

ORDINANCE NO. 2023-25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN OF THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, RELATING TO THE RURAL FRINGE MIXED USE DISTRICT RESTUDY AND SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT AND THE FUTURE LAND USE MAP AND MAP SERIES TO REQUIRE TRANSFER OF DEVELOPMENT RIGHTS FOR COMPREHENSIVE PLAN AMENDMENTS FOR INCREASED RESIDENTIAL DENSITY IN THE URBAN MIXED USE DISTRICT AND THE RURAL FRINGE MIXED USE DISTRICT; AMENDING THE URBAN MIXED USE DISTRICT, URBAN RESIDENTIAL FRINGE SUBDISTRICT TO REMOVE THE DENSITY BONUS CAP ON RESIDENTIAL IN-FILL AND REMOVE THE REQUIREMENT TO USE TRANSFER OF DEVELOPMENT RIGHTS WITHIN ONE MILE OF THE URBAN BOUNDARY; AND AMENDING THE RURAL FRINGE MIXED USE DISTRICT OF THE FUTURE LAND USE ELEMENT TO CHANGE DEVELOPMENT STANDARDS AND REQUIREMENTS, INCREASE DENSITY ON RECEIVING LANDS FOR AFFORDABLE HOUSING, ADD TRANSFER OF DEVELOPMENT RIGHTS CREDITS, ADD USES IN RECEIVING AREAS, AND ADD A CONDITIONAL USE FOR RECREATION IN SENDING LANDS, AND TO AMEND DEVELOPMENT STANDARDS FOR RURAL VILLAGES; AND CREATE THE BELLE MEADE HYDROLOGIC ENHANCEMENT OVERLAY; AND TO CORRECT A SCRIVENER'S ERROR FOR THE IMMOKALEE ROAD RURAL VILLAGE OVERLAY ON THE FUTURE LAND USE MAP; AND FURTHERMORE DIRECTING TRANSMITTAL OF THE ADOPTED AMENDMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND PROVIDING FOR AN EFFECTIVE DATE. [PL20200002234]

WHEREAS, Collier County, pursuant to Section 163.3161, et. seq., Florida Statutes, the Community Planning Act, formerly the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

WHEREAS, the Collier County Board of County Commissioners adopted the Collier County Growth Management Plan on January 10, 1989; and

WHEREAS, the Community Planning Act of 2011 provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans; and

WHEREAS, staff has prepared an amendment to the Urban Mixed Use District, Urban Residential Fringe Subdistrict and Rural Fringe Mixed Use District of the Future Land Use Element, and an amendment to the Future Land Use Map and Map Series, of the Growth Management Plan; and

WHEREAS, Collier County transmitted the Growth Management Plan amendment to the Department of Economic Opportunity for preliminary review on May 16, 2022, after public hearings before the Collier County Planning Commission and the Board of County Commissioners; and

WHEREAS, the Department of Economic Opportunity reviewed the amendment to the Growth Management Plan and transmitted its comments in writing to Collier County within the time provided by law; and

WHEREAS, Collier County received an extension from the Department of Economic Opportunity to adopt, adopt with changes or not adopt the proposed amendment to the Growth Management Plan by June 11, 2023; and

WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of this amendment, including the following: the Collier County Staff Report, the documents entitled Collier County Growth Management Plan Amendment and other documents, testimony and information presented and made a part of the record at the public hearings of the Collier County Planning Commission held on March 16, 2023, and the Collier County Board of County Commissioners held on May 23, 2023; and

WHEREAS, all applicable substantive and procedural requirements of the law have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE: ADOPTION OF AMENDMENT TO THE RURAL FRINGE MIXED
USE DISTRICT OF THE FUTURE LAND USE ELEMENT OF THE
GROWTH MANAGEMENT PLAN

The amendment to the Urban Mixed Use District, Urban Residential Fringe Subdistrict and Rural Fringe Mixed Use District of the Future Land Use Element, and the amendment to the Land Use Map and Map Series attached hereto as Exhibit "A" and incorporated herein by reference, are hereby adopted in accordance with Section 163.3184, Florida Statutes, and shall be transmitted to the Florida Department of Economic Opportunity.

