

**COLLIER COUNTY
GROWTH MANAGEMENT PLAN**

FUTURE LAND USE ELEMENT

Prepared by
Collier County Planning and Zoning Department
Comprehensive Planning Section

Prepared for
COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS
Adopted October, 1997

**AMENDMENTS TO COLLIER COUNTY GROWTH MANAGEMENT PLAN
FUTURE LAND USE ELEMENT**

<u>SYMBOL</u>	<u>DATE AMENDED</u>	<u>ORDINANCE NO.</u>
	May 09, 2000	2000-25 **
	May 09, 2000	2000-26 ***
(I)	May 09, 2000	2000-27
(II)	May 09, 2000	2000-30
(III)	May 09, 2000	2000-33
(IV)	December 12, 2000	2000-87
	March 13, 2001	2001-11 ****
(V)	March 13, 2001	2001-12
(VI)	May 14, 2002	2002-24
(VII)	October 22, 2002	2002-54
(VIII)	February 11, 2003	2003-07
(IX)	June 19, 2002	2002-32
(X)	September 09, 2003	2003-43
(XI)	September 10, 2003	2003-44
(XII)	December 16, 2003	2003-67
(XIII)	October 26, 2004	2004-71
(XIV)	June 07, 2005	2005-25
(XV)	January 25, 2007	2007-18
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(XXI)	October 14, 2008	2008-59
(XXII)	July 28, 2010	2010-33
(XXIII)	July 28, 2010	2010-34
(XXIV)	December 14, 2010	2010-49
(XXV)	September 13, 2011	2011-26
(XXVI)	September 13, 2011	2011-27
(XXVII)	September 13, 2011	2011-28
(XXVIII)	October 25, 2011	2011-40
(XXIX)	April 24, 2012	2012-16
(XXX)	January 8, 2013	2013-14 *****
(XXXI)	May 28, 2013	2013-41
(XXXII)	May 28, 2013	2013-42
(XXXIII)	June 10, 2014	2014-20
(XXXIV)	June 10, 2014	2014-22
(XXXV)	June 10, 2014	2014-23
(XXXVI)	July 8, 2014	2014-27
(XXXVII)	January 27, 2015	2015-08
(XXXVIII)	February 10, 2015	2015-13
(XXXIX)	April 14, 2015	2015-26
(XL)	May 12, 2015	2015-29
(XLI)	June 9, 2015	2015-32
(XLII)	July 7, 2015	2015-42

The parenthesized Roman numeral symbols enumerated above appear throughout this Element and provide informational citations to adopted documents recorded in the Official Records of Collier County, as required by Florida law. These symbols are for informational purposes only, meant to mark entries amended after the 1997 adoption of the full Element and typically found in the margins of this document, but are not themselves adopted.

- * Indicates adopted portions.
- ** Ordinance No. 2000-25 rescinded and repealed in its entirety Collier County Ordinance No. 99-63, which had the effect of rescinding certain EAR-based (1996 EAR) objectives and policies at issue in Administration Commission Case No. ACC-99-02 (DOAH Case No. 98-0324GM).
- *** Ordinance No. 2000-26 amended Ordinance No. 89-05, as amended, the Collier County Growth Management Plan, having the effect of rescinding certain EAR-based (1996 EAR) objectives and policies at issue in Administration Commission Case No. ACC-99-02 (DOAH Case No. 98-0324GM), more specifically portions of the Intergovernmental Coordination Element (Ord. No. 98-56), Natural Groundwater Aquifer Recharge (Ord. No. 97-59) and Drainage (Ord. No. 97-61) sub-elements of the Public Facilities Element, Housing Element (Ord. No. 97-63), Golden Gate Area Master Plan (Ord. No. 97-64), Conservation and Coastal Management Element (Ord. No. 97-66), and the Future Land Use Element and Future Land Use Map (Ord. No. 97-67); and readopting Policy 2.2.3 of the Golden Gate Area Master Plan.
- **** Scrivener's Error Ordinance correcting omissions on Future Land Use Map.
- ***** Based on 2011 Evaluation and Appraisal Report (EAR).
- The above Ordinance No. 2002-24 was adopted on May 14, 2002. However, due to legal challenge to Petition CP-2002-2, Buckley Mixed Use Subdistrict, that Subdistrict did not become effective until the [then] Florida Department of Community Affairs (DCA) issued its Final Order on May 8, 2003.
- The above Ordinance No. 2002-32 was adopted on June 19, 2002. However, due to legal challenges, it did not become effective until the [then] Florida Department of Community Affairs issued its Final Order on July 22, 2003.
- The above Ordinance No. 2007-18 is based on the 2004 Evaluation and Appraisal Report (EAR). Also, Neutral Lands [provisions] within North Belle Meade Overlay have been revised to remove text found Not In Compliance by DCA pertaining to Section 24 (T49S, R26E).
- The above Ordinance 2010-49 is based on remedial amendment CPR-2010-4, Neutral Lands within North Belle Meade Overlay, and has been found In Compliance by DCA pertaining to Section 24 (T49S, R26E).

**AMENDMENTS TO COLLIER COUNTY GROWTH MANAGEMENT PLAN – prior to 2000
FUTURE LAND USE ELEMENT**

<u>DATE AMENDED</u>	<u>ORDINANCE NO.</u>
January 30, 1990	90-11
May 1, 1990	90-32
June 6, 1990	90-47
February 5, 1991	91-15
May 19, 1992	92-34
August 4, 1992	92-50
February 16, 1993	93-08
May 25, 1993	93-24
April 12, 1994	94-22
February 28, 1995	95-07
March 14, 1995	95-12
January 13, 1998	98-02
February 24, 1998	98-12
February 23, 1999	99-15
February 23, 1999	99-16

Note: All of the above amendments occurred after adoption of the Growth Management Plan in 1989 (Ord. No. 89-05) and prior to adoption of amendments in 1997 that were subsequently re-adopted in 2000. Due to a significant re-formatting/re-organization of the Future Land Use Element, these amendments are no longer denoted on the pages of the Element with Roman numeral symbols.

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(XXI) = Plan Amendment by Ordinance No. 2008-59 on October 14, 2008

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Support Document:

- Public Facilities
- Natural Resources - Waterwells, Cones of Influence
River, Bays, Lakes, Floodplains, Harbors, and
Minerals (includes lands acquired for conservation
and lands proposed for acquisition for conservation)
- Soils

III. SUPPORT DOCUMENT: LAND USE DATA AND ANALYSIS
(Separate Table of Contents)

(XLI) = Plan Amendment by Ordinance No. 2015-32 on June 9, 2015

SUMMARY

The Future Land Use Element includes three major sections:

Overview, Implementation Strategy, and Land Use Data and Analysis.

The Overview simply provides an introduction as to the purpose, basis, underlying concepts and special issues addressed by the Element.

The Implementation Strategy is where the Element is brought into effect. Included are the Goals, Objectives, Policies and Future Land Use Map.

(XXX) The third section consists of Support Document: Land Use Data and Analysis. The information found there provides a basis for the Implementation Strategy and serves to meet the requirements of Section 163.3177(6)(a), Florida Statutes.

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

I. OVERVIEW

A. PURPOSE

(VII) The geographic framework for growth in Collier County is established by the Future Land Use Element. As such, the Element is central to planning for: protection and management of natural resources; public facilities; coastal and rural development; and, housing and community character and design. The Element is also important to the County's system of land development regulations and to private property rights.

The purpose of the Future Land Use Element is to guide decision-making by Collier County on regulatory, financial and programmatic matters pertaining to land use. Most directly, this Element controls the location, type, intensity and timing of new or revised uses of land. The land use strategy in this Element is closely coordinated with a strategy for provision of public facilities as found in the Capital Improvement and Public Facility Elements of the Comprehensive Plan, and with the strategies to protect and conserve natural resources as found in the Conservation and Coastal Management Element.

B. BASIS *[reflects merger of Ordinance No. 2002-32 and 2002-54]*

(VII) This Element is based in large part on the Future Land Use Element adopted as part of the 1983 and 1989 Collier County Comprehensive Plans. The land use strategy put forth in those Plans have served Collier County well, therefore, a general continuation is provided. The best characteristics of the 1983 and 1989 Comprehensive Plans included the use of a binding Future Land Use Map with designated "Urban" areas and the confinement of intensive Zoning Districts, thus intensive land uses, to those areas. Moreover, this Element includes a strategy for the protection of natural resources and agri-business in the Rural Fringe Mixed Use District [and] Rural Lands Stewardship Area by employing various regulations and incentives to direct incompatible land uses away from such natural resources and to enhance the economic viability of agri-business.

In addition, this Element is based on the Support Document: Land Use Data and Analysis, and the summation of the detailed planning conducted for each of the other portions of the Comprehensive Plan. Data, analysis and implementation strategies from the various elements have contributed to the geographic framework through the configuration of the designations on the Future Land Use Map and the associated standards for use of land.

(XXX) The State Comprehensive Plan and the Southwest Florida Regional Comprehensive Policy Plan form another basis for the Future Land Use Element. Chapter 163, Florida Statutes, the "Community Planning Act" provides detailed requirements on the scope and content of the Element.

(VII) Finally, major contributions to this Element have been provided by the public through the following:

- Collier County Citizens Advisory Committee in conjunction with the Evaluation and Appraisal Report adopted by the Board of County Commissioners in April, 1996,
- The Rural Fringe Area Oversight and Eastern Lands Area Oversight Committees;
- The Environmental Advisory Council;

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

- The Collier County Planning Commission, which is the local planning agency; and,
- Other groups and individuals, through both written and verbal input, at, or as a result of, hundreds of duly advertised public workshops and meetings.

C. UNDERLYING CONCEPTS

The land use strategy established by this Element is based on a series of concepts, which emerge from the foundation cited earlier. The policy direction and implementation mechanisms closely relate to these underlying concepts.

Protection of Natural Resource Systems

[reflects merger of Ordinance No. 2002-32 and 2002-54]

- (VII) Collier County is situated in a unique, sensitive and intensely interactive physical environment. Natural resources are abundant: a subtropical climate with annual wet and dry seasons; enormous groundwater productivity; vast wetland areas; large ranges of habitat with diverse and unique flora and fauna, including many species that are Federally and/or State listed, warranting special protection; extensive and highly productive estuarine systems; and, many miles of sandy beach. In addition to their habitat value, these natural resources perform functions that are vital to the health, safety and welfare of the human population of the County, and serve as a powerful magnet to attract and retain visitors and residents. Therefore, protection and management of natural resources for long-term viability is essential to support the human population, ensure a high quality of life, and facilitate economic development. Important to this concept is management of natural resources on a system-wide basis.

The Future Land Use Element is designed to protect and manage natural resource systems in several ways:

- Urban Designated Areas on the Future Land Use Map are located and configured to guide concentrated population growth and intensive land development away from areas of great sensitivity and toward areas more tolerant to development.
- Within the Urban Designated Areas this Element encourages Planned Unit Development zoning and assigns maximum permissible residential density based on the gross land area. Through site plan review procedures in the Land Development Regulations (LDRs), development is guided to the portions of the property that are of lesser environmental quality, thus, in effect, constituting an on-site transfer or clustering of development rights.
- A broader “off-site” Transfer of Development Rights (TDR) provision and Stewardship Credit System, set forth in this Element and primarily applicable to the Rural Fringe Mixed Use District and Rural Lands Stewardship Area is a key component of the County’s overall strategy to direct incompatible land and uses away from important natural resources, including large connected wetland systems and listed species and their habitat.
- An Area of Critical State Concern Overlay is included on the Future Land Use Map to ensure implementation of all applicable Land Development Regulations in the Okaloacoochee Slough, Big Cypress Swamp, Fakahatchee Strand and Ten Thousand Islands areas.

(VII) = Plan Amendment by Ordinance No. 2002-54 on October 22, 2002

- The County has designated several Natural Resource Protection Area (NRPA) overlays within the Rural Fringe Mixed Use District. The County has also designated Flowway Stewardship Areas (FSAs) and Habitat Stewardship Areas (HSAs) within the Rural Lands Stewardship Overlay. These areas are intended to maintain the connection between, and the preservation of, large connected wetland systems and critical habitat areas for listed species by allowing very limited land uses and through high native vegetation preservation standards and buffers from adjacent land uses. These overlay areas are primarily located within the Rural Fringe Mixed Use District and the Rural Lands Stewardship Overlay where these large connected wetlands systems and habitat areas occur.
- The County has designated Water Retention Areas (WRAs) within the Rural Lands Stewardship Overlay for the further protection of surface water quality and quantity and protection of habitat for listed species.
- The County's Land Development Regulations provide standards for protection of groundwater, particularly in close vicinity to public water supply wells by implementing policies set forth in the Natural Groundwater Aquifer Recharge Element.
- Natural resources are also protected through close spatial and temporal coordination of land development with the availability of adequate infrastructure (public or private facilities) to ensure optimized accommodation of human impacts, particularly in relation to water supply, sewage treatment, and management of solid waste. This coordination is accomplished through the provision of public facilities as detailed in the Capital Improvement and Public Facility Elements and through the Level of Service Standards (LOS) found herein.

Of crucial importance to the relationship between natural resources and land use is the completion and implementation of multi-objective watershed management plans as described in the Drainage Element. Water is the greatest integrator of the physical environment in that it links together dynamic ecological and human systems. Therefore, the watershed management plan must take into account not only the need for drainage and flood protection but also the need to maintain water table levels and an approximation of natural discharge to estuaries. The watershed management plans will have implications for both water management and land use practices.

(VII)(XXXVII)

Coordination of Land Use and Public Facilities

At the heart of Florida's Community Planning Act (Chapter 163, Florida Statutes) is the requirement that adequate service by public facilities must be available at the time of demand by new development. This requirement is achieved by spatial coordination of public facilities with land uses through the Future Land Use Map; and temporal coordination through LOS standards. The LOS standards are binding - no final local Development Order may be issued which is not consistent with the Concurrency Management System. Binding LOS standards have been established for roads, water supply, sewage treatment, water management, solid waste and parks. While the standards in the Capital Improvement and Public Facility Elements serve to guide public provision of infrastructure, within the context of the Future Land Use Element the standards serve to assure the availability of adequate facilities, whether public or private.

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on January 27, 2015

The Urban Service Area concept manifested in this Element is crucial to successful coordination of land development and the provision of adequate public facilities. It is within Urban Designated Areas on the Future Land Use Map that the more intensive Zoning Districts are permissible, thus the more intensive land uses. Since Urban Designated Areas are where intensive land uses are guided, it is also where fiscal resources are primarily concentrated for the provision of roads, water supply, sewage treatment and water management. Nevertheless, facilities and services such as parks, schools, emergency and other essential services, and improvements to the existing road network are anticipated outside of the Urban Designated Area, primarily within the areas known as North Golden Gate Estates and the Rural Fringe Mixed Use District. In the case of designated Receiving Lands within the Rural Fringe Mixed Use District, in order to protect natural resources and private property rights, extension of central sewer and water is permitted in order to: support the TDR program; allow for maximum utilization of clustering of allowable residential density; foster the development of rural villages; and, as an incentive to encourage the use of other innovative planning techniques. It is important that the Urban Designated Area not be so large that public facilities cannot be efficiently and effectively planned for and delivered; and not be so small that the supply of land available for development is extremely limited with resultant lack of site selection options and competition leading to elevated land prices. It is also important that the time frames for land use and public facility planning be coordinated as discussed later in this Overview.

Management of Coastal Development

Two major coastal development issues in Collier County are the protection of natural resources and the balancing of risk in natural hazard areas.

- (VII) Extensive populated areas in Collier County are vulnerable to periodic salt-water inundation from tropical storms or hurricanes. It is extremely important that an acceptable balance between at risk population and evacuation capability be achieved. In addition, public and private investment in such vulnerable areas must be carefully considered.

This issue is addressed here and in the Conservation and Coastal Management Element through several measures. A Coastal High Hazard Area is identified on the Future Land Use Map essentially as all lands seaward of US 41. This line is based on the close fit to the storm Category 1 SLOSH area (potential for salt water flooding from 1 storm in 12 years) and evacuation planning areas. Within the Coastal High Hazard Area maximum permissible residential density is limited in recognition of the level of risk, the existing deficiency of evacuation shelter space and existing patterns of density. The Coastal High Hazard Area is also identified in the Conservation and Coastal Management Element and policies are provided therein. Finally, coastal natural hazards are addressed through Land Development Regulations already in effect relating to coastal building standards, per Chapter 161, Florida Statutes, and protection of structures from floods, per County participation in the FEMA Flood Insurance Program.

Provision of Adequate and Affordable Housing

An emerging issue in Collier County is the availability of adequate and affordable housing for low and moderate-income populations. The Future Land Use Element encourages the creation of affordable housing through provisions which allow for increased residential density if the proposed dwelling units would be affordable based on the standards found in the Housing Element. These provisions are implemented through the rezoning process and the Land Development Code.

(VII) = Plan Amendment by Ordinance No. 2002-54 on October 22, 2002

Attainment of High Quality Urban Design

The report of the Regional/Urban Design Assistance Team (R/UDAT) for the Naples area, dated April 1987, and subsequent recommendations of the R/UDAT Citizen Committee, provides another underlying concept. While the Growth Management Plan as a whole provides the requisite foundation for superior urban design through a sound framework for growth (protection of natural resources, thoughtful guidance of land uses, adequate public facilities and adequate housing), the Future Land Use Element provides several additional measures.

- (XXI) Major attention is given to the patterns of commercial development in Collier County. Concern about commercial development relates to transportation impacts both on a micro (access to road network) and macro (distribution of trip attractors and resultant overall traffic circulation) level and it relates to aesthetics and sense of place. Within the Transportation Element a commitment to adopt standards for road access has been accomplished through the Access

Control Policy adopted by Resolution and the Access Management Plans for Mixed Use Activity Centers included in the Land Development Regulations. The Future Land Use Element includes improved locational criteria for commercial development. The Mixed Use Activity Centers are intended to provide for concentrated commercial and mixed use development but with carefully configured access to the road network. Superior urban design is therefore promoted by carefully managing road access, avoiding strip commercial development, improving overall circulation patterns, and providing for community focal points.

A second urban design initiative relates to Corridor Management Plans. The Future Land Use Element committed to the completion of such plans for two roadways initially and to extend the concept to other roads in the future. The plans will identify an urban design theme for a particular road and recommend a package of Land Development Regulations (land use, height, setback, landscaping, signage, lighting, etc.) and public works (landscaping, lighting, signage, etc.) to achieve that theme. The City of Naples and Collier County have cooperated on the first roads to be treated with this approach. The Streetscape Master Plan adopted by the Board of County Commissioners identifies appropriate landscaping treatments for the different corridors in the County.

Collier County has also adopted Design Standards for all commercial development into the Land Development Code. These Architectural and Site development standards include building design, parking lot orientation, pedestrian access, vehicular movement, landscaping and lighting. These standards will provide for quality development that is responsive to the Community's character.

Improved Efficiency and Effectiveness in the Land Use Regulatory Process

Attention has been devoted to improving the land use regulatory process through straightforward requirements and procedures. This has led to the style and structure of this Plan; a reorganization of the development review process; and the compilation of all Land Development Regulations into a single, unified Land Development Code.

Protection of Private Property Rights

Important to every facet of this Element is maintenance of a careful balance between private property rights and the general public interest. Although sound land use management by definition establishes limits on use of property, care has been taken to ensure the limits are rational; fair; based on the health, safety and welfare of the public; and that due process is provided. Of particular importance is the issue of vested rights, which is addressed later in this Overview.

(XXI) = Plan Amendment by Ordinance No. 2008-59 on October 14, 2008

D. SPECIAL ISSUES

Coordination of Land Use and Public Facility Planning

It is important that the time frames of land use planning and public facilities planning be coordinated. During the development of the 1994 Urban Area Buildout Study it became clear that an incongruity existed in that under the 1989 Collier County Comprehensive Plan, enough land in the western coastal area was designated Urban for approximately 275,000 dwelling units (inclusive of the City of Naples) with a population of 458,000, with buildout occurring between 2019 and 2046, depending on the growth rate of the County. Of this, approximately 120,000 dwelling units were built as of April 1, 1996 (inclusive of the City of Naples). In the Immokalee Urban Area, enough land had been included for approximately 39,000 dwelling units with a build-out time horizon of 2105. These buildout time frames are contrasted by the time frames for public facility planning which are at 10 years for all facilities except roads where a 2020 financially feasible plan exists for the County. The 2020 plan is designed to accommodate approximately 246,500 dwelling units and a population of 393,100 (inclusive of the City of Naples).

As previously discussed, Level of Service Standards for public facilities which are binding on land development are adopted for roads, water supply, sewage treatment, water management, parks and solid waste. Of these, the first are most closely tied to the development of a property - adequate roads, water, sewer and water management must be on or adjacent to a property in order for it to be developed. Parks and solid waste are a matter of ensuring adequate countywide capacity. To narrow the issue further, it is recognized that the approach to adequate water management is regulatory - a level of on-site storm flood protection is required. In the case of water and sewer, the County has provided utility systems, which are substantial and expanding. Thus, the critical issue becomes coordination of land use and transportation time frames.

The difficulties that this incongruity – in land use planning and transportation planning time frames – could lead to, include:

- An internally inconsistent Plan;
- Failure to reserve adequate right-of-way at time of zoning;
- Condemnation of land after zoning or after development in order to obtain adequate right of way;
- Temporary prohibitions on issuance of Development Orders due to violations of Level of Service Standards; and
- Progressive lowering of Level of Service Standards.

The Comprehensive Plan responds to the time frame discrepancy through immediate action and through process oriented commitments. First, the Transportation Element includes an Objective to coordinate with the Future Land Use Element and a policy to complete long range transportation planning. The Urban Area Buildout Study was prepared to assist in the development of a long range “vision” of the Coastal Urban Area with a specific focus on the infrastructure improvements needed to accommodate the Urban area’s potential growth based on the Future Land Use Map. Phase I, completed in 1994, provided a comprehensive review of the urban area population while Phase II was an analysis of infrastructure needed to accommodate that population. Second, the Density Rating System has been adjusted to moderate maximum permissible densities in areas subject to long range congestion. Third, commercial development opportunities in the form of Mixed Use Activity Centers are provided to include a mixture of uses which has the potential to lessen the impact on the transportation

system. Fourth, the Level of Service Standards that are binding on the issuance of Development Orders are adopted as part of this Element, as well as the Capital Improvement Element. Finally, a Zoning Reevaluation Program was established and implemented which reviewed and modified, where possible, zoning with a higher density or intensity than provided for in the 1989 Comprehensive Plan.

The areas identified as subject to long range traffic congestion consist of the western coastal Urban Designated Area seaward of a boundary marked by Airport Road (including an extension north to the Lee County boundary), Davis Boulevard, County Barn Road, and Rattlesnake Hammock Road consistent with the Activity Center's residential density band located at the southwest quadrant of the intersection of Rattlesnake Hammock Road and County Road 951 (including an extension to the east). The basis for this determination was the 2015 Transportation Plan which forecasts future land use based on existing development, potential development and population projections. The land use forecasts are the basis for projected unconstrained traffic circulation from which, once compared to the existing roadway network, future roadway needs are derived. The 2020 Financially Feasible Road Plan, as well as the Needs Assessment Plan, which represents buildout of the Urban Area, have not met with public acceptance. Therefore, the strategy discussed above is promoted, which include: extend time frame of transportation planning; moderate maximum permissible densities in areas subject to long range congestion; provide commercial development opportunities which serve to modify the overall traffic circulation pattern; and re-evaluate existing zoning.

(XXX) **Level of Service Standards**

Standards for adequate service for roadways, stormwater management systems, potable water systems, wastewater treatment systems, solid waste disposal facilities, parks and recreation facilities and public school facilities are adopted as a part of the Capital Improvement Element. While a major purpose of the standards in the Capital Improvement Element is to drive the funding of facility expansion commensurate with the demand created by population growth, the major purpose for inclusion in this Element is to serve as a regulatory tool.

Objective 2 states:

...The coordination of land uses with the availability of public facilities shall be accomplished through the Concurrency Management System of the Capital Improvement Element and implemented through the Adequate Public Facilities Ordinance of the Land Development Code. It is recognized that difficulties may arise in situations where the County is not providing the facility or service but is responsible for implementation of a regulatory Level of Service Standard. This is the case with State Roads running through the County; with independent and City of Naples water and sewer districts within the County; and conversely, with County Roads running through the City of Naples and Marco Island. In these instances effort has been made to coordinate the "regulatory" Level of Service Standard with the "funding" Level of Service Standard. However, if there is a failure by the service provider, adjustment to the regulatory effort may be forced. For example, if the State Department of Transportation allows a road to fall below its "funding" standard, (which is the same as the County's "regulatory" standard) and there is no commitment to accelerate funding and construction, four options are available:

- A moratorium may be imposed but may not be sustainable if there is no commitment to improve the road by a definite and reasonable time;
- The County may improve the road;
- The private sector may improve the road; or
- The regulatory Level of Service Standard may be lowered through a Comprehensive Plan amendment process.

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

Vested Rights

The issue of vested rights for approved but unbuilt development is an important consideration in the Future Land Use Element. The issue emerges with regard to existing zoning which is inconsistent with this Plan; with regard to the magnitude of approved but unbuilt residential dwelling units in relation to the difficulty of forecasting development trends and resultant facility needs; with regard to transportation planning time frames and right-of-way needs; and with regard to approved but unbuilt commercial zoning (C-1-C-5 and PUD) in 1995 which found that of the approximately 4,152 acres of commercially zoned land, 1,780 acres, or 43%, are developed.

This Comprehensive Plan responds to the vested rights issue by establishing a program which reviewed all previously approved zoning. Within three years after Plan was adopted, all zoning was reviewed. If it is was determined to be inappropriate and is not vested, the zoning was adjusted to an appropriate classification. Annually thereafter, zoning will be re-evaluated on the fifth anniversary of its approval as identified in the Land Development Regulations. (See Appendix C of the Support Document for a complete discussion of the vested rights issue).

(VII)(IX)(XIII)

E. FUTURE LAND USE MAP

The Future Land Use Map depicts the desired extent and geographical distribution of land uses in the County. Mixed-use categories are used to generally describe the character of allowed development. Within each of these categories, a range of uses is permitted based upon specific standards as described in the Designation Description Section of this Element. These uses include residential, commercial, industrial, agricultural, recreational, conservation, educational, community, facility, and public facilities.

The Future Land Use Map series includes all those maps listed at the end of the Future Land Use Designation Description Section, which maps were adopted into this Element, and those maps contained in the Support Document.

(XIII) = Plan Amendment by Ordinance No. 2004-71 on October 26, 2004

II. IMPLEMENTATION STRATEGY

GOALS, OBJECTIVES AND POLICIES

GOAL: TO GUIDE LAND USE DECISION-MAKING SO AS TO ACHIEVE AND MAINTAIN A HIGH QUALITY NATURAL AND HUMAN ENVIRONMENT WITH A WELL PLANNED MIX OF COMPATIBLE LAND USES WHICH PROMOTE THE PUBLIC'S HEALTH, SAFETY AND WELFARE CONSISTENT WITH STATE PLANNING REQUIREMENTS AND LOCAL DESIRES.

OBJECTIVE 1:

Unless otherwise permitted in this Growth Management Plan, new or revised uses of land shall be consistent with designations outlined on the Future Land Use Map. The Future Land Use Map and companion Future Land Use Designations, Districts and Sub-districts shall be binding on all Development Orders effective with the adoption of this Growth Management Plan. Standards and permitted uses for each Future Land Use District and Subdistrict are identified in the Designation Description Section. Through the magnitude, location and configuration of its components, the Future Land Use Map is designed to coordinate land use with the natural environment including topography, soil and other resources; promote a sound economy; coordinate coastal population densities with the Regional Hurricane Evacuation Plan; and discourage unacceptable levels of urban sprawl.

Policy 1.1:

The URBAN Future Land Use Designation shall include Future Land Use Districts and Subdistricts for:

A. URBAN - MIXED USE DISTRICT

- 1. Urban Residential Subdistrict
- 2. Urban Residential Fringe Subdistrict
- 3. Urban Coastal Fringe Subdistrict
- 4. Business Park Subdistrict
- 5. Office and Infill Commercial Subdistrict
- 6. PUD Neighborhood Village Center Subdistrict
- (XII) 7. Residential Mixed Use Neighborhood Subdistrict
- (II) 8. Orange Blossom Mixed-Use Subdistrict
- (V)(XV) 9. Vanderbilt Beach/Collier Boulevard Commercial Subdistrict
- (VI)(XV) 10. Henderson Creek Mixed-Use Subdistrict
- (VI)(XV) 11. Research and Technology Park Subdistrict
- (VI)(XV) 12. Buckley Mixed-Use Subdistrict
- (XII)(XV) 13. Commercial Mixed Use Subdistrict
- (XV)(XXVI) 14. Livingston/Radio Road Commercial Infill Subdistrict
- (XV)(XXVI) 15. Vanderbilt Beach Road Neighborhood Commercial Subdistrict
- (XXI)(XXVI) 16. Collier Boulevard Community Facility Subdistrict
- (XXXIX) 17. Hibiscus Residential Infill Subdistrict
- (XLI) 18. Vincentian Mixed Use Subdistrict

(XLI) = Plan Amendment by Ordinance No. 2015-32 on June 9, 2015

B. URBAN - COMMERCIAL DISTRICT

- 1. Mixed Use Activity Center Subdistrict
- 2. Interchange Activity Center Subdistrict
- (V) 3. Livingston/Pine Ridge Commercial Infill Subdistrict
- 4. Business Park Subdistrict
- (VI) 5. Research and Technology Park Subdistrict
- (VI) 6. Livingston Road/Eatonwood Lane Commercial Infill Subdistrict
- (VI) 7. Livingston Road Commercial Infill Subdistrict
- (XII) 8. Commercial Mixed Use Subdistrict
- (XIV)(XV) 9. Livingston Road/Veterans Memorial Boulevard Commercial Infill Subdistrict
- (XV) 10. Goodlette/Pine Ridge Commercial Infill Subdistrict
- (XIX) 11. Orange Blossom/Airport Crossroads Commercial Subdistrict

C. URBAN – INDUSTRIAL DISTRICT

- 1. Business Park Subdistrict
- (VI) 2. Research and Technology Park Subdistrict

(IX) **Policy 1.2:**

The AGRICULTURAL/RURAL Future Land Use Designation shall include Future Land Use Districts and Subdistricts for:

A. AGRICULTURAL/RURAL – MIXED USE DISTRICT

- 1. Rural Commercial Subdistrict
- (XXI) 2. Corkscrew Island Neighborhood Commercial Subdistrict

B. RURAL FRINGE MIXED USE DISTRICT

C. RURAL – INDUSTRIAL DISTRICT

D. RURAL – SETTLEMENT AREA DISTRICT

Policy 1.3:

The ESTATES Future Land Use Designation shall include Future Land Use Districts and Subdistricts: as described in the Golden Gate Area Master Plan.

Policy 1.4:

The CONSERVATION Future Land Use Designation may include a Future Land Use District.

(IV)(VII)(IX)(XI)(XIV)(XXX)

Policy 1.5: *[re-lettered to reflect merger of Ordinance No. 2002-32 and 2002-54]*

Overlays and Special Features shall include:

- A. Area of Critical State Concern Overlay
- B. North Belle Meade Overlay
- C. Natural Resource Protection Area Overlays
- (VII) D. Rural Lands Stewardship Area Overlay
- E. Airport Noise Area Overlay
- (IV) F. Bayshore/Gateway Triangle Redevelopment Overlay
- G. Urban-Rural Fringe Transition Zone Overlay
- H. Coastal High Hazard Area Boundary
- I. Incorporated Areas

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

(XXX) **OBJECTIVE 2:**

The coordination of land uses with the availability of public facilities shall be accomplished through the Concurrency Management System of the Capital Improvement Element and implemented through the Adequate Public Facilities Ordinance of the Land Development Code.

(XXX) **Policy 2.1:**

The County shall prepare annually the Annual Update and Inventory Report (AUIR) on Public Facilities which shall include a determination of the existing conditions of capital public facilities, determine the remaining available capacity, forecast future needs in the five year capital improvement schedule and identify needed improvements and funding to maintain the level of service adopted in Policy 1.5 of the Capital Improvement Element.

(XII)(XXXVII)

Policy 2.2:

Deficiencies or potential deficiencies that have been determined through the Annual Update and Inventory Report on capital public facilities may include the following remedial actions: establish an area of significant influence for roads, a TCEA, TCMA, add projects to the Capital Improvement Element, enter into a binding commitment with a developer to construct the needed facilities or defer development until improvements can be made or the level of service is amended to ensure available capacity.

Policy 2.3:

Continue the Certificate of Adequate Public Facility Adequacy regulatory program, which requires the certification of public facility availability prior to the issuance of a final local development order.

(XII)(XXI)(XXX)(XXXVII)

Policy 2.4:

Pursuant to the Urban Infill and Urban Redevelopment Strategy contained in this Element, development located within the South US 41 Transportation Concurrency Exception Area (TCEA) (See Map TR-4) may be exempt from transportation concurrency requirements, so long as impacts to the transportation system are mitigated using the procedures set forth in Policy 5.5 of the Transportation Element.

Developments within the South US 41 TCEA that do not obtain certification pursuant to Policy 5.6 of the Transportation Element shall meet all concurrency requirements. Whether or not a concurrency exception is requested, developments shall be subject to a concurrency review for the purpose of reserving capacity for those trips associated with the development and maintaining accurate counts of the remaining capacity on the roadway network.

(XII)(XXX) **Policy 2.5:**

The County has designated Transportation Concurrency Management Areas (TCMA) to encourage compact urban development where an integrated and connected network of roads is in place that provides multiple, viable alternative travel paths or modes for common trips. Performance within each TCMA shall be measured based on the percentage of lane miles meeting the LOS described in Policies 1.3 and 1.4 of the Transportation Element. Standards within TCMA's are provided in Policy 5.8 of the Transportation Element. New Development within each TCMA shall be consistent with the criteria set forth in Objective 6, and Policies 6.1 through 6.5 of this Element. The following Transportation Concurrency Management Areas are hereby designated:

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on January 27, 2015

1. Northwest TCMA – This area is bounded by the Collier – Lee County Line on the north side; the west side of the I-75 right-of-way on the east side; Pine Ridge Road on the south side; and, the Gulf of Mexico on the west side (See Map TR-5).
2. East Central TCMA – This area is bounded by Pine Ridge Road on the north side; Collier Boulevard on the east side; Davis Boulevard on the south side, and; Livingston Road (extended) on the west side (See Map TR-6).

(XV) **Policy 2.6:**

Traffic impacts generated by new development are regulated through the implementation of a 'checkbook' transportation concurrency management system, which incorporates two Transportation Concurrency Management Areas (TCMAs) and a Transportation Concurrency Exception Area (TCEA). New developments within the TCMAs and the TCEA that commit to certain identified traffic management strategies shall reduce (the TCMAs) the traffic impact mitigation measures that would otherwise be applied to such developments.

OBJECTIVE 3:

Land Development Regulations have been adopted to implement this Growth Management Plan pursuant to Chapter 163.3202, Florida Statutes (F.S.), in order to ensure protection of natural and historic resources, ensure the availability of land for utility facilities, promote compatible land uses within the airport noise zone, and to provide for management of growth in an efficient and effective manner.

(XV) **Policy 3.1:**

Land Development Regulations have been adopted into the Collier County Land Development Code (LDC) that contain provisions to implement the Growth Management Plan through the development review process. These include the following provisions:

- (XV) a. The LDC contains procedures and standards for the orderly development and subdivision of real estate in order to ensure proper legal description, identification, documentation and recording of real estate boundaries and adequate infrastructure for development.
- (VII)(IX)(XV) b. The LDC contains provisions that protect environmentally sensitive lands and provide for the retention of open space. This has been accomplished: through the implementation of various zoning districts and zoning overlays that restrict higher intensity land uses in the Rural Fringe Mixed Use District and, which require specific land development standards for the remaining allowable land uses; through the adoption of permanent Natural Resource Protection Area (NRPA) Overlays; integration of State of Florida Big Cypress Area of Critical State Concern regulations into the LDC, and, in part, through implementation of the Rural Lands Stewardship Overlay. This has also been accomplished through the implementation of regulations such as minimum open space requirements, native vegetation preservation requirements, and/or through the creation of incentives that encourage the use of creative land use planning techniques and innovative approaches to development in the County's Agricultural/Rural Designated Area.
- (XV) c. Drainage and stormwater management practices shall be governed by the South Florida Water Management District Surface Water Management regulations.

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

- (l) d. Identified potable water wellfields are depicted on the Future Land Use Map Series as wellhead protection areas. Policy 3.1.1 of the Conservation and Coastal Management Element specifies prohibitions and restrictions on land use in order to protect these identified wellfields.
- (XV) e. Signage regulations in the LDC include frontage requirements for signs, require shared signs for smaller properties, contain definitions, and include an amortization schedule for non-conforming signs.
- (XV) f. The safe and convenient flow of on-site traffic, as well as the design of vehicle parking areas, are addressed through the site design standards and site development plan requirements of the LDC, which include: access requirements from roadways, parking lot design and orientation, lighting, building design and materials, and landscaping and buffering criteria.
- (XV) g. The LDC ensures the availability of suitable land for utility facilities, and other essential services necessary to support proposed development, by providing for the location of public facilities and other essential services in the Public Use Zoning District, and in other zoning districts via the Essential Services regulations.
- (XV) h. The LDC provides for the protection of historically significant properties through regulations that: provide for an Historic/Archaeological Preservation Board; provide for the identification of mapped areas of historic/archaeological probability; require completion of a survey and assessment of discovered sites; and, provide a process for designation of sites, structures, buildings and properties as historically and/or archaeologically significant.
- (XV)(XXX) i. The mitigation of incompatible land uses within the area designated as the Airport Noise Area Overlay on the Future Land Use Map shall be accomplished through: implementation of regulations that require sound-proofing for all new residential structures built within the 65 LDN Contour; recording of the legal description of the noise contour boundary in the property records of the County; and, the inter-local agreement with the Naples Airport Authority that requires the County to notify the Authority of all development proposals located within 20,000 feet of the airport that exceed height standards established by the Federal Aviation Administration. Additionally, to address compatibility with the Naples Municipal Airport, Marco Island Executive Airport, Everglades Airpark and Immokalee Regional Airport, the County will implement the following provisions in the Collier County Land Development Code, Ordinance No. 04-41, as amended: Section 2.03.07C., Airport Overlay (APO); Section 4.02.06, Standards for Development in Airport Zones; and, Appendix D, Airport Zoning.
- (XI)(XV) j. Collier County shall not issue development orders that are inconsistent with the provisions of this Growth Management Plan. Some projects and properties may be inconsistent with densities and land use intensities established in the Future Land Use Designation Description Section of this Element, but these projects and properties have been found to be consistent with this Element via consistency with one or more of Policies 5.9 through 5.13.
- (XV) **Policy 3.2:**
The Land Development Regulations have been codified into a single unified Land Development Code (Ordinance 04-41, as amended). The development review process has been evaluated and improved to focus on efficiency and effectiveness through unification of all review staff into a single organizational unit and through streamlining of the review process.

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

OBJECTIVE 4:

In order to improve coordination of land uses with natural and historic resources, public facilities, economic development, housing and urban design, the Future Land Use Element shall be continually refined through detailed planning. Future studies might address specific geographic or issue areas. All future studies must be consistent with the Growth Management Plan and further its intent.

(XV) **Policy 4.1:**

A detailed Master Plan for the Golden Gate Area has been developed and was incorporated into this Growth Management Plan in February 1991. Subsequent major revisions were adopted in 1997 following the 1996 Evaluation and Appraisal Report, and in 2002 and 2004 principally based upon recommendations of the Golden Gate Area Master Plan Restudy Committee. The Golden Gate Area Master Plan encompasses Golden Gate Estates subdivision, Golden Gate City, and the Rural Settlement Area formerly known as North Golden Gate. The Master Plan addresses natural resources, future land use, preservation of the Estates' rural character, transportation improvements, other public facilities, and the provision of emergency services.

(XV) **Policy 4.2:**

A detailed Master Plan for the Immokalee Urban designated area has been developed and was incorporated into this Growth Management Plan in February, 1991. Major revisions were adopted in 1997 following the 1996 Evaluation and Appraisal Report. The Immokalee Area Master Plan addresses conservation, future land use, population, recreation, transportation, housing, and the local economy. Major purposes of the Master Plan are coordination of land uses and transportation planning, redevelopment or renewal of blighted areas, and the promotion of economic development.

