

TREE FARM MPUD

A

MIXED-USE PLANNED UNIT DEVELOPMENT

REGULATIONS AND SUPPORTING MASTER PLAN
GOVERNING THE TREE FARM MPUD,
A PLANNED UNIT DEVELOPMENT PURSUANT TO
PROVISIONS OF THE COLLIER COUNTY
LAND DEVELOPMENT CODE

PREPARED FOR:

LANDQUEST GROUP
5150 TAMiami TRAIL NORTH
NAPLES, FLORIDA 34103

PREPARED BY:



6610 Willow Park Drive
Suite 200
Naples, Florida 34109

and

R. BRUCE ANDERSON
CHEFFY PASSIDOMO, P.A.
821 5TH AVENUE SOUTH
NAPLES, FLORIDA 34102

AMENDED BY:

Q. GRADY MINOR AND ASSOCIATES, P.A.
3800 VIA DEL REY, BONITA SPRINGS, FL 34134

And

COLEMAN, YOVANOVICH AND KOESTER, P.A.
THE NORTHERN TRUST BUILDING, 4001 TAMiami TRAIL NORTH, SUITE 300, NAPLES,
FLORIDA 34103

DATE REVIEWED BY CCPC: _____
DATE REVIEWED BY BCC: _____
ORDINANCE NUMBER: 07-54
AMENDMENTS AND APPEAL: HEX 2015-42

EXHIBIT “A”

THENCE LEAVING THE SAID NORTH LINE, N. 00°44'25" W., A DISTANCE OF 2568.56 FEET TO A POINT ON THE EAST-WEST QUARTER (1/4) LINE OF SAID SECTION 22;
THENCE LEAVING THE SAID EAST-WEST QUARTER (1/4) LINE N. 00°45'01" W., A DISTANCE OF 1334.03 FEET;
THENCE N. 89°56'17" E., A DISTANCE OF 653.36 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.
CONTAINING 2,563,283.4 SQUARE FEET OR 58.84 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

1.3 PROPERTY OWNERSHIP

The subject property is owned by:

~~Thomas S. Monaghan (Tree Farm Land Trust)~~ TBC Tree Farm 2, LLC (Folio: 00187400000, and 00187400002, and 00188040005).

TBC Tree Farm 1, LLC (Folio: 00188040005)

Collier County (Folio: 00190041403, 7.42 ac property conveyed fee simple to Collier County – OR4413 PG 3834)

1.4 DEVELOPER

The Tree Farm property is intended to be developed by the Tree Farm Land Trust or assignee. All reference to the “developer” as may be contained in this MPUD Document shall mean the Tree Farm Land Trust, unless, and until the subject property described and depicted in this MPUD Document is conveyed, or assigned. It is the responsibility of the Tree Farm Land Trust to notify Collier County, in writing, of the land conveyance, or assignment of the subject property described and depicted in this MPUD Document within six months from the actual conveyance, or assignment.

1.5 PHYSICAL DESCRIPTION

The development property is located in Section 22, Township 48 South, Range 26 East, Collier County. It consists of ±58.84 acres located in the northwest corner of the intersection of Immokalee Road (CR 846) and Collier Boulevard (C.R. 951). The property was previously used as a tree nursery. Improvements on the property consist of a small maintenance shed and the property is generally without topographic relief, with the average elevation at approximately 13 feet above mean sea level.

The water management system will consist of approximately ±6.4 acres of water management areas that will receive runoff from structures and parking areas. Run-off is collected by catch basins and culvert systems for conveyance to the project’s internal lake system. The project outfall will be at the project’s eastern boundary. Discharge will be into the Cocohatchee Canal that runs along Immokalee Road. Allowable discharge rates will be in accordance with applicable County ordinances.

The water management system will be permitted by the South Florida Water Management District (SFWMD) through the Environmental Resource Permit (ERP) process. All rules and

1.7 SHORT TITLE

This Ordinance shall be known and cited as the “Tree Farm Mixed-Use Planned Unit Development (MPUD) Ordinance”.