SECTION TWO: SEVERABILITY.

If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: EFFECTIVE DATE.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before it has become effective.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 23rd day of May, 2023.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: Jennifer Hansen D.C.

Deputy Clerk
Attest as to Chairman's
signature only.

By: Rick LoCastro

Rick LoCastro, Chairman

Approved as to form and legality:

Heidi Ashton-Cicko
Heidi Ashton-Cicko
Managing Assistant County Attorney

HFAC
3-22-23

This ordinance filed with the
Secretary of State's Office the
26 day of May, 2023
and acknowledgement of that
filing received this 26 day
of May, 2023

By: Jennifer Hansen
Deputy Clerk

Attachment: Exhibit A – Rural Fringe Mixed Use District Future Land Use Element and Maps

EXHIBIT A FUTURE LAND USE ELEMENT

FUTURE LAND USE DESIGNATION DESCRIPTION SECTION [Page 25]

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I. URBAN DESIGNATION [Page 25]

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A. Urban Mixed Use District [Page 27]

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Port of the Island 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 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.

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Any comprehensive plan amendment to increase residential density within this District shall only provide for that density increase via utilization of the transfer of development rights (TDR) program, except TDR credits shall not be required for projects determined by the Board of County Commissioners to have a reasonably sufficient public benefit.

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2. Urban Residential Fringe Subdistrict [Page 28]

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 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.

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

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 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:

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2. Density Bonuses

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d. Residential In-fill

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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;
- (e) There is no common ownership with any adjacent parcels; and
- (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; and
- (g) ~~Of the maximum 3 additional units, one (1) dwelling unit per acre shall be transferred from~~
~~_____ Sending Lands; and~~

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- (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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f. Transfer of Development Rights Bonus

[Page 54]

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.
- (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 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. 200010, 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.

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II. AGRICULTURAL/RURAL DESIGNATION

[Page 74]

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B. Rural Fringe Mixed Use District

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The Rural Fringe Mixed Use District is identified on Future Land Use Map. This District consists of approximately ~~93,600~~77,200 acres, or ~~76~~% 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 adoption₁ of this Plan Amendment₁, the Rural Fringe Mixed Use District consisted₁ of more than 5,550 tax parcels and included_s 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.

Any comprehensive plan amendment to increase residential density herein shall only provide for that density increase via utilization of the transfer of development rights (TDR) program, except TDR credits shall not be required for projects determined by the Board of County Commissioners to have a reasonably sufficient public benefit.

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.

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

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 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:

1. Maximum Density, except for Housing that is Affordable: 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. Maximum Density for Housing that is Affordable: For a project providing housing that is affordable, a maximum density of twelve and two-tenths (12.2) units per acre is allowed, consistent with Section 2.06.00 of the LDC, subject to rezone approval, and subject to the approval of an "Affordable Housing Agreement." TDR credits are not required, nor allowed, to achieve density. Within one (1) year of adoption of these amendments, the County will initiate the LDC amendment to develop appropriate criteria within Section 2.06.00 of the LDC to specifically address affordable housing projects within Receiving Lands.
3. 2-Clustering: Where the transfer of development rights or provision for housing that is affordable 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.

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

4.5. 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. 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 Forest Service 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.
5. 6. Allowable Uses: Uses within Receiving Lands are limited to the following:
- a) Agricultural uses;
 - b) Single-family residential dwelling units, including mobile homes where a Mobile Home Zoning Overlay exists.
 - 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.~~

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- 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.
- k) Golf courses or driving ranges, subject to the following standards:
 - (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.
 - (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 September 2012.
 - ~~(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;~~

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- ~~(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;~~
 - ~~(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)~~(4) 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)~~ (5) 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~~