(XV) **Policy 4.3:**

A detailed Master Plan for Marco Island has been developed and was incorporated into this Growth Management Plan in January 1997. The Marco Island Master Plan addressed population, public facilities, future land use, urban design, land development regulations, and other considerations. However all lands that were encompassed by the Master Plan are now within the City of Marco Island and are subject to its comprehensive plan and land development regulations. Accordingly, the Marco Island Master Plan has been deleted from the Collier County Growth Management Plan.

(XV) **Policy 4.4:**

Corridor Management Plans have been developed by Collier County in conjunction with the City of Naples. These Plans identify appropriate urban design objectives and recommend Land Development Regulations and Capital Improvements to accomplish those objectives. Plans have been completed for Goodlette-Frank Road south of Pine Ridge Road, and for Golden Gate Parkway from US 41 to Santa Barbara Boulevard. The Corridor Management (zoning) Overlay has been adopted into the Land Development Code; it imposes additional development standards and limitations upon properties located along these two road segments. Future Corridor Management Plans may be prepared jointly with the City of Naples as directed by the Board of County Commissioners. The objectives for each Corridor Management Plan will be established prior to the development of the Plan. Corridors that may be considered jointly with the City of Naples include:

- a. Pine Ridge Road from US 41 to Goodlette-Frank Road;
- b. Davis Boulevard from US 41 to Airport-Pulling Road;

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

- c. US 41 from Creech Road to Pine Ridge Road; and
- d. US 41 from Davis Boulevard to Airport-Pulling Road.

The Board of County Commissioners will determine the boundaries of the corridors selected and the time frame for completion.

(XV)(XXX) **Policy 4.5:**

An Industrial Land Use Study has been developed and a summary of the Study has been incorporated into the support document of this Growth Management Plan. The Study includes a detailed inventory of industrial uses, projections of demand for industrial land, and recommendations for future land use allocations and locational criteria. The detailed inventory of industrial land uses will be periodically updated.

(XI)(XV) **Policy 4.6:**

Access Management Plan provisions have been developed for Mixed Use and Interchange Activity Centers designated on the Future Land Use Map and these provisions have been incorporated into the Collier County Land Development Code. The intent of the Access Management Plan provisions is defined by the following guidelines and principles:

- a. The number of ingress and egress points shall be minimized and shall be combined and signalized to the maximum extent possible.
- (XI)(XXXVII) b. Spacing of access points shall meet, to the maximum extent possible, the standards set forth in the Collier County Access Control Policy (Resolution No. 01-247, adopted June 26, 2001).
- c. Access points and turning movements shall be located and designed to minimize interference with the operation of existing and planned interchanges and intersections.
- d. Developers of lots, parcels, and subdivisions shall be encouraged to dedicate cross-access easements, rights-of-way, and limited access easements, as necessary and appropriate, in order to ensure compliance with the above-mentioned standards (a. – c.)

(XV)(XXX) **Policy 4.7:**

The Board of County Commissioners may consider whether to adopt redevelopment plans for existing commercial and residential areas. Such plans may include alternative land uses, modifications to development standards, and incentives that may be necessary to encourage redevelopment. Such redevelopment plans may only be prepared by the County or its agent unless otherwise authorized by the Board of County Commissioners. The Bayshore/Gateway Triangle Redevelopment Plan was adopted by the Board on June 13, 2000; it encompasses the Bayshore Drive corridor and the triangle area formed by US 41 East, Davis Boulevard and Airport-Pulling Road. The Immokalee Redevelopment Plan was adopted by the Board on June 13, 2000. Other specific areas that may be considered by the Board of County Commissioners for redevelopment include, but are not necessarily limited to:

- a. Pine Ridge Road, between US 41 North and Goodlette-Frank Road;
- (XXXVII) b. US 41 North in Naples Park; and,
- c. Bonita Beach Road between Vanderbilt Drive and the west end of Little Hickory Shores #1 Subdivision.

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on January 27, 2015

(XI)(XV) **Policy 4.8:**
Maintain and update, on an annual basis, the following demographic and land use information: existing permanent population, existing seasonal population, projected population, existing dwelling units, and projected dwelling units. Included with this database shall be a forecast of the geographic distribution of anticipated growth.

Population estimates and projections shall be based upon the most recent population bulletin from the University of Florida's Bureau of Economic and Business Research (BEBR), except where decennial census estimates are available. For the annually updated Capital Improvement Plan, on a continuously rolling basis, population projections shall be calculated for all public facilities using BEBR's medium range growth rate. Population definitions are provided in Policy 1.2 of the Capital Improvement Element.

(I)(XV) **Policy 4.9:**
Pursuant to the Final Order (AC-99-002) issued by the Administration Commission on June 22, 1999, a Rural and Agricultural Area Assessment was prepared between 1999 and 2002. Based upon the findings and results of the Assessment, amendments to this comprehensive plan were adopted in 2002, including establishment of the Rural Fringe Mixed Use District and Rural Lands Stewardship Area Overlay.

(I)(XV) **Policy 4.10:**
Public participation and input was a primary feature and goal of the Rural and Agricultural Assessment. Representatives of state and regional agencies participated in, and assisted in, the Assessment. During the three-year Assessment and subsequent comprehensive plan amendment process, community input was provided through workshops, public meetings, appointed committees, technical working groups, and established advisory boards including the Environmental Advisory Council and the Collier County Planning Commission.

OBJECTIVE 5:

(VII) In order to promote sound planning, protect environmentally sensitive lands and habitat for listed species while protecting private property rights, ensure compatibility of land uses and further the implementation of the Future Land Use Element, the following general land use policies shall be implemented upon the adoption of the Growth Management Plan.

(XII)(XV) **Policy 5.1:**
All rezonings must be consistent with this Growth Management Plan. For properties that are zoned inconsistent with the Future Land Use Designation Description Section but have nonetheless been determined to be consistent with the Future Land Use Element, as provided for in Policies 5.9 through 5.13, the following provisions apply:

- (XXXII) a. For such commercially-zoned properties, zoning changes will be allowed provided the new zoning district is the same or a lower intensity commercial zoning district as the existing zoning district, and provided the overall intensity of commercial land use allowed by the existing zoning district, except as allowed by Policy 5.11, is not exceeded in the new zoning district. The foregoing notwithstanding, such commercial properties may be approved for the addition of residential uses, in accordance with the Commercial Mixed Use Subdistrict, though an increase in overall intensity may result. A zoning change of such commercial-zoned properties to a residential zoning district is allowed as provided for in the Density Rating System of this Future Land Use Element and as provided for in the Bayshore/Gateway Triangle Redevelopment Overlay.

(XXXII) = Plan Amendment by Ordinance No. 2013-42 on May 28, 2013

- b. For such industrially-zoned properties, zoning changes will be allowed provided the new zoning district is the same or a lower intensity industrial, or commercial, zoning district as the existing zoning district, and provided the overall intensity of industrial land use allowed by the existing zoning district is not exceeded in the new zoning district.
- (XXXII) c. For such residentially-zoned properties, zoning changes will be allowed provided the authorized number of dwelling units in the new zoning district does not exceed that authorized by the existing zoning district, and provided the overall intensity of development allowed by the new zoning district does not exceed that allowed by the existing zoning district, except as provided for in the Bayshore/Gateway Triangle Redevelopment Overlay.
- (XXV) d. For property deemed to be consistent with this Element pursuant to one or more of policies 5.9 through 5.13, said property may be combined and developed with other property, whether such other property is deemed consistent via those same policies or is deemed consistent with the Future Land Use Designation Description Section. For residential and mixed use developments only, the accumulated density between these properties may be distributed throughout the project, as provided for in the Density Rating System or the Commercial Mixed Use Subdistrict, as applicable.
- e. Overall intensity of development shall be determined based upon a comparison of public facility impacts as allowed by the existing zoning district and the proposed zoning district.

(XV) **Policy 5.2:**

All applications and petitions for proposed development shall be consistent with this Growth Management Plan, as determined by the Board of County Commissioners.

(VII)(IX)(XXX)

Policy 5.3:

Discourage unacceptable levels of urban sprawl in order to minimize the cost of community facilities by: confining urban intensity development to areas designated as Urban on the Future Land Use Map; requiring that any additions to the Urban Designated Areas be contiguous to an existing Urban Area boundary; and, encouraging the use of creative land use planning techniques and innovative approaches to development in the County's Agricultural/Rural designated area, which will better serve to protect environmentally sensitive areas, maintain the economic viability of agriculture and other predominantly rural land uses, and provide for cost efficient delivery of public facilities and services.

(XV) **Policy 5.4:**

New developments shall be compatible with, and complementary to, the surrounding land uses, as set forth in the Land Development Code (Ordinance 04-41, adopted June 22, 2004 and effective October 18, 2004, as amended).

(VII)(IX)(XV)

Policy 5.5:

Encourage the use of land presently designated for urban intensity uses before designating other areas for urban intensity uses. This shall occur by planning for the expansion of County owned and operated public facilities and services to existing lands designated for urban intensity uses, the Rural Settlement District (formerly known as North Golden Gate), and the Rural Fringe Mixed Use District, before servicing new areas.

(XXXII) = Plan Amendment by Ordinance No. 2013-42 on May 28, 2013

(VII)(IX) **Policy 5.6:**
Permit the use of clustered residential development, Planned Unit Development techniques, mixed-use development, rural villages, new towns, satellite communities, transfer of development rights, agricultural and conservation easements, and other innovative approaches, in order to conserve open space and environmentally sensitive areas. Continue to review and amend the zoning and subdivision regulations as necessary to allow and encourage such innovative land development techniques.

Policy 5.7:
Encourage recognition of identifiable communities within the urbanized area of western Collier County. Presentation of economic and demographic data shall be based on Planning Communities and commonly recognized neighborhoods.

(XV) **Policy 5.8:**
Group Housing, which may include the following: Family Care Facility, Group Care Facility, Care Units, Assisted Living Facility, and Nursing Home, shall be allowed within the Urban designated area, and may be allowed in other future land use designations, subject to the definitions and regulations as outlined in the Collier County Land Development Code (Ordinance 04-41, adopted June 22, 2004 and effective October 18, 2004) and consistent with the locational requirements in Florida Statutes (Chapter 419.001 F.S.). Family Care Facilities, which are residential facilities occupied by not more than six (6) persons, shall be permitted in residential areas.

(XI)(XV) **Policy 5.9:**
Former Policy 3.1.k. of the Future Land Use Element provided for the establishment of a Zoning Reevaluation Program to evaluate properties whose zoning did not conform with the Future Land Use Designation Description Section of the Future Land Use Element. This Program was implemented through the Zoning Reevaluation Ordinance No. 90-23. Where such properties were determined, through implementation of that Ordinance, to be "improved property", as defined in that Ordinance, the zoning on said properties shall be deemed consistent with the Future Land Use Element and those properties have been identified on the Future Land Use Map Series as Properties Consistent by Policy.

(XI)(XV) **Policy 5.10:**
The zoning on property for which an exemption has been granted based on vested rights, dedication, or compatibility determination, and the zoning on property for which a compatibility exception has been granted, both as provided for in the Zoning Re-evaluation Program established pursuant to former Policy 3.1K and implemented through the Zoning Reevaluation Ordinance No. 90-23, and as identified on the Future Land Use Map series as Properties Consistent by Policy, shall be considered consistent with the Future Land Use Element. Such property shall be considered consistent with the Future Land Use Element only to the extent of the exemption or exception granted and in accordance with all other limitations and timelines that are provided for in the Zoning Re-evaluation Program. Nothing contained in this policy shall exempt any development from having to comply with any provision of the Growth Management Plan other than the zoning reevaluation program. Additionally, the Copeland, Plantation Island and Chokoloskee Urban areas were exempted from the Zoning Re-evaluation Ordinance. Existing zoning on properties within these communities shall also be considered consistent with the Future Land Use Element.

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

(XV) **Policy 5.11:**

Properties whose zoning has been determined to comply with the former Commercial under Criteria provision of the Future Land Use Element shall be deemed consistent with the Future Land Use Element. These properties are identified on the Future Land Use Map Series as Properties Consistent by Policy. These properties are not subject to the building floor area or traffic impact limitations contained in this former provision.

(XV) **Policy 5.12:**

The zoning on properties rezoned under the former Industrial Under Criteria provision, or pursuant to the former provision contained in the Urban-Industrial District that allowed expansion of industrial uses abutting lands designated or zoned Industrial, both as adopted in Ordinance 89-05 in January, 1989, shall be deemed consistent with the Future Land Use Element. These properties are identified on the Future Land Use Map Series as Properties Consistent by Policy.

(I)(XV) **Policy 5.13:**

The properties identified in Ordinance Numbers 98-82, 98-91, 98-94, 99-02, 99-11, 99-19, 99-33, and, 2000-20, were previously located in Activity Centers No. 1, 2, 6, 8, 11 and 18, and were rezoned pursuant to those previous Activity Center boundaries. Ordinance No. 2000-27, adopted May 9, 2000, modified those Activity Center boundaries to exclude those properties. The zoning on those properties shall be deemed consistent with the Future Land Use Element.

(XII) **Policy 5.14:**

Public educational plants and ancillary plants:

- (XVIII) a. Existing public educational plants and ancillary plants: The sites containing existing public educational plants (schools and associated on-site facilities, including sports stadiums, gymnasiums and recreation areas) and ancillary plants (support facilities, including administrative offices, transportation facilities, maintenance yards, and bus barns) are depicted on the Future Land Use Map Series and Public School Facilities Element Map Series. This includes four sites where educational plants have been approved but construction either has not commenced or is not completed. More detailed descriptions or depictions of all of the sites containing these existing educational plants and ancillary plants are contained in the FLUE Support Document. Expansion of these educational plants and ancillary plants on these existing sites, as well as expansions to the sites themselves, are subject to the provisions outlined in the general Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and as subsequently amended and restated, with an effective date of December 2008, and subject to the implementing land development regulations to be adopted; and, shall be subject to the School Board Review (SBR) Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and subject to the implementing land development regulations.
- (XVIII) b. Existing sites for future public educational plants: The Collier County School Board has acquired numerous sites for which educational plants are planned for future development; these sites contain no existing educational plants. These sites are consistent with locational criteria established by the SBR Interlocal Agreement and as contained in the FLUE, GGAMP, or IAMP, as applicable, and are allowed within the existing zoning district on the property. These sites are depicted on the Future Land Use Map Series and Public School Facilities Element Map Series. Development of the

(XVIII) = Plan Amendment by Ordinance No. 2008-55 on October 14, 2008

mapped sites shall be subject to the provisions of the general Interlocal Agreement adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and as subsequently amended and restated, with an effective date of December 2008, and subject to the implementing land development regulations to be adopted; and, shall be subject to the School Board Review (SBR) Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and subject to the implementing land development regulations.

- (XVIII) c. Existing sites for future public ancillary plants: The Collier County School Board has acquired sites for which ancillary plants are planned for future development; these sites contain no existing ancillary plants. These sites are consistent with locational criteria established by the SBR Interlocal Agreement and as contained in the FLUE, GGAMP, or IAMP, as applicable, and are allowed within the existing zoning district on the property. These sites are depicted on the Future Land Use Map Series and Public School Facilities Element Map Series. Development of the mapped sites shall be subject to the provisions of the general Interlocal Agreement adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and as subsequently amended and restated, with an effective date of December 2008, and subject to the implementing land development regulations to be adopted; and, shall be subject to the School Board Review (SBR) Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and subject to the implementing land development regulations.
- (XVIII) d. Future sites for public educational plants and ancillary plants: As additional sites for educational plants and ancillary plants are acquired by the Collier County School Board and deemed to be consistent with the FLUE, GGAMP, or IAMP, as applicable, and allowed by existing zoning on the site, these sites will be added to the Future Land Use Map Series and Public School Facilities Element Map Series, as provided for in the general Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and as subsequently amended and restated, with an effective date of December 2008, and subject to the implementing land development regulations to be adopted; and, shall be subject to and the School Board Review (SBR) Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners. Future development of these sites will be subject to the provisions of the aforementioned general Interlocal Agreement and SBR Interlocal Agreement, and subject to the implementing land development regulations. Prior to site acquisition, the Collier County School District will provide notification to property owners as follows: 1) for sites located within the Urban Designated Area of the Future Land Use Element of the Growth Management Plan, notices shall be sent to all owners of property within 500 linear feet of the property lines of the site under consideration for acquisition; 2) for sites not located within the Urban Designated Area of the FLUE of the Growth Management Plan, notices shall be sent to all owners of property within 1,000 linear feet of the property lines of the site under consideration for acquisition. At the public hearing to consider the land acquisition, all public commentary received as a result of these notices will be provided to the Collier County School Board.

(XVIII) = Plan Amendment by Ordinance No. 2008-55 on October 14, 2008

- e. Zoning district provisions for future educational plants: Except to the extent that such would be in conflict with the Rural Fringe Mixed Use District adopted on June 19, 2002, or the Rural Lands Stewardship Area Overlay adopted on October 22, 2002, all future educational plants shall be allowed in zoning districts as follows:

- (1) Educational plants are prohibited in the Residential Tourist (RT), Golf Course (GC), Conservation (CON), Travel Trailer Recreational Vehicle Campground (TTRVC), Business Park (BP), and Industrial (I) zoning districts.

(XVIII) (2) Educational plants are permitted by right in all other zoning districts. However, for a high school facility to be located in any residential zoning district, or Estates (E) zoning district, or residential component of a PUD, a formal compatibility review and determination is required, as set forth in the general Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners, and as subsequently amended and restated, with an effective date of December 2008, and the School Board Review (SBR) Interlocal Agreement, adopted on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners.

- f. Zoning district provisions for future ancillary plants: Except to the extent that such would be in conflict with the Rural Fringe Mixed Use District adopted on June 19, 2002, or the Rural Lands Stewardship Area Overlay adopted on October 22, 2002, all future ancillary plants shall be allowed in zoning districts as follows:

- (1) Ancillary plants are prohibited in the Residential Single Family (RSF-1 through RSF-6), Mobile Home (MH), Travel Trailer Recreational Vehicle Campground (TTRVC), Golf Course (GC), and Conservation (CON) zoning districts.

- (2) Ancillary plants are permitted by right in the General Commercial (C-4), Heavy Commercial (C-5), and Industrial (I) zoning districts.

- (3) Ancillary plants are permitted by conditional use approval in all other zoning districts.

(XII)(XXX) **OBJECTIVE 6:**

Transportation Concurrency Management Areas (TCMAs) are geographically compact areas designated in local government comprehensive plans where intensive development exists, or such development is planned. New development within a TCMA shall occur in a manner that will ensure an adequate level of mobility (as defined in Policy 5.8 of the Transportation Element) and further the achievement of the following identified important state planning goals and policies: discouraging the proliferation of urban sprawl, protecting natural resources, protecting historic resources, maximizing the efficient use of existing public facilities, and promoting public transit, bicycling, walking and other alternatives to the single occupant automobile. Transportation Concurrency Management Areas have been established in the specific geographic areas described in Policy 2.5 of this Element.

(XII) **Policy 6.1:**

Collier County's designated Transportation Concurrency Management Areas (TCMAs) shall discourage the proliferation of urban sprawl by promoting residential and commercial infill development and by promoting redevelopment of areas wherein current zoning was approved prior to the establishment of this Growth Management Plan (January 10, 1989). Infill development and redevelopment within the TCMAs shall be consistent with Objective 5, and relevant subsequent policies, of this Element.

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

Policy 6.2:

In order to be exempt from link specific concurrency, new commercial development or redevelopment within Collier County's designated Transportation Concurrency Management Areas (TCMAs) shall utilize at least two of the following Transportation Demand Management (TDM) strategies, as may be applicable:

- a) Preferential parking for carpools and vanpools that is expected to increase the average vehicle occupancy for work trips generated by the development.
- b) Parking charge that is expected to increase the average vehicle occupancy for work trips generated by the development and/or increase transit ridership.
- c) Cash subsidy that is expected to increase the average vehicle occupancy for work trips generated by the development and/or increase transit ridership.
- d) Flexible work schedules that are expected to reduce peak hour automobile work trips generated by the development.
- e) Compressed workweek that would be expected to reduce vehicle miles of travel and peak hour work trips generated by the development.
- f) Telecommuting that would reduce the vehicle miles of travel and peak hour work trips generated by the development.
- g) Transit subsidy that would reduce auto trips generated by the development and increase transit ridership.
- h) Bicycle and Pedestrian facilities that would be expected to reduce vehicle miles of travel and automobile work trips generated by the development.
- i) Including residential units as a portion of a commercial project that would reduce vehicle miles of travel.
- j) Providing transit shelters within the development (must be coordinated with Collier County Transit).

(XII)(XV)(XXX)

Policy 6.3:

In order to be exempt from link specific concurrency, new residential development or redevelopment within Collier County's designated Transportation Concurrency Management Areas (TCMAs) shall utilize at least two of the following Transportation Demand Management (TDM) strategies, as may be applicable:

- a) Including neighborhood commercial uses within a residential project.
- b) Providing transit shelters within the development (must be coordinated with Collier County Transit).
- c) Providing bicycle and pedestrian facilities, with connections to abutting commercial properties.
- d) Providing vehicular access to abutting commercial properties.

(XII) **Policy 6.4:**

All rezoning within the Transportation Concurrency Management Areas (TCMAs) is encouraged to be in the form of a Planned Unit Development (PUD). Any development contained in a TCMA, whether submitted as a PUD or non-PUD rezone shall be required to be consistent with the native vegetation preservation requirements contained within Policy 6.1.1 of the Conservation and Coastal Management Element.

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

(XII) **Policy 6.5:**
All new development, infill development or redevelopment within a Transportation Concurrency Management Area is subject to the historical and archaeological preservation criteria, as contained in Objective 11.1 and Policies 11.1.1 through 11.1.3 of the Conservation and Coastal Management Element.

(XIII)(XXX) **OBJECTIVE 7:**
In an effort to support the Dover, Kohl & Partners publication, *Toward Better Places: The Community Character Plan for Collier County, Florida*, promote smart growth policies, reduce greenhouse gas emissions, and adhere to the existing development character of Collier County, the following policies shall be implemented for new development and redevelopment projects, where applicable.

Policy 7.1:
The County shall encourage developers and property owners to connect their properties to fronting collector and arterial roads, except where no such connection can be made without violating intersection spacing requirements of the Land Development Code.

Policy 7.2:
The County shall encourage internal accesses or loop roads in an effort to help reduce vehicle congestion on nearby collector and arterial roads and minimize the need for traffic signals.

(XXX) **Policy 7.3:**
All new and existing developments shall be encouraged to connect their local streets and/or interconnection points with adjoining neighborhoods or other developments regardless of land use type. The interconnection of local streets between developments is also addressed in Policy 9.3 of the Transportation Element.

Policy 7.4:
The County shall encourage new developments to provide walkable communities with a blend of densities, common open spaces, civic facilities and a range of housing prices and types.

(XV) **Policy 7.5:**
The County shall encourage mixed-use development within the same buildings by allowing residential dwelling units over and/or abutting commercial development. This policy shall be implemented through provisions in specific subdistricts in this Growth Management Plan.

Policy 7.6:
The County shall explore the creation of an urban “greenway” network along existing major canal banks and powerline easements.

(XXX) **Policy 7.7:**
The Growth Management Division will continue to research smart growth practices in an effort to improve the future of Collier County by specifically addressing land use and transportation planning techniques for inclusion in future land development regulations.

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

**FUTURE LAND USE DESIGNATION
DESCRIPTION SECTION**

The following section describes the land use designations shown on the Future Land Use Map. These designations generally indicate the types of land uses for which zoning may be requested. However, these land use designations do not guarantee that a zoning request will be approved. Requests may be denied by the Board of County Commissioners based on criteria in the Land Development Code or on special studies completed for the County.

(XV) I. URBAN DESIGNATION

Urban designated areas on the Future Land Use Map include two general portions of Collier County: areas with the greatest residential densities, and areas in close proximity, which have or are projected to receive future urban support facilities and services. It is intended that Urban designated areas accommodate the majority of population growth and that new intensive land uses be located within them. Accordingly, the Urban area will accommodate residential uses and a variety of non-residential uses. The Urban designated area, which includes Immokalee, Copeland, Plantation Island, Chokoloskee, Port of the Islands, and Goodland, in addition to the greater Naples area, represents less than 10% of Collier County’s land area.

The boundaries of the Urban designated areas have been established based on several factors, including: patterns of existing development; patterns of approved, but unbuilt, development; natural resources; water management; hurricane risk; existing and proposed public facilities; population projections and the land needed to accommodate the projected population growth.

Urban designated areas will accommodate the following uses:

- (IV) a. Residential uses including single family, multi-family, duplex, and mobile home. The maximum densities allowed are identified in the Districts, Subdistricts and Overlays that follow, except as allowed by certain policies under Objective 5.
- b. Non-residential uses including:
 - 1. Essential services as defined by the most recent Land Development Code;
 - 2. Parks, open space and recreational uses;
 - (XII)(XV) 3. Water-dependent and water-related uses (see Conservation and Coastal Management Element, Objective 10.1 and subsequent policies and the Collier County Manatee Protection Plan (NR-SP-93-01), May 1995);
 - 4. Child care centers;
 - (I)(XV) 5. Community facilities such as churches, group housing uses, cemeteries, schools and school facilities co-located with other public facilities such as parks, libraries, and community centers, where feasible and mutually acceptable;
 - 6. Safety service facilities;
 - 7. Utility and communication facilities;
 - 8. Earth mining, oil extraction, and related processing;
 - 9. Agriculture;

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

- (V) 10. Travel trailer recreational vehicle parks, provided the following criteria are met:
 - (a) The density is consistent with that permitted in the Land Development Code;
 - (b) The site has direct principal access to a road classified as an arterial in the Transportation Element, direct principal access defined as a driveway and/or local roadway connection to the arterial road, provided the portion of the local roadway intended to provide access to the RV park is not within a residential neighborhood and does not service a predominately residential area; and
 - (c) The use will be compatible with surrounding land uses.

- (XV) 11. Support medical facilities – such as physicians' offices, medical clinics, medical treatment centers, medical research centers and medical rehabilitative centers, and pharmacies – provided the dominant use is medical related and the site is located within ¼ mile of existing or approved hospitals or medical centers which offer primary and urgent care treatment for all types of injuries and traumas, such as, but not limited to, North Collier Hospital. The distance shall be measured from the nearest point of the tract that the hospital is located on or approved for, to the project boundaries of the support medical facilities. Approval of such support medical facilities may be granted concurrent with the approval of new hospitals or medical centers which offer primary and urgent care treatment for all types of injuries and traumas. Stipulations to ensure that the construction of the support medical facilities is concurrent with hospitals or medical centers shall be determined at the time of zoning approval. Support medical facilities are not allowed under this provision if the hospital or medical center is a short-term leased facility due to the potential for relocation.

- (II)(IV)(V)(VI)(XI)(XIV)(XV)(XIX)(XXVI)(XLI) 12. Commercial uses subject to criteria identified in the Urban - Mixed Use District, PUD Neighborhood Village Center Subdistrict, Office and Infill Commercial Subdistrict, Residential Mixed Use Neighborhood Subdistrict, Orange Blossom Mixed-Use Subdistrict, Buckley Mixed Use Subdistrict, Vanderbilt Beach/Collier Boulevard Commercial Subdistrict, Commercial Mixed Use Subdistrict, Henderson Creek Mixed Use Subdistrict, Livingston/Radio Road Commercial Infill Subdistrict, Vanderbilt Beach Road Neighborhood Commercial Subdistrict, Vincentian Mixed Use Subdistrict; and, in the Urban Commercial District, Mixed Use Activity Center Subdistrict, Interchange Activity Center Subdistrict, Livingston/Pine Ridge Commercial Infill Subdistrict, Livingston Road/Eatonwood Lane Commercial Infill Subdistrict, Livingston Road Commercial Infill Subdistrict, Commercial Mixed Use Subdistrict, Livingston Road/Veterans Memorial Boulevard Commercial Infill Subdistrict, Goodlette/Pine Ridge Commercial Infill Subdistrict; Orange Blossom/Airport Crossroads Commercial Subdistrict, in the Bayshore/Gateway Triangle Redevelopment Overlay; and, as allowed by certain FLUE policies.

- 13. Commercial uses accessory to other permitted uses, such as a restaurant accessory to a golf course or retail sales accessory to manufacturing, so long as restrictions or limitations are imposed to insure the commercial use functions as an accessory, subordinate use. Such restrictions or limitations could include limiting the size and/or location of the commercial use and/or limiting access to the commercial use.

- (XV) 14. Industrial uses subject to criteria identified in the Urban - Industrial District, and in the Urban Commercial District, certain quadrants of Interchange Activity Centers.

(XLI) = Plan Amendment by Ordinance No. 2015-32 on June 9, 2015

- (IV)(XV) 15. Hotels/motels as may be allowed in various Subdistricts and Overlays, and by certain FLUE Policies.
- 16. Business Park uses subject to criteria identified in the Urban-Mixed Use District, Urban Commercial District and Urban-Industrial District.
- 17. Research and Technology Park uses subject to criteria identified in the Urban-Mixed Use District, Urban Commercial District and Urban-Industrial District.

A. Urban Mixed Use District

This District, which represents approximately 116,000 acres, is intended to accommodate a variety of residential and non-residential land uses, including mixed-use developments such as Planned Unit Developments. Certain industrial and commercial uses are also allowed subject to criteria.

- (XXXVII) Water-dependent and water-related land uses are permitted within the coastal region of this District. Mixed-use sites of water-dependent and water-related uses and other recreational uses may include water-related parks, marinas (public or private), yacht clubs, and related accessory and recreational uses, such as boat storage, launching facilities, fueling facilities, and restaurants. Any development that includes a water-dependent and/or water-related land use shall be encouraged to use the Planned Unit Development technique and other innovative approaches so as to conserve environmentally sensitive areas and to assure compatibility with surrounding land uses.

Note: Collier County's Land Development Code allows for the construction of private boathouses and docks as an accessory use to permitted uses in the following zoning districts: Rural Agricultural (A), Residential Single Family (RSF 1-6), Residential Multiple Family (RMF-6, 12, 16), Residential Tourist (RT), Village Residential (VR), and Mobile Home (MH). Marinas are a permitted use in the Commercial (C-3) and Commercial (C-4) Districts. Marinas are permitted as a conditional use in the RT District. Marinas and boat ramps are permitted as a conditional use in the Community Facility (CF) District. Boat yards and marinas are permitted as a conditional use in the VR District. The Collier County Manatee Protection Plan (NR-SP-93-01) May 1995 restricts the location of marinas and may limit the number of wet slips, the construction of dry storage facilities, and boat ramps, based upon the Plan's marina siting criteria.

Priorities for shoreline land use shall be given to water dependent principal uses over water-related land uses. In addition to the criteria of compatibility with surrounding land uses and consistency with the siting policy of the Conservation and Coastal Management Element (Objective 10.1 and subsequent policies), the following land use criteria shall be used for prioritizing the siting of water-dependent and water-related uses:

- a. Presently developed sites;
- b. Sites where water-dependent or water-related uses have been previously established;
- c. Sites where shoreline improvements are in place;
- d. Sites where damage to viable, naturally functioning wetlands, or other environmentally sensitive features, could be minimized.

Port of the Islands is a unique development, which is located within the Urban Designated Area, but is also totally within the Big Cypress Area of Critical State Concern. However, a portion of the development was determined "vested" by the State of Florida, thus exempting it from the

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on January 27, 2015

requirements of Chapter 380, Florida Statutes. Further, there is an existing Development Agreement between Port of the Islands, Inc. and the State of Florida Department of Community Affairs dated July 2, 1985, which regulates land uses at Port of the Islands. Port of the Islands is eligible for all provisions of the Urban Mixed Use District in which it is located to the extent that the overall residential density and commercial intensity does not exceed that permitted under zoning at time of adoption of this Plan.

(XXXVII) **1. Urban Residential Subdistrict**

The purpose of this Subdistrict is to provide for higher densities in an area with fewer natural resource constraints and where existing and planned public facilities are concentrated. This Subdistrict comprises approximately 93,000 acres and 80% of the Urban Mixed Use District. Maximum eligible residential density shall be determined through the Density Rating System but shall not exceed 16 dwelling units per acre except in accordance with the Transfer of Development Rights Section of the Land Development Code.

(IX)(XI)(XV)(XXVIII)(XXXIV)(XXXVII)(XL)

2. Urban Residential Fringe Subdistrict

The purpose of this Subdistrict is to provide transitional densities between the Urban Designated Area and the Agricultural/Rural Area and comprises approximately 5,500 acres and 5% of the Urban Mixed Use District. Residential land uses may be allowed at a maximum base density of 1.5 units per gross acre, plus any density bonus that may be achieved via CCME Policy 6.2.5 (6) b.1., and either “a” or “b” below.

Within the Urban Residential Fringe, rezone requests are not subject to the density rating system, except as specifically provided below for the Affordable-workforce Housing Density Bonus. All rezones are encouraged to be in the form of a planned unit development. Proposed development in the Subdistrict shall be fully responsible for all necessary water management improvements, including the routing of all on-site and appropriate off-site water through the project’s water management system, and a fair share cost of necessary improvements to the CR 951 canal/out-fall system made necessary by new development in the Subdistrict.

- a. Up to 1.0 unit per gross acre via the transfer of up to one (1.0) dwelling unit (transferable development right) per acre from lands located within one mile of the Urban Boundary and designated as Rural Fringe Mixed Use District Sending Lands, with the following exceptions:
 - i. Properties that straddle the Urban Residential Fringe and the Rural Fringe Mixed Use Sending *Lands* designations, and meet the other Density Blending criteria provided for in subsection 5.2 of the Density Rating System, which may achieve an additional maximum density of up to 1.3 units per gross acre for all lands designated as Urban Residential Fringe via the transfer of up to 1.3 dwelling units (transferable development rights) per acre from lands located within one mile of the Urban Boundary and designated as Rural Fringe Mixed Use District Sending Lands; or,
 - ii. The Urban Residential Fringe portion of the Naples Reserve Residential Planned Unit Development located in Section 1, Township 51 South, Range 26 East, shall not be subject to the one mile limitation set forth above and may utilize TDRs from any lands designated Sending within the Rural Fringe Mixed Use District to achieve up to the maximum allowable density; or,
 - iii. Up to 1.52 additional units per acre may be achieved for Urban Residential Fringe lands within the 196.4 acre portion of the San Marino Planned Unit Development described below, via the transfer of 1.52 dwelling units (transferable development right) per acre. The Property shall not be subject to the one mile limitation set forth

(XL) = Plan Amendment by Ordinance No. 2015-29 on May 12, 2015

above and may utilize TDRs derived from any lands designated Sending within the Rural Fringe Mixed Use District to achieve up to the maximum allowable density. The Property is further described as follows:

That portion of the San Marino Planned Unit Development described in Ordinance No. 2000-10, as amended, excepting the ±39 acres located in the South ½ of the Southwest ¼ of the Northwest ¼ of Section 11, Township 50 South, Range 26 East, and in the Northwest ¼ of the Southwest ¼ of Section 11, Township 50 South, Range 26 East.

- b. In the case of properties specifically identified below, a density bonus of up to 6.0 additional units per gross acre may be requested for projects providing affordable-workforce housing (home ownership only) for low and moderate income residents of Collier County, pursuant to Section 2.06.00 of the Land Development Code, or its successor ordinance, except as provided for below:

Properties eligible for the Affordable-workforce Housing Density Bonus (home ownership only) will be specifically identified herein. The actual number of bonus units per gross acre shall be reviewed and approved in accordance with the conditions and procedures set forth in Section 2.06.00 of the Land Development Code, except that, Section 2.06.03 shall not apply, and the number of dwelling units required to be sold to buyers earning 80% or less of Collier County's median income, as calculated annually by the Department of Housing and Urban Development (HUD), shall be at least thirty percent (30%).

The following properties are eligible for an Affordable-workforce Housing Density Bonus (home ownership only) of up to 6.0 additional dwelling units per acre.

- i. Property located on the East side of Collier Boulevard (C.R. 951), approximately 6 tenths of a mile south of intersection with Rattlesnake Hammock Road (C.R. 864), in Section 23, Township 50 South, Range 26 East, Collier County, Florida, and further described as follows:

THE NORTH ½ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ AND THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, LESS THE NORTH THIRTY FEET FOR ROAD RIGHT OF WAY PURPOSES ONLY OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA LESS THE WEST 100 FEET THEREOF, AND;

THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, LESS THE NORTH 30 FEET THEREOF FOR ROAD RIGHT OF WAY, SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, AND;

THE SOUTH ½ OF THE NORTH ½ OF THE WEST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ AND THE SOUTH ½ OF THE WEST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼, SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA SUBJECT TO AN EASEMENT OVER AND ACROSS THE WEST 36 FEET THEREOF, AND;

AN EASEMENT 36 FEET IN WIDTH OVER AND ACROSS THE EAST 36 FEET OF THE NORTH ½ OF THE NORTH ½ OF THE WEST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼, SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA, AND TOGETHER WITH;

(XL) = Plan Amendment by Ordinance No. 2015-29 on May 12, 2015

A STRIP OF LAND DESIGNATED AS RIGHT OF WAY OVER AND ACROSS THE NORTH 50 FEET OF THE SOUTH ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY FLORIDA, AND;

THE NORTH ½ OF THE NORTH ½ OF THE WEST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼, SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA, AND;

THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA, AND;

THE EAST ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SOUTHWEST ¼ LESS THE NORTH 30 FEET FOR RIGHT OF WAY OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA, AND;

THE NORTH ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, LESS THE WEST 100 FEET OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA, AND; THE EAST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼, LESS THE NORTH 328.19 FEET OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY FLORIDA, CONTAINING 55 ACRES, MORE OR LESS.

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(IV)(XI)(XV)(XXI)(XXXVII)

3. Urban Coastal Fringe Subdistrict

The purpose of this Subdistrict is to provide transitional densities between the Conservation designated area (primarily located to the south of the Subdistrict) and the remainder of the Urban designated area (primarily located to the north of the Subdistrict). The Subdistrict comprises those Urban areas south of US 41, generally east of the City of Naples, and generally west of the Rural Fringe Mixed Use District Neutral Lands, but excludes Section 13, Township 51 South, Range 26 East, and comprises approximately 11,354 acres and 10% of the Urban Mixed Use District. The entire Subdistrict is located seaward of the Coastal High Hazard Area Boundary. In order to facilitate hurricane evacuation and to protect the adjacent environmentally sensitive Conservation designated area, residential densities within the Subdistrict shall not exceed a maximum of 4 dwelling units per acre, except as allowed in the Density Rating System to exceed 4 units per acre through provision of Affordable Housing and Transfers of Development Rights, and except as allowed by certain FLUE Policies under Objective 5, and except as provided in the Bayshore Gateway Triangle Redevelopment Overlay. New rezones to permit mobile home development within this Subdistrict are prohibited. Rezones are recommended to be in the form of a Planned Unit Development.

(XI)(XV)

4. Business Park Subdistrict

The Business Park Subdistrict is intended to provide for a mix of industrial uses and non-industrial uses, designed in an attractive park-like environment with low structural density where building coverage ranges between 25% to 45% and where landscaped areas provide for buffering and enjoyment by the employees and patrons of the park. Business Parks shall be allowed as a Subdistrict in the Urban-Mixed Use District, Urban Commercial District and Urban Industrial District and may include the general uses allowed within each District, the specific uses set forth below, and shall comply with the following general conditions:

- a. Business Parks shall be permitted to include up to 30% of the total acreage for non-industrial uses of the type identified in “c” below, and will reserve land within the industrially designated areas for industrial uses. Similarly, Business Parks shall be permitted to include up to 30% of the total building square footage for non-industrial uses of the type identified in Paragraph c below. The percentage and mix of each category of use shall be determined at the time of zoning in accordance with the criteria specified in the Land Development Code. The acreage and building square footage figures and percentages shall be included in the PUD ordinance or rezone ordinance so as to demonstrate compliance with this requirement.
- b. Access to arterial road systems shall be in accordance with the Collier County Access Control Policy and consistent with Objective 7 and Policy 7.1 of the Transportation Element.
- c. Non-industrial uses may include uses such as certain offices, financial institutions, retail services, institutional, cultural facilities, medical facilities, hotels/motels at a density of 26 units per acre, and recreational facilities. Retail Uses shall be limited to those uses that serve the employees of businesses within the Park or are related to the products, goods and services that are manufactured, distributed, produced or provided by businesses in the Park.

