residential development, and non-residential development, is subject to the following requirements:
- a) Buckley shall apply for and pursue a Safe Harbor Agreement with associated Red-cockaded Woodpecker Habitat Management Plan with the U.S. Fish and Wildlife Service for the approximately 81 acres of land they own in Section 24 that are described in subparagraph f. above.
  - b) If approved, the Red-cockaded Woodpecker Habitat Management Plan shall require such management techniques as the mechanical or manual thinning of trees and understory, and the removal of combustible materials to levels which would permit a “controlled burn” that would not destroy, but would maintain, the presence of a sufficient amount of slash pine trees for Red-cockaded Woodpecker foraging and cavity tree nests.
  - c) Buckley shall pay all legal and permitting fees related to their effort to obtain approval of the Safe Harbor Agreement. Additionally, if successful in obtaining a Safe Harbor Agreement, Buckley shall expend a sum of money to promptly implement the associated Red-cockaded Woodpecker Habitat Management Plan. This amount shall be \$30,000.00 plus five (5) percent per year as an inflation adjustment. Once the Red-cockaded Woodpecker Habitat Management Plan is implemented, Buckley shall fully fund the ongoing maintenance costs.
  - d) The Safe Harbor Agreement and associated Red-cockaded Woodpecker Habitat Management Plan must provide that Buckley can develop 16 residential dwelling units in the areas uncolored and labeled “Buckley” as set forth on the North Belle Meade Overlay Section 24 Map. The Red-cockaded Woodpecker Habitat Management Plan must also delineate the maximum area that may be cleared, in accordance with the applicable provisions of the Growth Management Plan, within the areas uncolored and labeled “Buckley” set forth on the North Belle Meade Overlay Section 24 Map. The Safe Harbor Agreement must allow 20% of Buckley’s approximately 81 acres (approximately 16 acres) to be cleared when development occurs.
  - e) Once the Red-cockaded Woodpecker Habitat Management Plan is implemented, the County shall defer to the federal and state agencies as to protection of other state and federal listed species that may be present on the approximate 81 acres of land owned by Buckley and uncolored and labeled “Buckley” on the North Belle Meade Overlay Section 24 Map. Buckley shall comply with all federal and state listed species criteria for development within the areas that will be allowed to be cleared pursuant to the Safe Harbor Agreement.

Words underlined are added; words ~~struck through~~ are deleted.

- f) The County shall not comment to any of the state and federal permitting agencies during the permitting process for the Buckley parcels so long as the following takes place:
  - (1) Residential development is clustered as provided herein; and
  - (2) The Safe Harbor Agreement with associated Red-cockaded Woodpecker Habitat Management Plan is approved and being implemented; and
  - (3) The conservation easement or fee simple title is granted to the appropriate entity for management of the Red-cockaded Woodpecker habitat, as required in subparagraph 3)b) above; and
  - (4) Permit applications are consistent with all provisions herein for Hideout property and all other provisions of the Collier County comprehensive plan, except they are not subject to:
    - (a) The Conservation and Coastal Management Element, Objective 2.1 and subsequent policies; Goal 6 and subsequent objectives and policies, excluding (are subject to) policies 6.1.2e.-g., 6.1.4, 6.1.5, and 6.1.7; and, Goal 7 and subsequent objectives and policies; and
    - (b) the Future Land Use Element, Rural Fringe Mixed Use District, Neutral Lands, paragraph 2., Clustering, subparagraph d), minimum project size; Paragraph 3. Allowable Uses, subparagraphs 3.a), d) through h), j) through p), r) and s) [these excepted uses are prohibited]; paragraph 5. Density Blending [this provision is not available for these parcels].
- g) Should Buckley be unable to secure an acceptable Safe Harbor Agreement with associated Red-cockaded Woodpecker Habitat Management Plan, or should the cost of implementing the Red-cockaded Woodpecker Habitat Management Plan exceed the sum of \$30,000.00 plus the inflation factor set forth herein and no additional funding can be obtained, then Buckley shall be deemed to have satisfied their Safe Harbor Agreement and associated Red-cockaded Woodpecker Management Plan obligations set forth herein with the contribution of \$30,000.00 toward management of the Red-cockaded Woodpecker habitat. In such an event, the remaining provisions and requirements relating to density, clustering, preservation and any other applicable development standards set forth herein and in the remainder of the Collier County GMP, except as excepted in subparagraph 6)f)(4) above, shall remain effective and applicable to the Buckley parcels in Section 24.

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FUTURE LAND USE MAP SERIES

Words underlined are added; words ~~struck through~~ are deleted.



Future Land Use Map

Mixed Use & Interchange Activity Center Maps

Properties Consistent by Policy (5.9, 5.10, 5.11) Maps

Collier County Wetlands Map

Collier County Wellhead Protection Areas and Proposed Wellfields and ASRs Map

Future Land Use Map Rivers and Floodplains

Future Land Use Map Estuarine Bays

Future Land Use Map Soils

Existing Commercial Mineral Extraction Sites Map

Bayshore/Gateway Triangle Redevelopment Overlay Map

Stewardship Overlay Map

Rural Lands Study Area Natural Resource Index Maps

North Belle Meade Overlay Map

North Belle Meade Overlay Section 24 Map

[no further changes]