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~~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) Business and Industrial Uses as identified as Florida Qualified Target Industries. Within one (1) year from the date of adoption of this amendment, the County will commence LDC amendments to provide design standards, development standards, and locational criteria within one (1) year from the date of adoption of this amendment.
- o) Neighborhood commercial uses within Affordable Housing projects. Within one (1) year from the date of adoption of this amendment, initiate ~~The County will commence the LDC amendments to provide uses, design standards, development standards, and locational criteria.~~
- ñ) p) Zoo, aquarium, botanical garden, or other similar uses.
- o) q) Public educational plants and ancillary plants.
- p) r) Facilities for the collection, transfer, processing and reduction of solid waste.
- q) s) Community facilities, such as, places of worship, childcare facilities, cemeteries, social and fraternal organizations.
- r) t) Sports instructional schools and camps.
- s) u) Earthmining, oil extraction and related processing.
- t) v) Asphalt and concrete batch-making plants.
- u) w) Travel trailer recreational vehicle parks, provided the following criteria are met:
 - 1) The subject site is abutting an existing travel trailer recreational vehicle park site; and,
 - 2) The subject site is no greater than 100% the size of the existing abutting park site.
- v) x) Parks, open space, and recreational uses.
- w) y) Private schools.

~~6.~~ 7. Density Blending shall be permitted subject to the provisions set forth in the Density Rating System.

~~7.~~ 8. Open Space and Native Vegetation Preservation Requirements:

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- a) Usable Open Space: Within Receiving Lands, projects utilizing TDR Credits greater than 40 acres in size shall provide a minimum of 70% usable open space. Affordable housing projects that are developed in accordance with Section 2.06.00 of the LDC shall provide a minimum of 50% 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.

~~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).
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-

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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.~~

3. Allowable Uses:

- a) Agricultural uses;
- b) Single-family residential dwelling units, including mobile homes where a Mobile Home Zoning Overlay exists.
- 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.
- j) Golf courses or driving ranges, subject to the following standards:
 - (1) Golf courses shall be designed, constructed, and managed in accordance with the best management practices of Audubon International's Gold

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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-September 2012.
- ~~(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)~~(3) 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

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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)~~(4) 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.
 - 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.
 - q) Parks, open space, and recreational uses.
 - r) Private schools.
 - 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.
 5. Density Blending shall be permitted subject to the provisions set forth in the Density Rating System.
 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;~~

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- ~~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 Neutral Lands boundary will not adversely affect the TDR program.~~

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.
2. Base Severance Rate: Development rights may be severed from Sending Lands at a maximum rate of ~~0.2~~ 0.4 TDR credits per acre (~~4~~ 2 TDR Credits 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~~ two (2) TDR Credits may be severed from said lot or parcel.
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~~ and 5 ~~6~~ below are also

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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).
4. Environmental Restoration and Maintenance TDR Bonus: ~~One (1) additional TDR Bonus Credits may be issued at a rate of up to 0.6 TDR Credits per acre (3 TDR Credits per 5 acres), subject to criteria in the LDC, but in no case less than 0.2 TDR Credits per acre. In the case of legal nonconforming lots or parcels in existence as of June 22, 1999, where such lot or parcel is less than 5 acres in size, up to three (3) TDR Credits may be severed from said lot or parcel, 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 a) or b) below 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.
 - c) For Sending Lands properties in private ownership located within, or partially within, the Belle Meade Hydrologic Enhancement Overlay (BMHEO), the Environmental Restoration and Maintenance TDR Bonus Credit shall be granted when, within two (2) years of the effective date of this provision: (1) the property owner provides a "Flow-Way Easement" to Collier County; and, (2) the property owner removes the invasive exotic plants from the parcel. The County will assume responsibility for the recording of the easement and the perpetual exotic maintenance of the parcel as a condition of the property owner granting the easement.
 - d) Within one (1) year of adoption of these amendments, the County will, if determined appropriate, commence the LDC amendment to develop criteria to increase the number of eligible TDR Credits from 0.2 to 0.6 TDR Credits per acre.
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
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or legal nonconforming lot of record for conveyance of fee simple title to a federal, state, or local governmental agency by gift; or to a not-for profit entity or land trust, approved by the Board of County Commissioners, by gift.