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on January 27, 2015

- d. When the Business Park is located within the Urban Industrial District or includes industrially zoned land, those uses allowed in the Industrial Zoning District shall be permitted provided that the total industrial acreage is not greater than the amount previously zoned or designated industrial. When a Business Park is located in the Urban Commercial District or Urban Mixed Use District, the industrial uses shall be limited to light industry such as light manufacturing, processing, and packaging in fully enclosed buildings; research, design and product development; printing, lithography and publishing; and similar light industrial uses that are compatible with non-industrial uses permitted in the district; and, the Planned Unit Development Ordinance or Rezoning Ordinance for a Business Park project shall list specifically all permitted uses and development standards consistent with the criteria identified in this provision.
- e. Business Parks must be a minimum of 35 acres in size.
- f. Business Parks located within Interstate Activity Center quadrants that permit Industrial Uses shall also be required to meet the standards as stated under the Interchange Activity Center Subdistrict for commercial and industrial land uses.
- g. Business Parks shall adopt standards for the development of individual building parcels and general standards for buffering, landscaping, open space, signage, lighting, screening of outdoor storage, parking and access management.
- (XXVIII) h. When located in a District other than the Urban Industrial District, the Business Park must have direct access to a road classified as an arterial in the Transportation Element, except that a Business Park in Section 14, Township 50 South, Range 26 East may have access to an arterial road via The Lords Way, provided it meets County road right-of-way standards for a business park.
- i. Business Parks are encouraged to utilize PUD zoning.
- j. The maximum additional acreage eligible to be utilized for a Business Park Subdistrict within the Urban-Mixed Use District is 500 acres, exclusive of open space and conservation areas.

(XI)(XV) **5. Office and In-fill Commercial Subdistrict**

The intent of this Subdistrict is to allow low intensity office commercial or infill commercial development on small parcels within the Urban Mixed Use District located along arterial and collector roadways where residential development, as allowed by the Density Rating System, may not be compatible or appropriate. Lower intensity office commercial development attracts low traffic volumes on the abutting roadway(s) and is generally compatible with nearby residential and commercial development. The criteria listed below must be met for any project utilizing this Subdistrict. For purposes of this Subdistrict, “abuts” and “abutting” excludes intervening public street, easement (other than utilities) or right-of-way, except for an intervening local street; and “commercial” refers to C-1 through C-5 zoning districts and commercial components of PUDs.

- a. The subject site is in the Urban-Mixed Use District.
- b. The subject site abuts a road classified as an arterial or collector on the Collier County Functional Class Map, as adopted in the Transportation Element.

(XXVIII) = Plan Amendment by Ordinance No. 2011-40 on October 25, 2011

- c. A rezone to commercial zoning is requested for the subject property in its entirety, up to a maximum of 12 acres. For a property greater than 12 acres in size, the balance of the property in excess of 12 acres is limited to an environmental conservation easement or open space. Under this provision, "open space" shall not include water management facilities unless said facilities are incorporated into a conservation or preservation area for the purpose of enhancement of the conservation or preservation area.
- (XXV) d. The site abuts commercial zoning:
 - (i) On one side and that abutting commercial site is not within an infill Subdistrict in the Urban Mixed Use District or the Urban Commercial District; or,
 - (ii) On both sides.
- e. The abutting commercial zoning may be in the unincorporated portion of Collier County or in a neighboring jurisdiction.
- (XV) f. The depth of the subject property in its entirety, or up to 12 acres for parcels greater than 12 acres in size, for which commercial zoning is being requested, does not exceed the depth of the commercially zoned area on the abutting parcel(s). Where the subject site abuts commercial zoning on both sides, and the depth of the commercially zoned area is not the same on both abutting parcels, the Board of County Commissioners shall have discretion in determining how to interpret the depth of the commercially zoned area which cannot be exceeded, but in no case shall the depth exceed that on the abutting property with the greatest depth of commercial area. This discretion shall be applied on a case-by-case basis.
- g. Project uses are limited to office or low intensity commercial uses if the subject property abuts commercial zoning on one side only. For property abutting commercial zoning on both sides, the project uses may include those of the highest intensity abutting commercial zoning district.
- h. The subject property in its entirety was not created to take advantage of this provision, evidenced by its creation prior to the adoption of this provision in the Growth Management Plan on October 28, 1997.
- i. For those sites that have existing commercial zoning abutting one side only:
 - (i) commercial zoning used pursuant to this Subdistrict shall only be applied one time and shall not be expanded, except for aggregation of additional properties so long as all other criteria under this Subdistrict are met; and,
 - (ii) uses shall be limited so as to serve as a transitional use between the commercial zoning on one side and non-commercial zoning on the other side.
- j. For those sites that have existing commercial zoning abutting both sides, commercial zoning used pursuant to this Subdistrict shall only be applied one time and shall not be expanded, except for aggregation of additional properties so long as all other criteria under this Subdistrict are met.
- k. Lands zoned for support medical uses pursuant to the "1/4 mile support medical uses" provision in the Urban designation shall not be deemed "commercial zoning" for purposes of this Subdistrict.

(XXV) = Plan Amendment by Ordinance No. 2011-26 on September 13, 2011

- (XXV) l. Land adjacent to areas zoned C-1/T on the zoning atlas maps, or other commercial zoning obtained via the former Commercial Under Criteria provision in the FLUE, shall not be eligible for a rezone under the Office and Infill Commercial Subdistrict, except through aggregation as provided in Paragraphs i. and j. above.
- (XXV) m. For purposes of this Subdistrict, property abutting land zoned Industrial or Industrial PUD, abutting lands zoned for Business Park uses pursuant to the Business Park Subdistrict, or abutting lands zoned for Research and Technology Park uses pursuant to the Research and Technology Park Subdistrict, shall also qualify for commercial zoning so long as all other criteria under the Office and Infill Commercial Subdistrict are met.
- (XXV) n. At time of development, the project will be served by central public water and sewer.
- (XXV) o. The project will be compatible with existing land uses and permitted future land uses on surrounding properties.
- (XXV) p. The maximum acreage eligible to be utilized for the Office and Infill Commercial Subdistrict within the Urban Mixed Use District is 250 acres.

(XI)(XV)(XXXVII)

6. PUD Neighborhood Village Center Subdistrict

The purpose of this Subdistrict is to allow for small-scale retail, offices, and service facilities to serve the daily needs of the residents of a Planned Unit Development (PUD) zoning district. The acreage eligible for Neighborhood Village Center designation and uses shall be sized in proportion to the number of units to be served, but in no event shall the acreage within the Village Center designated for small scale retail, offices, and service facilities exceed 15 acres. These Neighborhood Village Center uses may be combined with recreational facilities or other amenities of the PUD and shall be conveniently located to serve the PUD. The Village Center shall not have independent access to any roadway external to the PUD and shall be integrated into the PUD.

Phasing of construction of the Neighborhood Village Center shall be controlled so that it occurs concurrent with the residential units. The Planned Unit Development district of the Land Development Code has been amended to provide standards and principles regulating access, location and integration of the Village Center within the PUD, allowed uses, floor area ratio, and acreage thresholds.

(XII)(XV) **7. Residential Mixed Use Neighborhood Subdistrict**

The purpose of this Subdistrict is to encourage human-scaled, pedestrian-oriented, interconnected residential neighborhood projects that include a mix of commercial uses, civic amenities, and institutional uses that complement each other. The purpose of the commercial component is to provide retail, office and personal service uses to serve the needs of the subject neighborhood and surrounding residential neighborhoods where there is no existing nearby opportunity for those commercial needs to be met. Within the commercial component, mixed use residential/commercial is allowed. The commercial component may be located internal to the project or along the boundary; if externally located, road frontage and access should be restricted so as not to promote strip commercial development. A grid pattern is usually the basis for the transportation network and typically includes interconnections for vehicles, pedestrians and bicycles. Within one year of the effective date of the regulations establishing this Subdistrict, the Land Development Code shall be amended, as necessary, to implement this Subdistrict.

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on September 27, 2015

- a. Uses in the commercial component are limited to those allowed in the C-1, C-2 and C-3 zoning districts as contained in the Collier County Land Development Code in effect as of the date of adoption of this Plan amendment (December 16, 2003).
- b. The boundaries of the commercial component shall be no closer than ½ mile radial distance from the boundaries of the nearest site zoned commercial, developed commercial, or designated in the Growth Management Plan for commercial uses.
- c. The commercial component shall be no larger than 10 acres in size and shall not exceed 80,000 square feet of gross leasable floor area.
- d. A maximum of one acre of land for commercial uses is allowed for each five acres of land for residential uses.
- e. No single commercial use in the commercial component shall exceed 15,000 square feet of gross leasable floor area, except that a grocery store or supermarket shall not exceed 45,000 square feet of gross leasable floor area.
- f. The maximum floor area ratio for commercial uses is 0.25.
- g. For freestanding residential uses, acreage to be used for calculating density is exclusive of the commercial component and of any acreage component for a use with a residential equivalency, e.g. ALF-adult living facility. For properties not located in the Urban Residential Fringe, eligible density shall be as allowed by the FLUE Density Rating System, or as allowed under the existing residential zoning district, or as otherwise allowed by FLUE, Policy 5.1. For properties located in the Urban Residential Fringe, eligible density shall be as allowed by that Subdistrict.
- h. For residential uses located within the commercial component of the project – whether located above commercial uses in the same building, in an attached building, or in a freestanding building – density is calculated based upon the gross project acreage. For properties not located in the Urban Residential Fringe, eligible density is the base density allowed by the Density Rating System, less any reductions. For properties located in the Urban Residential Fringe, eligible density shall be as allowed by that Subdistrict.
- i. The project is encouraged to use a grid street system, or portion thereof, so as to afford maximum opportunity for interconnections with surrounding properties and to provide multiple route alternatives.
- j. The commercial component shall be interconnected with the residential component of the project by streets, sidewalks or other pedestrian pathways, and bike lanes, unless precluded by the existence of wetlands or other environmentally sensitive habitats. In such instance, no less than one type of interconnection shall be provided.
- (XV) k. The project shall provide street, pedestrian pathway and bike lane interconnections with abutting properties, where possible and practicable.
- l. All buildings shall be limited to five stories in height, inclusive of under building parking.
- (XV) m. The commercial component of the project shall be internally located with no direct access to abutting external roadways, or the commercial component shall have frontage on a road classified as an arterial or collector in the Transportation Element.
- n. If the commercial component is not internally located, then its frontage shall be no greater than twice its depth.

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

- (XV) o. For projects located along an arterial or collector road, the number and type of access points shall be limited, as appropriate, so as to minimize disruption of traffic flow on the abutting arterial or collector roadway.

(II)(XV) **8. Orange Blossom Mixed Use Subdistrict:**

The intent of this Subdistrict is to allow for limited small-scale retail, office and residential uses while requiring that the project result in a true mixed use development. The Activity Centers to the north and south provide for large-scale commercial uses, while this Subdistrict will promote small-scale mixed use development with a pedestrian orientation to serve the homes, both existing and future, in the immediate area. This Subdistrict is intended to be a prototype for future mixed use nodes, providing residents with pedestrian scale development while also reducing existing trip lengths for small-scale commercial services. Commercial uses, for the purpose of this section, are limited to those uses allowed in the C-1, C-2 and C-3 zoning districts in the Land Development Code in effect as of the date of adoption of this Subdistrict (May 9, 2000), except as noted below. The development of this Subdistrict will be governed by the following criteria:

- a. Rezoning is encouraged to be in the form of a PUD.
- (XV) b. A unified planned development with a common architectural theme, which has shared parking and cross access agreements, will be developed.
- c. Retail uses will be capped at a maximum of 5,000 sq. ft. per acre for the total project.
- d. Office uses will be capped at a maximum of 7,000 sq. ft. per acre for the total project.
- e. Residential development will be subject to the density rating system.
- f. Maximum lot coverage for buildings is capped at 17.5% for the total project.
- g. No more than 25% of the total built square footage will be devoted to single story buildings.
- (XV) h. Primary entrances to all retail and commercial uses shall be designed for access from the interior of the site. Buildings fronting on Airport-Pulling Road and Orange Blossom Drive will provide secondary access facing those streets.
- i. All four sides of each building must be finished in a common architectural theme.
- (XV) j. A residential component equal to at least 25% of the allowable maximum base density under the density rating system must be constructed before the Subdistrict completes an aggregate total of 40,000 square feet of retail or office uses.
- (XV) k. Residential units may be located both on the north and south sides of Orange Blossom Drive.
- l. Integration of residential and office or retail uses in the same building is encouraged.
- m. Pedestrian connections are encouraged to all perimeter properties where feasible and desired by adjoining property owners.
- n. No building footprint will exceed 5,000 square feet. Common stairs, breezeways or elevators may join individual buildings.
- (XV) o. No building shall exceed three (3) stories in height; any under building parking provided shall count towards this height limit.
- (XV) p. Drive-through establishments, which must be architecturally integrated into the main building, will be limited to banks with no more than 3 lanes.

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

- q. No gasoline service stations will be permitted.
- r. All buildings will be connected with pedestrian features.
- (XV) s. Twenty-foot wide landscape Type D buffers along Orange Blossom Drive and Airport-Pulling Road and twenty-foot wide Type C buffer along all other perimeter property lines will be required.
- (XV) t. Parking areas will be screened from Airport-Pulling Road and Orange Blossom Drive.
- (XV) u. The Office and Infill Commercial Subdistrict is not applicable to any properties adjacent to this Subdistrict.

(V)(XIII)(XIV)(XV)

9. Vanderbilt Beach/Collier Boulevard Commercial Subdistrict

This Subdistrict is located in the northwest quadrant of the intersection of Vanderbilt Beach Road and Collier Boulevard, consisting of approximately 33.45 acres of land for the existing area and 15.88 acres of land for the expansion area, as depicted on the Vanderbilt Beach/Collier Boulevard Commercial Subdistrict Map. The intent of the Vanderbilt Beach/Collier Boulevard Commercial Subdistrict is to provide convenient shopping, personal services and employment for neighboring and Golden Gate Estates residential areas, as well as to promote mixed-use development (residential uses over commercial uses). The Vanderbilt Beach/Collier Boulevard Commercial Subdistrict will reduce driving distances for neighboring and Golden Gate Estates residents, assist in minimizing the road network required, and reduce traffic impacts in this part of Collier County. This Subdistrict is further intended to create a neighborhood focal point and any development within this Subdistrict will be designed in a manner to be compatible with the existing and future residential and institutional development in this neighborhood.

Development intensity for this Subdistrict shall be limited to a maximum of 200,000 square feet of gross leasable floor area.

Pursuant to Policy 1.1.2 of the Collier County Capital Improvement Element and Policy 5.1 of the Transportation Element, approval of any subsequent rezone petition for the subject property by the Collier County Board of County Commissioners shall be contingent upon prohibition of issuance of further development orders until all impacted roadways are no longer deficient or improvement is included in the first or second year of the Schedule of Capital Improvements.

Rezoning is encouraged to be in the form of a PUD zoning district, which must contain development and design standards to ensure that all commercial uses will be compatible with neighboring residential and institutional uses. In addition to retail uses and other uses permitted in the Plan, financial institutions, business services, and professional and medical offices shall be permitted. Within the 15.88-acre expansion area, the following land uses shall not be permitted; gas stations, convenience stores with gas pumps, fast food restaurants with drive-through lanes, and tire stores.

To encourage mixed use projects, this Subdistrict also permits residential development when located in a mixed-use building (residential uses over commercial uses). Such residential development is allowed at a maximum density of 16 dwelling units per acre; the gross acreage of the project is used in calculating residential density.

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

Retail uses shall be limited to single-story. Financial services and offices shall be limited to three stories. A combination of these uses in a single building financial services and/or offices over retail uses – shall be limited to three stories. Also, mixed-use buildings, containing residential uses over commercial uses, shall be limited to three stories. All principal buildings shall be set back a minimum of one (1) foot from the Subdistrict boundaries for each foot of building height. Development within each project or yet to be established PUD District shall be required to have common site, signage and building architectural elements. Each project or PUD District shall provide for both pedestrian and vehicular interconnections with abutting properties.

(VI)(XV)(XXXVII)(XXXVIII)

10. Henderson Creek Mixed Use Subdistrict

The Henderson Creek Mixed Use Subdistrict consists of approximately 81 acres and is located east of Collier Boulevard (SR 951) and south of US 41 (Tamiami Trail, East). The intent of the Subdistrict is primarily to provide for a mixture of regional commercial uses and residential development; the regional commercial uses are intended to serve the South Naples and Royal Fakapalm Planning Communities, and the Marco Island area. Conversely, the primary intent of the Subdistrict is not to provide for community and neighborhood commercial uses. The focus of the residential component of the Subdistrict shall be the provision of affordable-workforce housing to support the commercial uses within the Subdistrict, as well as in the South Naples and Royal Fakapalm Planning Communities, and the Marco Island area. The entire Subdistrict shall be developed under a unified plan; this unified plan must be in the form of a Planned Unit Development.

For purposes of this Subdistrict, the term “regional commercial” is defined as: Retail uses typically dominated by large anchors, including discount department stores, off-price stores, warehouse clubs, and the like, some of which offer a large selection in a particular merchandise category. Regional retail uses also typically utilize square footages ranging from 20,000 to over 100,000 square feet. Regional commercial uses generally have a primary trade area of 5 to 10 radial miles, with a typical store separation of 5 radial miles for any individual regional commercial business.

(XV) Specific requirements and limitations for the Henderson Creek Mixed-Use Subdistrict as follows:

- (XXXVII) a. Access to the Subdistrict shall be provided from Collier Boulevard (SR 951) and US 41. A loop road that is open to the public shall connect these access points.
- b. Vehicular and pedestrian interconnections shall be provided between the residential and commercial portions of the Subdistrict.
- c. The unified plan of development within the Subdistrict shall include provisions for vehicular and pedestrian interconnection to properties to the north.
- d. Commercial components of this Subdistrict shall front on Collier Boulevard.
- e. Commercial uses are limited to a maximum of 40 acres and 325,000 square feet of gross leasable floor area.
- f. The maximum intensity of commercial uses are those allowed in the C-4, General Commercial, Zoning District.
- g. At least one regional commercial use is required to occupy a minimum of 100,000 square feet of gross leasable floor area. Each remaining regional commercial use must occupy a minimum of 20,000 square feet of gross leasable floor area.

(XXXVIII) = Plan Amendment by Ordinance No. 2015-13 on February 10, 2015

- h. Non-regional commercial uses prohibited in this Subdistrict include grocery stores, fitness centers, auto repair, auto sales, and personal service uses.
- i. Non-regional commercial uses are limited to a maximum of 10% of the total allowed commercial square footage (32,500 square feet).
- j. A maximum of four out-parcels are allowed, all of which must abut Collier Boulevard. All out-parcels shall provide internal vehicular access. All out-parcels are limited to nonregional commercial uses. No out-parcel shall exceed five acres.
- k. Commercial development shall be restricted to one-story buildings with a maximum height of 35 feet.
- l. Residential development shall be limited to a maximum of 360 dwelling units, subject to the Density Rating System. However, a minimum of 200 affordable-workforce housing units shall be provided.
- m. Residential dwellings shall be limited to a maximum height of two habitable stories.
- n. Both commercial and residential development shall be designed in a common architectural theme.
- o. Prior to commencement of any development in the Subdistrict, a unified plan of development for the entire Subdistrict must be approved by the Board of Collier County Commissioners.
- p. The type of landscape buffers within this Subdistrict shall be no less than that required in mixed-use activity centers.

(VI)(XI)(XV)

11. Research and Technology Park Subdistrict

The Research and Technology Park Subdistrict is intended to provide for a mix of targeted industry uses – aviation/aerospace industry, health technology industry, information technology industry, and light, low environmental impact manufacturing industry and non-industrial uses, designed in an attractive park-like environment where landscaped areas, outdoor spaces and internal interconnectivity provide for buffering, usable open space, and a network of pathways for the enjoyment of the employees, residents and patrons of the park. Research and Technology Parks shall be allowed as a Subdistrict in the Urban-Mixed Use District, Urban Commercial District and Urban Industrial District, and may include the general uses allowed within each District, the specific uses set forth below, and shall comply with the following general conditions:

- (XV) a. Research and Technology Parks shall be permitted to include up to 20% of the total acreage for non-target industry uses of the type identified in paragraph “d” below; and, up to 20% of the total acreage for affordable-workforce housing, except as provided in paragraph j below. Similarly, up to 20% of the total building square footage, exclusive of square footage for residential development, may contain non-target industry uses of the type identified in Paragraph d below. At a minimum, 60% of the total park acreage must be devoted to target industry uses identified in paragraph c below. Similarly, a minimum of 60% of the total building square footage, exclusive of square footage for residential development, shall be devoted to target industry uses identified in Paragraph c below. The specific percentage and mix of each category of use shall be determined at the time of rezoning in accordance with the criteria specified in the Land Development Code. The acreage and building square footage figures and percentages

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

shall be included in the PUD ordinance so as to demonstrate compliance with this requirement.

- b. Access to arterial and collector road systems shall be in accordance with the Collier County Access Control Policy and consistent with Objective 7 and Policy 7.1 of the Transportation Element.
- c. The target industries identified by the Economic Development Council of Collier County are aviation/aerospace industry, health technology industry, and information technology industry, and include the following uses: software development and programming; internet technologies and electronic commerce; multimedia activities and CD-ROM development; data and information processing; call center and customer support activities; professional services that are export based such as laboratory research or testing activities; light manufacturing in the high tech target sectors of aviation/aerospace and health and information technologies; office uses in connection with on-site research; development testing and related manufacturing; general administrative offices of a research and development firm; educational, scientific and research organizations; production facilities and operations.
- d. Non-target industry uses may include hotels at a density consistent with the Land Development Code, and those uses in the C-1 through C-3 Zoning Districts that provide support services to the target industries such as general office, banks, fitness centers, personal and professional services, medical, financial and convenience sales and services, computer related businesses and services, employee training, technical conferencing, day care center, restaurants and corporate and government offices.
- e. When the Research and Technology Park is located within the Urban Industrial District or includes industrially zoned land, those uses allowed in the Industrial Zoning District shall be permitted provided that the total industrial acreage is not greater than the amount previously zoned or designated industrial. When a Research and Technology Park is located in the Urban Commercial District or Urban-Mixed Use District, the industrial uses shall be limited to those target industry uses. The Planned Unit Development Ordinance or Rezoning Ordinance for a Research and Technology Park project shall list specifically all permitted uses and development standards consistent with the criteria identified in this provision.
- f. Research and Technology Parks must be a minimum of 19 acres in size.
- g. Research and Technology Parks located within Interchange Activity Center quadrants that permit Industrial Uses shall also be required to meet the standards as stated under the Interchange Activity Center Subdistrict for commercial and industrial land uses.
- h. Standards for Research and Technology Parks shall be adopted for the development of individual building parcels and general standards shall be adopted for pedestrian and vehicular interconnections, buffering, landscaping, open spaces, signage, lighting, screening of outdoor storage, parking and access management.
- (XV) i. When located in a District other than the Urban Industrial District, the Research and Technology Park must be abutting, and have direct principal access to, a road classified as an arterial or collector in the Transportation Element. Direct principal access is defined as a local roadway connection to the arterial or collector road, provided the portion of the local roadway intended to provide access to the Research and Technology Park is not within a residential neighborhood and does not service a predominately residential area.

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

- (XV) j. Research and Technology Parks shall only be allowed on land abutting residentially zoned property if the Park provides affordable-workforce housing. When abutting residentially zoned land, up to 40% of the Park's total acreage may be devoted to affordable-workforce housing; all, or a portion, of the affordable-workforce housing is encouraged to be located proximate to such abutting land where feasible.
- (XV) k. Whenever affordable-workforce housing is provided, it shall be fully integrated with other compatible uses in the park through mixed use buildings and/or through pedestrian and vehicular interconnections.
- (XV) l. Whenever affordable-workforce housing is provided, it is allowed at a density consistent with the Density Rating System.
 - m. Building permits for non-target industry uses identified in paragraph "d" above shall not be issued for more than 10,000 square feet of building area prior to issuance of the first building permit for a target industry use.
 - n. Research and Technology Parks must be compatible with surrounding land uses.
 - o. Research and Technology Parks must utilize PUD zoning.

The maximum additional acreage eligible to be utilized for a Research and Technology Park Subdistrict within the Urban-Mixed Use District is 1,000 acres, exclusive of open space and conservation areas.

(VI)(XV)(XXXV)

12. Buckley Mixed Use Subdistrict

The intent of this Subdistrict, which comprises 21.7 acres, is to allow for limited retail, office and residential uses while allowing for the development of a mixed-use development. The Activity Centers to the North and South provide for large-scale commercial uses, while this Subdistrict is intended to promote convenience and intermediate commercial development to serve existing and future residential development in the immediate area. This Subdistrict will serve to reduce existing trip lengths for convenience and intermediate commercial services. Commercial uses for the purpose of this section are limited to those permitted and conditional uses allowed in the C-1, C-2 and C-3 Zoning Districts except as noted below. The development of this Subdistrict will be governed by the following criteria:

- a. Rezoning is encouraged to be in the form of a PUD.
- b. The Subdistrict shall be developed with a common theme for architecture, signage, lighting and landscaping.
- c. Commercial uses will be capped at a maximum of 162,750 square feet of gross floor area.
- d. Residential uses are allowed at a density of 11 dwelling units per acre, calculated based upon the entire Subdistrict acreage, yielding a maximum of 239 dwelling units.
- e. Maximum lot coverage for buildings is capped at 35% for the total project.
- f. Residential uses shall not be integrated with commercial uses in the same building.
- g. For each acre of land utilized for residential purposes, 7,500 square feet of commercial buildable square footage will be eliminated from the total square footage allowable. For each acre of commercial square footage built, 11 residential units will be eliminated from the maximum allowable number of residential units.

(XXXV) = Plan Amendment by Ordinance No. 2014-23 on June 10, 2014

- h. Pedestrian connections are encouraged to all perimeter properties.
- i. Individual commercial users shall be limited to a maximum gross floor area of 100,000 square feet.
- j. No building shall exceed three stories in height with no allowance for under building parking.
- k. Drive-through establishments shall be limited to a maximum of four. Only one of these drive-through establishments shall be allowed for a fast-food restaurant, and no drive-through establishment shall have more than three drive-through lanes. All drive-through lanes must be architecturally integrated into the main building.
- l. Gasoline service stations and convenience stores with fuel pumps are prohibited.
- m. All buildings shall be connected with pedestrian pathways.
- n. A twenty-foot wide Type C landscape buffer shall be required along all perimeter property lines adjacent to residential use.

(XII)(XV) **13. Commercial Mixed Use Subdistrict:**

The purpose of this Subdistrict is to encourage the development and re-development of commercially zoned properties with a mix of residential and commercial uses. The residential uses may be located above commercial uses, in an attached building, or in a freestanding building. Such mixed-use projects are intended to be developed at a pedestrian-scale, pedestrian oriented, and interconnected with abutting projects – whether commercial or residential. Within one year of the effective date of regulation establishing this Subdistrict, the Land Development Code shall be amended, as necessary, to implement the provisions of this Subdistrict.

Projects utilizing this Subdistrict shall comply with the following standards and criteria:

- 1. This Subdistrict is applicable to the C-1 through C-3 zoning districts, and to commercial PUDs and the commercial component of mixed use PUDs where those commercial uses are comparable to those found in the C-1 through C-3 zoning districts.
- 2. Commercial uses and development standards shall be in accordance with the commercial zoning district on the subject property.
- 3. Residential density is calculated based upon the gross commercial project acreage. For property in the Urban Residential Fringe Subdistrict, density shall be as limited by that Subdistrict. For property not within the Urban Residential Fringe Subdistrict, but within the Coastal High Hazard Area, density shall be limited to four dwelling units per acre; density in excess of three dwelling units per acre must be comprised of affordable-workforce housing in accordance with Section 2.06.00 of the Land Development Code, Ordinance No. 04-41, as amended. For property not within the Urban Residential Fringe Subdistrict and not within the Coastal High Hazard Area, density shall be limited to sixteen dwelling units per acre; density in excess of three dwelling units per acre and up to eleven dwelling units per acre must be comprised of affordable-workforce housing in accordance with Section 2.06.00 of the Land Development Code, Ordinance No. 04-41, as amended.
- 4. In the case of residential uses located within a building attached to a commercial building, or in the case of a freestanding residential building, building square footage and acreage devoted to residential uses shall not exceed seventy percent (70%) of the gross building square footage and acreage of the project.
- 5. Street, pedestrian pathway and bike lane interconnections with abutting properties, where possible and practicable, are encouraged.

(XXXV) = Plan Amendment by Ordinance No. 2014-23 on June 10, 2014

(XIII)(XV)(XXVI)

14. Livingston/Radio Road Commercial Infill Subdistrict:

This Subdistrict consists of +5.0 acres located at the northwest corner of the intersection of Livingston Road and Radio Road.

This Subdistrict allows for those permitted and conditional uses set forth in the Commercial Intermediate Zoning District (C-3) of the Collier County Land Development Code, in effect as of the effective date of adoption of this Subdistrict (adopted October 26, 2004 by Ordinance No. 2004-71). The following conditional uses, as set forth in the C-3 district in the Land Development Code, shall not be allowed:

1. Amusements and recreation services (Groups 7911, 7922 community theaters only, 7933, 7993, 7999 boat rental, miniature golf course, bicycle and moped rental, rental of beach chairs and accessories only.)
2. Homeless shelters, as defined by the Land Development Code, as amended.
3. Social Services (Groups 8322-8399).
4. Soup kitchens, as defined by the Land Development Code, as amended.

To encourage mixed-use projects, this Subdistrict also permits residential development, when Located in a mixed-use building (residential uses over commercial uses). Such residential development is allowed at a maximum density of 16 dwelling units per acre. The gross acreage of the project is used in calculating residential density.

The purpose of this Subdistrict is to provide services, including retail uses, to surrounding residential areas within a convenient travel distance to the subject property. These uses are not an entitlement, nor is the maximum density for residential uses in a mixed-use building. Such uses, and residential density, will be further evaluated at the time of the rezoning application to insure appropriateness in relation to surrounding properties.

The maximum development intensity allowed is 50,000 square feet of building area for commercial uses with a maximum height of three (3) stories, not to exceed 35 feet. However, for mixed-use buildings – those containing residential uses over commercial uses – the maximum height is four (4) stories, not to exceed 45 feet. Access to the property within the Subdistrict may be permitted from Radio Road, Market Avenue and Livingston Road. Any access to Livingston Road shall be limited to right-in, right-out access. Further, access shall be consistent with the Collier County Access Management Policy in effect at the time of either rezoning or Site Development Plan application, whichever policy is the more restrictive.

(XV)(XXV)(XXVII)

15. Vanderbilt Beach Road Neighborhood Commercial Subdistrict

The purpose of this Subdistrict is to provide primarily for neighborhood commercial development at a scale not typically found in the Mixed Use Activity Center Subdistrict.

The intent is to provide commercial uses to serve the emerging residential development in close proximity to this Subdistrict, and to provide employment opportunities for residents in the surrounding area. Allowable uses shall be a variety of commercial uses as more particularly described below, and mixed use (commercial and residential). Prohibited uses shall be gas stations and convenience stores with gas pumps, and certain types of fast food restaurants.

(XXVI) = Plan Amendment by Ordinance No. 2011-27 on September 13, 2011

This Subdistrict consists of two parcels comprising approximately 17 acres, located on the north side of Vanderbilt Beach Road and east of Livingston Road, as shown on the Subdistrict Map. For mixed-use development, residential density shall be limited to sixteen dwelling units per acre. Residential density shall be calculated based upon the gross acreage of the Subdistrict parcel on which it is located (Parcel 1 or Parcel 2). Rezoning of the parcels comprising this Subdistrict is encouraged to be in the form of a PUD, Planned Unit Development. At the time of rezoning, the applicant must include architectural and landscape standards for each parcel.

(XXVII)(XXXVII)

a. Parcel 1

This parcel is located at the intersection of Livingston Road and Vanderbilt Beach Road. A maximum of 100,000 square feet of gross leasable floor area for commercial uses may be allowed. Allowable uses shall be the following, except as prohibited above: retail, personal service, restaurant, office, and all other uses as allowed, whether by right or by conditional use, in the C-1 through C-3 zoning districts as set forth in the Collier County Land Development Code, Ordinance No. 04-41, as amended, in effect as of the date of adoption of this Subdistrict (Ordinance No. 2005-25 adopted on June 7, 2005); other comparable and/or compatible land uses not found specifically in the C-1 through C-3 zoning districts, limited to: general and medical offices, government offices, financial institutions, personal and business services, limited indoor recreational uses, and limited retail uses; mixed-use development (residential and commercial uses). The maximum floor area for any single commercial user shall be 20,000 square feet, except for a grocery/supermarket, physical fitness facility, craft/hobby store, home furniture/furnishing store, or department store use, which shall not exceed a maximum of 50,000 square feet.

(XV)(XXXVII)

b. Parcel 2

This parcel is located approximately ¼ mile east of Livingston Road and is adjacent to multifamily residential uses. A maximum of 80,000 square feet of gross leasable floor area for commercial uses may be allowed. Allowable uses shall be the following, except as prohibited above: General and medical offices, community facilities, and business and personal services, all as allowed, whether by right or by conditional use, in the C-1 through C-3 zoning districts as set forth in the Collier County Land Development Code, Ordinance No. 04-41, as amended, in effect as of the date of adoption of this Subdistrict (Ordinance No. 2005-25 adopted on June 7, 2005). The maximum floor area for any single commercial user shall be 20,000 square feet.

At the time of rezoning of Parcel 2, the developer shall provide restrictions and standards to insure that uses and hours of operation are compatible with surrounding land uses. Permitted uses such as assisted living facilities, independent living facilities for persons over the age of 55, continuing care retirement communities, and nursing homes, shall be restricted to a maximum of 200 units and a maximum floor area ratio (FAR) of 0.6. The developer of Parcel 2 shall provide a landscape buffer along the eastern property line, abutting the Wilshire Lakes PUD, at a minimum width of thirty (30) feet. At the time of rezoning, the developer shall incorporate a detailed landscape plan for that portion of the property fronting Vanderbilt Beach Road as well as that portion along the eastern property line, abutting the Wilshire Lakes PUD.

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on January 27, 2015

(XXVII) In addition to the prohibited uses applicable to both parcels, the following list of uses shall also be prohibited on Parcel 1.

- 0742 – Veterinary services for Animal Specialties – Horses are prohibited, other animals are allowed
- 0752 – Animal specialty services, except Veterinary (dog grooming is allowed)
- 5261 – Retail nurseries, lawn and garden supply stores
- 5499 – Poultry dealers – retail and egg dealers – retail
- 5531 – Auto and home supply store, except automobile accessory and parts dealers – retail (no on-site installation)
- 5813 – Drinking places (alcoholic beverages)
- 5921 – Liquor stores exceeding 5,000 square feet
- 5932 – Uses merchandise stores
- 5962 – Automatic merchandising machine operators
- 7211 – Power laundries, family and commercial
- 7215 – Coin-operated laundries and drycleaning
- 7216 – Drycleaning plants, except rug cleaning
- 7299 – Miscellaneous personal services, not elsewhere classified
 - Coin operated service machine operations
 - Comfort station operation
 - Escort service
 - Locker rental
 - Massage parlors (except those employing licensed therapists)
 - Rest room operation
 - Tattoo parlors
 - Turkish baths
 - Wedding chapels, privately operated
- 7389 – Business services, not elsewhere classified, except Appraisers
- 7623 – Refrigeration and air-conditioning service and repair shops
- 7629 – Electrical and electronic repair shops, not elsewhere classified
- 7641 – Re-upholstery and furniture repair
- 7692 – Welding repair
- 7694 – Armature rewinding shops
- 7699 – Repair shops and related services, not elsewhere classified
- 7841 – Adult oriented video tape rental
- 7993 – Coin operated amusement devices
- 8641 – Civic, social and fraternal associations

(XXVI) **16. Collier Boulevard Community Facility Subdistrict**

The Collier Boulevard Community Facility Subdistrict comprises approximately 69 acres and is located on the east side of Collier Boulevard, approximately one-half mile north of the Collier Boulevard/Rattlesnake Hammock Road intersection. The purpose of this Subdistrict is to provide community facility uses, primarily institutional uses and other non-commercial uses generally serving the public at large, and residential uses, both affordable-workforce and market rate housing – all in a setting to be compatible with surrounding land uses. The Subdistrict is intended to contain a mix of uses and services in a self-sufficient environment, which lessens traffic impacts upon the external transportation network and public services, while serving the needs of the community at large.

(XXVII) = Plan Amendment by Ordinance No. 2011-28 on September 13, 2011

All development in this Subdistrict shall comply with the following requirements and limitations:

- a. Rezoning is encouraged to be in the form of a PUD.
- b. Allowable land uses:
 - 1) Community facilities such as churches, group housing uses, cemeteries, private schools and colleges.
 - 2) Child care facilities.
 - 3) Residential dwelling units, not to exceed 306 units.
 - 4) Essential services, as defined in the Collier County Land Development Code, Ordinance Number 04-41, in effect as of the effective date of adoption of this Subdistrict.
 - 5) Parks, open space, and recreational uses.
- c. The maximum floor area for institutional and other non-residential uses shall not exceed 368,000 square feet.
- d. Of the 306 dwelling units total, a maximum of ten (10) units shall be reserved for occupancy solely by church employees and church-related personnel and their families. The 10 church-related dwelling units will be considered incidental and accessory to the institutional uses within this Subdistrict.
- e. A requirement shall be put in place at the time of rezoning/PUD amendment that all but nine (9) mobile home units currently on site shall be removed from the subject property prior to the construction of any housing not reserved for church-related employees, staff and program participants. The nine remaining mobile home units may serve as temporary adult care units for program participants, and shall be removed as they are replaced by permanent residential structures, permanent adult care units, or within twenty-four (24) months from the date of adoption of this Subdistrict, whichever is sooner.
- f. One hundred forty-seven of the 296 affordable-workforce and market rate housing units, as they become available, will be offered first to persons involved in providing essential services in Collier County, as defined in the County's Local Housing Assistance Plan.
- g. To achieve the density of approximately 4.28 dwelling units per acre, and to allow development of the 192 non-church-related, non-base density dwelling units, the project shall comply with one or more of the following:
 - 1) The Affordable-Workforce Housing Density Bonus provisions of the Collier County Land Development Code, Ordinance Number 04-41 in effect as of the date of adoption of this Subdistrict; or,
 - 2) be designated as a Community Workforce Housing Innovation Program (CWHIP) Project by the State of Florida and comply with all requirements and limitations of that designation, and provide a minimum of eighty (80) essential services personnel dwelling units – comprised of a minimum of ten (10) dwelling units for those earning less than 80% of the median income of Collier County, and a minimum of seventy (70) dwelling units for those earning between 80% and 140% of the median income of Collier County; or,

- 3) enter into an agreement with Collier County assuring that no fewer than 147 affordable-workforce and market rate housing units are constructed and, as they become available, will be offered first to persons involved in providing essential services in Collier County, such agreement being in effect for not less than fifteen (15) years, including a minimum of thirty-five (35) dwelling units for those earning no more than 150% of the median income of Collier County, and a minimum of twenty-five (25) dwelling units for those earning no more than 80% of the median income.
- h. No more than 57 market rate dwelling units shall be constructed prior to the construction of all affordable-workforce housing dwelling units.
- i. At the time of rezoning/PUD amendment, the maximum occupancy per dwelling unit in the 296 non-church-related dwelling units shall be addressed, as deemed appropriate by the Board of County Commissioners.
- j. At the time of rezoning/PUD amendment, consideration shall be given to increasing the landscaping requirements along The Lord's Way beyond existing Land Development Code requirements.
- k. At the time of rezoning/PUD amendment, the petitioner shall be required to mitigate for the project's impacts upon affected roadways in accordance with the concurrency management system and as otherwise determined appropriate by the Board of County Commissioners.
- l. Residential development shall be phased. Phase One development is limited to 147 dwelling units for persons involved in providing essential services in Collier County and 10 church-related dwelling units. Phase Two development will consist of the remaining 149 market rate units for any prospective property owner, plus any units allowed but not constructed during Phase One. For the 149 market rate dwelling units in Phase Two, no Certificate of Occupancy shall be issued until improvements to the existing deficient segment of Davis Boulevard are complete.