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TABLE III
DEVELOPMENT STANDARDS FOR COMMERCIAL DISTRICT

	PRINCIPAL USES		ACCESSORY USES
MINIMUM LOT AREA	10,000 sq. ft.		N/A
AVERAGE LOT WIDTH	100 ft.		N/A
MINIMUM YARDS (External)			
From Immokalee Road Canal ROW	25 ft.		SPS
From Future Extension of Collier Blvd.	25 ft.		SPS
From Western Project Boundary*****	25 ft.		15 ft.
MINIMUM YARDS (Internal)			
Internal Drives/ROW	15 ft.		10 ft.
Rear	10 ft.		10 ft.
Side	10 ft.		10 ft.
Lakes	25 ft.		20 ft.*
Preserves	25 ft.		10 ft.
MIN. DISTANCE BETWEEN STRUCTURES	10 ft. or 1/2 the sum of building heights**		10 ft.
MAXIMUM HEIGHT	ZONED	ACTUAL	
Retail Buildings (with or without residential uses)	50 ft.	62 ft.	35 ft.
Office Buildings (with or without residential uses)	65 ft.	77 ft.	35 ft.
MINIMUM FLOOR AREA	1,000 sq. ft.***		N/A
MAX. GROSS LEASABLE COMMERCIAL AREA	120,000 sq. ft. ****		N/A

* No structure may be located closer than 20 feet to the top of bank of a lake (allowing for the required minimum 20 foot wide lake maintenance easement).

** Whichever is greater.

*** Per principal structure, kiosk vendor, concessions, and temporary or mobile sales structures shall be permitted to have a minimum floor area of twenty-five (25) square feet and shall be subject to the accessory structure standards set forth in the LDC.

**** Total allowable commercial square footage is 120,000 square feet; however no more than 100,000 may be retail or office and the balance, above 100,000 square feet, if developed, shall be office.

***** In the event the property is developed as a unified development with the Addie's Corner PUD, a zero foot setback shall be allowed along the common property PUD boundary and no landscape buffer shall be required.

1. Customary accessory uses and structures including, but not limited to private garages, swimming pools and screened enclosures.

4.4 DEVELOPMENT STANDARDS

- A. GENERAL: Except as provided for herein, all criteria set forth below shall be understood to be in relation to individual parcel or lot boundary lines, or between structures. Condominium, and/or homeowners' association boundaries shall not be utilized for determining development standards.

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**TABLE IV
RESIDENTIAL DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARDS	SINGLE-FAMILY DETACHED	SINGLE-FAMILY ATTACHED & TOWNHOUSE	TWO FAMILY, PATIO ^{1,2} & ZERO LOT LINE	MULTI FAMILY ⁵
PRINCIPAL STRUCTURES				
MINIMUM LOT AREA	2,250 S.F. PER UNIT	2,250 S.F. PER UNIT	2,250 S.F. PER UNIT	10,000 S.F.
MINIMUM FLOOR AREA	1,000 S.F.	1,000 S.F.	1,000 S.F.	1,000 750 S.F./D.U.
MIN FRONT YARD ^{3,4}	15 FEET	15 FEET	15 FEET	15 FEET
MIN SIDE YARD	5 FEET	0 FEET or 5 FEET	0 FEET or 5 FEET	10 FEET
MIN REAR YARD	7.5 FEET	7.5 FEET	7.5 FEET	20 FEET
MIN PRESERVE SETBACK	25 FEET	25 FEET	25 FEET	25 FEET
MIN. DIST. BETWEEN STRUCTURES	10 FEET	10 FEET	10 FEET	20 FEET or ½ ZONED BH, WHICHEVER IS GREATER
MAX. ZONED HEIGHT	2 STORIES NTE 42 FEET	2 STORIES NTE 42 FEET	2 STORIES NTE 42 FEET	3 STORIES NTE 50 FEET
ACTUAL HEIGHT ⁵	54 FEET	54 FEET	54 FEET	62 FEET
ACCESSORY STRUCTURES				
FRONT	10 FEET	10 FEET	10 FEET	10 FEET
SIDE	5 FEET	5 FEET	5 FEET	5 FEET
REAR	5 FEET	5 FEET	5 FEET	5 FEET
PRESERVE SETBACK	10 FEET	10 FEET	10 FEET	10 FEET
MAX. BLDG. HT. NOT TO EXCEED	SPS	SPS	SPS	3 STORIES NTE 42 FEET

S.P.S.: Same as Principal Structures. NTE: Not To Exceed
BH: Building Height

General Notes:

Front yards shall be measured as follows: If the parcel is served by a public or private right-of-way, setback is measured from the adjacent right-of-way line.

If the parcel is served by a private road, setback is measured from the back of curb (if curbed) or edge of pavement (if not curbed).

Setback from lake easements for all accessory uses and structures may be zero feet (0').

No structure, other than those permitted within the LDC to be located within a required landscape buffer tract or easement, shall encroach into a required landscape buffer tract or easement.