~~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, or until September 27, 2022, unless further extended by resolution by the Board of County Commissioners. Early Entry TDR Bonus Credits may be used after the termination of the bonus period.~~

6. Belle Meade Flow-Way TDR Bonus: Owners of Pprivate property owners of land located within or partially within the Belle Meade Hydrologic Enhancement Overlay (BMHEO), as depicted on the BMHEO Map, may sever development rights from Sending Lands at a maximum rate of 0.4 TDR credits per acre (2 TDR Credits per five acres) or legal nonconforming lot of record in exchange for providing a "Flow-Way Easement" to Collier County. Eligibility is limited to within two (2) years of adoption of the establishment of the BMHEO. Eligible parcels are identified on the Belle Meade Hydrologic Enhancement Overlay Area FlowWay TDR Bonus Credit Eligibility Map, adopted by separate resolution (Res. 23-XXX).

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.
- e) Sporting and Recreational camps, with which the lodging component shall not exceed 1 unit per 5 gross acres.
- f) Essential Services necessary to serve permitted uses identified in Section 7.a) through 7.e) such as private wells and septic tanks.
- g) Essential Services as follows, necessary to serve Urban area 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

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within already cleared portions of existing rights-of-way or easements; and, water pumping stations and raw water wells.

- h) Essential Services necessary to ensure public safety.
- 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:
 - (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.
 - (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.
 - (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.
 - (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.
 - (6) Active recreational uses only on lands owned by government entities other than the State of Florida and designated North Belle Meade Overlay, subject to criteria and/or definitions established in the LDC.
- b) In addition to the criteria set forth in the Land Development Code, Conditional Uses shall be allowed subject to the following additional criteria:

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- (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.
 - 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 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~~
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~~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.~~

11. Clustering: For Sending Lands parcels a minimum of eighty (80) acres, or an aggregation of parcels where each is a minimum of forty (40) acres, clustering is allowed in accordance with the following provisions:

- a) The maximum lot size allowable for a single-family detached dwelling unit is one acre.
- b) 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) 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:

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.
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.
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.

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- 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.
- 4. The TDR process shall be the only mechanism to achieve increased density within Receiving Lands, excluding: the Density Blending provisions of this Plan; Housing that is Affordable in the Plan; and any density bonuses authorized in the Rural Fringe Mixed Use District.
- 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.
- 6. A TDR Bonus Credit shall be issued to the owner of private property for each five (5) acre parcel or legal nonconforming lot of record designated Receiving Lands or Neutral Lands, at the transfer rate of one (1) additional TDR Bonus Credit for each five acres or legal nonconforming lot of record, utilized for a conservation use. A perpetual easement shall be placed on lands used for conservation uses to protect these lands in perpetuity. A restrictive covenant in favor of Collier County will be placed on lands used for conservation restricting the use in perpetuity to protect against non-conservation development.
- 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.
- 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 or Village Center. Neighborhood Centers

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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: The Collier County Land Development Code includes provisions for the establishment of Rural Villages. These provisions establish specific development regulations, standards, and land use mix requirements. ~~Subsequent to the creation of these provisions, Rural Village 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.~~

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.~~ 1. 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.
2. A Rural Village shall be located where other public infrastructure, such as potable water and sewer facilities, already exist or are planned.

C) Rural Village Sizes, and Density, and Design:

1. Rural Villages shall be a minimum of 300 acres and shall utilize Rural Village standards herein and within the LDC. A Rural Village shall have 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.

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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.
- 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.
- 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 one-half (1.0) ~~(0.5)~~ unit bonus for each (1) unit that is provided for low income residents.
 - 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.
 - 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.
4. Greater than 50 percent of residential development shall be located within one quarter mile of a Neighborhood Center or the Village Center.
5. Rural Villages shall include a Village Center and a minimum of two distinct neighborhoods.