(XXXIX) **17. Hibiscus Residential Infill Subdistrict**

The Hibiscus Residential Infill Subdistrict is located on the south side of Rattlesnake Hammock Road, at the intersection of Hibiscus Drive; consists of approximately 7.9 acres; and, comprises Lots 1 and 2, and Tract "R" of the Hibiscus Golf Course Subdivision. The purpose of this Subdistrict is to allow development of up to 64 residential units on this infill property. Buildings shall be limited in height to a maximum of three stories and the rezoning is encouraged to be in the form of a Planned Unit Development.

(XLI) **18. Vincentian Mixed Use Subdistrict**

This Subdistrict contains approximately 30.68 acres, is located on the south/west side of Tamiami Trail East (US 41) and is depicted on the Vincentian Mixed Use Subdistrict Map. The purpose of this Subdistrict is to allow for neighborhood, community, and regional commercial development; residential development; and mixed use (commercial and residential) development.

The Subdistrict is intended to include commercial uses to serve the emerging residential development in close proximity to this Subdistrict, and to provide employment opportunities for residents in the surrounding area. The property may be developed entirely as commercial, entirely as residential, or as a mixture of residential and commercial uses.

(XLI) = Plan Amendment by Ordinance No. 2015-32 on June 9, 2015

The development of this Subdistrict shall comply with the following restrictions, limitations and standards:

- a. Allowable uses: The maximum intensity of commercial uses shall be limited to those allowed in the C-3 zoning district, both by right and by conditional use, as listed in the Collier County Land Development Code in effect as of the date of adoption of this Subdistrict. Additionally, the following uses are allowed:
 1. Department store (5311),
 2. Hotel (7011, hotel only),
 3. Dental laboratories (8072), and
 4. Nursing and personal care facilities (8051).
- b. Additional use restrictions and intensity standards:
 1. Commercial uses shall be limited to a maximum of 250,000 square feet of gross floor area (GFA), one hotel (maximum of 150 rooms), and an assisted living facility (maximum FAR 0.6). Additionally, for every acre, or portion thereof, of hotel or ALF, the maximum allowable commercial GFA shall be reduced by 10,000 square feet, or portion thereof for fractional amount under an acre.
 2. Residential development shall be limited to a maximum density of 7.3 units per acre, calculated on the gross acreage of the property exclusive of any commercial portions, for a maximum of 224 multi-family dwelling units.
 3. If the project is developed as mixed use (residential and commercial uses), the residential density allowance is as provided for in Number 2. above, and the commercial portion of the project shall not exceed 10 acres in size and a maximum of 128,000 square feet of GFA of commercial uses, a 150-room hotel, and an Assisted Living Facility at a 0.6 FAR. Additionally, for every acre, or portion thereof, of hotel or ALF, the maximum allowable commercial GFA shall be reduced by 10,000 square feet, or portion thereof for fractional amount under an acre.
 4. A stand-alone automobile service station (i.e. retail fuel sales in conjunction with a convenience store) is prohibited; however, accessory fuel pumps in association with a grocery store (SIC 5411) or membership warehouse type facility (5311, 5331) greater than 15,000 square feet of GFA are allowed.
 5. A recreational site for the use of the adjacent RV or mobile home parks may be developed on a maximum of 3 acres. The recreational site may include facilities such as a pool, clubhouse, and tennis courts.
- c. Site Development:
 1. Rezoning of this Subdistrict is encouraged to be in the form of a Planned Unit Development (PUD). The rezone ordinance shall contain development and design standards to ensure compatibility with internal uses as well as adjacent external uses, and shall include additional restrictions and standards necessary to ensure that uses and hours of operation are compatible with surrounding land uses.
 2. The subject site will be developed with a common architectural and landscaping theme, to be submitted with the first Site Development Plan.
 3. The unified planned development submitted at time of the first Site Development Plan will reflect internal connectivity through shared parking and cross-access agreements.
 4. Pedestrian connections are encouraged, both with perimeter properties, where feasible, and between internal buildings.

5. At the time of Site Development Plan approval, the required on-site vegetation retention may be satisfied off-site, pursuant to Policy 6.1.1(13) of the Conservation and Coastal Management Element (CCME) of the Growth Management Plan. At a minimum, 15 percent of the on-site native vegetation must be retained on-site. If the portion of native vegetation satisfied off-site is met by land donation to the County, the specific off-site property shall be taken to the Board of County Commissioners for acceptance. However, a hearing before the Conservation Collier Land Acquisition Advisory Committee will not be required.

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B. DENSITY RATING SYSTEM:

This Density Rating System is only applicable to areas designated on the Future Land Use Map as: Urban, Urban Mixed Use District; and, on a very limited basis, Agricultural/Rural. It is not applicable to the Urban areas encompassed by the Immokalee Area Master Plan and the Golden Gate Area Master Plan; these two Elements have their own density provisions. The Density Rating System is applicable to that portion of the Urban Coastal Fringe Subdistrict to the extent that the residential density cap of 4 dwelling units per acre is not exceeded, except for the density bonus provisions for Affordable Housing and Transfer of Development Rights, and except as provided for in the Bayshore/Gateway Triangle Redevelopment Overlay. The final determination of permitted density via implementation of this Density Rating System is made by the Board of County Commissioners through an advertised public hearing process (rezone or Stewardship Receiving Area designation).

(XV) 1. The Density Rating System is applied in the following manner:

- a. Within the applicable Urban Designated Areas, a base density of 4 residential dwelling units per gross acre may be allowed, though not an entitlement. This base level of density may be adjusted depending upon the location and characteristics of the project. For purposes of calculating the eligible number of dwelling units for a project (gross acreage multiplied by eligible number of dwelling units per acre), the total number of dwelling units may be rounded up by one unit if the dwelling unit total yields a fraction of a unit .5 or greater. Acreage to be used for calculating density is exclusive of: the commercial and industrial portions of a project, except where authorized in a Subdistrict, such as the Orange Blossom Mixed-Use Subdistrict; and, mixed residential and commercial uses as provided for in the C-1 through C-3 zoning districts in the Collier County Land Development Code; and, portions of a project for land uses having an established equivalent residential density in the Collier County Land Development Code.
- b. Within the Urban Residential Fringe Subdistrict, the Density Rating System is applicable for the Affordable-workforce Housing Density Bonus only, as specifically provided for in that Subdistrict.
- c. Within the Rural Lands Stewardship Area Overlay (RLSA), the Density Rating System is applicable for the Affordable-workforce Housing Density Bonus only, as specifically provided for in the RLSA for Stewardship Receiving Areas.
- (XXX) d. This Density Rating System only applies to residential dwelling units. This Density Rating System is not applicable to accessory dwellings or accessory structures that are not intended and/or not designed and/or not authorized for permanent occupancy, and is not applicable to accessory dwellings or accessory structures intended for rental or other commercial use; such accessory dwellings and structures include guest houses, servants quarters, mother-in-law's quarters, cabanas, guest suites, and the like.
- e. All new residential zoning located within Districts, Subdistricts and Overlays identified above that are subject to this Density Rating System shall be consistent with this Density Rating System, except as provided in:
 - 1) Policy 5.1 of the Future Land Use Element.
 - 2) The Urban Mixed Use District for the "vested" Port of the Islands development.
 - 3) The Buckley Mixed Use Subdistrict.

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

- 4) The Commercial Mixed Use Subdistrict.
- 5) The Vanderbilt Beach/Collier Boulevard Commercial Subdistrict.
- 6) Livingston/Radio Road Commercial Infill Subdistrict.
- 7) Vanderbilt Beach Road Neighborhood Commercial Subdistrict.

(XXXII) 8) The Bayshore/Gateway Triangle Redevelopment Overlay.

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2. Density Bonuses

Consistency with the following characteristics may add to the base density. Density bonuses are discretionary, not entitlements, and are dependent upon meeting the criteria for each bonus provision and compatibility with surrounding properties, as well as the rezone criteria in the Land Development Code.

(XIII)(XV)

a. Conversion of Commercial Zoning Bonus:

If a project includes the conversion of commercial zoning that has been found to be “Consistent By Policy” through the Collier County Zoning Re-evaluation Program (Ordinance No. 90-23), then a bonus of up to 16 dwelling units per acre may be added for every one (1) acre of commercial zoning that is converted to residential zoning. These bonus dwelling units may be distributed over the entire project. The project must be compatible with surrounding land uses.

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b. Proximity to Mixed Use Activity Center or Interchange Activity Center:

If the project is within one mile of a Mixed Use Activity Center or Interchange Activity Center and located within a residential density band, 3 residential units per gross acre may be added. The density band around a Mixed Use Activity Center or Interchange Activity Center shall be measured by the radial distance from the center of the intersection around which the Mixed Use Activity Center or Interchange Activity Center is situated. If 50% or more of a project is within the density band, the additional density applies to the gross acreage of the entire project. Density bands are designated on the Future Land Use Map and shall not apply within the Estates Designation or for properties within the Coastal High Hazard Area.

(VII)(XV)(XXXVII)

c. Affordable-Workforce Housing Bonus:

As used in this density bonus provision, the term “affordable” shall be as defined in Chapter 420.9071, F.S. To encourage the provision of affordable-workforce housing within certain Districts and Subdistricts in the Urban Designated Area, a maximum of up to 8 residential units per gross acre may be added to the base density if the project meets the requirements of the Affordable-workforce Housing Density Bonus Ordinance (Section 2.06.00 of the Land Development Code, Ordinance No. 04-41, as amended, adopted June 22, 2004 and effective October 18, 2004), and if the affordable-workforce housing units are targeted for families earning no greater than 150% of the median income for Collier County. In the Urban Coastal Fringe Subdistrict, projects utilizing the Affordable-workforce Housing Density Bonus must provide appropriate mitigation consistent with Objective 12.1 and subsequent policies, as applicable, of the Conservation and Coastal Management Element. Also, for those specific properties identified within the Urban Residential Fringe Subdistrict, this density bonus is allowed but only to a maximum of 6 residential units per gross acre. Additionally, the Affordable-workforce Housing Density Bonus may be utilized within the Agricultural/Rural designation, as provided for in the Rural Lands Stewardship Area Overlay, subject to the aforementioned Section 2.06.00 of the Land Development Code.

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on January 27, 2015

- (IX)(XV) d. Residential In-fill
 To encourage residential in-fill in urban areas of existing development outside of the Coastal High Hazard Area, a maximum of 3 residential dwelling units per gross acre may be added if the following criteria are met:
- (a) The project is 20 acres or less in size;
 - (b) At time of development, the project will be served by central public water and sewer;
 - (c) The project is compatible with surrounding land uses;
 - (d) The property in question has no common site development plan with adjacent property;
 - (XXI) (e) There is no common ownership with any adjacent parcels;
 - (XXI) (f) The parcel in question was not created to take advantage of the in-fill residential density bonus and was created prior to the adoption of this provision in the Growth Management Plan on January 10, 1989;
 - (XXI) (g) Of the maximum 3 additional units, one (1) dwelling unit per acre shall be transferred from Sending Lands; and
 - (XIII) (h) Projects qualifying under this provision may increase the density administratively by a maximum of one dwelling unit per acre by transferring that additional density from Sending Lands.

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e. Roadway Access

If the project has direct access to two or more arterial or collector roads as identified in the Transportation Element, one residential dwelling unit per gross acre may be added. Density credits based on future roadways will be awarded if the developer commits to construct a portion of the roadway (as determined by the County Transportation Department) or the road is scheduled for completion during the first five years of the Capital Improvements Plan. The Roadway Access bonus is not applicable to properties located within the Coastal High Hazard Area.

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f. Transfer of Development Rights Bonus

To encourage preservation/conservation of natural resources, density transfers are permitted as follows:

- (a) From Urban designated areas into that portion of the Urban designated area subject to this Density Rating System, in accordance with the Transfer of Development Rights (TDR) provision contained in Section 2.03.07 of the Land Development Code, adopted by Ordinance No. 04-41, as amended, on June 22, 2004 and effective October 18, 2004. For projects utilizing this TDR process, density may be increased above and beyond the density otherwise allowed by the Density Rating System.
- (b) From Sending Lands in conjunction with qualified infill development.
- (XXXIV)(XL) (c) From Sending Lands located within one mile of the Urban Boundary into lands designated Urban Residential Fringe, at a maximum density increase of one (1) unit per gross acre, with the following exceptions:
 - i. Properties that straddle the Urban Residential Fringe and the Rural Fringe Mixed Use Sending Lands designations, and meet the other Density Blending criteria provided for in subsection 5.2 of the Density Rating System, may transfer TDRs

(XL) = Plan Amendment by Ordinance No. 2015-29 on May 12, 2015

from Sending Lands located within one mile of the Urban Boundary into lands designated Urban Residential Fringe, at a maximum density increase of 1.3 units per gross acre.

- ii. The Urban Residential Fringe portion of the Naples Reserve Residential Planned Unit Development located in Section 1, Township 51 South, Range 26 East, shall not be subject to the one mile limitation set forth above and may utilize TDRs from any lands designated Sending within the Rural Fringe Mixed Use District to achieve up to the maximum allowable density increase.
- iii. Up to 1.52 additional units per acre may be achieved for Urban Residential Fringe lands within the 196.4 acre portion of the San Marino Planned Unit Development described below, via the transfer of 1.52 dwelling units (transferable development right) per acre. The Property shall not be subject to the one mile limitation set forth above and may utilize TDRs derived from any lands designated Sending within the Rural Fringe Mixed Use District to achieve up to the maximum allowable density. The Property is further described as follows:

That portion of the San Marino Planned Unit Development described in Ordinance No. 2000-10, as amended, excepting the ±39 acres located in the South ½ of the Southwest ¼ of the Northwest ¼ of Section 11, Township 50 South, Range 26 East, and in the Northwest ¼ of the Southwest ¼ of Section 11, Township 50 South, Range 26 East.

In no case shall density be transferred into the Coastal High Hazard Area from outside the Coastal High Hazard Area.

- (XII)(XV) g. **Transportation Concurrency Management Area (TCMA) Bonus**
Residential redevelopment or infill development that meets the criteria established in Policies 6.1 through 6.5 of this Element, and which occurs within a designated Transportation Concurrency Management Area (TCMA) may add 3 residential units per gross acre. This density bonus shall not be available if the proposed development is located within the Coastal High Hazard Area. Additionally, in no instance shall the total project density exceed 16 units per gross acre.

(XV) **3. Density Reduction**

Consistency with the following characteristic would subtract density:

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a. **Coastal High Hazard Area**

If the project lies within the Coastal High Hazard Area, one dwelling unit per gross acre shall be subtracted from the eligible base density of four dwelling units per acre – except for those properties within the Coastal High Hazard Area in Section 1, Township 50 South, Range 25 East. The Coastal High Hazard Area boundary is generally shown on the Future Land Use Map and is more precisely shown in the Future Land Use Map series; all lands lying seaward of that boundary are within the Coastal High Hazard Area.

(XV) **4. Density Conditions:**

The following density condition applies to all properties subject to the Density Rating System.

(XV)(XXXVII)

a. **Maximum Density**

The maximum allowed density shall not exceed 16 dwelling units per gross acre within the Urban designated area, except when utilizing the Transfer of Development Rights (TDR) provision contained in Section 2.03.07 of the Land Development Code adopted by Ordinance No. 04-41, as amended on June 22, 2004 and effective October 18, 2004.

(XL) = Plan Amendment by Ordinance No. 2015-29 on May 12, 2015

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5. Density Blending:

This provision is intended to encourage unified plans of development and to preserve wetlands, wildlife habitat, and other natural features that exist within properties that straddle the Urban Mixed Use and Rural Fringe Mixed Use Districts or that straddle Receiving and Neutral Lands within the Rural Fringe Mixed Use District. In the case of such properties, which were in existence and under unified control (owned, or under contract to purchase, by the applicant(s)) as of June 19, 2002, the allowable gross density for such properties in aggregate may be distributed throughout the project, regardless of whether or not the density allowable for a portion of the project exceeds that which is otherwise permitted, when the following conditions are met:

1. Density Blending Conditions and Limitations for Properties Straddling the Urban Residential Sub-District or Urban Residential Fringe Sub-District and either the Rural Fringe Mixed Use District Neutral or Receiving Lands:
 - (a) The project must straddle the Urban Residential Sub-District or Urban Residential Fringe Sub-District and either the Rural Fringe Mixed Use District Neutral or Receiving Lands;
 - (b) The project in aggregate is a minimum of 80 acres in size;
 - (c) At least 25% of the project is located within the Urban Mixed Use District. The entire project is located within the Collier County Sewer and Water District Boundaries and will utilize central water and sewer to serve the project unless interim provisions for sewer and water are authorized by Collier County;
 - (d) The project is currently zoned or will be rezoned to a PUD;
 - (e) Density to be shifted to the Rural Fringe Mixed Use District from the Urban Residential Sub-District is to be located on impacted lands, or it is demonstrated that the development on the site is to be located so as to preserve and protect the highest quality native vegetation and/or habitat on-site and to maximize the connectivity of such native vegetation and/or habitat with adjacent preservation and/or habitat areas;
 - (f) The entire project shall meet the applicable preservation standards of the Rural Fringe Mixed Use District. These preservation requirements shall be calculated upon and apply to the total project area.
 - (g) Section 15 (Township 48 South, Range 26 East), which straddles the boundary of the Urban Residential Sub-district and the Rural Fringe Mixed Use District, is designated Neutral, and is in the approved Mirasol PUD, may utilize this density blending provision, subject to the above criteria.

(XXVIII)

2. Density Blending Conditions and Limitations for Properties Straddling the Urban Residential Fringe Sub-District and Rural Fringe Mixed Use District Sending lands:
 - (a) The project must straddle the Urban Residential Fringe Sub-District and the Rural Fringe Mixed Use District Sending Lands;
 - (b) The project in aggregate must be a minimum of 400 acres;
 - (c) At least 25% of the project must be located within the Urban Residential Fringe Sub-District. The project must extend central water and wastewater treatment facilities (from the Urban designated portion of the project) to serve the entire project, unless alternative interim water and wastewater treatment provisions are authorized by Collier County;

(XXVIII) = Plan Amendment by Ordinance No. 2011-40 on October 25, 2011

- (d) The Project is currently zoned or will be zoned PUD;
- (e) The density to be shifted to the Sending Lands from the Urban Residential Fringe is to be located on impacted or disturbed lands, or it is demonstrated that the development on the site is to be located so as to preserve and protect the highest quality native vegetation and/or habitat on-site and to maximize the connectivity of such native vegetation and/or wildlife habitat with adjacent preservation and/or habitat areas;
- (XXVIII) (f) Native vegetation shall be preserved as follows:
 - (1) The Urban portion of the project shall comply with the native vegetation requirements identified in the Conservation and Coastal Management Element (for Urban designated lands), or in the case of projects where the native vegetation requirement for the Sending Lands portion of the project is the maximum required 60 percent of the total Sending Land area, in order to promote greater preservation of the highest quality wetlands and listed species habitat, the required native vegetation for the Urban portion of the project may be shifted by providing native vegetation preservation in the Sending Lands portion of the project exceeding the 60% maximum preservation requirement as set forth in subsection (2) below. The ratio for such native vegetation preservation shall be two acres of Sending Lands (exceeding the 60% maximum preservation requirement) for each acre below the required amount of native vegetation for the Urban portion of the project. In no instance shall less than 10 percent of the required amount of native vegetation be retained in the Urban portion of the project. Significant Archeological Sites identified by the State of Florida Division of Historic Resources shall be preserved and cannot be mitigated for.
 - (2) For those lands within the project designated as Sending, the native vegetation preservation requirement shall be 90% of the native vegetation, not to exceed 60% of the total project area designated as Sending, unless the provisions found in subsection (1) above are met.
 - (3) Wetland areas that are impacted through the development process, but which result in enhanced wetland function, including habitat and/or flowways, shall be considered as part of the native vegetation requirement set forth in this provision and shall not be considered as impacted areas. These wetland areas and/or flowways may be used for water storage provided that the water discharged in these areas is pre-treated.
- (g) Permitted uses for density blending under this provision include residential development and associated amenities, including golf courses meeting the criteria for golf courses within the Neutral area. This provision is not intended to eliminate any uses permitted within the applicable underlying land use designation.
- (XIII) 3. Density Blending Conditions and Limitations for Properties Straddling Receiving and Neutral Lands within the Rural Fringe Mixed Use District:
 - (a) The project shall straddle Receiving Lands and Neutral Lands in the Rural Fringe Mixed Use District.
 - (b) The project in aggregate shall be a minimum of 80 acres in size.
 - (c) At least 25% of the project shall be located in Receiving Lands. The project shall extend central water and sewer to serve the entire project, unless alternative interim sewer and water provisions are authorized by the County.

(XXVIII) = Plan Amendment by Ordinance No. 2011-40 on October 25, 2011

- (d) The project shall be encouraged to be in the form of a PUD.
- (e) It shall be demonstrated that development on the site is to be located so as to Preserve and protect the highest quality native vegetation and/or habitat on-site and to maximize the connectivity of such native vegetation and/or wildlife habitat with adjacent preservation and/or habitat areas.
- (f) The project shall comply with the native vegetation requirements applicable to Neutral Lands, as set forth in the CCME.
- (g) Permitted uses for density blending under this provision shall include residential development and associated amenities, including golf courses meeting the criteria for golf courses within the Neutral Area. This provision is not intended to eliminate any uses permitted within the applicable underlying land use designation.

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(XV) **C. Urban Commercial District**

This District is intended to accommodate almost all new commercial zoning; a variety of residential uses, including higher densities for properties not located within the Urban Coastal Fringe or Urban Residential Fringe Subdistricts; and a variety of non-residential uses.

1. Mixed Use Activity Center Subdistrict

(XV) Mixed Use Activity Centers have been designated on the Future Land Use Map Series identified in the Future Land Use Element. The locations are based on intersections of major roads and on spacing criteria. When this Plan was originally adopted in 1989, there were 21 Activity Centers. There are now 19 Activity Centers, listed below, which comprise approximately 3,000 acres; this includes 3 Interchange Activity Centers (#4, 9, 10) which will be discussed separately under the Interchange Activity Center Subdistrict. Two Activity Centers, #19 and 21, have been deleted as they are now within the incorporated City of Marco Island.

- # 1 Immokalee Road and Airport-Pulling Road
- # 2 US 41 and Immokalee Road
- # 3 Immokalee Road and Collier Boulevard
- # 4 I-75 and Immokalee Road (Interchange Activity Center)
- # 5 US 41 and Vanderbilt Beach Road
- # 6 Davis Boulevard and Santa Barbara Boulevard
- # 7 Rattlesnake-Hammock Road and Collier Boulevard
- # 8 Airport-Pulling Road and Golden Gate Parkway
- # 9 I-75 and Collier Boulevard and Davis Boulevard (Interchange Activity Center)
- #10 I-75 and Pine Ridge Road (Interchange Activity Center)
- #11 Vanderbilt Beach Road and Airport-Pulling Road
- #12 US 41 and Pine Ridge Road
- #13 Airport-Pulling Road and Pine Ridge Road
- #14 Goodlette-Frank Road and Golden Gate Parkway
- #15 Golden Gate Parkway and Coronado Boulevard
- #16 US 41 and Airport-Pulling Road
- #17 US 41 and Rattlesnake-Hammock Road
- #18 US 41 and Collier Boulevard
- #20 US 41 and Wiggins Pass Road

(II)(IV)(V)(VI)(XI)(XIV)(XV)

The Mixed-Use Activity Center concept is designed to concentrate almost all new commercial zoning in locations where traffic impacts can readily be accommodated, to avoid strip and disorganized patterns of commercial development, and to create focal points within the community. Mixed Use Activity Centers are intended to be mixed-use in character. Further, they are generally intended to be developed at a human-scale, to be pedestrian-oriented, and to be interconnected with abutting projects – whether commercial or residential. Street, pedestrian pathway and bike lane interconnections with abutting properties, where possible and practicable, are encouraged.

Allowable land uses in Mixed Use Activity Centers include the full array of commercial uses, residential uses, institutional uses, hotel/motel uses at a maximum density of 26 units per acre, community facilities, and other land uses as generally allowed in the Urban designation. The actual mix of the various land uses shall be determined during the rezoning process based on

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

consideration of the factors listed below. Except as restricted below under the provision for Master Planned Activity Centers, all Mixed Use Activity Centers may be developed with any of the land uses allowed within this Subdistrict.

- (XXXII) For residential-only development, if a project is located within the boundaries of a Mixed Use Activity Center which is not within the Urban Residential Fringe Subdistrict or Urban Coastal Fringe Subdistrict, up to 16 residential units per gross acre may be permitted. If such a project is located within the boundaries of a Mixed Use Activity Center which is within the Urban Coastal Fringe Subdistrict, the eligible density shall be limited to four dwelling units per acre, except as allowed by the density rating system and the Bayshore/Gateway Triangle Redevelopment Overlay. If such a project is located within the boundaries of a Mixed Use Activity Center which is within the Urban Residential Fringe Subdistrict, eligible density shall be as allowed by that Subdistrict. For a residential-only project located partially within and partially outside of an Activity Center, the density accumulated from the Activity Center portion of the project may be distributed throughout the project.

(XII)(XV)(XXXII)

Mixed-use developments – whether consisting of residential units located above commercial uses, in an attached building, or in a freestanding building – are allowed and encouraged within Mixed Use Activity Centers. Density for such a project is calculated based upon the gross project acreage within the Activity Center. If such a project is located within the boundaries of a Mixed Use Activity Center which is not within the Urban Residential Fringe Subdistrict and is not within the Coastal High Hazard Area, the eligible density is sixteen dwelling units per acre. If such a project is located within the boundaries of a Mixed Use Activity Center that is not within the Urban Residential Fringe Subdistrict but is within the Coastal High Hazard Area, the eligible density shall be limited to four dwelling units per acre, except as allowed by the Bayshore/Gateway Triangle Redevelopment Overlay. If such a project is located within the boundaries of a Mixed Use Activity Center which is within the Urban Residential Fringe Subdistrict, eligible density shall be as allowed by that Subdistrict. For a project located partially within and partially outside of an Activity Center, and the portion within an Activity Center is developed as mixed use, some of the density accumulated from the Activity Center portion of the project may be distributed to that portion of the project located outside of the Activity Center. In order to promote compact and walkable mixed use projects, where the density from a mixed use project is distributed outside the Activity Center boundary:

- (1) the mixed use component of the project within the Activity Center shall include a minimum of thirty percent (30%) of the Activity Center-accumulated density;
- (2) the dwelling units distributed outside the Activity Center shall be located within one third (1/3) of a mile of the Activity Center boundary; and,
- (3) the portion of the project within the Activity Center shall be developed at a human scale, be pedestrian-oriented, and be interconnected with the remaining portion of the project with pedestrian and bicycle facilities.

- (XV) The factors to consider during review of a rezone petition for a project, or portion thereof, within an Activity Center, are as follows:

- a. Rezones are encouraged to be in the form of a Planned Unit Development. There shall be no minimum acreage limitation for such Planned Unit Developments except all requests for rezoning must meet the requirements for rezoning in the Land Development Code.

(XXXII) = Plan Amendment by Ordinance No. 2013-42 on May 28, 2013

- b. The amount, type and location of existing zoned commercial land, and developed commercial uses, both within the Mixed Use Activity Center and within two road miles of the Mixed Use Activity Center.
- c. Market demand and service area for the proposed commercial land uses to be used as a guide to explore the feasibility of the requested land uses.
- d. Existing patterns of land use within the Mixed Use Activity Center and within two radial miles.
- e. Adequacy of infrastructure capacity, particularly roads.
- f. Compatibility of the proposed development with, and adequacy of buffering for, adjoining properties.
- g. Natural or man-made constraints.
- h. Rezoning criteria identified in the Land Development Code.
- i. Conformance with Access Management Plan provisions for Mixed Use Activity Centers, as contained in the Land Development Code.
- j. Coordinated traffic flow on-site and off-site, as may be demonstrated by a Traffic Impact Analysis, and a site plan/master plan indicating on-site traffic movements, access point locations and type, median opening locations and type on the abutting roadway(s), location of traffic signals on the abutting roadway(s), and internal and external vehicular and pedestrian interconnections.
- k. Interconnection(s) for pedestrians, bicycles and motor vehicles with existing and future abutting projects.
- l. Conformance with the architectural design standards as identified in the Land Development Code.

(XV) The boundaries of Mixed Use Activity Centers have been delineated on the maps located at the end of this section as part of the Future Land Use Map Series. These map boundaries are the actual, fixed boundaries and cannot be adjusted without a comprehensive plan amendment, except as provided below for Master Planned Activity Centers.

Master Planned Activity Centers

(XV)(XXX) Any of the five Mixed Use Activity Centers listed below may be designated as a Master Planned Activity Center, via the rezoning process. A Master Planned Activity Center is one which has a unified plan of development in the form of a Planned Unit Development, Development of Regional Impact or an area-wide Development of Regional Impact. If choosing to designate a Mixed Use Activity Center, or portion thereof, as a Master Planned Activity Center, the property owners within such Mixed Use Activity Centers shall be required to utilize the Master Planned Activity Center process as provided below:

- # 2 US 41 and Immokalee Road
- # 3 Immokalee Road and Collier Boulevard
- # 5 US 41 and Vanderbilt Beach Road
- # 7 Rattlesnake-Hammock Road and Collier Boulevard
- # 14 Goodlette-Frank Road and Golden Gate Parkway

(XXX) In recognition of the benefit to the public road network resulting from the coordination of planned land uses and coordinated access points, Master Planned Activity Centers are encouraged through the allowance of flexibility in the boundaries, and thus location of uses permitted within

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

a designated Mixed Use Activity Center. The boundaries of Master Planned Activity Centers depicted on the Future Land Use Map Series are understood to be flexible and subject to modification as provided for below. However, the acreage within the reconfigured Activity Center shall not exceed that within the existing Activity Center. The actual mix of land uses shall be determined using the criteria for other Mixed Use Activity Centers. All of the following criteria must be met for a project to qualify as a Master Planned Activity Center:

(XV)(XXX) 1. The applicant shall have unified control of the majority of a quadrant in a designated Activity Center. Majority of the quadrant shall be defined as at least 51% of the privately owned land within any Activity Center quadrant.

(XV)(XXVIII)(XXXVI)

2. The allowable land uses for a Master Planned Activity Center shall be the same as for other designated Activity Centers; however, a Master Planned Activity Center encompassing the majority of the property in two or more quadrants shall be afforded the flexibility to redistribute a part or all of the allocation from one quadrant to another, to the extent of the unified control.

The maximum amount of commercial uses allowed at Activity Center # 3 (Immokalee Road and Collier Boulevard) is 40 acres per quadrant for a total of 160 acres maximum in the entire Activity Center; the balance of the land area shall be limited to non-commercial uses as allowed in Mixed Use Activity Centers.

The maximum amount of commercial uses allowed at Activity Center #7 (Rattlesnake Hammock Road and Collier Boulevard) is 40 acres per quadrant, except that the northeast quadrant may have a total of 68.3 acres and the southeast quadrant may have a total of 49.2 acres, for a total of 197.5 acres maximum in the entire Activity Center; the balance of the land area shall be limited to non-commercial uses as allowed in Mixed Use Activity Centers. The addition of the 9.3 acres to the northeast quadrant of the Activity center shall not be the basis for adjacent parcels to be rezoned to commercial pursuant the Office and Infill Commercial Subdistrict. With respect to the +/- 19 acres in the northeast quadrant of Activity Center #7, said acreage lying adjacent to the east of the Hammock Park Commerce Center PUD, commercial development (exclusive of the allowed "1/4 mile support medical uses") shall be limited to a total of 185,000 square feet of the following uses: personal indoor self-storage facilities – this use shall occupy no greater than 50% of the total (185,000) building square feet; offices for various contractor/builder construction trade specialists inclusive of the offices of related professional disciplines and services that typically serve those construction businesses or otherwise assist in facilitating elements of a building and related infrastructure, including but not limited to architects, engineers, land surveyors and attorneys – these offices of related professional disciplines and services shall occupy no greater than 50% of the total (185,000) building square feet; warehouse space for various contractor/builder construction trades occupants; mortgage and land title companies; related businesses including but not limited to lumber and other building materials dealers, paint, glass, and wallpaper stores, garden supply stores – all as accessory uses only, accessory to offices for various contractor/builder construction trade specialists or accessory to warehouse space for various contractor/builder construction trades occupants; management associations of various types of buildings or provision of services to buildings/properties; and, fitness centers.

(XXX) The maximum amount of commercial uses allowed at Activity Center #14 (Goodlette-Frank Road and Golden Gate Parkway) is 45 acres; the balance of the land uses shall be limited to non-commercial uses as allowed in Mixed Use Activity Centers.

(XXXVI) = Plan Amendment by Ordinance No. 2014-27 on July 8, 2014

- (XV) 3. The location and configuration of all land uses within a Master Planned Activity Center shall be compatible with and related to existing site features, surrounding development, and existing natural and manmade constraints. Commercial uses shall be oriented so as to provide coordinated and functional transportation access to major roadways serving the Activity Center, and functionally related or integrated with surrounding land uses and the planned transportation network.
- (XV) 4. Adjacent properties within the Activity Center that are not under the unified control of the applicant shall be considered and appropriately incorporated (i.e. pedestrian, bicycle and vehicular interconnections) into the applicant's Master Plan.

New Mixed Use Activity Centers may be proposed if all of the following criteria are met and an amendment is made to delineate the specific boundaries on the Future Land Use Map series for Mixed Use Activity Centers:

- the intersection around which the Mixed Use Activity Center is located consists of an arterial and collector road, or two arterial roads, based upon roadway classifications contained in the Transportation Element.
- the Mixed Use Activity Center is no closer than two miles from any existing Mixed Use Activity Center, as measured from the center point of the intersections around which the existing and proposed Mixed Use Activity Centers are located.
- market justification is provided demonstrating the need for a Mixed Use Activity Center at the proposed location.

2. Interchange Activity Center Subdistrict:

- (XV) Interchange Activity Centers have been designated on the Future Land Use Map at three of the County's four Interstate 75 interchanges and include numbers 4, 9 and 10; there is no Activity Center at the new I-75/Golden Gate Parkway interchange. The boundaries of these Interchange Activity Centers have been specifically defined on the maps located at the end of this Section as part of the Future Land Use Map Series. Any changes to the boundaries of these Interchange Activity Centers shall require an amendment to the Future Land Use Map Series.

Interchange Activity Centers #4 (I-75 at Immokalee Road) and #10 (I-75 at Pine Ridge Road) allow for the same mixture of land uses as allowed in the Mixed Use Activity Centers; additionally, industrial uses, as identified below, are allowed in the southwest and southeast quadrants of Interchange Activity Center #4. No industrial uses shall be allowed in Interchange Activity Center #10. The actual mix of uses shall be determined during the rezoning process based on consideration of the same factors listed under the Mixed Use Activity Center Subdistrict.

Interchange Activity Center #9 (I-75 at Collier Boulevard) is subject to an Interchange Master Plan (IMP), which was adopted by Resolution by the Board of County Commissioners, and to the implementing provisions adopted into the Land Development Code.

- (III) All new projects within Activity Center #9 are encouraged to have a unified plan of development in the form of a Planned Unit Development. The mixture of uses allowed in Interchange Activity Center #9 shall include all land uses allowed in the Mixed Use Activity Centers; additionally, industrial uses shall be allowed in the northeast and southeast quadrants of I-75 and Collier Boulevard, and in the southwest quadrant of Collier and Davis Boulevards. The above allowed

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

uses notwithstanding, commercial zoning shall not exceed 55% of the total acreage (632.5 ac.) of Interchange Activity Center #9. The actual mix of uses shall be determined during the rezoning process based on consideration of the same factors listed under the Mixed Use Activity Center Subdistrict, and based on the adopted IMP.

For residential-only development, if a project is located within the boundaries of an Interchange Activity Center which is not within the Urban Residential Fringe Subdistrict, up to 16 residential units per gross acre may be allowed. If such a project is located within the boundaries of an Interchange Activity Center which is within the Urban Residential Fringe Subdistrict, eligible density shall be as allowed by that Subdistrict. For a residential-only project located partially within and partially outside of an Activity Center, the density accumulated from the Activity Center portion of the project may be distributed throughout the project.

- (XV) Mixed-use developments – whether consisting of residential units located above commercial uses, in an attached building, or in a freestanding building - are allowed and encouraged within Interchange Activity Centers. Such mixed-use projects are intended to be developed at a human-scale, pedestrian-oriented, and interconnected with adjacent projects – whether commercial or residential. Street, pedestrian pathway and bike lane interconnections with adjacent properties, where possible and practicable, are encouraged. Density for such a project is calculated based upon the gross project acreage within the Activity Center. If such a project is located within the boundaries of an Interchange Activity Center which is not within the Urban Residential Fringe Subdistrict, the eligible density is sixteen dwelling units per acre. If such a project is located within the boundaries of a Mixed Use Activity Center which is within the Urban Residential Fringe Subdistrict, eligible density shall be as allowed by that Subdistrict. For a project located partially within and partially outside of an Activity Center, and the portion within an Activity Center is developed as mixed use, the density accumulated from the Activity Center portion of the project shall not be distributed outside of the Activity Center.

Based on the unique location and function of Interchange Activity Centers, some Industrial land uses – those that serve regional markets and derive specific benefit when located in the Interchange Activity Centers – shall be allowed in the Activity Center quadrants previously identified. These uses shall be limited to: manufacturing, warehousing, storage, and distribution. During the rezone process, each such use shall be reviewed to determine if it will be compatible with existing and approved land uses.

The following conditions shall be required to ensure compatibility of Industrial land uses with other land uses allowed in the Interchange Activity Centers; to maintain the appearance of these Interchange Activity Centers as gateways to the community; and to mitigate any adverse impacts caused by noise, glare or fumes to the adjacent property owners. The Planned Unit Development and/or rezoning ordinance shall contain specific language regarding the permitted Industrial land uses, compatibility requirements, and development standards consistent with the following conditions. Site-specific development details will be reviewed during the Site Development Plan review process.

- a. Landscaping, buffering and/or berming shall be installed along the Interstate;
- b. Fencing shall be wooden or masonry;
- c. Wholesale and storage uses shall not be permitted immediately adjacent to the right-of-way of the Interstate;
- d. Central water and sewage systems shall be required;

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

- (XV) e. Ingress and egress shall be consistent with State Access Management Plans, as applicable;
- f. No direct access to the Interstate right-of-way shall be permitted;
- g. Joint access and frontage roads shall be established when frontage is not adequate to meet the access spacing requirements of the Access Control Policy, Activity Center Access Management Plan provisions, or State Access Management Plans, as applicable;
- h. Access points and median openings shall be designed to provide adequate turning radii to accommodate truck traffic and to minimize the need for U-turn movements;
- i. The developer shall be responsible to provide all necessary traffic improvements to include traffic signals, turn lanes, deceleration lanes, and other improvements deemed necessary – as determined through the rezoning process; and,
- j. A maximum floor area ratio (FAR) for the designated Industrial land uses component of the projects shall be established at 0.45.

(V)(VI)(XV)

3. Livingston/Pine Ridge Commercial Infill Subdistrict:

This Subdistrict consists of two parcels; one parcel consists of 17.5 acres and is located at the southeast quadrant of Livingston Road, a collector roadway, and Pine Ridge Road, a minor arterial roadway. The second parcel consists of 10.47 acres and is located at the northwest quadrant of Livingston Road and Pine Ridge Road. In addition to uses allowed in the Plan, the intent of the Livingston/Pine Ridge Commercial Infill Subdistrict is to provide shopping, personal services and employment for the surrounding residential areas within a convenient travel distance and to provide commercial services in an acceptable manner along a new collector roadway. The Subdistrict is intended to be compatible with the neighboring commercial, public use and high density residential properties and will utilize well-planned access points to improve current and future traffic flows in the area.

(VI)(XV)

a. Southeast Quadrant

If permitted by the South Florida Water Management District, emergency access to the North Naples Fire District fire station located immediately east of the property will be provided improving response times to all properties located south along Livingston Road. Interconnection to abutting properties immediately to the South and immediately to the East will be studied and provided if deemed feasible, as a part of the rezoning action relating to the subject property.