Footnotes

- 1) *A patio home is a detached or semi-detached single-family unit from ground to roof wherein each dwelling unit lot is enclosed by a wall located at the lot line, thus creating a private yard between the house and the wall.*
- 2) *Setback may be either zero feet (0') on one side and five feet (5') on the other side in order to provide a minimum separation between principal structures of ten feet (10'). At the time of application for subdivision plat approval for each tract, a lot layout depicting minimum yard setbacks and building footprint shall be submitted.*
- 3) *Front loading garages shall have a minimum front yard setback of twenty-three feet (23'), as measured from the back of sidewalk. Side loaded garages may be located less than twenty-three feet (23') feet from the back of sidewalk provided that the driveway design allows for parking of vehicles so as not to interfere with or block the sidewalk. These provisions apply to a garage whether attached to the principal structure or detached.*
- 4) *For corner lots, only one (1) front yard setback shall be required. The yard that does not contain the driveway shall provide a 10' setback.*
- 5) *In the event amendments are made to the Addie's Corner PUD to allow for a unified development plan of both properties, a zero setback shall be allowed along their common property line of this PUD and no landscape buffer shall be required.*

4.5 PERMITTED USES FOR RECREATIONAL AREA, LABELED “RA” ON MASTER PLAN

A. Principal Uses:

1. Clubhouse, gazebo, or other structures intended to provide social and recreational space for the private use of the residents and their guests.
2. Outdoor recreation facilities, such as a community swimming pool, tennis and basketball courts, playgrounds, pedestrian/bicycle pathways, and water features.
3. Passive open space uses and structures, such as but not limited to landscaped areas, gazebos, and park benches.
4. Any other principal use which is comparable in the nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals (“BZA”) or Hearing Examiner, as applicable.

B. Accessory Uses:

1. Community maintenance areas, and maintenance structures.
2. Any other accessory use which is comparable in nature with the foregoing list of permitted accessory uses, as determined by the Board of Zoning Appeals (“BZA”) or Hearing Examiner, as applicable.

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SECTION V

PRESERVE AREA (P)

5.1 PURPOSE

The purpose of this section is to set forth the development plan for areas designated as District “P”, Preserve Area on Exhibit “A”, MPUD Master Plan. The primary function and purpose of this District is to preserve and protect vegetation and naturally functioning habitats, such as wetlands, including upland buffers, in their natural, and/or enhanced state.

5.2 USES PERMITTED

A. Principal Uses:

1. Open spaces/nature preserves.

B. Accessory Uses:

1. Water management structures.
2. Mitigation areas.
3. Passive recreational uses such as pervious nature trails or boardwalks shall be allowed within the preserve areas, as long as any clearing required to facilitate these uses does not impact the minimum required vegetation. For the purpose of this Section, passive recreational uses are those uses that would allow limited access to the preserve in a manner that will not cause any negative impacts to the preserve, such as pervious pathways, benches and educational signs. Fences may be utilized outside of the preserve to provide protection of the preserve in accordance with the applicable requirements set forth in the LDC. Fences and walls shall not be permitted within the preserve area. Perimeter berms and swales shall be located outside preserve boundaries.

- C. The .51 acre preserve tract depicted on the MPUD Master Plan shall be re-vegetated in compliance with MPUD Exhibit “D”, Compliance Agreement, and in accordance with the applicable provisions of the LDC.

6.7 PUD MONITORING

One entity (hereinafter the Managing Entity) shall be responsible for PUD monitoring until close-out of the PUD, and this entity shall also be responsible for satisfying all PUD commitments until close-out of the PUD. At the time of this PUD approval, the Managing Entity is TBC Tree Farm I, LLC, 14004 Roosevelt Boulevard, Suite 601, Clearwater, Florida 33762. Should the Managing Entity desire to transfer the monitoring and commitments to a successor entity, then it must provide a copy of a legally binding document that needs to be approved for legal sufficiency by the County Attorney. After such approval, the Managing Entity will be released of its obligations upon written approval of the transfer by County staff, and the successor entity shall become the Managing Entity. As Owner and Developer sell off tracts, the Managing Entity shall provide written notice to County that includes an acknowledgement of the commitments required by the PUD by the new owner and the new owner's agreement to comply with the Commitments through the Managing Entity, but the Managing Entity shall not be relieved of its responsibility under this Section. When the PUD is closed-out, then the Managing Entity is no longer responsible for the monitoring and fulfillment of PUD commitments.

6.8 MISCELLANEOUS

- A. Issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. (Section 125.022, FS)
- B. All other applicable state or federal permits must be obtained before commencement of the development.

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