D) Land Use Mix:

~~1. Acreage Limitations~~

1. Neighborhood Center Characteristics

- a) Small scale service retail and office uses allowed; maximum floor area ratio (FAR) of .5
- b) Parks and Public Green Spaces required; minimum of one (1) percent of total Village acreage

2 Village Center Characteristics

a) Floor Area Ratio or Intensity

1. Retail and Office allowed; maximum FAR of 0.5

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- 2. Civic, Government, and Institutional Services allowed; maximum FAR of 0.6
- 3. Group Housing allowed; maximum FAR of 0.45
- 4. Transient Lodging allowed; maximum of 26 units per acre net
- b) Goods and Services required; minimum of 53 sq. ft. gross building area per dwelling unit
- c) Civic, Government and Institutional Services required; minimum of 10 sq. ft. per dwelling unit
- 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.~~
- e) ~~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) d) Research and Technology Parks allowed; must be —~~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.~~
- f) ~~Civic Uses and Public Parks — Minimum of 10% of the total Village acreage.~~

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 200 ~~300~~ feet in width but not less than 2100 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.

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- 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.
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.

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.

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- 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.
 - The siting of both schools and housing units within the village shall consider the minimization of busing needs within the community.
 - 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.
 - A Rural Village shall not be split by an arterial roadway.
 - Interconnection between the Rural Village and abutting developments shall be encouraged ~~required~~.
2. Specific allocations for land uses including residential, commercial and other non-residential uses within Rural Villages, shall include, but are not limited to:
 - A mixture of housing types, including single-family attached and detached, as well as multi-family. Projects providing affordable housing as required in the Rural Fringe Mixed Use Overlay contained in the Collier County Land Development Code shall receive a credit of one-half (0.5) units for each (1) 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.

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- H) For the Belle Meade and North Belle Meade Receiving Areas, within one (1) year from the effective date of adoption of these amendments, staff will initiate a study to evaluate the public infrastructure needs, maximum density allowance, employment opportunities, and design parameters, and propose appropriate GMP and/or LDC amendments.

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 existing uses shall include onsite 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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V. OVERLAYS AND SPECIAL FEATURES

[Page 99]

A. Area of Critical State Concern Overlay

The Big Cypress Area of Critical State Concern (ACSC) was established by the 1974 Florida Legislature. The ACSC is displayed on the Future Land Use Map as an overlay area. The ACSC encompasses lands designated Conservation, Agricultural/Rural, Estates and Urban (Port of the Islands, Plantation Island and Copeland). Chokoloskee is outside the boundaries of the Big Cypress ACSC. Two areas located within the boundaries of the ACSC are exempt from the ACSC regulations: Everglades City: and, Ochopee, which is described as all of Sections 27, 28, 33 and 34, Township 52 South, Range 30 East.

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B. North Belle Meade Overlay

[Page 102]

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

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C. Belle Meade Hydrologic Enhancement Overlay (BMHEO)

[Page New]

The purpose of the BMHEO is to restore natural flow ways and rebalance freshwater flows into two natural systems – Naples Bay and Rookery Bay. Naples Bay has been adversely impacted over the years from an abundance of fresh water from the Golden Gate Canal; and, Rookery Bay from increased salinity caused by too little freshwater inflow. The Comprehensive Watershed Improvement Plan is a county initiative designed to address these adverse impacts with a series of hydrologic improvements to rebalance these two natural systems while rehydrating approximately 10,000 acres of land within and adjacent to the Picayune Strand State Forest to reestablish historical flows through this area. As a result, lands within the BMHEO will have standing water at varying levels depending on the location of these lands within the Overlay. The Lands within the Core Hydration Area will be impacted by a larger volume of water and for a longer period, and lands within the Primary and Secondary Flow Ways will be impacted to a lesser degree (refer to BMHEO Map).

Lands within the BMHEO are under public and private ownership. Recognizing the public benefit achieved through these hydrologic enhancements, private property owners within the BMHEO will be eligible to participate in the Transfer of Development Rights Program, as provided within the RFMUD TDR provisions herein.

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GD. Natural Resource Protection Area Overlay

[Page 120]

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. NRPAs 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.

NRPAs 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;

NRPAs located in the Rural Fringe Mixed Use District are identified as Sending Lands. Owners of Private property owners within these NRPAs may transfer residential development rights from these important environmentally sensitive lands in accordance with Sending Lands provisions.