Building height is limited to one story with a 35 foot maximum for all retail and general commercial uses. General and medical office uses are limited to three stories with a 50 foot maximum height. Any project developed in this Quadrant may be comprised of any combination of retail commercial and/or office uses, provided that the total square footage does not exceed 125,000 square feet. A minimum 50-foot buffer of existing native vegetation will be preserved along all project boundaries abutting areas zoned agricultural.

(VI)(XV)

b. Northwest Quadrant

The feasibility of interconnections to the abutting properties to the North and West will be considered and, if deemed feasible, will be required during the rezoning of the subject property.

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

- (XLII) This quadrant shall be limited to general and medical office uses, provided that the total building square footage does not exceed 40,000 square feet and/or on the southern 10 acres labeled on the map as Auto Dealership Overlay, New car sales not to exceed 60,000 square feet building area are allowed. Building height shall be limited to three stories with a 50 foot maximum height.

4. Business Park Subdistrict

The Business Park Subdistrict is intended to provide for a mix of industrial uses and non-industrial uses, designed in an attractive park-like environment with low structural density where building coverage ranges between 25% to 45% and landscaped areas provide for buffering and enjoyment by the employees and patrons of the Park. Business Parks shall be allowed as a subdistrict in the Urban Commercial District subject to the criteria set forth under the Business Park Subdistrict in the Urban-Mixed Use District.

(VI) **5. Research and Technology Park Subdistrict**

The Research and Technology Park Subdistrict is intended to provide for a mix of targeted industry uses - aviation/aerospace industry, health technology industry, information technology industry, and light, low environmental impact manufacturing industry - and non-industrial uses, designed in an attractive park-like environment where landscaped areas, outdoor spaces and internal interconnectivity provide for buffering, usable open space, and a network of pathways for the enjoyment of the employees, residents and patrons of the park. Research and Technology Parks shall be allowed as a subdistrict in the Urban Commercial District subject to the criteria set forth under the Research and Technology Park Subdistrict in the Urban Mixed Use District.

(VI)(XIII) **6. Livingston Road/Eatonwood Lane Commercial Infill Subdistrict**

This Subdistrict consists of 12.5 acres located on the west side of Livingston Road, south of Pine Ridge Road, and north of Eatonwood Lane. The Subdistrict allows professional and medical offices, financial institutions (SIC Code 6011-6099) and indoor self-storage facilities to serve surrounding residential areas within a convenient travel distance to the subject property. The Subdistrict is designed to be compatible with neighboring commercial and residential uses.

The maximum allowed development intensities include 91,000 square feet of professional or medical office use in buildings containing a maximum height of 35 feet, or 200,000 square feet of indoor self-storage area in buildings containing a maximum of three stories and at a maximum height of 50 feet. Should a mix of office and indoor self-storage facilities develop on the property, for each two square feet of indoor self-storage area, one square foot of office area shall be reduced from the maximum allowable office area permitted. Access to the property within the Subdistrict shall be limited to a single right in/out turning movement onto Livingston Road, or to a single access point onto Livingston Road located along the north boundary shared with the La Costa Apartments project. The shared access point is the preferred alternative. However, if the right in/out option is first utilized, in absence of a shared access agreement, but a shared access agreement is later reached with the La Costa Apartments project, then Collier County shall have the right to require the removal of the right in/out access point and require construction of the shared access point.

(VI) **7. Livingston Road Commercial Infill Subdistrict**

This Subdistrict consists of 6.0 acres located on the west side of Livingston road and south of Eatonwood Lane. The Subdistrict allows professional and medical offices to serve surrounding residential areas within a convenient travel distance to the subject property. Non-commercial

(XLII) = Plan Amendment by Ordinance No. 2015-42 on July 7, 2015

indoor storage by occupants of the building(s) is also a permitted use. The Subdistrict is designed to be compatible with neighboring commercial and residential uses, through the development standards provided herein, along with other planning considerations.

The maximum allowed development intensities include a maximum of 52,500 square feet of professional or medical office use in buildings containing a maximum of three stories, which could include two stories over parking, and at a maximum height of 50 feet. If access cannot be obtained via Eatonwood Lane, then access to the property within the Subdistrict shall be from Livingston Road; shall be located at the southerly end of the site; shall be limited to right-in and right-out only; and, shall include shared access with the property to the south.

(XV) **8. Commercial Mixed Use Subdistrict:**

The purpose of this Subdistrict is to encourage the development and re-development of commercially zoned properties with a mix of residential and commercial uses. The residential uses may be located above commercial uses, in an attached building, or in a freestanding building. Such mixed-use projects are intended to be development at a human-scale, pedestrian-oriented, and interconnected with abutting projects – whether commercial or residential. This Subdistrict is allowed in the Urban Commercial District subject to the standards and criteria set forth under the Commercial Mixed Use Subdistrict in the Urban Mixed Use District.

(XIII) **9. Livingston Road/Veterans Memorial Boulevard Commercial Infill Subdistrict**

This Subdistrict consists of + 2.25 acres and is located at the southeast corner of the intersection of Livingston Road and Livingston Road/East – West to be known as Veterans' Memorial Boulevard. The Subdistrict allows those office uses, medical uses and financial institutions permitted by right and by conditional use within the C-1 Zoning District of the Collier County Land Development Code, as of the effective date of adoption of this Subdistrict. (Adopted October 26, 2004 by Ordinance No. 2004-71) This Subdistrict is designed to serve the surrounding residential uses within a convenient travel distance to the subject property. It is further designed to be compatible with the neighboring residential uses through the development standards provided herein, along with other planning considerations.

The maximum development intensity allowed is 50,000 square feet of building area with a maximum height of 3 stories, not to exceed 35 feet. Access to the property within the Subdistrict shall only be permitted from Veterans Memorial Boulevard. There shall be no access permitted directly to or from Livingston Road.

(XV) **10. Goodlette/Pine Ridge Commercial Infill Subdistrict:**

This Subdistrict consists of 31 acres and is located at the northeast quadrant of two major arterial roadways, Pine Ridge Road and Goodlette-Frank Road. In addition to uses generally allowed in the Urban designation, the intent of the Goodlette/Pine Ridge Commercial Infill Subdistrict is to provide shopping, person services and employment for the surrounding residential areas within a convenient travel distance. The Subdistrict is intended to be compatible with the neighboring Pine Ridge Middle School and nearby residential development and therefore, emphasis will be placed on common building architecture, signage, landscape design and site accessibility for pedestrians and bicyclists, as well as motor vehicles.

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

Access to the Goodlette/Pine Ridge Commercial Infill Subdistrict may feature a signalized traffic access point on Goodlette-Frank Road, which may provide for access to the neighboring Pine Ridge Middle School. Other site access locations will be designed consistent with the Collier County access management criteria.

Development intensity within the Subdistrict will be limited to single-story retail commercial uses, while professional or medical related offices, including financial institutions, may occur in three-story buildings. A maximum of 275,000 square feet of gross leasable area for retail commercial and office and financial institution development may occur within this Subdistrict. Retail commercial uses shall be limited to a maximum of 125,000 square feet of gross leasable area on the south +/- 23 acres. No individual retail commercial use may exceed 65,000 square feet of gross leasable area.

Unless otherwise required by the South Florida Water Management District, the .87 ± acre wetland area located on the northeastern portion of the site will be preserved.

(XIX) **11. Orange Blossom/Airport Crossroads Commercial Subdistrict**

This Subdistrict consists of two parcels comprising approximately 10 acres and is located on the southwest corner of the intersection of Orange Blossom Drive and Airport Road. This Subdistrict allows for existing institutional uses, such as the Italian American Club clubhouse or another social or fraternal organization, future institutional uses for a school, and limited commercial, professional and general offices, and similar uses to serve the nearby community, along with senior housing in the form of an assisted living facility, continuing care retirement center, or other similar housing for the elderly.

Development intensity for this Subdistrict shall be limited to a maximum of 74,000 square feet of gross leasable area for financial institutions, schools, professional, medical and general offices, adult and child day care, personal and business services, and a maximum of 20,000 square feet for the clubhouse facility, all of which uses are allowed by right or by conditional use in the C-1 Zoning District, as identified in the Collier County Land Development Code, Ordinance No. 04-41, as amended. Uses will be further evaluated at the time of rezoning of each parcel to ensure compatibility with surrounding properties. Any senior housing facility is not subject to this square footage limitation but is subject to equivalency limitations specific to Parcel 2, and must meet all other provisions in the Collier County Land Development Code, Ordinance No. 04-41, in effect as of the effective date of this amendment. The development of this Subdistrict shall be governed by the following criteria:

- a. Rezones are encouraged to be in the form of a Planned Unit Development and must contain development standards to ensure that all uses will be compatible with neighboring residential and institutional uses.

(XXIX) b. Parcel 1

This approximately 5-acre parcel is located on the southwest corner of the intersection of Orange Blossom Drive and Airport Road. This parcel is limited to a maximum of 34,000 square feet of gross leasable area for financial institutions, schools, professional, medical and general offices, and personal and business services, in addition to a maximum of 20,000 square feet for the clubhouse facility. Parcel 1 is governed by the additional, following requirements:

- i. Pedestrian interconnection to access Parcel 2 and property immediately to the west must be pursued by the property owner, and incorporated into the overall site design.

(XXIX) = Plan Amendment by Ordinance No. 2012-16 on April 24, 2012

- ii. Vehicular interconnection with Parcel 2 is required, particularly to provide southbound traffic direct egress onto Airport Road. Vehicular use areas, buildings and structures, landscape buffering and open space, and other uses shall be designed in such a manner that does not impede or interfere with access to or from the adjacent parcel to the south.
- iii. The existing easternmost vehicular access drive onto Orange Blossom Drive shall be removed or permanently closed-off by the property owner prior to the issuance of a certificate of occupancy for any further development or redevelopment of the site.
- iv. Development within Parcel 1 shall have common site, signage and building architectural elements, including on-site signs directing motorists toward southbound egress through Parcel 2 onto Airport Road.

(XXIX) c. Parcel 2

This approximately 5-acre parcel is located on the west side of Airport Road, approximately 330 feet south of the intersection of Airport Road and Orange Blossom Drive. This parcel is limited to a maximum of 40,000 square feet of gross leasable area for financial institutions, professional, medical and general offices, adult and child day care, personal and business services, and an assisted living facility, continuing care retirement center, or other similar housing for the elderly. Parcel 2 is governed by the additional, following requirements:

- i. Pedestrian interconnection to access Parcel 1 and properties immediately to the south and to the west must be pursued by the property owner, and incorporated into the overall site design.
- ii. Vehicular interconnection with Parcel 1 is required, particularly to provide eastbound traffic direct egress onto Orange Blossom Drive. Vehicular use areas, buildings and structures, landscape buffering and open space, and other uses shall be designed in such a manner that does not impede or interfere with access to or from the adjacent parcel to the north.
- iii. Development within Parcel 2 shall have common site, signage and building architectural elements, including on-site signs directing motorists toward northbound egress through Parcel 1 onto Orange Blossom Drive.
- iv. For each acre, or portion thereof, that is to be allocated to an assisted living facility, continuing care retirement center or other housing for the elderly, the gross leasable area for other allowed uses shall be reduced by 8,000 square feet, or the square foot equivalent of the portion thereof.

(XV) **D. Urban Industrial District**

The Industrial Land Use District is reserved primarily for industrial type uses and comprises approximately 2,200 acres. Besides basic Industrial uses, limited commercial uses are permitted. Retail commercial uses are prohibited, except as accessory to Industrial or Business Park uses. The C-5, C-4 and PUD Commercial Zoning Districts along the perimeter of the designated Urban Industrial District that existed as of October 1997 shall be deemed consistent

with this Land Use District. Industrially designated areas shall have access to a road classified as an arterial or collector in the Transportation Element, or access may be provided via a local road that does not service a predominately residential area. Intensities of use shall be those related to:

- a. Manufacturing;
- b. Processing;
- c. Storage and warehousing;
- d. Wholesaling;
- e. Distribution;
- f. High technology;
- g. Laboratories;
- h. Assembly;
- i. Computer and data processing;
- j. Business services;
- k. Other basic industrial uses as described in the Industrial Zoning District of the Land Development Code;
- l. Business Park uses as discussed below and as described in the Business Park Zoning District of the Land Development Code; and
- m. Support commercial uses, such as child care centers and restaurants.

1. Business Park Subdistrict

The Business Park Subdistrict is intended to provide for a mix of industrial uses and non-industrial uses, designed in an attractive park-like environment with low structural density where building coverage ranges between 25% to 45% and landscaped areas provide for buffering and enjoyment by the employees and patrons of the Park. Business Parks shall be allowed as a Subdistrict in the Urban Industrial District subject to the criteria set forth under the Business Park Subdistrict in the Urban-Mixed Use District.

(VI) 2. Research and Technology Park Subdistrict

The Research and Technology Park Subdistrict is intended to provide for a mix of targeted industry uses – aviation/aerospace industry, health technology industry, information technology industry, and light, low environmental impact manufacturing industry – and non-industrial uses, designed in an attractive park-like environment where landscaped areas, outdoor spaces and internal interconnectivity provide for buffering, usable open space, and a network of pathways for the enjoyment of the employees, residents and patrons of the park. Research and Technology Parks shall be allowed as a subdistrict in the Urban – Industrial District subject to the criteria set forth under the Research and Technology Park Subdistrict in the Urban Mixed Use District.

(XIII) **II. AGRICULTURAL/RURAL DESIGNATION**

Interim Development Provisions of Agricultural Assessment Area

Any application for conditional use filed prior to July 22, 2003, relating to that land subject to an Agreed Order Abating Case dated April 8, 2003, which application also includes properties under common or related ownership with and operated and maintained by the same or related operator of such land, shall be processed and considered pursuant to the Interim Development Provisions that were in effect from March 7, 2001, until July 22, 2003.

(I)(VII)(IX) *[this section reflects merger of Ordinance No. 2002-32 and 2002-54]*

The Agricultural/Rural Land Use Designation is for those areas that are remote from the existing development pattern, lack public facilities and services, are environmentally sensitive or are in agricultural production. Urbanization is not promoted, therefore most allowable land uses are of low intensity in an effort to maintain and promote the rural character of these lands.

(XIII) The following uses and densities are generally permitted under this Designation – but may not be permitted in all Districts and Subdistricts, and may be subject to specific criteria, conditions, development standards; permitted densities may be greater, or lesser, than that stated below, in some Districts and Subdistricts. Alternatively, the Rural Lands Stewardship Area Overlay contains specific provisions for uses, intensities and residential densities for Stewardship Receiving Areas participating in the Stewardship Credit System.

- a. Agricultural uses such as farming, ranching, forestry, bee-keeping;
- b. Residential uses at a maximum density of one dwelling unit per five gross acres, except for legal non-conforming lots of record;
- c. Habitat preservation uses;
- d. Parks, open space and recreational uses, golf courses;

(IX) e. Essential services, which are defined as facilities and services, including utilities, safety services, and other government services, necessary to promote and protect public health, safety and welfare;

(IX) f. Community facilities such as churches, group housing uses, cemeteries; and schools which shall be subject to the following criteria:

- Site area and school size shall be subject to the General Educational Facilities Report submitted annually by the Collier County School Board to the Board of County Commissioners.
- The Site must comply with the State Requirements for Educational Facilities adopted by the State Board of Education.
- The site shall be subject to all applicable State or Federal regulations.

(IX) g. Communication and utility facilities, except for central water and sewer facilities as noted above [outside Rural Fringe Area only];

(IX) h. Migrant labor housing as provided in the Land Development Code;

(IX) i. Earthmining, oil extraction and related processing;

(IX) j. Asphalt plant as a Conditional Use as defined in the Land Development Code provided that the asphalt plant: is compatible with surrounding land uses; is not located in a

(XIII) = Plan Amendment by Ordinance No. 2004-71 on October 26, 2004

County, State or Federal jurisdictional wetland area and any required buffer zones; is not located within 1,000 feet of a Florida State Park; is not located within the Area of Critical State Concern as depicted on the Future Land Use Map; and, is not located within 1,000 feet of a natural reservation;

- (IX) k. Commercial uses accessory to other permitted uses, such as restaurant accessory to golf course or retail sales of produce accessory to farming, so long as restrictions or limitations are imposed to insure the commercial use functions as an accessory, subordinate use. Such restrictions or limitations could include limiting the size and/or location of the commercial use and/or limiting access to the commercial use;
- (VII)(IX)(X)(XI)(XIII) l. Commercial uses as principal uses, as provided for within the Rural Commercial Subdistrict, Corkscrew Island Neighborhood Commercial Subdistrict, and Rural Villages within the Rural Fringe Mixed Use District, and based upon the criteria set forth therein, respectively;
- (IX)(XIII) m. Industrial uses as provided for within the Rural-Industrial Subdistrict and for Research and Technology Parks within Rural Villages in the Rural Fringe Mixed Use District, and based upon the criteria set forth therein, respectively;
- (V)(IX) n. Travel trailer recreational vehicle parks, provided the following criteria are met:
 - 1. The density is consistent with the Land Development Code;
 - 2. The site has direct principal access to a road classified as an arterial in the Transportation Element, direct principal access defined as a driveway and/or local roadway connection to the arterial road, provided the portion of local roadway intended to provide access to the RV park is not within a residential neighborhood and does not service a predominately residential area; and
 - 3. The use will be compatible with surrounding land uses.

(I)(VII)(IX)(XV)

A. Agricultural/Rural Mixed Use District

The purpose of this District is to protect and encourage agricultural activities, conserve and preserve environmentally sensitive areas, provide for low-density residential development, and other uses identified under the Agricultural/Rural Designation. These areas generally lack public facilities and services. Urbanization is not promoted, therefore most allowable land uses are of low intensity in an effort to maintain and promote the rural character of these lands. Residential uses are allowed as listed below, subject to the Interim Development Provisions.

- a. Low density residential dwelling units, at a maximum density of one dwelling unit per five gross acres, except for legal non-conforming lots of record;
- (VII)(IX) b. Dormitories, duplexes and other types of staff housing, as may be incidental to, and in support of, conservation uses;
- (VII)(IX) c. 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.
- (VII)(IX) d. Staff housing as may be incidental to, and in support of, safety service facilities and essential services.

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

- (VII)(IX) e. 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.
- (VII)(IX) f. Sporting and Recreation camps within which the lodging component shall not exceed 1 cabin/lodging unit per 5 gross acres, which may be achieved through clustering;

(I)(VII)(IX)(XIII)

1. Rural Commercial Subdistrict

Within the Agricultural/Rural - Mixed Use District, commercial development, up to a maximum of 200 acres, may be allowed providing the following standards for intensity of use are met:

- (XIII) a. The project, or that portion of a larger project, that is devoted to commercial development, is 2.5 acres or less in size;
- (IX)(XXXVII) b. The project, or that portion of a larger project which is devoted to commercial development, is no closer than 5 miles, measured by radial distance, from the nearest developed commercial area, zoned commercial area or designated Mixed Use Activity Center, except that the southwest quadrant at the intersection of US 41 and SR 29, is eligible for commercial zoning under this provision;
- (VII)(IX) c. The proposed uses are limited to office, retail, and personal services intended to serve the rural population and the traveling public, and are identified as those uses permitted in the C-1, C-2 and C-3 Zoning Districts of the Land Development Code;
- (VII)(IX) d. Commercial intensity shall not exceed 10,000 square feet of gross leasable floor area per acre;
- (VII)(IX) f. The project is buffered from adjacent properties.

(XVI) **2. Corkscrew Island Neighborhood Commercial Subdistrict**

This Subdistrict, comprising approximately 8 acres, is located on the northwest corner of the Immokalee Road/Platt Road intersection. The purpose of this Subdistrict is to provide neighborhood commercial uses – lower order retail, office, and personal service uses – conveniently located to serve the surrounding rural area and passerby-traffic.

Development in this Subdistrict shall comply with the following requirements and limitations:

- a. Rezoning is encouraged to be in the form of a PUD.
- b. The Subdistrict shall be developed as a unified planned development with a common architectural theme.
- c. The Subdistrict shall be limited to a maximum gross leasable floor area of 70,000 square feet.
- d. Uses shall be limited to those permitted and conditional uses set forth in the C-2, Commercial Convenience, Zoning District of the Collier County Land Development Code, Ordinance Number 04-41, in effect as of the date of adoption of this Subdistrict.
- e. At the time of rezoning, access shall be restricted as deemed appropriate so as to provide safe ingress and egress.
- f. At the time of rezoning, careful consideration shall be given to maximum building heights, maximum building floor area for each use or structure, maximum building floor

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on January 27, 2015

area for the total site, landscaping and buffering requirements, building setbacks, and other site design considerations, as well as to allowable uses, so as to insure compatibility with surrounding uses and the rural character in which the Subdistrict is located. Further, since a private well and septic system will be utilized, allowable uses may be restricted so as to preclude those with high water demand (e.g. car washes) and those that utilize residual chemicals or solvents (e.g. dry cleaners).

(IX) **B. Rural Fringe Mixed Use District**

The Rural Fringe Mixed Use District is identified on Future Land Use Map. This District consists of approximately 93,600 acres, or 7% of Collier County's total land area. Significant portions of this District are adjacent to the Urban area or to the semi-rural, rapidly developing, large-lot North Golden Gate Estates platted lands. Agricultural land uses within the Rural Fringe Mixed Use District do not represent a significant portion of the County's active agricultural lands. As of the date of adoption of this Plan Amendment, the Rural Fringe Mixed Use District consists of more than 5,550 tax parcels, and includes at least 3,835 separate and distinct property owners. Alternative land use strategies have been developed for the Rural Fringe Mixed Use District, in part, to consider these existing conditions.

The Rural Fringe Mixed Use District provides a transition between the Urban and Estates Designated lands and between the Urban and Agricultural/Rural and Conservation designated lands farther to the east. The Rural Fringe Mixed Use District employs a balanced approach, including both regulations and incentives, to protect natural resources and private property rights, providing for large areas of open space, and allowing, in designated areas, appropriate types, density and intensity of development. The Rural Fringe Mixed Use District allows for a mixture of urban and rural levels of service, including limited extension of central water and sewer, schools, recreational facilities, commercial uses and essential services deemed necessary to serve the residents of the District. In order to preserve existing natural resources, including habitat for listed species, to retain a rural, pastoral, or park-like appearance from the major public rights-of-way within this area, and to protect private property rights, the following innovative planning and development techniques are required and/or encouraged within the District.

- (IX) **1. Transfer of Development Rights (TDR), and Sending, Neutral, and Receiving Designations:** The primary purpose of the TDR process within the Rural Fringe Mixed Use District is to establish an equitable method of protecting and conserving the most valuable environmental lands, including large connected wetland systems and significant areas of habitat for listed species, while allowing property owners of such lands to recoup lost value and development potential through an economically viable process of transferring such rights to other more suitable lands. Within the Rural Fringe Mixed Use District, residential density may be transferred from lands designated as Sending Lands to lands designated as Receiving Lands on the Future Land Use Map, subject to the provisions below. Residential density may not be transferred either from or into areas designated as Neutral Lands through the TDR process.

- (IX) **A) Receiving Lands:** Receiving Lands are those lands within the Rural Fringe Mixed Use District that have been identified as being most appropriate for development and to which residential development units may be transferred from areas designated as Sending Lands. Based on the evaluation of available data, these lands have a lesser degree of environmental or listed species habitat value than areas designated as Sending and generally have been disturbed through development, or previous or

(XVI) = Plan Amendment by Ordinance No. 2007-78 on December 4, 2007

existing agricultural operations. Various incentives are employed to direct development into Receiving Lands and away from Sending Lands, thereby maximizing native vegetation and habitat preservation and restoration. Such incentives include, but are not limited to: the TDR process; clustered development; density bonus incentives; and, provisions for central sewer and water. Within Receiving Lands, the following standards shall apply, except for those modifications that are identified in the North Belle Meade Overlay:

- (XIII)
1. Maximum Density: The base residential density allowable for designated Receiving Lands is one (1) unit per five (5) gross acres (0.2 dwelling units per acre). The maximum density achievable in Receiving Lands through the TDR process is one (1) dwelling unit per acre. This maximum density is exclusive of the Density Blending provisions. Dwelling Units may only be transferred into Receiving Lands in whole unit increments (fractional transfers are prohibited). Once the maximum density is achieved through the use of TDR Credits, additional density may be achieved as follows:
 - a) A density bonus of no more than 10% of the maximum density per acre shall be allowed for each additional acre of native vegetation preserved exceeding the minimum preservation requirements set forth in Policy 6.1.2 of the CCME.
 - b) A density bonus of no more than 10% of the maximum density per acre shall be allowed as provided in Policy 6.2.5(6)b of the CCME.
 2. Clustering: Where the transfer of development rights is employed to increase residential density within Receiving Lands, such residential development shall be clustered in accordance with the following provisions:
 - a) Consistent with the provisions of the Potable Water and Sanitary Sewer Sub-elements of this Plan, central water and sewer shall be extended to the project. Where County sewer or water services may not be available concurrent with development in Receiving Lands, interim private water and sewer facilities may be approved.
 - b) The maximum lot size allowable for a single-family detached dwelling unit is one acre.
 - c) 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.
 3. Minimum Project Size: The minimum project size required in order to receive transferred dwelling units is 40 contiguous acres.
- (IX)
4. Emergency Preparedness:
 - a) In order to reduce the likelihood of threat to life and property from a tropical storm or hurricane event, community facilities, schools, or other public buildings shall be designed to serve as storm shelters if located outside of areas that are likely to be inundated during storm events, as indicated on the Sea, Lake, and Overland Surge from Hurricane Map for Collier County.

(XIII) = Plan Amendment by Ordinance No. 2004-71 on October 26, 2004

Impacts on evacuation routes, if any, must be considered as well. Applicants for new residential or mixed use developments proposed for Receiving Lands shall work 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 necessary to mitigate against a potential disaster.

- b) Applicants for new developments proposed for Receiving Lands shall work with the Florida Division of Forestry, Collier County Emergency Management staff, and the Managers of any adjacent or nearby public lands, to develop a Wildfire Prevention and Mitigation Plan that will reduce the likelihood of threat to life and property from wildfires. This plan will address, at a minimum: project structural design; the use of materials and location of structures so as to reduce wildfire threat; firebreaks and buffers; water features; and, the impacts of prescribed burning on adjacent or nearby lands.

(IX)(XIII) 5. Allowable Uses: Uses within Receiving Lands are limited to the following:

- (XIII) a) Agricultural uses;
- b) Single-family residential dwelling units, including mobile homes where a Mobile Home Zoning Overlay exists.
- (XIII) c) Multi-family residential structures shall be permitted under the Residential Clustering provisions of this plan, subject to the development of appropriate development standards to ensure that the transitional semi-rural character of the Rural Fringe Mixed Use District is preserved. These development standards shall include, but are not limited to: building heights, design standards, buffers, and setbacks.
- d) Rural Villages, subject to the provisions set forth in II. B.3 of this element.
- e) Dormitories, duplexes and other types of staff housing, as may be incidental to, and in support of, conservation uses.
- f) 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.
- 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:
 - Single family/duplex/mobile home: 11 dwelling units per acre;
 - Multifamily/dormitory: 22 dwelling units/beds per acre.
- i) Sporting and Recreational camps within which the lodging component shall not exceed 1 unit per 5 gross acres;
- j) Essential services.

(XIII) = Plan Amendment by Ordinance No. 2004-71 on October 26, 2004

- k) Golf courses or driving ranges, subject to the following standards:
- (XIII) (1) The minimum density shall be as follows:
- (a) For golf course projects, including both freestanding golf courses and golf courses with associated residential development: one TDR credit shall be required for every five (5) gross acres of 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 that is non-irrigated and retained in a natural state. Any residential development associated with the golf course shall have a minimum density of one (1) dwelling unit per five acres.
- (XIII) (2) Golf courses shall be designed, constructed, and managed in accordance with the best management practices of Audubon International's Gold Signature Program and the Florida Department of Environmental Protection.
- (3) 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.
- (4) 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.
- (5) To ensure water conservation, golf courses shall incorporate the following in their design and operation:
- (a) Irrigation systems shall be designed to use weather station information and moisture-sensing systems to determine the optimum amount of irrigation water needed considering soil moisture and evapotranspiration rates.
 - (b) As available, golf courses shall utilize treated effluent reuse water consistent with Sanitary Sewer Sub-Element Objective 1.4 and its policies;

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- (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.
- (6) 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.
- (7) Site preservation and native vegetation retention requirements shall be the same as those set forth in CCME Policy 6.1.2. These areas are intended to provide habitat functions and shall meet minimum dimensions as set forth in the Land Development Code. These standards shall be established within one year.
- l) Commercial development as permitted as part of an approved Rural Village. Within one year of adoption of these amendments, the County will develop appropriate standards for commercial development within Rural Villages, with particular focus on design, scale, and access provisions that will maintain the rural character or semi-rural character of the District.
- m) Research and Technology Parks, consistent with the Research and Technology Park Subdistrict provided for in the Urban designation, and within an approved Rural Village. Within one year of adoption of these amendments, the County will develop appropriate standards for Research and Technology Parks within Rural Villages, with particular focus on design, scale, and access provisions that will maintain the rural character or semi-rural character of the District.
- n) Zoo, aquarium, botanical garden, or other similar uses.
- (XIII) o) Public educational plants and ancillary plants.
- p) Facilities for the collection, transfer, processing and reduction of solid waste.
- q) Community facilities, such as, places of worship, childcare facilities, cemeteries, social and fraternal organizations.
- r) Sports instructional schools and camps.
- s) Earthmining, oil extraction and related processing.
- t) Asphalt and concrete batch-making plants.
- u) Travel trailer recreational vehicle parks, provided the following criteria are met:
 - (XV) 1) The subject site is abutting an existing travel trailer recreational vehicle park site; and,

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- (XV) 2) The subject site is no greater than 100% the size of the existing abutting park site.
- (XIII) v) Parks, open space, and recreational uses.
- (XIII) w) Private schools.
- (XIII) 6. Density Blending shall be permitted subject to the provisions set forth in the Density Rating System.
- 7. Open Space and Native Vegetation Preservation Requirements:
 - (XV) a) Usable Open Space: Within Receiving Lands projects greater than 40 acres in size shall provide a minimum of 70% usable open space. 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 lawn, yard and landscape areas. 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.
 - b) Native Vegetation Preservation: Native vegetation shall be preserved as set forth in CCME Policy 6.1.2.
- (XIII) 8. Adjustment to Receiving Lands Boundaries. For all properties designated Receiving Lands where such property is contiguous to a Receiving Land/Sending Land boundary, the property owner may submit data and analysis to the County in an attempt to demonstrate that a change in the boundary is warranted. Within one year from the effective date of this provision, the County may initiate a Growth Management Plan amendment to consider such boundary changes upon a showing of the following:
 - a) The property is contiguous to Sending Lands;
 - b) Site specific environmental data submitted by the property owner, or other data obtained by the County, indicates that the subject property contains characteristics warranting a Sending designation; and
 - c) An adjustment to the Receiving Lands boundary will not adversely affect the TDR program.
- B) 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 Receiving Lands, but these values do not approach those of Sending Lands. Therefore, these lands are appropriate for limited development, if such development is directed away from existing native vegetation and habitat. A lower maximum gross density is prescribed for Neutral Lands when compared to Receiving Lands. Additionally, certain other uses permitted within Receiving Lands are not authorized in Neutral Lands. Within Neutral Lands, the following standards shall apply:
 - 1. Maximum Density: 1 dwelling unit per 5 gross acres (0.2 units per acre).

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2. Clustering: Clustering of residential development is allowed and encouraged. Where clustered development is employed, it shall be in accordance with the following provisions:
 - a) If within the boundaries of the Rural Transition Water and Sewer District, and consistent with the provisions of the Potable Water and Sanitary Sewer Sub-elements of this Plan, central water and sewer shall be extended to the project. Where County sewer or water services may not be available concurrent with development in Neutral Lands, interim private water and sewer facilities may be approved.
 - b) The maximum lot size is one acre.
 - c) 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.
 - d) The minimum project size shall be at least 40 acres.
- (XIII) 3. Allowable Uses:
 - (XIII) a) Agricultural uses;
 - b) Single-family residential dwelling units, including mobile homes where a Mobile Home Zoning Overlay exists.
 - (XIII) c) Multi-family residential structures shall be permitted under the Residential Clustering provisions of this plan, subject to the development of appropriate development standards to ensure that the transitional semi-rural character of the Rural Fringe Mixed Use District is preserved. These development standards shall include, but are not limited to: building heights, design standards, buffers, and setbacks.
 - d) Dormitories, duplexes and other types of staff housing, as may be incidental to, and in support of, conservation uses.
 - e) 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.
 - f) Staff housing as may be incidental to, and in support of, safety service facilities and essential services;
 - g) 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.
 - h) Sporting and Recreational camps, within which the lodging component shall not exceed 1 unit per 5 gross acres;
 - i) Essential services.

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- j) Golf courses or driving ranges, subject to the following standards:
- (XIII) (1) Golf courses shall be designed, constructed, and managed in accordance with the best management practices of Audubon International's Gold Signature Program and the Florida Department of Environmental Protection.
- (2) 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.
- (3) 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.
- (4) To ensure water conservation, golf courses shall incorporate the following in their design and operation:
- (a) Irrigation systems shall be designed to use weather station information and moisture-sensing systems to determine the optimum amount of irrigation water needed considering soil moisture and evapotranspiration rates.
 - (b) As available, golf courses shall utilize treated effluent reuse water consistent with Sanitary Sewer Sub-Element Objective 1.4 and its policies;
 - (c) Native plants shall be used exclusively except for special purpose areas such as golf greens, fairways, and building sites. Within these excepted areas, landscaping plans shall require that at least 75% of the trees and 50% of the shrubs be freeze-tolerant native Floridian species. At least 75% of the required native trees and shrubs shall also be drought tolerant species.
- (5) 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

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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.

- (6) Site preservation and native vegetation retention requirements shall be the same as those set forth in the Rural Fringe Mixed Use District criteria. Site preservation areas are intended to provide habitat functions and shall meet minimum dimensions as set forth in the Land Development Code. These standards shall be established within one year.
- k) Zoo, aquarium, botanical garden, or other similar uses.
 - (XIII) l) Public educational plants and ancillary plants.
 - m) Facilities for the collection, transfer, processing and reduction of solid waste.
 - n) Community facilities, such as, places of worship, childcare facilities, cemeteries, social and fraternal organizations.
 - o) Sports instructional schools and camps.
 - p) Earthmining, oil extraction and related processing.
 - (XIII) q) Parks, open space, and recreational uses.
 - (XIII) r) Private schools.
 - (XV) s) Existing units approved for the Fiddler's Creek DRI may be reallocated to those parts of Sections 18 and 19, Township 51 South, Range 27 East added to Fiddler's Creek DRI together with part of Section 29, Township 51 South, Range 27 East, at a density greater than 1 unit per 5 gross acres provided that no new units are added to the 6,000 previously approved units, which results in a gross density of 1.6 units per acre for the Fiddler's Creek DRI; and further provided that no residential units shall be located on that part of Section 29 within the Fiddler's Creek DRI; and further provided that South Florida Water Management District jurisdictional wetlands impacted by the DRI in said Sections do not exceed 10 acres.
4. Native vegetation and preservation requirements: Native vegetation shall be preserved as set forth in CCME Policy 6.1.2.
- (XIII) 5. Density Blending shall be permitted subject to the provisions set forth in the Density Rating System.
- (XIII) 6. Adjustment to Neutral Lands Boundaries. For all properties designated Neutral Lands where such property is contiguous to a Neutral Land/Sending Land boundary, the property owner may submit data and analysis to the County in an attempt to demonstrate that a change in the boundary is warranted. Within one year from the effective date of this provision, the County may initiate a Growth Management Plan amendment to consider such boundary changes upon a showing of the following:
- a) The property is contiguous to Sending Lands;
 - b) Site specific environmental data submitted by the property owner, or other data obtained by the County, indicates that the subject property contains characteristics warranting a Sending designation; and

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- c) An adjustment to the Neutral Lands boundary will not adversely affect the TDR program.

(IX) **C) Sending Lands:** 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.

1. Sending Lands are located entirely within the Rural Fringe Mixed Use District, and are depicted on the Future Land Use Map. Based upon their location, Sending Lands are the principal target for preservation and conservation. Private Property owners of lands designated as Sending Lands may transfer density to Receiving Lands within the Rural Fringe Mixed Use District, and to lands within the Urban Designated Area subject to limitations set forth in the Density Rating System. All privately owned lands within the Rural Fringe Mixed Use District that have a Natural Resource Protection Area (NRPA) Overlay are designated Sending Lands.

(XIV) 2. Base Severance Rate: Development rights may be severed from Sending Lands at a maximum rate of 0.2 TDR credits per acre (1 TDR Credit per five acres). Utilization of TDR Credits and TDR Bonus Credits in Receiving Lands may only occur in whole number increments (fractions are prohibited). 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 in size, one TDR Credit may be severed from said lot or parcel.

(XIV) 3. Conditions Applicable to Base and Bonus TDR Credits:

- a) Base TDR Credits may not be severed from Sending Lands where a conservation easement or other similar development restriction prohibits residential development.
- b) The severance of credits shall be recorded in public records utilizing a legal instrument determined to be appropriate by the County Attorney's Office. Said instrument shall clearly state the remaining allowable lands uses on the subject property after all, or a portion, of the residential density has been severed from the property.
- c) Where development rights have been severed from Sending Lands, such lands may be retained in private ownership or may be sold or deeded by gift to another entity.
- d) The bonus provisions set forth in subsections 4 through 6 below are applicable to properties from which TDR Credits were severed prior to and subsequent to the effective date of this amendment.
- e) These bonus provisions set forth in subsections 4 through 6 below are also applicable to the North Belle Meade Overlay provisions of the Future Land Use Element.
- f) Any Sending Lands from which TDR Credits have been severed may also be utilized for mitigation programs and associated mitigation activities and uses in conjunction with any county, state or federal permitting.
- g) No Conveyance Bonus Credits shall be available without provision of a plan for management and maintenance as authorized in subsection 4 below (the Environmental Restoration and Maintenance TDR Bonus).

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- (XIV) 4. Environmental Restoration and Maintenance TDR Bonus: One (1) additional TDR Bonus Credit may be issued to the owner of each five acre parcel or legal nonconforming lot of record. This Bonus shall be granted upon the County's acceptance of a Restoration and Management Plan (RMP) that is consistent with a listed species management plan that includes habitat management, the removal of exotics and the maintenance of the land exotic free. The property owner may contract with any of the government agencies or contractors deemed qualified by the County for implementation of the RMP. The property owner shall provide financial assurance, in the form of a performance surety bond or similar financial security acceptable to the County, 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.
 - b) The property is conveyed to a county, state or federal agency, as provided for in subsection 5 below.
- (XIV) 5. Conveyance TDR Bonus: A TDR Bonus Credit shall be issued to the owner of each five (5) acre parcel or legal nonconforming lot of record designated as Sending Lands, at the transfer rate of one (1) additional TDR Bonus Credit for each five acres or legal nonconforming lot of record for conveyance of fee simple title to a federal, state, or local governmental agency by gift.
- (XIV)(XXI)(XXX) 6. Early Entry TDR Bonus: An Early Entry TDR Bonus shall be available in the form of an additional one TDR Credit for each base TDR Credit severed from Sending Lands from March 5, 2004, onward for a period of ten years after the adoption of the LDC amendment implementing this provision, or until September 27, 2015. Early Entry TDR Bonus Credits may be used after the termination of the bonus period.
- (XIV) 7. Permitted Uses: Permitted uses are limited to the following:
- a) Agricultural uses consistent with Chapter 823.14(6) Florida Statutes (Florida Right to Farm Act).
 - b) Detached single-family dwelling units, including mobile homes where the Mobile Home Zoning Overlay exists, 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.

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- e) Sporting and Recreational camps, within which the lodging component shall not exceed 1 unit per 5 gross acres.
 - (XXV)(XXX) f) Essential Services necessary to serve permitted uses identified in Section 7.a) through 7.e) such as private wells and septic tanks.
 - (XXV) g) Essential Services as follows, necessary to serve Urban areas or the Rural Transition Water and Sewer District: utility lines, except sewer lines; sewer lines and lift stations, only if located within non-NRPA Sending Lands, and only if located within already cleared portions of existing rights-of-way or easements; and, water pumping stations and raw water wells.
 - (XXV) h) Essential Services necessary to ensure public safety.
 - (XXV) i) 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.
8. Conditional Uses:
- a) The following uses are conditionally permitted subject to approval through a public hearing process:
 - (XIII)(XXX) (1) Essential services not identified above in 7.f). Within one year, Collier County will review essential services currently allowed in the Land Development Code and will define those uses intended to be conditionally permitted in Sending designated lands. During this one-year period or if necessary until a comprehensive plan amendment identifying conditionally permitted essential services, no conditional uses for essential services within Sending designated lands shall be approved.
 - (2) Public facilities, including solid waste and resource recovery facilities, and public vehicle and equipment storage and repair facilities, shall be permitted within Section 25, Township 49S, Range 26E, on lands adjacent to the existing County landfill. This shall not be interpreted to allow for the expansion of the landfill into Section 25 for the purpose of solid waste disposal.
 - (XIII)(XXX) (3) Commercial uses accessory to permitted uses 7.a), 7.c) and 7.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.
 - (XIII) (4) 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.
 - (XXII) (5) Facilities for resource recovery and for the collection, transfer, processing and reduction of solid waste, for a ±29 acre property located within the southwest quarter of the southwest quarter of Section 31, Township 49S, Range 27E, provided previously cleared or disturbed areas are utilized so as to avoid impacts to native habitats and to protect existing conservation easement areas from new or expanding uses. This shall not be interpreted to allow for the establishment or expansion of facilities for landfilling, dryfilling, incinerating, or other method of onsite solid waste disposal.

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- 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.
- 9. Where residential density is transferred from Sending Lands, allowable uses shall be limited to the following:
 - a) Agricultural uses consistent with Chapter 823.14(6) Florida Statutes (Florida Right to Farm Act), including water management facilities, to the extent and intensity that such operations exist at the date of any transfer of development rights.
 - b) Cattle grazing on unimproved pasture where no clearing is required;
 - c) Detached single-family dwelling units, including mobile homes where the Mobile Home Zoning Overlay exists, at a maximum density of one dwelling unit per 40 acres. In order to retain these development rights after any transfer, up to one dwelling must be retained (not transferred) per 40 acres.
 - (XXXVII) d) One detached dwelling unit, including mobile homes where the Mobile Home Zoning Overlay exists, per each preexisting lot or parcel of less than 40 acres. For the purpose of this provision, a preexisting lot or parcel is one that was in existence on or before June 22, 1999 and 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. In order to retain these development rights after any transfer, up to one dwelling must be retained (not transferred) per each lot or parcel.
 - e) Habitat preservation and conservation uses.
 - f) Passive parks and passive recreational uses.
 - g) Essential services, as authorized in Sending Lands.
 - h) Oil extraction and related processing, excluding earth mining.
- 10. Native Vegetation shall be preserved as set forth in CCME Policy 6.1.2.
- 11. Adjustment to the Sending Land Boundaries. For all properties designated Sending Lands where such property is contiguous to a Sending Land/Neutral Land boundary or Sending Land/Receiving Land boundary, the County will provide written notice to the property owners to advise of the opportunity to submit additional data and analysis to the County in an attempt to demonstrate a change to the boundary is warranted. Said written notice will be provided within three months of the effective

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date of these Rural Fringe amendments. Within one year from the date these notices are sent, the County will initiate a Growth Management Plan amendment to consider boundary changes, based upon the data and analysis, as may be warranted. Under the following conditions, adjustments may be proposed to Sending Land boundaries:

- a) The property is contiguous to Neutral or Receiving Lands;
- b) Site specific environmental data submitted by the property owner, or other data obtained by the County, indicates that the subject property does not contain characteristics warranting a Sending designation;
- c) An adjustment to the Sending land boundary requires an amendment to the Future Land Use Map.

(IX)(XV) **D) Additional TDR Provisions:** Collier County has amended its land development regulations to adopt a formal process for authorizing and tracking the Transfer of Development Rights. This process includes the following provisions:

- (XIII) 1. The establishment of a simple, expeditious process whereby private property owners may, by right, "sell" residential dwelling units from lands designated as Sending Lands. Said units (TDR Credits) may then be transferred by right to lands designated as Receiving Lands, or to Urban Lands where authorized. Once established, the TDR program shall be administratively reviewed and approved, requiring no further public hearing or Board approval if consistent with the provisions for administrative approval.
- (XIII) 2. The establishment of a process for tracking and recording all TDR Credits in the public records of Collier County. This shall include the identification of the entity or department responsible for on-going administration of the TDR program. In addition, the County shall consider the feasibility of establishing a "TDR Bank," to be administered by the County or some other not-for-profit governmental or quasi-governmental public agency established for this purpose. A primary objective of the TDR Bank is to make funds available to support the TDR program by offering initial minimal purchase prices of TDR Credits.
- (XIII) 3. Limitations and Procedures:
 - a) TDR Credits shall not be generated from Sending Lands where a conservation easement or other similar development restriction prohibits residential development.
 - b) The generation of TDR Credits through the severance of residential density from Sending Lands shall be recorded in public records utilizing a legal instrument determined to be appropriate by the County Attorney's Office.
 - c) Said instrument shall clearly state the remaining allowable land uses on the subject property after all, or a portion, of the residential density has been severed from the property.
 - d) Where residential density has been severed from Sending Lands, such lands may be retained in private ownership or may be sold or deeded by gift to another entity.

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4. The TDR process shall be the only mechanism to achieve increased density within Receiving Lands, excluding the Density Blending provisions of this Plan, and any density bonuses authorized in the Rural Fringe Mixed Use District.
- (XIII) 5. A 25-year prohibition on generating TDR Credits from any parcel, or portion thereof, within Sending Lands has been cleared for agricultural purposes after June 19, 2002.
- (IX) 2. **Buffers Adjacent to Major Public Rights-of-way:** In order to maintain and enhance the rural character within the Rural Fringe Mixed Use District, within one year of adoption of this amendment, Collier County will adopt land development regulations establishing buffering standards for developments adjacent to existing or proposed arterial and collector public roadways. These standards shall include, but are not limited to: applicability provisions, including establishing a minimum project size below which these requirements shall not apply; the degree to which water features, including water management lakes and canals, may be a part of this buffer; credits for existing native vegetation that is to be retained; and, credits toward any open space and native vegetation preservation requirements.
- (XIV) 3. **Rural Villages:** Rural Villages may be approved within the boundaries of the Rural Fringe Mixed Use District in order to: maximize the preservation of natural areas and wildlife habitat within the Rural Fringe Mixed Use District; to reduce the need for residents of the District and surrounding lands to travel to the County's Urban area for work, recreation, shopping, and education; and, to enhance the provision of limited urban and rural levels of service through economies of scale. Rural Villages shall be comprised of several neighborhoods designed in a compact nature such that a majority of residential development is within one quarter mile of Neighborhood Centers. Neighborhood Centers may include small scale service retail and office uses, and shall include a public park, square, or green. Village Centers shall be designed to serve the retail, office, civic, government uses and service needs of the residents of the village.

The Village Center shall be the primary location for commercial uses. Villages shall be surrounded by a green belt in order to protect the character of the rural landscape and to provide separation between villages and the low density rural development, agricultural uses, and conservation lands that may surround the village. Villages shall be designed to include the following: a mixture of residential housing types; institutional uses; commercial uses; and, recreational uses, all of which shall serve the residents of the Village and the surrounding lands. In addition, the following criteria and conditions shall apply, except for those modifications that are identified in the North Belle Meade Overlay:

- A) **Process for Approval:** Within one year of the date of adoption of this amendment, the Collier County Land Development Code shall be amended to include provisions for the establishment of Rural Villages. These provisions will establish specific development regulations, standards, and land use mix requirements. Subsequent to the creation of these provisions, applications shall be submitted in the form of a Planned Unit Development (PUD) rezone and, where applicable, 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 supersede the DRI process.

(XIV) = Plan Amendment by Ordinance No. 2005-25 on June 7, 2005

B) Locational Restrictions:

1. A Rural Village shall not be located any closer than 3.0 miles from another Rural Village.
2. No more than one Rural Village may be located in each of the distinct Receiving Areas depicted on the FLUM.
3. A Rural Village shall have direct access to a roadway classified by Collier County as an arterial or collector roadway. Alternatively, access to the Village may be via a new collector roadway directly accessing an existing arterial, the cost of which shall be borne entirely by the developer.
4. A Rural Village shall be located where other public infrastructure, such as potable water and sewer facilities, already exist or are planned.

(XIII) C) Rural Village Sizes and Density:

1. Rural Villages shall be a minimum of 300 acres and a maximum of 1,500 acres, except within Receiving Lands south of the Belle Meade NRPA where the maximum size may not exceed 2,500 acres. The Rural Village size is exclusive of the required green belt area. Rural Villages shall include a Village Center and a minimum of two distinct neighborhoods.
2. The minimum and maximum gross density of a Rural Village shall be 2.0 units per gross acre and 3.0 units per acre, respectively. The density calculation for a Rural Village may include the base residential density permitted for the green belt area, if such density is shifted to the Rural Village area.

(XIV) 3. Density shall be achieved as follows:

a) The base density for the Agricultural/Rural Designation 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 green belt surrounding the Rural Village, is granted by right for allocation within the designated Rural Village.

(XIII)(XIV) b) The additional density necessary to achieve the minimum required density for a Rural Village shall be achieved by any combination of TDR Credits and TDR Bonus Credits. For each TDR Credit acquired for use in achieving the minimum density in a Rural Village, one Rural Village bonus unit shall be granted.

(XIII)(XIV) c) Additional density between the minimum and maximum amounts established herein may be achieved through any of the following, either individually or in combination:

1) Additional TDR Credits.

2) TDR Bonus Credits.

3) A 0.5 unit bonus for each unit that is provided for lower income residents and for entry level and workforce buyers.

4) A density bonus of no more than 10% of the maximum density per acre allowed for each additional acre of native vegetation preserved exceeding the minimum preservation requirements set forth in Policy 6.1.2 of the CCME.

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- (XV) 5) A density bonus of no more than 10% of the maximum density per acre as provided in Policy 6.2.5 (6)b. of the CCME.
- D) Land Use Mix:
 - 1. Acreage Limitations
 - a) Neighborhood Center – 0.5% of the total Village acreage, not to exceed 10 acres, within each Neighborhood Center.
 - b) Neighborhood Center Commercial – Not to exceed 40% of the Neighborhood Center acreage and 8,500 square feet of gross leasable floor area per acre.
 - c) Village Center – Not to exceed 10% of the total Village acreage.
 - d) Village Center Commercial – Not to exceed 30% of the Village Center acreage and 10,000 square feet of gross leasable floor area per acre.
 - e) Research and Technology Parks – Consistent with the provisions of the Research and Technology Park Subdistrict in the Urban Mixed Use District, excluding paragraph j; the Park shall not exceed 4% of the total Village acreage.
 - (XIV) f) Civic Uses and Public Parks – Minimum of 10% of the total Village acreage.
- (XIV) E) Open Space and Environmental Protection:
 - 1. Greenbelts: In addition to the requirements for parks, village greens, and other open space within the Rural Village, a greenbelt averaging 300 feet in width but not less than 200 feet in width, shall be required at the perimeter of the Rural Village. The Greenbelt is required to ensure a permanent un-developable edge surrounding the Rural Village, thereby discouraging sprawl. Greenbelts shall only be designated on Receiving Lands. The allowable residential density shall be shifted from the designated Greenbelt to the Rural Village. 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, Golf courses and existing agriculture operations are permitted within the greenbelt, subject to the native vegetation preservation requirements specified below in paragraph 2. 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 (see CCME Policy 6.1.2(1)).
 - 2. Open Space and Native Vegetation Retention.
 - a) Native Vegetation shall be preserved as set forth in the Conservation and Coastal Management Element Policy 6.1.2.
 - (XIII) b) Open Space: Within the Rural Village and required Greenbelt, in aggregate, a minimum of 40% of Open Space shall be provided.
 - 3. An environmental impact statement for the Rural Village and surrounding greenbelt area shall be submitted in accordance with Policy 6.1.7 of the CCME.
- F) Fiscal Neutrality: A Rural Village may only be approved after demonstration that the Village will be fiscally neutral to county taxpayers outside of the Village.

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1. An analysis shall be conducted and submitted in conjunction with the PUD rezone and/or DRI application evaluating 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. This evaluation shall identify projected revenue sources for services and any capital improvements that may be necessary to support the Village. Additionally, this analysis shall demonstrate that the costs of providing necessary facilities and services shall be fiscally neutral to County taxpayers outside of the Village. At a minimum, the analysis shall consider the following:
 - a) Stormwater/drainage facilities;
 - b) Potable water provisions and facilities;
 - c) Reuse or "Grey" water provisions for irrigation;
 - d) Central sewer provisions and facilities;
 - e) Park facilities;
 - f) Law enforcement facilities;
 - g) School facilities;
 - h) Roads, transit, bicycle and pedestrian facilities and pathways;
 - i) Solid Waste facilities.
- (VII) Development phasing and funding mechanisms to address any impacts to level of service in accordance with the County's adopted concurrency management program. Accordingly, there shall be no degradation to the adopted level of service for public facilities and infrastructure identified above.
- G) As part of the development of Rural Village provisions, land development regulations shall identify specific design and development standards for residential, commercial and other uses. These standards shall protect and promote a Rural Village character and shall include requirements for parks, greens, squares, and other public places. In addition to the public spaces required as a part of a Village Center or Neighborhood Center. Rural Villages shall incorporate a Village Park and neighborhood parks. In addition, the following shall be addressed:
 1. Rural Village, Village Center and neighborhood design guidelines and development standards:
 - A formal street layout, using primarily a grid design and incorporating village greens, squares and civic uses as focal points.
 - Neighborhoods and the village center will be connected through local and collector streets and shall incorporate traffic calming techniques as may be appropriate to discourage high-speed traffic.
 - Consideration shall be given to the location of public transit and school bus stops.
 - Pedestrian paths and bikeways shall be designed so as to provide access and interconnectivity.
- (XIV)
 - The siting of both schools and housing units within the village shall consider the minimization of busing needs within the community.

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- Each Rural Village shall be served by a primary road system that is accessible by the public and shall not be gated. The primary road system within the village shall be designed to meet County standards and shall be dedicated to the public.
 - Access drives shall not be required to meet County standards.
 - (XIV) • A Rural Village shall not be split by an arterial roadway.
 - (XV) • Interconnection between the Rural Village and abutting developments shall be encouraged.
- 2 Specific allocations for land uses including residential, commercial and other non-residential uses within Rural Villages, shall include, but are not limited to:
- (XV) • A mixture of housing types, including single-family attached and detached, as well as multi-family. Projects providing affordable-workforce housing as required in the Rural Fringe Mixed Use Overlay contained in the Collier County Land Development Code shall receive a credit of 0.5 units for each unit constructed. Collier County shall develop, as part of the Rural Village Overlay, a methodology for determining the rental and fee-simple market rates that will qualify for such a credit, and a system for tracking such credits.
 - A mixture of recreational uses, including parks and village greens.
 - Civic, community, and other institutional uses.
 - A mixture of lot sizes, with a design that includes more compact development and attached dwelling units within neighborhood centers and the Village Center, and reduced net densities and increasingly larger lot sizes for detached residential dwellings generally occurring as development extends outward from the Village Centers. A mixture of retail, office, and services uses.
3. Specific development standards, including but not limited to, maximum net densities; required yards; landscaping and buffering, and building heights.
4. If requested by the Collier County School Board during the PUD and/or DRI review process, school sites shall be provided and shall be located to serve a maximum number of residential dwelling units within walking distance to the schools. Accordingly, schools, if requested, shall be located within or adjacent to the Village Center. Where a school site is requested and provided, a credit toward any applicable school impacts fees shall be provided based upon an independent evaluation/appraisal of the value of the land and/or improvements provided by the developer.

- (IX)(XXX) **4. Exemptions from the Rural Fringe Mixed Use District Development Standards –**
The requirements, limitations and allowances of this District shall not apply to, affect or limit the continuation of existing uses. Existing uses shall include: those uses for which all required permits were issued prior to June 19, 2002; or projects for which a Conditional use has been approved by the County prior to June 19, 2002; or, projects for which a Rezone petition has been approved by the County prior to June 19, 2002 – inclusive of all lands not zoned A, Rural Agricultural; or, land use petitions for which a completed application has been submitted prior to June 19, 2002. The continuation of

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existing uses shall include on-site expansions of those uses if such expansions are consistent with or clearly ancillary to the existing uses. Hereafter, such previously approved developments shall be deemed to be consistent with the Plan's Goals, Objectives and Policies and for the Rural Fringe Mixed Use District, and they may be built out in accordance with their previously approved plans. Changes to these previous approvals shall also be deemed to be consistent with the Plan's Goals, Policies and Objectives for the Rural Fringe Mixed Use District as long as they do not result in an increase in development density or intensity.

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C. Rural Industrial District

The Rural Industrial District, which encompasses approximately 900 acres of existing industrial areas outside of Urban designated areas, is intended, and shall be reserved, for industrial type uses. Besides basic Industrial uses, limited commercial uses are permitted. Retail commercial uses are prohibited, except as accessory to Industrial uses. The C-5 Commercial Zoning District on the perimeter of lands designated Rural Industrial District, as of October 1997, shall be deemed consistent with this Land Use District. All industrial areas shall have direct access to a road classified as an arterial or collector in the Transportation Element, or access may be provided via a local road that does not service a predominately residential area. No new industrial land uses shall be permitted in the Area of Critical State Concern. For the purposes of interpreting this policy, oil and gas exploration, drilling, and production ("oil extraction and related processing") shall not be deemed to be industrial land uses and shall continue to be regulated by all applicable federal, state, and local laws. Intensities of use shall be those related to:

- a. Manufacturing;
- b. Processing;
- c. Storage and warehousing;
- d. Wholesaling;
- e. Distribution;
- (VII)(IX) f. High technology;
- (VII)(IX) g. Laboratories;
- (VII)(IX) h. Assembly;
- (VII)(IX) i. Computer and data processing;
- (VII)(IX) j. Business services;
- (VII)(IX) k. Other basic industrial uses as described in the Industrial Zoning District in the Land Development Code;
- (VII)(IX) l. Business Park uses as described in the Business Park Zoning District of the Land Development Code; and,
- (VII)(IX) m. Support commercial uses, such as child care centers and restaurants.

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D. Rural Settlement Area District

This District consists of Sections 13, 14, 23, 24, and a portion of 22, Township 48 South, Range 27 East (the former North Golden Gate Subdivision), which was zoned and platted between 1967 and 1970. In settlement of a lawsuit pertaining to the permitted uses of this property, this property has been "vested" for the types of land uses specified in that certain "PUD by Settlement" zoning granted by the County as referenced in that certain SETTLEMENT AND ZONING AGREEMENT dated the 27th day of January, 1986. This Settlement Area is encompassed by the Orangetree PUD and Orange Blossom Ranch PUD. Refer to the Golden Gate Area Master Plan for allowable uses and standards.

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III. ESTATES DESIGNATION

The Estates Land Use Designation encompasses lands which are already subdivided into semi-rural residential parcels (2.25 acres as an average) essentially consisting of the Golden Gate Estates Subdivision. The area is identified as having potential for population growth far removed from supportive services and facilities. Expansion of the area shall be discouraged.

Pursuant to Policy 4.1 of the Future Land Use Element, the Golden Gate Area Master Plan encompassing the Estates Designation was adopted by the Collier County Board of County Commissioners on February 5, 1991. Refer to the Golden Gate Area Master Plan for siting criteria and development standards for specific land uses.

(VII)(IX) IV. CONSERVATION DESIGNATION

The overall purpose of the Conservation Designation is to conserve and maintain the natural resources of Collier County and their associated environmental, and recreational and economic benefits. All native habitats possess ecological and physical characteristics that justify attempts to maintain these important natural resources. Barrier Islands, coastal bays, wetlands, and habitat for listed species deserve particular attention because of their ecological value and their sensitivity to perturbation. It is because of this that all proposals for development in the Conservation Designation must be subject to rigorous review to ensure that the impacts of the development do not destroy or unacceptably degrade the inherent functional values.

(VII)(IX) The Conservation Designation is intended to protect certain vital natural resource areas of the County, which are primarily owned by the public, although private in-holdings and privately owned conservation areas do exist. This Designation includes such areas as Everglades National Park, Big Cypress National Preserve, Florida Panther National Wildlife Refuge, Fakahatchee Strand State Preserve, Collier-Seminole State Park, Rookery Bay National Estuarine Research Reserve, Delnor-Wiggins Pass State Recreation Area, and the National Audubon Society's Corkscrew Swamp Sanctuary (privately owned). The boundaries of the Conservation Designation may periodically change as properties are acquired by public entities or private land management or conservation groups.

(VII)(IX) Natural resource protection strategies and standards for development in the Conservation Designation are found in the Conservation and Coastal Management Element and the County's Land Development Regulations. The Conservation Designation will accommodate limited residential development and future non-residential uses. The following uses are authorized in this Designation.

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a. For privately held lands, single family dwelling units, and mobile homes where the Mobile Home Zoning Overlay exists, at a maximum density of one dwelling unit per five gross acres, or one dwelling unit per 3 gross acres for private in-holdings within the Big Cypress National Preserve in existence prior to October 14, 1974 - each dwelling unit must be physically situated on a minimum five acre parcel, or minimum 3 acre parcel for private in-holdings within the Big Cypress National Preserve in existence prior to October 14, 1974. This Plan does not allow residential density on publicly owned lands.

(VII)(IX) b. For publicly and privately held lands, dormitories, duplexes and other types of housing, as may be incidental to, and in support of, conservation uses;

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- (VII)(IX) c. 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;
- (VII)(IX) d. Sporting and Recreational camps incidental to Conservation uses on public lands; or, on privately held lands, within which the lodging component shall not exceed 1 unit per 5 gross acres, which may be achieved through clustering;
- (VII)(IX) e. Habitat preservation and conservation uses;
- (VII)(IX) f. Passive parks, and other passive recreational uses;
- (VII)(IX) g. Agricultural uses consistent with Chapter 823.14(6) Florida Statutes (Florida Right to Farm Act);
- (VII)(IX)(XXV) h. Essential Services necessary to serve permitted uses identified in Section a through g above such as private wells and septic tanks.
- (VII)(IX)(XXVII) i. Essential Services as follows, necessary to serve Urban areas or the Rural Transition Water and Sewer District: utility lines, except sewer lines; sewer lines and lift stations, only if located within non-NRPA Conservation Lands, and only if located within already cleared portions of existing rights-of-way or easements, and if necessary to serve a publicly owned or privately owned central sewer system providing service to urban areas and/or the Rural Transition Water and Sewer District; and, water pumping stations and raw water wells necessary to serve a publicly owned or privately owned central water system providing service to urban areas and/or the Rural Transition Water and Sewer District.
- (XXVII) j. Essential Services necessary to ensure public safety.
- (VII)(IX)(XXVII) k. Oil extraction and related processing. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized to minimize impacts to native habitats.
- (VII)(IX) The following uses may be permitted as Conditional Uses:
 - a) The following uses are conditionally permitted subject to approval through a public hearing process:
 - (1) Essential services not identified above in Paragraph h. and i. Within one year, Collier County will review essential services currently allowed in the Land Development Code and will define those uses intended to be conditionally permitted in Conservation designated lands. During this one-year period or if necessary until a comprehensive plan amendment identifying conditionally permitted essential services, no conditional uses for essential services within Conservation designated lands shall be approved.
 - (2) Staff housing in conjunction with safety service facilities and essential services, at a density in accordance with the Land Development Code, as it existed on June 19, 2002.
 - (3) Commercial uses accessory to permitted uses e, f and g above, such as retail sales of produce accessory to farming, or a restaurant accessory to a park or preserve, so

(XXVII) = Plan Amendment by Ordinance No. 2011-28 on September 13, 2011

long as restrictions or limitations are imposed to insure the commercial use functions as an accessory, subordinate use.

- 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.

V. OVERLAYS AND SPECIAL FEATURES

(XV)(XXX)

A. Area of Critical State Concern Overlay

The Big Cypress Area of Critical State Concern (ACSC) was established by the 1974 Florida Legislature. The Critical Area is displayed on the Future Land Use Map as an overlay area. The Critical Area encompasses lands designated Conservation, Agricultural/Rural, Estates and Urban (Port of the Islands, Plantation Island and Copeland). The ACSC regulations notwithstanding, there is an existing Development Agreement between Port of the Islands, Inc. and the [then] State of Florida Department of Community Affairs, approved in July 1985, which regulates land uses in the Port of the Islands Urban area; and, there is an Agreement between the Board of County Commissioners and the Florida Department of Community Affairs, approved in April 2005, pertaining to development in Plantation Island. Chokoloskee is excluded from the Big Cypress Area of Critical State Concern. All Development Orders within the Critical Area shall comply with Chapter 28-25, Florida Administrative Code, "Boundary and Regulations for the Big Cypress Area of Critical State Concern". Those regulations include the following:

1. Site Alteration

- a. Site alteration shall be limited to 10% of the total site size, and installation of non-permeable surfaces shall not exceed 50% of any such area. However, a minimum of 2,500 square feet may be altered on any permitted site.
- b. Any non-permeable surface greater than 20,000 square feet shall provide for release of surface run off, collected or uncollected, in a manner approximating the natural surface
- c. Soils exposed during site alteration shall be stabilized and retention ponds or performance equivalent structures or systems maintained in order to retain run off and siltation on the construction site. Restoration of vegetation to site alteration areas shall be substantially completed within 180 days following completion of a development. Re-vegetation shall be accomplished with pre-existing species or other suitable species except that undesirable exotic species shall not be replanted or propagated. Exotic species are listed below.

- Australian Pine - (Casuarina spp.)
- Bishopwood - (Bischofia javanica)
- Brazilian Pepper - (Shinus terebinthfolius)

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

Melaleuca (cajeput) - (Melaleuca leucadendra spp.)
Downy Rosemyrtle - (Rhodomyrtus tomentosa)
Earleaf Acacia - (Acacia auriculiformis)
Catclaw Mimosa - (Mimosa pigra)
Java Plum - (Syzygium cumini)

- d. No mangrove trees or salt marsh grasses shall be destroyed or otherwise altered. Plants specifically protected by this regulation include: All wetland plants listed by the Florida Department of Environmental Regulation in Chapter 17-301, Florida Administrative Code, as amended.
- e. Fill areas and related dredge or borrow ponds shall be aligned substantially in the direction of local surface water flows and shall be separated from other fill areas and ponds by unaltered areas of vegetation of comparable size. Dredge or borrow ponds shall provide for the release of storm water as sheet flow from their downstream end into unaltered areas of vegetation. Access roads to and between fill areas shall provide for the passage of water in a manner approximating the natural flow regime and designed to accommodate the 50 year storm. Fill areas and related ponds shall not substantially retain or divert the total flow in or to a slough or strand or significantly impeded tidal action in any portion of the estuarine zone.
- f. Man-made lakes, ponds, or other containment works shall be constructed with a maximum slope of 30 degrees to a depth of six feet of water. Whenever mineral extraction is completed in new quarrying lakes, shoreline sloping, planting of littoral shelves with nursery grown aquatic vegetation, restoration or revegetation of the property and disposal of spoils or tailings shall be completed before abandonment of the site. Existing quarrying lakes are exempt from this provision, except that whenever any person carries out any activity defined in Section 380.04, Florida Statutes, as amended as development or applies for a development permit as defined in Section 380.031, Florida Statutes, as amended to develop any existing quarrying lake area, these regulations shall apply.
- g. Finger canals shall not be constructed in the Critical Area.
- h. This rule shall not apply to site alterations undertaken in connection with the agricultural use of land or for the conversion of land to agricultural use.

2. Drainage

- a. Existing drainage facilities shall not be modified so as to discharge water to any coastal waters, either directly or through existing drainage facilities. Existing drainage facilities shall not be expanded in capacity or length except in conformance with paragraph (2) below; however, modifications may be made to existing facilities that will raise the ground water table or limit salt water intrusion.
- b. New drainage facilities shall release water in a manner approximating the natural local surface flow regime, through a spreader pond or performance equivalent structure or system, either on site or to a natural retention, or natural filtration and flow area. New drainage facilities shall also maintain a ground water level sufficient to protect wetland vegetation through the use of weirs or performance equivalent structures or systems. Said facilities shall not retain, divert, or otherwise block or channel the naturally occurring flows in a strand, slough or estuarine area.

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

- c. New drainage facilities shall not discharge water into any coastal waters either directly or through existing drainage facilities.
- d. This rule shall not apply to drainage facilities modified or constructed in order to use land for agricultural purposes or to convert land to such use.

3. Transportation

- a. Transportation facilities which would retain, divert or otherwise block surface water flows shall provide for the re-establishment of sheet flow through the use of interceptor spreader systems or performance equivalent structures and shall provide for passage of stream, strand, or slough water through the use of bridges, culverts, piling construction or performance equivalent structures or systems.
- b. Transportation facilities shall be constructed substantially parallel to the local surface flow, and shall maintain a historic ground water level sufficient to protect wetland vegetation through the use of weirs or performance equivalent structures or systems and as feasible, the flows in such works shall be released to natural retention filtration and flow areas.
- c. Transportation facility construction sites shall provide for siltation and run-off control through the use of settling ponds, soil fixing or performance equivalent structures or systems.

4. Structure Installation

- a. Placement of structures shall be accomplished in a manner that will not adversely affect surface water flow or tidal action.
- b. Minimum lowest floor elevation permitted for structures shall be at or above the 100-year flood level, as established by the Administrator of the Federal Flood Insurance Administration. The construction of any structure shall meet additional Federal Flood Insurance Land Management and Use Criteria (24 CFR 1910), as administered by the appropriate local agency.
- c. This rule shall not apply to structures used or intended for use in connection with the agricultural use of the land.

(XXX) All Development Orders issued for projects within the Big Cypress Area of Critical State Concern shall be rendered to the State of Florida Department of Economic Opportunity for review with the potential for appeal to the Administration Commission per Chapter 73C-44, Florida Administrative Code, "Community Planning, Development Order Requirements for Areas of Critical State Concern".

(IX)(XXIV) **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.

(IX)(XIII) **1. IN GENERAL**

The North Belle Meade area is surrounded by Golden Gate Estates to the north, east, and west and I-75 to the south. This area, designated as the North Belle Meade Overlay, comprises ± 24 sections of land (± 15,552 acres, depending on the size of

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

individual sections) and is depicted on the Future Land Use Map and North Belle Meade Overlay Map. The NBM Overlay area is unique to the Rural Fringe area because it is surrounded by areas that are vested for development on three sides. Because this area is largely undeveloped and includes substantial vegetated areas, the Sending Lands can and do provide valuable habitat for wildlife, including endangered species. Within the NBM Overlay area are also areas that have been previously impacted by canal construction and past clearing and agricultural practices which have altered the natural hydroperiod. The challenge for the NBM Overlay area is to achieve a balance of both preservation and opportunities for future development that takes into account resource protection and the relationship between this area and the Estates developing around the NBM Overlay area. Accordingly, a more detailed and specific plan for the NBM Overlay is set forth herein. Unless otherwise specifically stated, no other Goals, Objectives and Policies of the Future Land Use Element, other than those relating to density and allowable uses, Conservation and Coastal Management Element, or Public Facilities Element in the Growth Management Plan or implementing LDRs, including specifically but not limited to wetlands and wildlife protection, shall be applicable to the NBM Overlay Receiving Lands other than this NBM Overlay Plan and its implementing LDRs. On Receiving Lands any development shall comply with the non-environmental administrative review procedures of Collier County for site development plans and platting.

Within the NBM Overlay there are four distinct areas, as depicted on the Future Land Use Map and Map series, that require separate treatment based on existing conditions within this area. These areas include the Natural Resource Protection Area (NRPA), the Receiving and the Sending Areas for the transfer of development rights, and a Neutral area, which is neither a Sending nor a Receiving Area comprising two sections of land. It is the intent to perform the physical planning of the NBM Sending Lands within twelve (12) months after the effective date for Red Cockaded Woodpeckers, Greenways and Wildlife Crossings.

(IX) **Planning Considerations**

(XIII) **a. Wildlife Crossing and Wildlife Corridor**

The County should support construction of a wildlife crossing under I-75 connecting the NBM and South Belle Meade (SBM), and the creation of a wildlife corridor connecting the NBM with the Florida Panther National Wildlife Refuge to the east.

(IX)(XIII) **b. Transportation**

An existing access road (presently providing access to County water wells) along the northern section lines of Sections 22, 23 and 24 of Range 27 East may be maintained and improved, and an extension of Wilson Boulevard should be provided through Section 33, Range 27 East comprising a collector or arterial road extending to the south to Interstate 75 via an interchange or service road for residential development should it commence in Sections 21, 28 and 27, or in the alternate a haul road along an extension of Wilson Boulevard to service earth mining activities with a connection through Sections 32 and 31 to Landfill Road.

Lands required for the extension of Wilson Boulevard will be dedicated to Collier County at the time of rezoning. The right-of-way shall be a sufficient size to accommodate collector road requirements should there be a demonstrated need.

(XIII) = Plan Amendment by Ordinance No. 2004-71 on October 26, 2004

Within one year of June 19, 2002, the alternative alignments for east-west roadway, connecting County Road 951 to an extension of Wilson Boulevard, shall be evaluated and assessed for the Board's consideration. The roadway's alignment shall be determined with public input and taking into consideration the following, at a minimum:

1. Usefulness as a route for truck traffic generated from any earth mining operations in NBM;
2. Usefulness as a link in the County's major roadway network;
3. Avoidance of residential neighborhoods, to the extent feasible and prudent;
4. Avoidance of environmentally sensitive wildlife habitat, wildlife corridors, or greenways, to the extent feasible and prudent;
5. The costs of construction, including any related design, permitting, and mitigation costs; and
6. The costs of acquiring necessary right-of-way.

Alignments considered for such east-west roadway shall include extension of the existing Landfill Road, extension of the existing Keane and Brantley Roads, extension of the existing Green Boulevard, and any other alignment deemed feasible and prudent. In consideration of the recommended alignment, the Board shall consider the level of public benefit as provided in subparagraph 2 above in determining the proportionate public/private funding in subparagraphs 5 and 6 above and the method and timing of any public resource allocation to the project.

The western 1/4 of Sections 22 and 27 will be buffered from the NBM NRPA to the east by a buffer preservation that includes all of the eastern 1/2 of the western 1/4 of Sections 22 and 27, which would consist of lake excavation areas between the Wilson Boulevard extension road right-of-way and the NRPA.

Other than the new and improved Wilson Boulevard extension and service haul road as described above, all new roads and improvements in the Sending Area shall be routed so as to avoid traversing publicly owned natural preserves, parks and recreation areas, areas identified as environmentally sensitive wildlife habitat, wildlife corridors, or greenways, unless there is no feasible and prudent alternative. Other than the referenced Wilson Boulevard extension and service haul road, any new roads and improvements to existing roads within sending areas shall be designed with aquatic species crossings, small terrestrial animal crossings, and large terrestrial animal crossings pursuant to Florida Fish and Wildlife Conservation Commission criteria. The portion of Wilson Boulevard that traverses through the Sending Area shall be designed with aquatic species crossings and small terrestrial animal crossings. The implementing Land Development Regulations for the NBM Overlay shall address bike lanes and pedestrian pathways.

(IX)(XIII) **c. Greenway**

A NBM Greenway shall be created within the NRPA or sending lands following natural flowways, as contemplated in the Community Character Plan prepared by Dover Kohl.

(IX)(XIII)(XV) **d. Red Cockaded Woodpeckers (RCW)**

RCW nesting and foraging habitat has been mapped and used to delineate areas that are appropriately designated as Sending Lands.

(XIII) = Plan Amendment by Ordinance No. 2004-71 on October 26, 2004

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2. Natural Resource Protection Area

The NBM Natural Resource Protection Area (NRPA) includes seven sections of lands and three partial sections or a total of ± 6,075 acres and is located in the eastern portion of the NBM Overlay. This area comprises about thirty-nine percent of the NBM Overlay. The NBM NRPA area has concentrations of wetland land cover and listed species habitat, consistent with other Rural Fringe NRPA's. This consideration combined with the fragmented ownership pattern and the state's desire to purchase significant portions of this area warrants a different level of protection than in other NRPA areas, particularly for incentives for the consolidation of lots to assist in the future preservation of lands.

(IX)(XIII) **Planning Considerations**

a. Consolidation

The County should amend the Land Development Code to encourage further consolidation of small parcels.

b. Public Acquisition

The County and the property owners should support acquisition of privately owned land in the NBM NRPA area as a mechanism for protection.

(XIII) **c. Sending Area**

The NBM NRPA shall be designated as Sending Lands for purposes of the Transfer of Development Rights (TDR) program.

(XIII) **d. TDRs**

TDR Credits generated from the NBM NRPA may be transferred to Sections 21 and 28 and the west 1/4 of Sections 22 and 27, to other suitable locations within the Rural Fringe Mixed Use District, or to the Urban Area at a ratio of 1 unit per 5 acres from Sending Lands, or one unit per individual deeded parcel or lot that existed as of June 22, 1999, whichever is greater.

(IX)(XIII)(XV)

3. RECEIVING AREAS

Within the NBM Overlay, Receiving Areas are identified for clustering of residential dwelling units, central water and sewer service, and for the transfer of development rights and comprise ± 3,368 acres in the northern and northwestern portions of the NBM Overlay. The Receiving Areas are generally located in the northern portion of NBM Overlay and are generally contiguous to Golden Gate Estates. Two sections are directly to the south of the APAC Earth Mining Operation. The Receiving Area exhibits areas of less environmental sensitivity than other portions of the NBM Overlay, because of their proximity to Golden Gate Estates and prior clearing and disturbance to the land. Within the Receiving Area of the NBM Overlay, are located Sections 21, 28 and the west ¼ of Sections 22 and 27, which have been largely assembled under one property ownership. These lands are located south of the existing APAC earth mining operation and have been largely impacted by agricultural operations. The location of Sections 21 and 28 is just to the south and west of Wilson Boulevard located in the southern portion of north Golden Gate Estates. Because an earth mining operation and asphalt plant uses have existed for many years in the area, and the surrounding lands in Sections 21, 28 and the western quarters of Sections 22 and 27 are reported to contain Florida Department of Transportation grade rock for road construction, these uses are encouraged to remain and expand. However, until June 19, 2005, mining operations and an asphalt plant may be expanded only to the western half of Section 21 and shall not generate truck traffic

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on January 27, 2015

beyond average historic levels. If by June 19, 2005, an alignment has been selected, funding has been determined, and an accelerated construction schedule established by the Board and the mining operator for an east-west connection roadway from County Road 951 to the extension of Wilson Boulevard, mining operations and an asphalt plant may expand on Sections 21 and 28 and the western quarters of 22 and 27 as a permitted use. If no such designation has been made by June 19, 2005, any mining operations or asphalt plant in these areas, other than continued operations on the western half of Section 21 at historic levels, shall be permitted only as a conditional use, unless the mine operator upon failure to attain Board selection of an alignment commits by June 19, 2005 to construct a private haul road by June 19, 2010 without the allocation of any public funds. The County's existing excavation and explosive regulations shall apply to all mining operations in these areas.

The extension of Wilson Boulevard to the south with an ultimate connection to the vicinity of Interstate 75, will serve to alleviate traffic congestion on Golden Gate Boulevard and serve as an alternate evacuation route for Golden Gate Estates. Sufficient area for right-of-way is available at the present time for the extension of this roadway. Additional right-of-way area may be required outside of Sections 21 and 28.

Because of the proximity of Sections 21 and 28 and west 1/4 of section 22 and 27 to Golden Gate Estates, as well as other locations in the NBM Overlay Receiving Area, they are a logical locations for the development of a Rural Village or Neighborhood Village Center with a mix of uses which may include clustering of residential uses and civic and institutional uses, including limited retail uses at an intersection to be established with Wilson Boulevard.

(IX)(XIII) **Planning Considerations**

a. Density Bonuses

Once the maximum density of one (1) unit per acre is achieved outside of the NBM Rural Village, through the combination of base density and density obtained with TDR Credits, additional density may be achieved as follows:

- 1) Vegetation Retention. A density bonus of no more than 10% of the maximum density per acre shall be allowed for the retention of at least 10% of the native vegetation on site.
- 2) Wetlands Mitigation and Habitat Protection. A density bonus of no more than 10% of the maximum density per acre shall be allowed as provided in Policy 6.2.5(6)b of the CCME.

b. North Belle Meade Rural Village

The standards for the Rural Village in the NBM Overlay Receiving Area shall be generally the same as provided for in the Rural Fringe Mixed Use District. However, because of the NBM Receiving Area's location adjacent to Estates, the NBM NRPA, and other Sending Lands, it does not have access to existing commercial uses, which should be encouraged on NBM Receiving Lands. The following exceptions shall apply:

- 1) The minimum gross density shall be 1.5 dwelling units per gross acre and a maximum of 3 units per gross acre.
- (XIV) 2) A minimum of 0.5 dwelling units per acre shall be acquired through TDR Credits and TDR Bonus Credits.