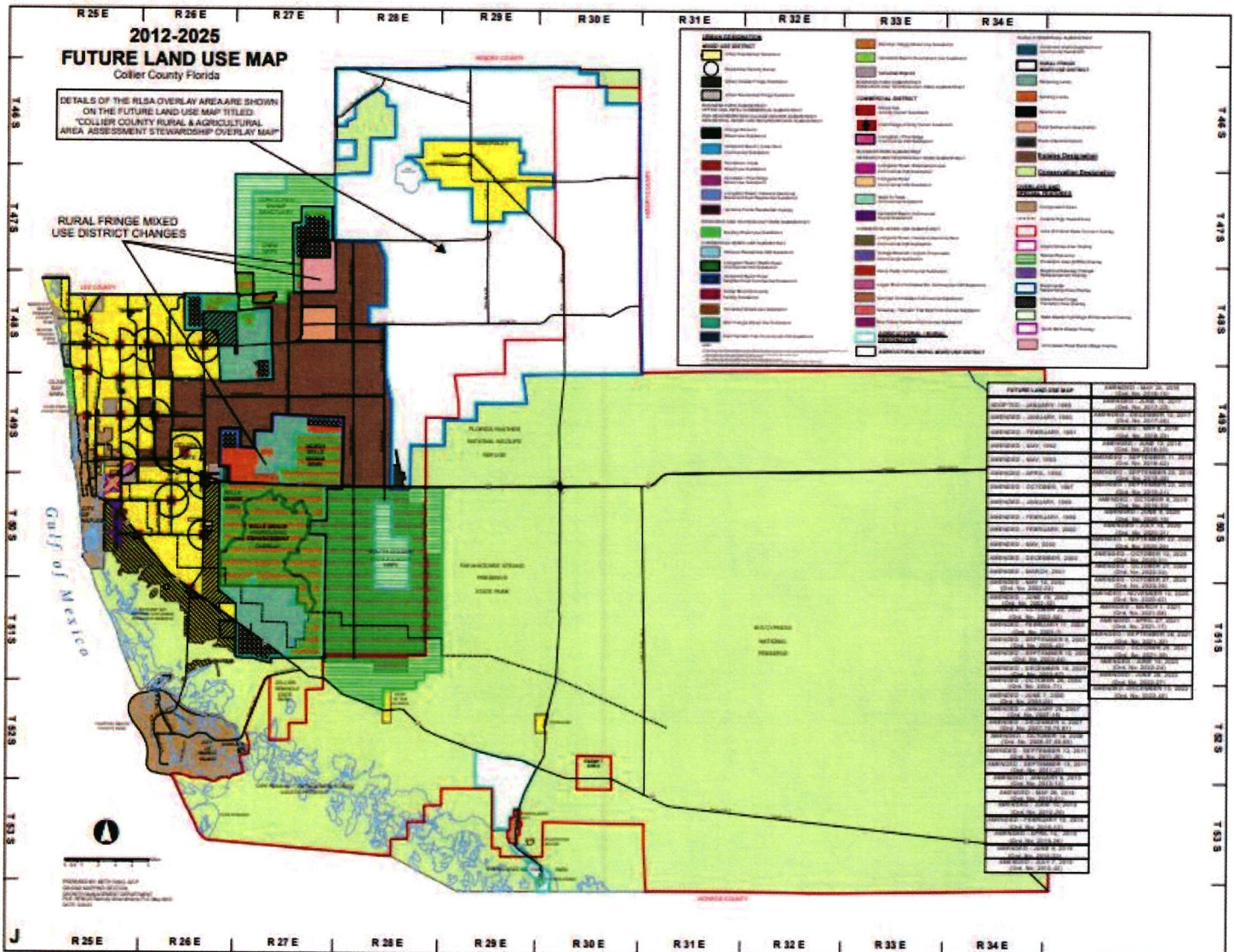
Natural Resource Protection Areas (NRPAs) shall have the following standards:

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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.
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.
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.