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

- 3) Sidewalks shall be required on both sides of the streets in the NBM Rural Village.
- 4) Greenbelts shall not be required for any NBM Receiving Lands including any Rural Village. However, any Greenbelt that is provided shall be included in the calculation of open space for purposes of determining compliance with the 40% Open Space requirement.
- 5) Schools should be located with the NBM Rural Village whenever possible 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.
- 6) 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.

(IX)(XIII) **4. SENDING AREAS**

Within the NBM Overlay are \pm 4,598 acres of land that are identified as Sending Areas for the transfer of development rights that are located in the western, eastern and southern portion of the study area. The Sending Areas consist of the NRPA lands and \pm 5 and $\frac{3}{4}$ sections west of the NRPA. The sending areas are locations where residential development is discouraged.

Endangered and threatened species are located within the Sending Areas, including colonies of Red Cockaded Woodpeckers. Therefore, the protection of endangered and threatened species including the protection of habitat are primary planning considerations in this area.

(IX)(XIII) **Planning Considerations**

a. TDRs

Strongly encourage the transfer of development rights from the NBM Sending Areas to other locations within the Rural Fringe or NBM Overlay outside the boundary of the NRPA, or to the Urban Area.

b. Habitat Protection

The Goals, Objectives and Policies of the Conservation and Coastal Management Element for wildlife habitat protection shall apply to NBM Sending Lands.

c. Public Acquisition

The County should support the public acquisition of Sending Lands in the NBM Overlay, particularly in locations where endangered or threatened species are located.

(IX)(XIII)(XV)(XXIV)

5. NEUTRAL LANDS

Within the NBM Overlay there are \pm 1,280 acres of land that are identified as Neutral Areas. The Neutral Areas consist of two $\frac{1}{2}$ 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 the results of the study, in part, are the basis for the below provisions applicable to Section 24.

(XXIV) = Plan Amendment by Ordinance No. 2010-49 on December 14, 2010

(XXIV) **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)

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

(XXIV) = Plan Amendment by Ordinance No. 2010-49 on December 14, 2010

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.
- a) 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, at the discretion of land owner, 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) Community facilities, such as places of worship, childcare facilities, cemeteries, social and fraternal organizations;
 - j) Sports instructional schools and camps;
 - k) Earth mining, oil extraction and related processing;
 - l) Parks, open space, and recreational uses;
 - m) 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 the discretion of land owner); OR, at the discretion of land owner, develop with any of the below uses b) through d), subject to the requirements and limitations of the RFMUD Neutral Lands designation;
 - 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) 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.
 - d) Any clustered residential development requires participation in a Red-cockaded Woodpecker Habitat Management Plan and the requirements set forth in subparagraph d.5) below.
 - e) 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,

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

- f) 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-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.
- 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:

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- 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 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:

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- (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 the discretion of land owner); OR, at the discretion of land owner, develop with any of the below uses b) through d), subject to the requirements and limitations of the RFMUD Neutral Lands designation;
 - 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 to serve development allowed in a) through d) above.
 - 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 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.

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- (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 the North

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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 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 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

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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 the discretion of land owner); OR, at the discretion of land owner, develop with any of the below uses b) through q), subject to the requirements and limitations of the RFMUD Neutral Lands designation;
- b) One dwelling unit located on each of the six lots of record (total of six dwelling units);
- c) Agricultural uses;
- d) Dormitories, duplexes and other types of staff housing, as may be incidental to, and in support of, conservation uses;
- e) 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;
- f) Staff housing as may be incidental to, and in support of, safety service facilities and essential services;
- g) 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;
- h) Sporting and Recreational camps, within which the lodging component shall not exceed 1 unit per 5 gross acres;
- i) Essential services;
- j) Golf courses or driving ranges, subject to the standards for these uses contained in the Rural Fringe Mixed Use District Neutral Lands designation;
- k) Zoo, aquarium, botanical garden, or other similar uses;
- l) Public educational plants and ancillary plants;
- m) Community facilities, such as places of worship, childcare facilities, cemeteries, social and fraternal organizations;
- n) Sports instructional schools and camps;
- o) Oil extraction and related processing;
- p) Parks, open space, and recreational uses;
- q) 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.

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- 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.

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- 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.
- 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].

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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.

(IX)(XIII) **C. Natural Resource Protection Area Overlay**

The purpose of the Natural Resource Protection Area (NRPA) Overlay designation is to protect endangered or potentially endangered species and to identify large connected intact and relatively unfragmented habitats, which may be important for these listed species. NRPA's may include major wetland systems and regional flow-ways. These lands generally should be the focus of any federal, state, County or private acquisition efforts.

NRPA's are located in the following areas:

1. Clam Bay Conservation Area (within Pelican Bay Plan Unit Development);
2. CREW (Corkscrew Regional Ecosystem Watershed);
3. North Belle Meade;
4. Belle Meade;
5. South Golden Gate Estates;

NRPA's located in the Rural Fringe Mixed Use District are identified as Sending Lands. Private property owners within these NRPA's may transfer residential development rights from these important environmentally sensitive lands.

Natural Resource Protection Areas (NRPA's) shall have the following standards:

1. Vegetation Retention and Site Preservation - Calculated at the higher value of 90% of the native vegetation present, or 90% of the total site area, or as may otherwise be permitted under the Density Blending provisions of the FLUE. Applicable standards provided for in CCME Policy 6.1.2 shall also apply;
2. Listed species protection shall be provided for as specified in CCME Policy 7.1.2;
3. Permitted and conditional uses for publicly owned lands within an NRPA Overlay shall be those as set forth under the Conservation Designation.
- (XIII) 4. For privately owned lands within a NRPA Overlay and designated Sending Lands, permitted and conditional uses shall be those as set forth in the Rural Fringe Mixed Use District for Sending Lands.
5. For privately owned lands within a NRPA Overlay and designated Estates, permitted and conditional uses shall be those as set forth in the Estates Designation within the Golden Gate Area Master Plan, in recognition of Florida's private property rights laws. As these privately owned Estates Designated lands are acquired for conservation purposes, the Plan will be amended to change the Designation to Conservation.

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6. There are approximately 15 sections of privately owned land within a NRPA Overlay that are not designated Sending and are not located within the Rural Fringe Mixed Use District (where all Sending Lands are located). Eight (8) of these sections, known as the “hole-in-the-doughnut,” are located within the South Golden Gate Estates NRPA and surrounded by platted Estates lots, almost all of which have been acquired by the State under the Florida Forever program as part of the Picayune Strand State Forest. The remaining seven (7) sections are within an approved mitigation bank located north and west of Corkscrew Swamp Sanctuary. Uses on these lands are limited to restoration and mitigation and, at the completion of this restoration process, these lands will be deeded to a land management entity for conservation purposes. As these privately owned Agricultural/Rural Designated lands are acquired for conservation purposes, the Plan will be amended to change the Designation to Conservation. Until such time, in recognition of Florida’s private property rights laws, permitted and conditional uses for these privately owned lands shall be those set forth in the Agricultural/Rural Mixed Use District.

(VII) **D. Rural Lands Stewardship Area Overlay**

(VII) **Goal:**

Collier County seeks to address the long-term needs of residents and property owners within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment. Collier County’s goal is to protect agricultural activities, to prevent the premature conversion of agricultural land to non-agricultural uses, to direct incompatible uses away from wetlands and upland habitat, to enable the conversion of rural land to other uses in appropriate locations, to discourage urban sprawl, and to encourage development that utilizes creative land use planning techniques.

(VII) **Objective:**

To meet the Goal described above, Collier County’s objective is to create an incentive based land use overlay system, herein referred to as the Collier County Rural Lands Stewardship Area Overlay, based on the principles of rural land stewardship as defined in Chapter 163.3177(11), F.S. The Policies that will implement this Goal and Objective are set forth below in groups relating to each aspect of the Goal. Group 1 policies describe the structure and organization of the Collier County Rural Lands Stewardship Area Overlay. Group 2 policies relate to agriculture, Group 3 policies relate to natural resource protection, and Group 4 policies relate to conversion of land to other uses and economic diversification. Group 5 are regulatory policies that ensure that land that is not voluntarily included in the Overlay by its owners shall nonetheless meet the minimum requirements of the Final Order pertaining to natural resource protection.

(VII) **Group 1 – General purpose and structure of the Collier County Rural Lands Stewardship Area Overlay**

(VII) **Policy 1.1:**

To promote a dynamic balance of land uses in the Collier County Rural Lands Stewardship Area (RLSA) that collectively contribute to a viable agricultural industry, protect natural resources, and enhance economic prosperity and diversification, Collier County hereby establishes the Rural Lands Stewardship Area Overlay (Overlay). The Overlay was created through a collaborative community based planning process involving county residents, area property owners, and representatives of community and governmental organizations under the direction of a citizen oversight committee.

(VII) = Plan Amendment by Ordinance No. 2002-54 on October 22, 2002

- (VII)(XXXVII) **Policy 1.2:**
The Overlay protects natural resources and retains viable agriculture by promoting compact rural mixed-use development as an alternative to low-density single use development, and provides a system of compensation to private property owners for the elimination of certain land uses in order to protect natural resources and viable agriculture in exchange for transferable credits that can be used to entitle such compact development. The strategies herein are based in part on the principles of Florida's Rural Lands Stewardship Act, Section 163.3248, Florida Statutes. The Overlay includes innovative and incentive based tools, techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs.
- (VII) **Policy 1.3:**
This Overlay to the Future Land Use Map is depicted on the Stewardship Overlay Map (Overlay Map) and applies to rural designated lands located within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment referred to in the State of Florida Administration Commission Final Order No. AC-99-002. The RLSA generally includes rural lands in northeast Collier County lying north and east of Golden Gate Estates, north of the Florida Panther National Wildlife Refuge and Big Cypress National Preserve, south of the Lee County Line, and south and west of the Hendry County Line, and includes a total of approximately 195,846 acres, of which approximately 182,334 acres is privately owned. The Overlay Map is an adopted overlay to the Future Land Use Map (FLUM).
- (VII) **Policy 1.4:**
Except as provided in Group 5 Policies, there shall be no change to the underlying density and intensity of permitted uses of land within the RLSA, as set forth in the Baseline Standards, as defined in Policy 1.5, unless and until a property owner elects to utilize the provisions of the Stewardship Credit System. It is the intent of the Overlay that a property owner will be compensated for the voluntary stewardship and protection of important agricultural and natural resources. Compensation to the property owner shall occur through one of the following mechanisms: creation and transfer of Stewardship Credits, acquisition of conservation easements, acquisition of less than fee interest in the land, or through other acquisition of land or interest in land through a willing seller program.
- (VII)(X) **Policy 1.5:**
As referred to in these Overlay policies, Baseline Standards are the permitted uses, density, intensity and other land development regulations assigned to land in the RLSA by the GMP, Collier County Land Development Regulations and Collier County Zoning Regulations in effect prior to the adoption of Interim Amendments and Interim Development Provisions referenced in Final Order AC-99-002. The Baseline Standards will remain in effect for all land not subject to the transfer or receipt of Stewardship Credits, except as provided for in Group 5 Policies. No part of the Stewardship Credit System shall be imposed upon a property owner without that owners consent.
- (VII) **Policy 1.6:**
Stewardship Credits (Credits) are created from any lands within the RLSA that are to be kept in permanent agriculture, open space or conservation uses. These lands will be identified as Stewardship Sending Areas or SSAs. All privately owned lands within the RLSA are a candidate for designation as a SSA. Land becomes designated as a SSA upon petition by the property owner seeking such designation and the adoption of a resolution by the Collier County Board of County Commissioners (BCC), which acknowledges the property owner's

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on January 27, 2015

request for such designation and assigns Stewardship Credits or other compensation to the owner for such designation. Collier County will update the Overlay Map to delineate the boundaries of each approved SSA. Designation as an SSA shall be administrative and shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs. A Stewardship Agreement shall be developed that identifies those allowable residential densities and other land uses which remain. Once land is designated as a SSA and Credits or other compensation is granted to the owner, no increase in density or additional uses unspecified in the Stewardship Agreement shall be allowed on such property.

(VII) **Policy 1.7:**

The range of Stewardship Credit Values is hereby established using the specific methodology set forth on the Stewardship Credit Worksheet (Worksheet), incorporated herein as Attachment A. This methodology and related procedures for SSA designation will also be adopted as part of the Stewardship Overlay District in the Collier County Land Development Code (LDC). Such procedures shall include but not be limited to the following: (1) All Credit transfers shall be recorded with the Collier County Clerk of Courts; (2) a covenant or perpetual restrictive easement shall also be recorded for each SSA, shall run with the land and shall be in favor of Collier County, Department of Environmental Protection, Department of Agriculture and Consumer Services, South Florida Water Management District, or a recognized statewide land trust; and (3) for each SSA, the Stewardship Agreement will identify the specific land management measures that will be undertaken and the party responsible for such measures.

(VII) **Policy 1.8:**

The natural resource value of land within the RLSA is measured by the Stewardship Natural Resource Index (Index) set forth on the Worksheet. The Index established the relative natural resource value by objectively measuring six different characteristics of land and assigning an index factor based on each characteristic. The sum of these six factors is the index value for the land. Both the characteristics used and the factors assigned thereto were established after review and analysis of detailed information about the natural resource attributes of land within the RLSA so that development could be directed away from important natural resources. The six characteristics measured are: Stewardship Overlay Designation, Sending Area Proximity, Listed Species Habitat, Soils/Surface Water, Restoration Potential, and Land Use/Land Cover.

(VII) **Policy 1.9:**

A Natural Resource Index Map Series (Index Map Series) indicates the Natural Resource Stewardship Index value for all land within the RLSA. Credits from any lands designated as SSAs, will be based upon the Natural Resource Index values in effect at the time of designation. Any change in the Characteristics of land due to alteration of the land prior to the establishment of a SSA that either increases or decreases any Index Factor will result in an adjustment of the factor values and a corresponding adjustment in the credit value. The Index and the Index Map Series are adopted as a part of the RLSA Overlay.

(VII) **Policy 1.10:**

In SSAs, the greater the number of uses eliminated from the property, and the higher the natural resource value of the land, the higher the priority for protection, the greater the level of Credits that are generated from such lands, and therefore the greater the incentive to participate in the Stewardship Credit System and protect the natural resources of the land.

(VII) = Plan Amendment by Ordinance No. 2002-54 on October 22, 2002

- (VII) **Policy 1.11:**
The Land Use Matrix, Attachment B, lists uses and activities allowed under the A, Rural Agricultural Zoning District within the Overlay. These uses are grouped together in one of eight separate layers in the Matrix. Each layer is discrete and shall be removed sequentially and cumulatively in the order presented in the Matrix, starting with the residential layer (layer one) and ending with the conservation layer (layer eight). If a layer is removed, all uses and activities in that layer are eliminated and are no longer available. Each layer is assigned a percentage of a base credit in the Worksheet. The assigned percentage for each layer to be removed is added together and then multiplied by the Index value on a per acre basis to arrive at a total Stewardship Credit Value of the land being designated as a SSA.
- (VII) **Policy 1.12:**
Credits can be transferred only to lands within the RLSA that meet the defined suitability criteria and standards set forth in Group 4 Policies. Such lands shall be known as Stewardship Receiving Areas or SRAs.
- (VII) **Policy 1.13:**
The procedures for the establishment and transfer of Credits and SRA designation are set forth herein and will also be adopted as a part of a Stewardship District in the LDC (District) LDRs creating the District will be adopted within one (1) year from the effective date of this Plan amendment.
- (VII) **Policy 1.14:**
Stewardship Credits will be exchanged for additional residential or non-residential entitlements in a SRA on a per acre basis, as described in Policy 4.18. Stewardship density and intensity will thereafter differ from the Baseline Standards. The assignment or use of Stewardship Credits shall not require a GMP Amendment.
- (VII)(XV) **Policy 1.15:**
Land becomes designated as an SRA upon the adoption of a resolution by the Collier County Board of County Commissioners (BCC) approving the petition by the property owner seeking such designation. Any change in the residential density or non-residential intensity of land use on a parcel of land located within a SRA shall be specified in the resolution reflecting the total number of transferable Credits assigned to the parcel of land. Density and intensity within the RLSA or within an SRA shall not be increased beyond the Baseline Standards except through the provisions of the Stewardship Credit System, the Affordable-workforce Housing Density Bonus as referenced in the Density Rating System of the FLUE, and the density and intensity blending provision of the Immokalee Area Master Plan.
- (VII)(XXX) **Policy 1.16:**
Stewardship Receiving Areas will accommodate uses that utilize creative land use planning techniques and Credits shall be used to facilitate the implementation of innovative and flexible development strategies described in Section 163.3168(2), Florida Statutes.
- (VII) **Policy 1.17:**
Stewardship Credits may be transferred between different parcels or within a single parcel, subject to compliance with all applicable provisions of these policies. Residential clustering shall only occur within the RLSA through the use of the Stewardship Credit System, and other forms of residential clustering shall not be permitted.

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

- (VII) **Policy 1.18:**
A blend of Local, State, Federal and private revenues, such as but not limited to Florida Forever, Federal and State conservation and stewardship programs, foundation grants, private conservation organizations, local option taxes, general county revenues, and other monies can augment the Stewardship program through the acquisition of conservation easements, Credits, or land that is identified as the highest priority for natural resource protection, including, but is not limited to, areas identified on the Overlay Map as Flow way Stewardship Areas (FSAs), Habitat Stewardship Areas (HSAs), Water Retention Areas (WRAs) and land within the Big Cypress Area of Critical State Concern (ACSC).
- (VII) **Policy 1.19:**
All local land or easement acquisition programs that are intended to work within the RLSA Overlay shall be based upon a willing participant/seller approach. It is not the intent of Collier County to use eminent domain acquisition within this system.
- (VII) **Policy 1.20:**
The County may elect to acquire Credits through a publicly funded program, using sources identified in Policy 1.18. Should the County pursue this option, it shall establish a Stewardship Credit Trust to receive and hold Credits until such time as they are sold, transferred or otherwise used to implement uses within Stewardship Receiving Areas.
- (VII) **Policy 1.21:**
The incentive based Stewardship Credit system relies on the projected demand for Credits As the primary basis for permanent protection of flowways, habitats and water retention areas. The County recognizes that there may be a lack of significant demand for Credits in the early years of implementation, and also recognizes that a public benefit would be realized by the early designation of SSAs. To address this issue and to promote the protection of natural resources, the implementation of the Overlay will include an early entry bonus to encourage the voluntary establishment of SSAs within the RLSA. The bonus shall be in the form of an additional one Stewardship Credit per acre of land designated as a HSA located outside of the ACSC and one-half Stewardship Credit per acre of land designated as HSA located inside the ACSC. The early entry bonus shall be available for five years from the effective date of the adoption of the Stewardship Credit System in the LDC. The early designation of SSAs, and resulting protection of flowways, habitats, and Water retention areas does not require the establishment of SRAs or otherwise require the early use of Credits, and Credits generated under the early entry bonus may be used after the termination of the bonus period. The maximum number of Credits that can be generated under the bonus is 27,000 Credits, and such Credits shall not be transferred into or used within the ACSC.
- (VII) **Policy 1.22:**
The RLSA Overlay was designed to be a long-term strategic plan with a planning horizon Year of 2025. Many of the tools, techniques and strategies of the Overlay are new, Innovative, incentive based, and have yet to be tested in actual implementation. A Comprehensive review of the Overlay shall be prepared for and reviewed by Collier County and the Department of Community Affairs upon the five-year anniversary of the adoption of the Stewardship District in the LDC. The purpose of the review shall be to assess the participation in and effectiveness of the Overlay implementation in meeting the Goal, Objective and Policies set forth herein. The specific measures of review shall be as follows:

(VII) = Plan Amendment by Ordinance No. 2002-54 on October 22, 2002

1. The amount and location of land designated as FSAs, HSAs, WRAs and other SSAs.
2. The amount and location of land designated as SRAs.
3. The number of Stewardship Credits generated, assigned or held for future use.
4. A comparison of the amount, location and type of Agriculture that existed at the time of a Study and time of review.
5. The amount, location and type of land converted to non-agricultural use with and without participation in the Stewardship Credit System since its adoption.
6. The extent and use of funding provided by Collier County and other sources Local, State, Federal and private revenues described in Policy 1.18.
7. The amount, location and type of restoration through participation in the Stewardship Credit System since its adoption.
8. The potential for use of Credits in urban areas.

(VII) **Group 2 – Policies to protect agricultural lands from premature conversion to other uses and continue the viability of agricultural production through the Collier County Rural Lands Stewardship Area Overlay.**

(VII) **Policy 2.1:**

Agriculture lands will be protected from premature conversion to other uses by creating incentives that encourage the voluntary elimination of the property owner's right to convert agriculture land to non-agricultural uses in exchange for compensation as described in Policy 1.4 and by the establishment of SRAs as the form of compact rural development in the RLSA Overlay. Analysis has shown that SRAs will allow the projected population of the RLSA in the Horizon year of 2025 to be accommodated on approximately 10% of the acreage otherwise required if such compact rural development were not allowed due to the flexibility afforded to such development. The combination of stewardship incentives and land efficient compact rural development will minimize two of the primary market factors that cause premature conversion of agriculture.

(VII) **Policy 2.2:**

Agriculture lands protected through the use of Stewardship Credits shall be designated as Stewardship Sending Areas (SSAs) as described in Policy 1.6. The protection measures for SSAs are set forth in Policies 1.6, 1.7 and 1.17.

(VII) **Policy 2.3:**

Within one (1) year from the effective date of these amendments, Collier County will establish an Agriculture Advisory Council comprised of not less than five nor more than nine appointed representatives of the agriculture industry, to advise the BCC on matters relating to Agriculture. The Agriculture Advisory Council (AAC) will work to identify opportunities and prepare strategies to enhance and promote the continuance, expansion and diversification of agriculture in Collier County. The AAC will also identify barriers to the continuance, expansion and diversification of the agricultural industry and will prepare recommendations to eliminate or minimize such barriers in Collier County. The AAC will also assess whether exceptions from standards for business uses related to agriculture should be allowed under an administrative permit process and make recommendations to the BCC.

- (VII) **Policy 2.4:**
The BCC will consider the recommendations of the AAC and facilitate the implementation of strategies and recommendations identified by the ACC that are determined to be appropriate. The BCC may adopt amendments to the LDC that implement policies that support agriculture activities.
- (VII) **Policy 2.5:**
Agriculture is an important aspect of Collier County's quality of life and economic well-being. Agricultural activities shall be protected from duplicative regulation as provided by the Florida Right-to-Farm Act.
- (VII) **Policy 2.6:**
Notwithstanding the special provisions of Policies 3.9 and 3.10, nothing herein or in the implementing LDRs, shall restrict lawful agricultural activities on lands within the RLSA that have not been placed into the Stewardship program.
- (VII) **Group 3 – Policies to protect water quality and quantity and maintain the natural water regime, as well as listed animal and plant species and their habitats by directing incompatible uses away from wetlands and upland habitat through the establishment of Flow way Stewardship Areas, Habitat Stewardship Areas, and Water Retention Areas, where lands are voluntarily included in the Rural Lands Stewardship Area program.**
- (VII)(X) **Policy 3.1:**
Protection of water quality and quantity, and the maintenance of the natural water regime shall occur through the establishment of Flowway Stewardship Areas (FSAs), as SSAs within the RLSA Overlay. FSAs are delineated on the Overlay Map and contain approximately 31,100 acres. FSAs are primarily privately owned wetlands that are located within the Camp Keais Strand and Okaloacoochee Slough. These lands form the primary wetland flowway systems in the RLSA. The Overlay provides an incentive to permanently protect FSAs by the creation and transfer of Credits, elimination of incompatible uses, and establishment of protection measures described in Group 1 Policies. Not all lands within the delineated FSAs are comparable in terms of their natural resource value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that FSA lands score within a range of 0.7 to 2.4; approximately 96% score greater than 1.2 while 4% score 1.2 or less. The average Index score of FSA land is 1.8.
- (VII) **Policy 3.2:**
Listed animal and plant species and their habitats shall be protected through the establishment of Habitat Stewardship Areas (HSAs), as SSAs within the RLSA Overlay. HSAs are delineated on the Overlay Map and contain approximately 40,000 acres. HSAs are privately owned agricultural areas, which include both areas with natural characteristics that make them suitable habitat for listed species and areas without these characteristics. These latter areas are included because they are located contiguous to habitat to help form a continuum of landscape that can augment habitat values. The Overlay provides an incentive to permanently protect HSAs by the creation and transfer of Credits, resulting in the elimination of incompatible uses and the establishment of protection measures described in Group 1 Policies. Not all lands within the delineated HSAs are comparable in terms of their habitat value; therefore the index shall be used to differentiate higher value

(X) = Plan Amendment by Ordinance No. 2003-43 on September 9, 2003

from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that HAS lands score within a range of 0.6 to 2.2. There are approximately 13,800 acres of cleared agricultural fields located in HSAs. The average Index score of HAS designated lands is 1.3, however, the average index score of the naturally vegetated areas within HSAs is 1.5.

(VII) **Policy 3.3:**

Further protection for surface water quality and quantity shall be through the establishment of Water Retention Areas (WRAs), as SSAs within the RLSA Overlay. WRAs are delineated on the Overlay Map and contain approximately 18,200 acres. WRAs are privately owned lands that have been permitted by the South Florida Water Management District to function as agricultural water retention areas. In many instances, these WRAs consist of native wetland or upland vegetation; in other cases they are excavated water bodies or may contain exotic vegetation. The Overlay provides an incentive to permanently protect WRAs by the creation and transfer of Credits, elimination of incompatible uses, and establishment of protection measures described in Group 1 Policies. Not all lands within the delineated WRAs are comparable in terms of their natural resource value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that WRA lands score within a range of 0.6 to 2.4; approximately 74% score greater than 1.2 while 26% score 1.2 or less. The average Index score of WRA land is 1.5.

(VII) **Policy 3.4:**

Public and private conservation areas exist in the RLSA and serve to protect natural resources. Corkscrew Marsh and Okaloacoochee Slough State Forest include approximately 13,500 acres. Analysis shows that they score within an Index range of 0.0 to 2.2; with an average Index score of 1.5. Because these existing public areas, and any private conservation areas, are already protected, they are not delineated as SSAs and are not eligible to generate Credits, but do serve an important role in meeting the Goal of the RLSA.

(VII) **Policy 3.5:**

Residential uses, General Conditional uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix shall be eliminated in FSAs in exchange for compensation to the property owner as described in Policy 3.8. Conditional use essential services and governmental essential services, other than those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil and gas extraction in FSAs in order to minimize impacts to native habitats. Other layers may also be eliminated at the election of the property owner in exchange for compensation. The elimination of the Earth Mining layer shall not preclude the excavation of lakes or other water bodies if such use is an integral part of a restoration or mitigation program within a FSA.

(VII) **Policy 3.6:**

Residential Land Uses listed in the Matrix shall be eliminated in Habitat Stewardship Sending Areas in exchange for compensation to the property owner as described in Policy 3.8. Other layers may also be eliminated at the election of the property owner in exchange for compensation.

(VII) = Plan Amendment by Ordinance No. 2002-54 on October 22, 2002

(VII) **Policy 3.7:**

General Conditional Uses, Earth Mining and Processing Uses, and Recreational Uses shall be allowed only on HSA lands with a Natural Resource Stewardship Index value of 1.2 or less. Conditional use essential services and governmental essential services, other than those necessary to serve permitted uses or for public safety, shall only be allowed in HSAs with a Natural Resource Stewardship Index value of 1.2 or less. Asphaltic and concrete batch making plants are prohibited in all HSAs. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil and gas Extraction in HSAs in order to minimize impacts to native habitats. In addition to the requirements imposed in the LDC for approval of a Conditional Use, such uses will only be approved upon submittal of an EIS which demonstrates that clearing of native vegetation has been minimized, the use will not significantly and adversely impact listed species and their habitats and the use will not significantly and adversely impact aquifers. As an alternative to the foregoing, the applicant may demonstrate that such use is an integral part of an approved restoration or mitigation program. Golf Course design, construction, and operation in any HSA shall comply with the best management practices of Audubon International's Gold Program and the Florida Department of Environmental Protection. Compliance with the following standards shall be considered by Collier County as meeting the requirement for minimization of impact:

- Clearing of native vegetation shall not exceed 15% of the native vegetation on the parcel.
- Areas previously cleared shall be used preferentially to native vegetated areas.
- Buffering to Conservation Land shall comply with Policy 4.13.

(VII) **Policy 3.8:**

Compensation to the property owner may occur through one or more of the following mechanisms: creation and transfer of Stewardship Credits, acquisition of conservation easements, acquisition of less than fee interest in the land, or through other acquisition of land or interest in land through a willing seller program.

(VII)(XIII) **Policy 3.9:**

1. Agriculture will continue to be a permitted use and its supporting activities will continue to be permitted as conditional uses within FSAs and HSAs, pursuant to the Agriculture Group classifications described in the Matrix. The Ag 1 group includes row crops, citrus, specialty farms, horticulture, plant nurseries, improved pastures for grazing and ranching, aquaculture and similar activities, including related agricultural support uses. In existing Ag 1 areas within FSAs and HSAs, all such activities are permitted to continue, and may convert from one type of Agriculture to another and expand to the limits allowed by applicable permits. Once the Stewardship Credit System is utilized and an owner receives compensation as previously described, no further expansion of Ag 1 will be allowed in FSAs and HSAs beyond existing or permitted limits within property subject to a credit transfer, except for incidental clearing as set forth in Paragraph 2 below.
2. In order to encourage viable Ag 1 activities, and to accommodate the ability to convert from one Ag 1 use to another, incidental clearing is allowed to join existing Ag 1 areas, square up existing farm fields, or provide access to or from other Ag 1 areas, provided that the Ag 1 Land Use Layer has been retained on the areas to be

(XIII) = Plan Amendment by Ordinance No. 2004-71 on October 26, 2004

incidentally cleared, and the Natural Resource Index Value score has been adjusted to reflect the proposed change in land cover. Incidental clearing is defined as clearing that meets the above criteria and is limited to 1% of the area of the SSA. In the event said incidental clearing impacts lands having a Natural Resource Index Value in excess of 1.2, appropriate mitigation shall be provided.

(VII) **Policy 3.10:**

Ag 2 includes unimproved pastures for grazing and ranching, forestry and similar activities, including related agricultural support uses. In existing Ag 2 areas within FSAs and HSAs, such activities are permitted to continue, and may convert from one type of Agriculture to another and expand to the limits allowed by applicable permits. Once the Stewardship Credit System is utilized and an owner receives compensation as previously described, no further expansion of Ag 2 or conversion of Ag 2 to Ag 1 will be allowed in FSAs or HSAs beyond existing or permitted limits within property subject to a credit transfer.

(VII) **Policy 3.11:**

In certain locations there may be the opportunity for flow-way or habitat restoration. Examples include, but are not limited to, locations where flow-ways have been constricted or otherwise impeded by past activities, or where additional land is needed to enhance wildlife corridors. Priority shall be given to restoration within the Camp Keais Strand FSA or contiguous HSAs. Should a property owner be willing to dedicate land for restoration activities within the Camp Keais Strand FSA or contiguous HSAs, four additional Stewardship Credits shall be assigned for each acre of land so dedicated. An additional two Stewardship credits shall be assigned for each acre of land dedicated for restoration activities within other FSAs and HSAs. The actual implementation of restoration improvements is not required for the owner to receive such credits and the costs of restoration shall be borne by the governmental agency or private entity undertaking the restoration. Should an owner also complete restoration improvements, this shall be rewarded with four additional Credits for each acre of restored land upon demonstration that the restoration met applicable success criteria as determined by the permit agency authorizing said restoration. This policy does not preclude other forms of compensation for restoration which may be addressed through public-private partnership agreement such as a developer contribution agreement or stewardship agreement between the parties involved. The specific process for assignment of additional restoration credits shall be included in the Stewardship District of the LDC.

(VII) **Policy 3.12:**

Based on the data and analysis of the Study, FSAs, HSAs, WRAs, and existing public/private conservation land include the land appropriate and necessary to accomplish the Goal pertaining to natural resource protection. To further direct other uses away from and to provide additional incentive for the protection, enhancement and restoration of the Okaloacoochee Slough and Camp Keais Strand, all land within 500 feet of the delineated FSAs that comprise the Slough or Strand that is not otherwise included in a HSA or WRA shall receive the same natural index score (0.6) that a HSA receives if such property is designated as a SSA and retains only agricultural, recreational and/or conservation layers within the matrix.

(VII) **Policy 3.13:**

Water Retention Areas (WRAs) as generally depicted on the Overlay Map have been permitted for this purpose and will continue to function for surface water retention, detention, treatment and/or conveyance, in accordance with the South Florida Water Management

(XIII) = Plan Amendment by Ordinance No. 2004-71 on October 26, 2004

District (SFWMD) permits applicable to each WRA. WRAs can also be permitted to provide such functions for new uses of land allowed within the Overlay. WRAs may be incorporated into a SRA master plan to provide water management functions for properties within such SRA, but are not required to be designated as a SRA in such instances. WRA boundaries are understood to be approximate and are subject to refinement in accordance with SFWMD permitting.

(VII) **Policy 3.14:**

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

(VII) **Group 4 – Policies to enable conversion of rural lands to other uses in appropriate locations, while discouraging urban sprawl, and encouraging development that utilizes creative land use planning techniques by the establishment of Stewardship Receiving Areas.**

(VII) **Policy 4.1:**

Collier County will encourage and facilitate uses that enable economic prosperity and diversification of the economic base of the RLSA. Collier County will also encourage development that utilizes creative land use planning techniques and facilitates a compact form of development to accommodate population growth by the establishment of Stewardship Receiving Areas (SRAs). Incentives to encourage and support the diversification and vitality of the rural economy such as flexible development regulations, expedited permitting review, and targeted capital improvements shall be incorporated into the LDC Stewardship District.

(VII)(XXXVII) **Policy 4.2:**

All privately owned lands within the RLSA which meet the criteria set forth herein are eligible for designation as a SRA, except land delineated as a FSA, HSA, WRA or land that has been designated as a Stewardship Sending Area. Land proposed for SRA designation shall meet the suitability criteria and other standards described in Group 4 Policies. Due to the long-term vision of the RLSA Overlay, extending to a horizon year of 2025, and in accordance with the guidelines established in Section 163.3168(2), Florida Statutes, the specific location, size and composition of each SRA cannot and need not be predetermined in the GMP. In the RLSA Overlay, lands that are eligible to be designated as SRAs generally have similar physical attributes as they consist predominately of agriculture lands which have been cleared or otherwise altered for this purpose. Lands shown on the Overlay Map as eligible for SRA designation include approximately 74,500 acres outside of the ACSC and 18,300 acres within the ACSC. Approximately 2% of these lands achieve an Index score greater than 1.2. Because the Overlay requires SRAs to be compact, mixed-use and self sufficient in the provision of services, facilities and infrastructure, traditional locational

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on January 27, 2015

standards normally applied to determine development suitability are not relevant or applicable to SRAs. Therefore the process for designating a SRA follows the principles of the Rural Lands Stewardship Act as further described herein.

(VII) **Policy 4.3:**

Land becomes designated as a SRA upon petition by a property owner to Collier County seeking such designation and the adoption of a resolution by the BCC granting the designation. The petition shall include a SRA master plan as described in Policy 4.5. The basis for approval shall be a finding of consistency with the policies of the Overlay, including required suitability criteria set forth herein, compliance with the LDC Stewardship District, and assurance that the applicant has acquired or will acquire sufficient Stewardship Credits to implement the SRA uses. Within one year from the effective date of this amendment, Collier County shall adopt LDC amendments to establish the procedures and submittal requirements for designation as a SRA, to include provisions for consideration of impacts, including environmental and public infrastructure impacts, and provisions for public notice of and the opportunity for public participation in any consideration by the BCC of such a designation.

(VII) **Policy 4.4:**

Collier County will update the Overlay Map to delineate the boundaries of each approved SRA. Such updates shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs.

(VII) **Policy 4.5:**

To address the specifics of each SRA, a master plan of each SRA will be prepared and submitted to Collier County as a part of the petition for designation as a SRA. The master plan will demonstrate that the SRA complies with all applicable policies of the Overlay and the LDC Stewardship District and is designed so that incompatible land uses are directed away from wetlands and critical habitat identified as FSAs and HSAs on the Overlay Map.

(VII)(X)(XXX)

Policy 4.6:

SRA characteristics shall be based upon innovative planning and development strategies referenced in Section 163.3168(2), Florida Statutes. These planning strategies and techniques include urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, and mixed-use development that allow the conversion of rural and agricultural lands to other uses while protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services. Such development strategies are recognized as methods of discouraging urban sprawl.

(VII)(XV)(XXXVII)

Policy 4.7:

There are four specific forms of SRA permitted within the Overlay. These are Towns, Villages, Hamlets, and Compact Rural Development (CRD). The Characteristics of Towns, Villages, Hamlets, and CRD are set forth in Attachment C and are generally described in Policies 4.7.1, 4.7.2, 4.7.3 and 4.7.4. Collier County shall establish more specific regulations, guidelines and standards within the LDC Stewardship District to guide the design and development of SRAs to include innovative planning and development strategies as set forth in Section 163.3168(2), Florida Statutes. The size and base density of each

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form shall be consistent with the standards set forth on Attachment C. The maximum base residential density as set forth in Attachment C may only be exceeded through the density blending process as set forth in density and intensity blending provision of the Immokalee Area Master Plan or through the affordable-workforce housing density bonus as referenced in the Density Rating System of the Future Land Use Element. The base residential density is calculated by dividing the total number of residential units in a SRA by the overall area therein. The base residential density does not restrict net residential density of parcels within a SRA. The location, size and density of each SRA will be determined on an individual basis during the SRA designation review and approval process.

(VII)(XV) **Policy 4.7.1:**

Towns are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure that support development that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns shall be not less than 1,000 acres or more than 4,000 acres and are comprised of several villages and/or neighborhoods that have individual identity and character. Towns shall have a mixed-use town center that will serve as a focal point for community facilities and support services. Towns shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Towns shall have at least one community park with a minimum size of 200 square feet per dwelling unit in the Town.

(XV) Towns shall also have parks or public green spaces within neighborhoods. Towns shall include both community and neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.15. Towns may also include those compatible corporate office and light industrial uses as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE. Towns shall be the preferred location for the full range of schools, and to the extent possible, schools and parks shall be located abutting each other to allow for the sharing of recreational facilities. Design criteria for Towns shall be included in the LDC Stewardship District. Towns shall not be located within the ACSC.

(VII) **Policy 4.7.2:**

Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be not less than 100 acres or more than 1,000 acres. Villages are comprised of residential neighborhoods and shall include a mixed-use village center to serve as the focal point for the community's support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.15. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks shall be located adjacent to each other to allow for the sharing of recreational facilities. Design criteria for Villages shall be included in the LDC Stewardship District.

(VII) **Policy 4.7.3:**

Hamlets are small rural residential areas with primarily single-family housing and limited range of convenience-oriented services. Hamlets shall be not less than 40 or more than 100 acres. Hamlets will serve as a more compact alternative to traditional five-acre lot rural subdivisions currently allowed in the baseline standards. Hamlets shall have a public green

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

space for neighborhoods. Hamlets include convenience retail uses, in a ratio as provided in Attachment C. Hamlets may be an appropriate location for pre-K through elementary schools. Design criteria for Hamlets shall be included in the LDC Stewardship District. To maintain a proportion of Hamlets to Villages and Towns, not more than 5 Hamlets, in combination with CRDs of 100 acres or less, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional Hamlets, in combination with CRDs of 100 acres or less, may be approved for each subsequent Village or Town.