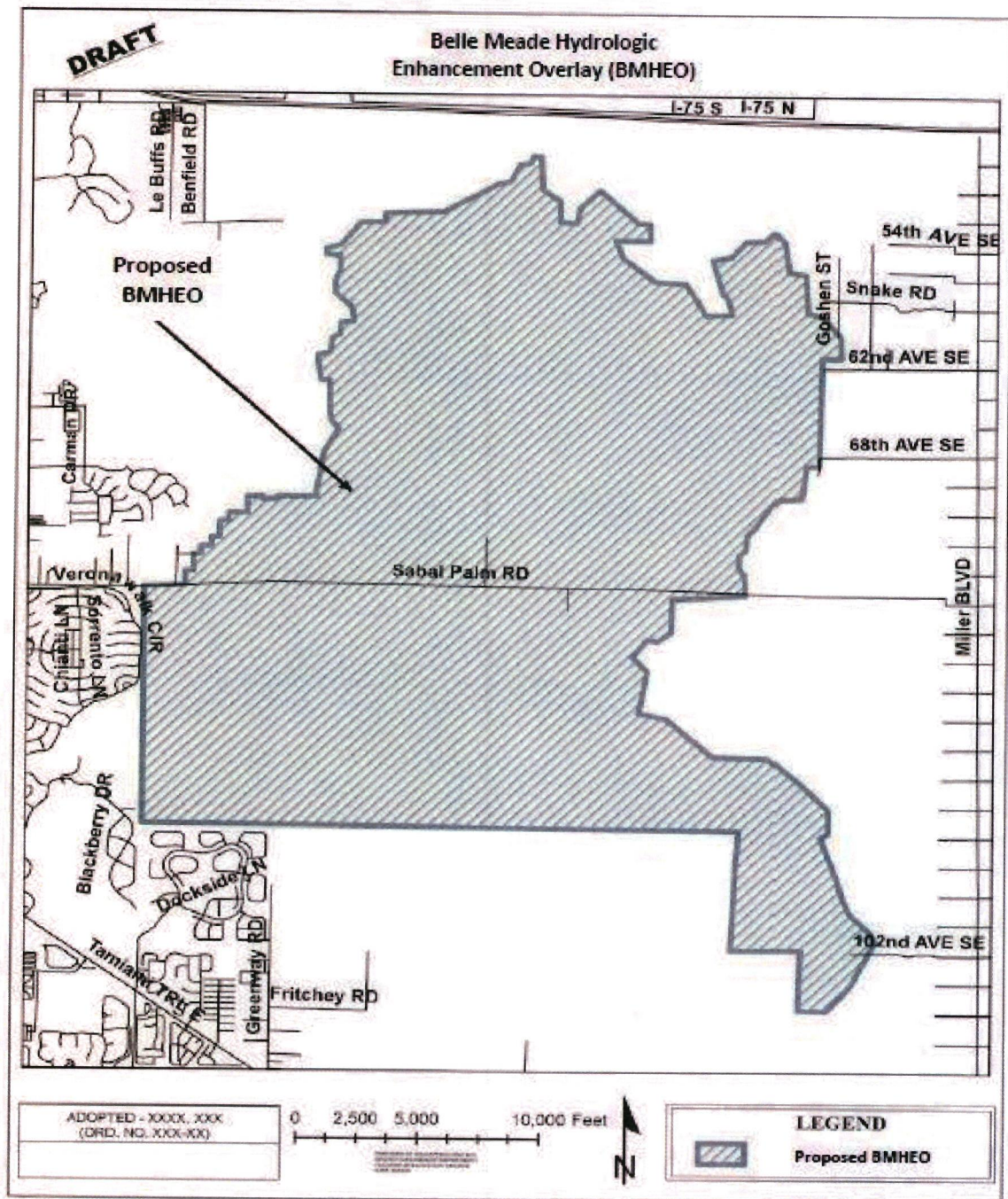
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Exhibit A



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Exhibit A
[PL20200002234]



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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

May 30, 2023

Jennifer Hansen, BMR & VAB
Deputy Clerk
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, FL 34112

Dear Jennifer Hansen,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2023-25, which was filed in this office on May 26, 2023.

If you have any questions or need further assistance, please contact me at (850) 245-6271 or Anya.Owens@DOS.MyFlorida.com.

Sincerely,

Anya C. Owens
Administrative Code and Register Director

ACO/wlh