(VII) **Policy 4.7.4:**

Compact Rural Development (CRD) is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village. A CRD may include, but is not required to have permanent residential housing and the services and facilities that support permanent residents. An example of a CRD is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to eco-tourists, but may not provide for the range of services that necessary to support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth on Attachment C based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required, however for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with Attachment C. To maintain a proportion of CRDs of 100 acres or less to Villages and Towns, not more than 5 CRDs of 100 acres or less, in combination with Hamlets, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional CRDs of 100 acres or less, in combination with Hamlets, may be approved for each subsequent Village or Town. There shall be no more than 5 CRDs of more than 100 acres in size. The appropriateness of this limitation shall be reviewed in 5 years pursuant to Policy 1.22.

(VII)(X) **Policy 4.8:**

An SRA may be contiguous to a FSA or HSA, but shall not encroach into such areas, and shall buffer such areas as described in Policy 4.13. A SRA may be contiguous to and served by a WRA without requiring the WRA to be designated as a SRA in accordance with Policy 3.12 and 3.13.

(VII) **Policy 4.9:**

A SRA must contain sufficient suitable land to accommodate the planned development in an environmentally acceptable manner. The primary means of directing development away from wetlands and critical habitat is the prohibition of locating SRAs in FSAs, HSAs, and WRAs. To further direct development away from wetlands and critical habitat, residential; commercial, manufacturing/light industrial, group housing, and transient housing, institutional, civic and community service uses within a SRA shall not be sited on lands that receive a Natural Resource Index value of greater than 1.2. In addition, conditional use essential services and governmental essential services, with the exception of those necessary to serve permitted uses and for public safety, shall not be sited on lands that receive a Natural Resource Index value of greater than 1.2. The Index value of greater than 1.2 represents those areas that have a high natural resource value as measured pursuant to Policy 1.8. Less than 2% of potential SRA land achieves an Index score of greater than 1.2.

(X) = Plan Amendment by Ordinance No. 2003-43 on September 9, 2003

- (VII) **Policy 4.10:**
Within the RLSA Overlay, open space, which by definition shall include public and private conservation lands, underdeveloped areas of designated SSAs, agriculture, water retention and management areas and recreation uses, will continue to be the dominant land use. Therefore, open space adequate to serve the forecasted population and uses within the SRA is provided. To ensure that SRA residents have such areas proximate to their homes, open space shall also comprise a minimum of thirty-five percent of the gross acreage of an individual SRA Town, Village, or those CRDs exceeding 100 acres. Lands within a SRA greater than one acre with Index values of greater than 1.2 shall be retained as open space. As an incentive to encourage open space, such uses within a SRA, located outside of the ACSC, exceeding the required thirty-five percent shall not be required to consume Stewardship Credits.
- (VII) **Policy 4.11:**
The perimeter of each SRA shall be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs shall be well defined and designed to be compatible with the character of adjoining property. Techniques such as, but not limited to setbacks, landscape buffers, and recreation/open space placement may be used for this purpose. Where existing agricultural activity adjoins a SRA, the design of the SRA must take this activity into account to allow for the continuation of the agricultural activity and to minimize any conflict between agriculture and SRA uses.
- (VII) **Policy 4.12:**
Where a SRA adjoins a FSA, HSA, WRA or existing public or private conservation land delineated on the Overlay Map, best management and planning practices shall be applied to minimize adverse impacts to such lands. SRA design shall demonstrate that ground water table draw down or diversion will not adversely impact the adjacent FSA, HSA, WRA or conservation land. Detention and control elevations shall be established to protect such natural areas and be consistent with surrounding land and project control elevations and water tables.
- (VII) **Policy 4.13:**
Open space within or contiguous to a SRA shall be used to provide a buffer between the SRA and any adjoining FSA, HSA, or existing public or private conservation land delineated on the Overlay Map. Open space contiguous to or within 300 feet of the boundary of a FSA, HSA, or existing public or private conservation land may include: natural preserves, lakes, golf courses provided no fairways or other turf areas are allowed within the first 200 feet, passive recreational areas and parks, required yard and set-back areas, and other natural or man-made open space. Along the west boundary of the FSAs and HSAs that comprise Camp Keais Strand, i.e., the area south of Immokalee Road, this open space buffer shall be 500 feet wide and shall preclude golf course fairways and other turf areas within the first 300 feet.
- (VII) **Policy 4.14:**
The SRA must have either direct access to a County collector or arterial road or indirect access via a road provided by the developer that has adequate capacity to accommodate the proposed development in accordance with accepted transportation planning standards. No SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate in accordance with the Collier County Concurrency

(VII) = Plan Amendment by Ordinance No. 2002-54 on October 22, 2002

Management System in effect at the time of SRA designation. A transportation impact assessment meeting the requirements of Section 2.7.3 of the LDC, or its successor regulation shall be prepared for each proposed SRA to provide the necessary data and analysis.

(VII)(XIII)

Policy 4.15.1:

SRAs are intended to be mixed use and shall be allowed the full range of uses permitted by the Urban Designation of the FLUE, as modified by Policies 4.7, 4.7.1, 4.7.2, 4.7.3, 4.7.4 and Attachment C. An appropriate mix of retail, office, recreational, civic, governmental, and institutional uses will be available to serve the daily needs and community wide needs of residents of the RLSA. Depending on the size, scale, and character of a SRA, such uses may be provided either within the specific SRA, within other SRAs in the RLSA or within the Immokalee Urban Area. By example, each Village or Town shall provide for neighborhood retail/office uses to serve its population as well as appropriate civic and institutional uses, however, the combined population of several Villages and Hamlets may be required to support community scaled retail or office uses in a nearby Town. Standards for the minimum amount of non-residential uses in each category are set forth in Attachment C, and shall be also included in the Stewardship LDC District.

(XIII)

Policy 4.15.2:

The Board of County Commissioners (BCC) may, as a condition of approval and adoption of an SRA development, require that suitable areas for parks, schools, and other public facilities be set aside, improved, and/or dedicated for public use. When the BCC requires such a set aside for one or more public facilities, the set aside shall be subject to the same provisions of the LDC as are applicable to public facility dedications required as a condition for PUD rezoning.

(XIII)

Policy 4.15.3:

Applicants for SRA designation shall coordinate with Collier County School Board staff to allow planning to occur to accommodate any impacts to the public schools as a result of the SRA. As a part of the SRA application, the following information shall be provided:

1. Number of residential units by type;
2. An estimate of the number of school-aged children for each type of school impacted (elementary, middle, high school); and
3. The potential for locating a public educational facility or facilities within the SRA, and the size of any sites that may be dedicated, or otherwise made available for a public educational facility.

(VII)(XIII)(XV)

Policy 4.16:

A SRA shall have adequate infrastructure available to serve the proposed development, or such infrastructure must be provided concurrently with the demand. The level of infrastructure provided will depend on the form of SRA development, accepted civil engineering practices, and LDC requirements. The capacity of infrastructure necessary to serve the SRA at build-out must be demonstrated during the SRA designation process. Infrastructure to be analyzed includes transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste. Transportation infrastructure is discussed in Policy 4.14. Centralized or decentralized community water and wastewater utilities are required in Towns, Villages, and those CRDs exceeding one hundred (100) acres in size, and may be required in CRDs that are one hundred (100) acres or less in size, depending

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

upon the permitted uses approved within the CRD. Centralized or decentralized community water and wastewater utilities shall be constructed, owned, operated and maintained by a private utility service, the developer, a Community Development District, the Immokalee Water Sewer Service District, Collier County, or other governmental entity. Innovative alternative water and wastewater treatment systems such as decentralized community treatment systems shall not be prohibited by this policy provided that they meet all applicable regulatory criteria. Individual potable water supply wells and septic systems, limited to a maximum of 100 acres of any Town, Village or CRD of 100 acres are permitted on an interim basis until services from a centralized/decentralized community system are available. Individual potable water supply wells and septic systems are permitted in Hamlets and may be permitted in CRDs of 100 acres or less in size.

(XIII) **Policy 4.17:**

The BCC will review and approve SRA designation applications in accordance with the provisions of Policy 1.1.2 of the Capital Improvement Element of the GMP for Category A public facilities. Final local development orders will be approved within a SRA designated by the BCC in accordance with the Concurrency Management System of the GMP and LDC in effect at the time of final local development order approval.

(XIII)(XV) **Policy 4.18:**

The SRA will be planned and designed to be fiscally neutral or positive to Collier County at the horizon year based on a cost/benefit fiscal impact analysis model acceptable to or as may be adopted by the County. The BCC may grant exceptions to this policy to accommodate affordable-workforce housing, as it deems appropriate. Techniques that may promote fiscal neutrality such as Community Development Districts, and other special districts, shall be encouraged. At a minimum, the analysis shall consider the following public facilities and services: transportation, potable water, wastewater, irrigation water, stormwater management, solid waste, parks, law enforcement, and schools. Development phasing, developer contributions and mitigation, and other public/private partnerships shall address any potential adverse impacts to adopted levels of service standards.

(VII)(XIII) **Policy 4.19:**

Eight Credits shall be required for each acre of land included in a SRA, except for open space in excess of the required thirty-five percent as described in Policy 4.10 or for land that is designated for a public benefit use described in Policy 4.19. In order to promote compact, mixed use development and provide the necessary support facilities and services to residents of rural areas, the SRA designation entitles a full range of uses, accessory uses and associated uses that provide a mix of services to and are supportive to the residential population of a SRA, as provided for in Policies 4.7, 4.15 and Attachment C. Such uses shall be identified, located and quantified in the SRA master plan.

(VII)(XIII) **Policy 4.20:**

The acreage of a public benefit use shall not count toward the maximum acreage limits described in Policy 4.7. For the purpose of this policy, public benefit uses include: public schools (preK-12) and public or private post secondary institutions, including ancillary uses; community parks exceeding the minimum acreage requirements of Attachment C, municipal golf courses; regional parks; and governmental facilities excluding essential services as defined in the LDC. The location of public schools shall be coordinated with the Collier County School Board, based on the interlocal agreement, 163.3177 F.S. and in a manner

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

consistent with 235.193 F.S. Schools and related ancillary uses shall be encouraged to locate in or proximate to Towns, Villages, and Hamlets subject to applicable zoning and permitting requirements.

(VII)(XIII) **Policy 4.21:**

Lands within the ACSC that meet all SRA criteria shall also be restricted such that credits used to entitle a SRA in the ACSC must be generated exclusively from SSAs within the ACSC. Further, the only form of SRA allowed in the ACSC east of the Okaloacoochee Slough shall be Hamlets and CRDs of 100 acres or less and the only form of SRA allowed in the ACSC west of the Okaloacoochee Slough shall be Villages and CRDs of not more than 300 acres and Hamlets. Provided, however, that two Villages or CRDs of not more than 500 acres each, exclusive of any lakes created prior to the effective date of this amendment as a result of mining operations, shall be allowed in areas that have a frontage on State Road 29 and that, as of the effective date of these amendments, had been predominantly cleared as a result of Ag Group I or Earth Mining or Processing Uses. This policy is intended to assure that the RLSA Overlay is not used to increase the development potential within the ACSC but instead is used to promote a more compact form of development as an alternative to the Baseline Standards already allowed within the ACSC. No policy of the RLSA Overlay shall take precedence over the Big Cypress ACSC regulations and all regulations therein shall apply.

(VII) **Group 5 – Policies that protect water quality and quantity and the maintaining of the natural water regime and protect listed animal and plant species and their habitats on land that is not voluntarily included in the Rural Lands Stewardship Area program.**

(VII) **Policy 5.1:**

To protect water quality and quantity and maintenance of the natural water regime in areas mapped as FSAs on the Overlay Map prior to the time that they are designated as SSAs under the Stewardship Credit Program. Residential Uses, General Conditional Uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix shall be eliminated in FSAs. Conditional use essential services and governmental essential services, except those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil or gas extraction in FSAs in order to minimize impacts to native habitats. Asphaltic and concrete batch making plants shall be prohibited in areas mapped as HSAs. The opportunity to voluntarily participate in the Stewardship Credit Program, as well as the right to sell conservation easements or a free or lesser interest in the land, shall constitute compensation for the loss of these rights.

(VII) **Policy 5.2:**

To protect water quality and quantity and maintenance of the natural water regime and to protect listed animal and plant species and their habitats in areas mapped as FSAs, HSAs, and WRAs on the Overlay Map that are within the ACSC, all ACSC regulatory standards shall apply, including those that strictly limit non-agricultural clearing.

(VII) **Policy 5.3:**

To protect water quality and quantity and maintenance of the natural water regime and to protect listed animal and plant species and their habitats in areas mapped as FSAs, HSAs, and WRAs on the Overlay Map that are not within the ACSC, if a property owner proposes

(XIII) = Plan Amendment by Ordinance No. 2004-71 on October 26, 2004

to utilize such land for a non-agricultural purpose under the Baseline Standards referenced in Policy 1.5 and does not elect to use the Overlay, the following regulations are applicable, shall be incorporated into the LDC, and shall supersede any comparable existing County regulations that would otherwise apply. These regulations shall only apply to non-agricultural use of land prior to its inclusion in the Overlay system:

1. Site clearing and alteration shall be limited to 20% of the property and nonpermeable surfaces shall not exceed 50% of any such area.
2. Except for roads and lakes, any nonpermeable surface greater than one acre shall provide for release of surface water runoff, collected or uncollected, in a manner approximating the natural surface water flow regime of the surrounding area.
3. Revegetation and landscaping of cleared areas shall be accomplished with predominantly native species and planting of undesirable exotic species shall be prohibited.
4. An Environmental Impact Statement shall be prepared by the applicant and reviewed by Collier County in accordance with County regulations.
5. Roads shall be designed to allow the passage of surface water flows through the use of equalizer pipes, interceptor spreader systems or performance equivalent structures.

(VII) **Policy 5.4:**

Collier County will coordinate with appropriate State and Federal agencies concerning the provision of wildlife crossings at locations determined to be appropriate.

(VII) **Policy 5.5:**

For those lands that are not voluntarily included in the Rural Lands Stewardship program, non-agricultural development, excluding individual single family residences, shall be directed away from the listed species and their habitats by complying with the following guidelines and standards:

1. A wildlife survey shall be required for all parcels when listed species are known to inhabit biological communities similar to those existing on site or where listed species are directly observed on the site. The survey shall be conducted in accordance with the requirements of the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS) guidelines. The County shall notify the FFWCC and USFWS of the existence of any listed species that may be discovered.
- (XIII) 2. Wildlife habitat management plans for listed species shall be submitted for County approval. A plan shall be required for all projects where the wildlife survey indicated listed species are utilizing the site, or the site is capable of supporting wildlife and can be anticipated to be occupied by listed species. These plans shall describe how the project directs incompatible land uses away from listed species and their habitats.
 - a. Management plans shall incorporate proper techniques to protect listed species and their habitats from the negative impacts of proposed development. Open space and vegetation preservation requirements shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Provisions such as fencing, walls, or other obstructions shall be provided to

(XIII) = Plan Amendment by Ordinance No. 2004-71 on October 26, 2004

minimize development impacts to the wildlife and to facilitate and encourage wildlife to use wildlife corridors. Appropriate roadway crossings, underpasses and signage shall be used where roads must cross wildlife corridors.

- i. The following references shall be used, as appropriate, to prepare the required management plans:
 1. South Florida Multi-Species Recovery Plan, USFWS, 1999.
 2. Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.
 3. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale Development in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.
 - (XXI) 4. Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay (*Aphelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.
 5. Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco Sparverius Paulus*) on Large-scale Development Sites in Florida, Nongame Technical Report No. 13, Florida Game and Fresh Water Fish Commission, 1993.
- (XIII) ii. The County shall consider any other techniques recommended by the USFWS and FFWCC, subject to the provision of paragraph 3 of this policy.
- (XIII) iii. When listed species are directly observed on site or indicated by evidence, such as denning, foraging, or other indications, a minimum of 40% of native vegetation on site shall be retained, with the exception of clearing for agricultural purposes. The County shall also consider the recommendation of other agencies, subject to the provisions of paragraph 3 of this policy.
- b. For parcels containing gopher tortoises (*Gopherus polyphemus*), priority shall be given to protecting the largest most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off site adjacent gopher tortoise preserves.
- c. Habitat preservation for the Florida scrub jay (*Aphelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991. The required management plan shall also provide for a maintenance program and specify an appropriate fire or mechanical protocols to maintain the natural scrub community. The plan shall also outline a public awareness program to educate residents about the on-site preserve and the need to maintain the scrub vegetation. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provisions of paragraph (3) of this policy.
- d. For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nest season. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy.

(XXI) = Plan Amendment by Ordinance No. 2008-59 on October 14, 2008

- e. For the red-cockaded woodpecker (*Ipicoides borealis*), the required habitat protection plan shall outline measures to avoid adverse impacts to active clusters and to minimize impacts to foraging habitat. Where adverse effects cannot be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provision of paragraph 3) of this policy.
 - f. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear-proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.
 - g. For projects located in Priority I or Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be buffered from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses). Golf courses within the Rural Lands Area shall be designed and managed using standards found within this Overlay. The management plans shall identify appropriate lighting controls for these permitted uses and shall also address the opportunity to utilize prescribed burning to maintain fire-adapted preserved vegetation communities and provide browse for white-tailed deer. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy.
 - h. The Management Plans shall contain a monitoring program for developments greater than 10 acres.
3. The County shall, consistent with applicable policies of this Overlay, consider and utilize recommendations and letters of technical assistance from the Florida Fish and Wildlife Conservation Commission and recommendations from the US Fish and Wildlife Service in issuing development orders on property containing listed species. It is recognized that these agency recommendations, on a case by case basis, may change the requirements contained within these wildlife protection policies and any such change shall be deemed consistent with the Growth Management Plan.

(VII) **Policy 5.6:**

For those lands that are not voluntarily included in the Rural Lands Stewardship program, Collier County shall direct non-agricultural land uses away from high functioning wetlands by limiting direct impacts within wetlands. A direct impact is hereby defined as the dredging or filling of a wetland or adversely changing the hydroperiod of a wetland. This policy shall be implemented as follows:

1. There are two (2) major wetlands systems within the RLSA, Camp Keais Strand and the Okaloacoochee Slough. These two systems have been mapped and are designated as FSA's. Policy 5.1 prohibits certain uses within the FSA's, thus preserving and protecting the wetlands functions within those wetland systems.

(VII) = Plan Amendment by Ordinance No. 2002-54 on October 22, 2002

2. The other significant wetlands within the RLSA are WRA's as described in Policy 3.3. These areas are protected by existing SFWMD wetlands permits for each area.
3. FSAs, HSAs and WRAs, as provided in Policy 5.3, and the ACSC have stringent site clearing and alteration limitations, nonpermeable surface limitations, and requirements addressing surface water flows which protect wetland functions within the wetlands in those areas. Other wetlands within the RLSA are isolated or seasonal wetlands. These wetlands will be protected based upon the wetland functionality assessment described below, and the final permitting requirements of the South Florida Water Management District.
 - a. The County shall apply the vegetation retention, open space and site preservation requirements specified within this Overlay to preserve an appropriate amount of native vegetation on site. Wetlands shall be preserved as part of this vegetation requirement according to the following criteria:
 - (XIII) i. The acreage requirements specified within this Overlay shall be met by preserving wetlands with the highest wetland functionality scores. Wetland functionality assessment scores shall be those described in paragraph b of this policy. The vegetative preservation requirements imposed by Policies 5.3 and 5.5 shall first be met through preservation of wetlands having a functionality assessment score of 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7, or greater. Within one year from the effective date of this Amendment, the County shall develop specific criteria in the LDC to be used to determine those instances in which wetlands with a WRAP functionality assessment score of 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7, or greater must be preserved in excess of the preservation required by Policy 5.3.
 - ii. Wetlands utilized by listed species or serving as corridors for the movement of listed species shall be preserved on site. Wetland flowway functions through the project shall be maintained.
 - iii. Proposed development shall demonstrate that ground water table drawdowns or diversions will not adversely change the hydoperiod of preserved wetlands on or offsite. Detention and control elevations shall be set to protect surrounding wetlands and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 4.2.2, 4.6.11 and 6.12 of SFWMD's Basis of Review, January 2001. Upland vegetative communities may be utilized to meet the vegetative, open space and site preservation requirements of this Overlay when the wetland functional assessment score is less than 0.65.
 - (XIII) b. In order to assess the values and functions of wetlands at the time of project review, applicants shall rate functionality of wetlands using the South Florida Water Management District's Wetland Rapid Assessment Procedure (WRAP), as described in Technical Publication Reg-001, dated September 1997, and updated August 1999, or the Uniform Wetland Mitigation Assessment Method, identified as F.A.C. Chapter 62-345. The applicant shall submit to County staff agency-accepted WRAP scores, or Uniform Wetlands Mitigation Assessment scores. County staff shall review this functionality assessment as part of the County's EIS

(XIII) = Plan Amendment by Ordinance No. 2004-71 on October 26, 2004

provisions and shall use the results to direct incompatible land uses away from the highest functioning wetlands according to the requirements found in paragraph 3 above.

- c. All direct impacts shall be mitigated for pursuant to the requirements of paragraph (f) of this policy.
- d. Single family residences shall follow the requirements contained within Policy 6.2.7 of the Conservation and Coastal Management Element.
- (XV) e. The County shall separate preserved wetlands from other land uses with appropriate buffering requirements. The County shall require a minimum 50-foot vegetated upland buffer abutting a natural water body, and for other wetlands a minimum 25-foot vegetated upland buffer abutting the wetland. A structural buffer may be used in conjunction with a vegetative buffer that would reduce the vegetative buffer width by 50%. A structural buffer shall be required abutting wetlands where direct impacts are allowed. Wetland buffers shall conform to the following standards:
 - i. The buffer shall be measured landward from the approved jurisdictional line.
 - ii. The buffer zone shall consist of preserved native vegetation. Where native vegetation does not exist, native vegetation compatible with the existing soils and expected hydrologic conditions shall be planted.
 - iii. The buffer shall be maintained free of Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council.
 - iv. The following land uses are considered to be compatible with wetland functions and are allowed within the buffer:
 - (1) Passive recreational areas, boardwalks and recreational shelters;
 - (2) Pervious nature trails;
 - (3) Water management structures;
 - (4) Mitigation areas;
 - (5) Any other conservation and related open space activity or use which is comparable in nature with the foregoing uses.
 - v. A structural buffer may consist of a stem-wall, berm, or vegetative hedge with suitable fencing.
- f. Mitigation shall be required for direct impacts to wetland in order to result in no net loss of wetland functions.

Mitigation Requirements:

 - i. "No net loss of wetland functions" shall mean that the wetland functional score of the proposed mitigation equals or exceeds the wetland functional score of the impacted wetlands. Priority shall be given to mitigation within FSA's and HSA's.
 - (XV) ii. Loss of storage or conveyance volume resulting from direct impacts to wetlands shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or abutting the impacted wetland.

(XV) = Plan Amendment by Ordinance No. 2007-18 on January 25, 2007

- iii. Protection shall be provided for preserved or created wetland or upland vegetative communities offered as mitigation by placing a conservation easement over the land in perpetuity, providing for initial exotic plant removal (Class I invasive exotic plants defined by the Florida Exotic Plant Council) and continuing exotic plant maintenance, or by appropriate ownership transfer to a state or federal agency along with sufficient funding for perpetual management activities.
- iv. Prior to issuance of any final development order that authorizes site alteration, the applicant shall demonstrate compliance with paragraphs (f) i, ii, and iii of this policy. If agency permits have not provided mitigation consistent with this policy, Collier County will require mitigation exceeding that of the jurisdictional agencies.
- g. Wetland preservation, buffer areas, and mitigation areas shall be identified or platted as separate tracts. In the case of a Planned Unit Development (PUD), these areas shall also be depicted on the PUD Master Plan. These areas shall be maintained free from trash and debris and from Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council. Land uses allowed in these areas shall be limited to those listed above (3.e.iv.) and shall not include any other activities that are detrimental to drainage, flood, control, water conservation, erosion control or fish and wildlife habitat conservation and preservation.

(VII)(IX)(XII)

E. Airport Noise Area Overlay

The Naples Airport Authority developed an airport noise compatibility plan under the guidelines of the Federal Aviation Regulation, Part 150. This plan included identifying noise contours at the 60, 65, 70 and 75 Ldn (day-night average sound level). The Airport Noise Area Overlay shown on the Future Land Use Map reflects the 60 Ldn contour, the least severe impact of these four noise contours. Residential and other noise sensitive land uses are considered “normally unacceptable” in areas exposed to levels between 60 Ldn and 75 Ldn. This Overlay is informational and has no regulatory effect. However, the Land Development Code contains an Airport Overlay District, which regulates development near the Naples Municipal Airport.

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F. Bayshore/Gateway Triangle Redevelopment Overlay

The Bayshore/Gateway Triangle Redevelopment Overlay, depicted on the Future Land Use Map, is within the boundaries of the Bayshore/Gateway Triangle Redevelopment Plan adopted by the Board of County Commissioners on June 13, 2000. The intent of the redevelopment program is to encourage the revitalization of the Bayshore/Gateway Triangle Redevelopment Area by providing incentives that will encourage the private sector to invest in this urban area. This Overlay allows for additional neighborhood commercial uses and higher residential densities that will promote the assembly of property, or joint ventures between property owners, while providing interconnections between properties and neighborhoods. The intent of this Overlay is to allow for more intense development in an urban area where urban services are available. Two zoning overlays have been adopted into the Collier County Land Development Code to aid in the implementation of this Overlay. The following provisions and restrictions apply to this Overlay:

(XXXII) = Plan Amendment by Ordinance No. 2013-42 on May 28, 2013

1. Mixed-Use Development: Mix of residential and commercial uses are permitted. For such development, commercial uses are limited to C-1 through C-3 zoning district uses; hotel/motel use; theatrical producers (except motion picture), bands, orchestras, and entertainers; and, uses as may be allowed by applicable FLUE Policies. Mixed-use projects will be pedestrian oriented and are encouraged to provide access (vehicular, pedestrian, bicycle) to nearby residential areas. The intent is to encourage pedestrian use of the commercial area and to provide opportunity for nearby residents to access these commercial uses without traveling onto major roadways. Parking facilities are encouraged to be located in the rear of the buildings with the buildings oriented closer to the major roadway to promote traditional urban development.
2. Residential uses are allowed within this Overlay. Permitted density shall be as determined through application of the Density Rating System, and applicable FLUE Policies, except as provided below and except as may be limited by a zoning overlay.
3. Non-residential/non-commercial uses allowed within this Overlay include essential services; parks, recreation and open space uses; water-dependent and water-related uses; child care centers; community facility uses; safety service facilities; and utility and communication facilities.

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4. Properties with access to US 41 East and/or Bayshore Drive and/or Davis Boulevard (SR 84) and/or the west side of Airport-Pulling Road may be allowed a maximum density of 12 residential units per acre via use of the density bonus pool identified in paragraph 11, except that no project may utilize more than 97 units – 25% of the total density pool units available. The 97 unit cap will terminate when the BCC adopts, by LDC amendment, limitations and a cap on the use of the 388 density pool units for any one project. In order to be eligible for this higher density, the project must be integrated into a mixed-use development with access to existing neighborhoods and adjoining commercial properties and comply with the standards identified in Paragraph #8, below, except for mixed use projects developed within the “mini triangle” catalyst project site as identified on the Bayshore/Gateway Triangle Redevelopment Overlay Map. The “mini triangle” catalyst project site is eligible for the maximum density of 12 units per acre, with development standards as contained in the Gateway Triangle Mixed Use District zoning overlay, adopted February 28, 2006 (Ordinance No. 06-08), and amended December 14, 2006 (Ordinance No. 06-63). For projects that do not comply with the requirements for this density increase, their density is limited to that allowed by the Density Rating System and applicable FLUE Policies, except as may be limited by a future zoning overlay.

(XV)(XXXII)

5. Properties having frontage on one or more of Bayshore Drive, Davis Boulevard, Airport-Pulling Road (west side only) or US 41 East, may be allowed to redevelop as a residential-only project at a maximum density of 8 residential units per acre via use of the density bonus pool identified in paragraph 11 except that no project may utilize more than 97 units – 25% of the 388 total density pool units available. The 97 unit cap will terminate when the BCC adopts, by LDC amendment, limitations and a cap on the use of the 388 density pool units for any one project. In order to be eligible for this higher density the redevelopment must comply with the following:
 - a. Project shall be in the form of a PUD.
 - b. Project site shall be a minimum of three acres.
 - c. Project shall constitute redevelopment of the site.
 - d. All residential units shall be market rate units.

(XXXVII) = Plan Amendment by Ordinance No. 2015-08 on January 27, 2015

For projects that do not comply with the requirements for this density increase, their density is limited to that allowed by the Density Rating System and applicable FLUE Policies.

- (XV)(XXXII) 6. For parcels currently within the boundaries of Mixed Use Activity Center #16, land uses will continue to be governed by the Mixed Use Activity Center Subdistrict, except residential density may also be increased as provided for in paragraphs 4 and 5, above. The development standards of the Bayshore Drive Mixed Use Overlay District or Gateway Triangle Mixed Use Overlay District in the Collier County Land Development Code, whichever is applicable, shall apply to all new development within the Activity Center.
- (XV) 7. Existing zoning districts for some properties within the Bayshore/Gateway Triangle Redevelopment Overlay allow uses, densities and development standards that are inconsistent with the uses, densities and development standards allowed within this Overlay. These properties are allowed to develop and redevelop in accordance with their existing zoning until such time as a zoning overlay is adopted which may limit such uses, densities and development standards.
- (XV)(XXXII) 8. To qualify for 12 dwelling units per acre, as provided for in paragraph #4 above, mixed use projects within the Bayshore/Gateway Triangle Redevelopment Overlay must comply with the design standards of the Bayshore Drive Mixed Use Overlay District or Gateway Triangle Mixed Use Overlay District in the Collier County Land Development Code, whichever is applicable.
- (XXXII) 9. For density bonuses provided for in paragraphs #4 and #5 above, base density shall be per the underlying zoning district. The maximum density of 12 or 8 units per acre shall be calculated based upon total project acreage. The bonus density allocation is calculated by deducting the base density of the underlying zoning classification from the maximum density being sought. The difference in units per acre determines the bonus density allocation requested for the project.
- (XV)(XXXII) 10. Only the affordable-workforce housing density bonus, as provided in the Density Rating System, is allowed in addition to the eligible density provided herein. For all properties, the maximum density allowed is that specified under Density Conditions in the Density Rating System.
- (XV)(XXXII) 11. A maximum of 388 dwelling units are permitted to be utilized in this Overlay for density bonuses, as provided in paragraphs #4 and #5 above. This 388 dwelling unit density bonus pool corresponds with the number of dwelling units previously entitled to the botanical gardens sites prior to their rezone in 2003 to establish the Naples Botanical Gardens PUD. The “mini triangle” catalyst project is not subject to this density bonus pool.
- (XV)(XXXII) 12. The Botanical Garden, Inc. properties located in Section 23, Township 50 South, Range 25 East, and shown on the Bayshore/Gateway Triangle Redevelopment Overlay Map, shall be limited to non-residential uses except for caretaker, dormitory, and other housing integrally related to the Botanical Garden or other institutional and/or recreational open space uses.

(XXXII) = Plan Amendment by Ordinance No. 2013-42 on May 28, 2013

(VIII) **G. URBAN-RURAL FRINGE TRANSITION ZONE OVERLAY**

Sections 13, 14, 23, and 24, Township 48 South, Range 26 East consisting of +2,562 acres which overlap the Urban and Agricultural/Rural boundary line, north of the intersection of Immokalee Road and County Road 951, are under common ownership and through comprehensive planning may resolve potential local land use conflicts and provide for the realization of unique regional environmental opportunities. Among the causes of potential land use conflicts are the abrupt transitionless switch from urban densities (4+ units per acre) in Section 23 to rural densities (1 unit per 5 acres) in Sections 13, 14 and 24, and the continuation of earth mining in an increasingly urbanized residential area. Under existing permits from the U.S. Army Corps of Engineers (USACOE) and Florida Department of Environmental Protection, a total of +1,700 acres in these four Sections have been or may be mined.

Sections 13, 14 and 24 in the Agricultural/Rural Area contain large wetland areas in the north, which are contiguous to wetlands proposed for the Cocohatchee West Flow-way and slated for acquisition by the Corkscrew Regional Ecosystem Watershed (CREW) Trust. These wetland areas extend in a contiguous fashion south into Section 23 in the Urban Area, in close proximity to the Mixed Use Activity Center quadrant designated within this Section. Sections 13, 14 and 24 in the Agricultural/Rural Area contain large wetland areas in the north, which are contiguous to wetlands proposed for the Cocohatchee West Flowway and are slated for acquisition by the Corkscrew Regional Ecosystem Watershed (CREW) Trust. These wetland areas extend in a contiguous fashion south into Section 23 in the Urban Area, in close proximity to the Mixed Use Activity Center quadrant designated within this Section.

To resolve potential land use conflicts and protect environmental resources, an Urban-Rural Fringe Transition Zone Overlay is created which encompasses all four sections, and all development proposed within the Overlay area shall comply with the following performance standards:

1. Approximately 533 acres of wetlands, which exist on the property, are currently in a conservation easement. An additional 300 acres of wetlands will be placed in conservation easement status. Together these 830 + acres of wetlands have the potential to be connected to wetland sites off-site thereby providing an environmental and wildlife corridor connection.
2. Native vegetation or other natural areas (inclusive of conservation areas) shall cover a minimum of 40% of the gross land area (or its equivalent off-site) exclusive of existing rock quarries.
3. Seventy percent (70%) of the gross land area shall be devoted to open space, including but not limited to, lakes (including existing rock quarries), golf courses and conservation areas.
4. To the greatest extent practical, the existing rock quarries shall be incorporated into the regional water management system and utilized to accommodate the passing through of off-site water flows and may be used for recreational purposes.
5. Development on the property shall connect to the County's regional water and wastewater facilities, which exist at the southwest corner of the property at the intersection of Immokalee Road and County Road 951, which regional service area is expanded to include all of the property.

(VIII) = Plan Amendment by Ordinance No. 2003-7 on February 11, 2003

6. The maximum number of residential units on the entire Heritage Bay property shall not exceed 3,450 (not including 200 ALF units). This number may be allocated and developed among all of the Sections, in conformance with the environmental preservation requirements referenced in Sub-paragraph 1, above, and shall be clustered, in order to achieve conformance with the other performance standards applicable to this Overlay.
7. Development of the property shall be designed to encourage internal vehicle trip capture by providing commercial and recreational uses and shall provide for pedestrian and bicyclist access to internal community recreation and convenience retail centers. Internal project roadways shall be connected and shall provide access to the Activity Center located in the southwest corner of the property.
8. Commercial activities are limited to a total of 40 acres within the Activity Center located at the northeast quadrant of the intersection of Collier Boulevard and Immokalee Road and three "Village Centers" totaling approximately 26 acres within the residential part of the Heritage Bay development. The Activity Center commercial uses will include a maximum of 150,000 square feet of retail uses and 50,000 square feet of office uses. The Village Center commercial uses will include a maximum of 10,000 square feet of retail uses, 10,000 square feet of restaurant uses, 5,000 square feet of marina related retail uses, and 5,000 square feet of office uses.
9. For golf course(s) located in Sections 13, 14, and 24, for each five (5) gross acres of land area utilized as part of the golf course(s) ("golf course" shall include the clubhouse area, rough, fairways, greens, and lakes, but excludes any area dedicated as a conservation area, which is non-irrigated and retained in a natural state) one (1) transfer of development right (TDR) credit shall be acquired from areas identified by the County as "Sending Lands". In the event that construction of approved golf course(s) commences in Sections 13, 14 or 24 prior to the effective date of the County's applicable TDR program, the developer shall provide, in a manner and form acceptable to the County, financial assurances to guarantee sufficient funds to purchase the necessary number of TDR credits for golf courses. The funds guaranteed by the developer or paid to the County for the golf course TDR credits shall be equal to the required number of TDRs multiplied by the estimated value of a TDR as established by the applicable County TDR program. If such program is not in existence at the time of payment as set forth below, then the amount shall be as set forth in the Final Report by Dr. James C. Nicholas, dated November 23, 2001.

If the construction of approved golf course(s) commences in Section 13, 14, or 24 prior to the effective date of the County's applicable TDR program, then the developer shall be required to acquire the appropriate TDR credits for golf course(s) within 90 days following implementation of the County's TDR program. In the event that an applicable TDR program has not been implemented by the County and is not effective within forty-eight (48) months from the adoption date of this plan amendment, then funds guaranteed by the developer or held by the County for the transfer of development right credits for golf course(s) pursuant to this paragraph shall be released or refunded to the developer and the requirements of this paragraph relating to the guaranteed funds for TDR credits shall be null and void.

(XV)(XXX) **H. Coastal High Hazard Area:**

Policy 12.2.5 of the Conservation and Coastal Management Element (CCME) defines the Coastal High Hazard Area (CHHA). The CHHA boundary is generally depicted on the Future Land Use Map and is more precisely shown in the Future Land Use Map series; all lands lying seaward of that boundary are within the CHHA. New rezones to permit mobile home development shall not be allowed within the CHHA. The Capital Improvement Element and Conservation and Coastal Management Element both contain policies pertaining to the expenditure of public funds for public facilities within the CHHA.

(XV) **ATTACHMENTS**

There are three Attachments to the Future Land Use Element, all pertaining to the Rural Lands Stewardship Area (RLSA) Overlay, as follows:

1. Attachment A, Collier County Rural Lands Stewardship Overlay, Stewardship Credit Worksheet.
2. Attachment B, Collier County Rural Lands Stewardship Overlay, Land Use Matrix.
3. Attachment C, Collier County RLSA Overlay, Stewardship Receiving Area Characteristics.

FUTURE LAND USE MAP SERIES

- (XV) Future Land Use Map
- (XV) Activity Center Index Map
- (XV) Mixed Use & Interchange Activity Center Maps
- (XV)(XXV) Properties Consistent by Policy (5.9, 5.10, 5.11, 5.12) Maps
- (XV) Collier County Wetlands Map
- (I)(XI)(XV) Collier County Wellhead Protection Areas and Proposed Wellfields and ASRs Map
- (XV) Future Land Use Map Rivers and Floodplains
- (XV) Future Land Use Map Estuarine Bays
- (XV) Future Land Use Map Soils
- (XV) Existing Commercial Mineral Extraction Sites Map
- (V)(XV) Bayshore/Gateway Triangle Redevelopment Overlay Map
- (VII)(XV) Stewardship Overlay Map
- (VII) Rural Lands Study Area Natural Resource Index Maps
- (IX)(XV) North Belle Meade Overlay Map
- (XXIV) North Belle Meade Overlay Map Section 24
- (XII)(XVIII) Existing Schools and Ancillary Facilities Map
- (XII)(XVIII) Future Schools and Ancillary Facilities Map
- (XIII) Plantation Island Urban Area Map
- (XIII) Copeland Urban Area Map
- (XIV) Railhead Scrub Preserve – Conservation Designation Map
- (XIV) Lely Mitigation Park – Conservation Designation Map
- (XX) Margood Park Conservation Designation Map

(XXX) = Plan Amendment by Ordinance No. 2013-14 on January 8, 2013

- (VIII) Urban Rural Fringe Transition Zone Overlay Map
- (XIV) Orange Blossom Mixed Use Subdistrict Map
- (XIV) Vanderbilt Beach/Collier Boulevard Commercial Subdistrict Map
- (I) Goodlette/Pine Ridge Commercial Infill Subdistrict Map
- (VI) Henderson Creek Mixed-Use Subdistrict Map
- (VI) Buckley Mixed-Use Subdistrict Map
- (VI) Livingston/Pine Ridge Commercial Infill Subdistrict Map
- (XIV) Vanderbilt Beach Road Neighborhood Commercial Subdistrict Map
- (VI) Livingston Road/Eatonwood Lane Commercial Infill Subdistrict Map
- (VI) Livingston Road Commercial Infill Subdistrict Map
- (XIX) Orange Blossom/Airport Crossroads Commercial Subdistrict
- (XXI) Livingston Road/Veteran's Memorial Boulevard Commercial Infill Subdistrict Map
- (XXI) Corkscrew Island Neighborhood Commercial Subdistrict Map
- (XXI) Collier Boulevard Community Facility Subdistrict Map
- (XXX) Coastal High Hazard Area Map
- (XXX) Coastal High Hazard Area Comparison Map
- (XXXVII) Gordon River Greenway Conservation Area Designation Map
- (XXXIX) Hibiscus Residential Infill Subdistrict Map
- (XLI) Vincentian Mixed Use Subdistrict Map

(XLI) = Plan Amendment by Ordinance No. 2015-32 on June 9, 2015