

**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:

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DATE REVIEWED BY CCPC: \_\_\_\_\_  
DATE REVIEWED BY BCC: \_\_\_\_\_  
ORDINANCE NUMBER: 07-54  
AMENDMENTS AND APPEAL: HEX 2015-42, [HEX 2018-12](#)

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## STATEMENT OF COMPLIANCE

The development of ±58.84 acres of property in Collier County, Florida, as a Mixed Use Planned Unit Development (MPUD) to be known as the Tree Farm MPUD, shall be in compliance with the goals, objectives, and policies of the Collier County Growth Management Plan (GMP), Land Development Code (LDC) and other applicable codes and ordinances. The commercial and residential uses and recreational facilities of the Tree Farm MPUD will be consistent with the growth policies, land development regulations, and applicable comprehensive planning objectives of each of the GMP elements for the following reasons:

1. The subject property is 58.84+/- acres in size and is designated Urban on the Future Land Use Map, with 40.15 acres located within a residential density band of the Urban Mixed Use District, Urban Residential Subdistrict, and 18.69 acres located within Commercial District, Mixed Use Activity Center Subdistrict, as identified on FLUM. Consistent with the provisions of Objective 1 of the Future Land Use Element (FLUE), all uses contemplated are consistent with these respective designations.
2. Approximately 18.69 acres of the subject property is located within an area identified as Activity Center #3 in the FLUE of the GMP for Collier County.
3. Activity Centers are the preferred locations for concentration of commercial and mixed use development activities. The subject property is located on the northwest corner of the intersection of Immokalee Road and Collier Boulevard (C.R. 951). This strategic location will allow superior access to the site, and provide an ideal location for commercial activities. The project is a mixed use development located within, and less than one mile from, an Activity Center. Therefore, the proposed commercial uses and residential densities are consistent with the FLUE of the Collier County GMP.
4. The development will be compatible and complimentary to existing and planned surrounding land uses (Policy 5.4~~6~~).
5. The project must comply with the provisions of Division 6.02.01, adequate public facilities requirements of the LDC. Therefore, it will implement, and further Objective 2 of the FLUE, Objective 8 of the Transportation Element, Objective 1.2 of the Sanitary Sewer Sub- Element.
6. The maximum allowable density as set forth under the FLUE Density Rating System and Mixed Use Activity Center is as follows:

FLUE Designation	Acres +/-	Eligible Base Units/Acre	Eligible Bonus Density/Acre	Total Eligible Density/Acre	Eligible Gross Density
Mixed Use Activity Center Subdistrict	18.69	16	N/A	16	299.04
Urban Residential Subdistrict, Density Band	40.15	4	3	7	281.05
Total	58.84	N/A	N/A	<del>9.85</del> 86	580.00*

Table IA: FLUE Eligible Density (\* Rounded)

FLUE Designation	Acres +/-	MPUD Density Units/Acre	Eligible Density/Acre	MPUD Gross Density
Mixed Use Activity Center Subdistrict**	18.69	<del>0.00</del> 9.58	16	<del>0.00</del> 179
Urban Residential Subdistrict, Density Band	40.15	7.00	7	281.05
Total	58.84	<del>4.78</del> 7.82	9.86	<del>281</del> 460.00*

Table IB: MPUD Density (\*Rounded)

\*\* Per the Future Land Use Element, C. Urban Commercial District, Mixed Use Activity Center Subdistrict: A minimum of 30% of the Activity Center-accumulated density shall be constructed within the Activity Center. The remaining 70% of the Activity Center-accumulated density shall be constructed within 1/3 mile of the Activity Center. The maximum number of the Activity Center-accumulated density must not exceed 179 dwelling units.

- The MPUD sets forth a maximum density of ~~281-460~~ dwelling units or 7.82 dwelling units per gross acre, dispersed throughout the project site in accordance with the Future Land Use Element, (281 multi-family/townhouse or 138 single-family detached units) subject to the vehicular trip cap in Section 6.3.J. of this PUD ~~or 4.78 dwelling units per acre~~. The Activity Center shall be: developed at a human scale; pedestrian-oriented; and, interconnected with the remaining portions of the project with pedestrian and bicycle facilities.
- The MPUD has been designed to provide for future vehicular interconnectivity to the west, and has been designed to provide vehicular, pedestrian and bicycle interconnectivity throughout the project, including between the commercial and residential components.

## SECTION I

### PROPERTY OWNERSHIP AND DESCRIPTION

#### 1.1 PURPOSE

The purpose of this Section is to set forth the location and ownership of the property, and to describe the existing conditions of the property proposed to be developed under the project name of the Tree Farm MPUD.

#### 1.2 LEGAL DESCRIPTION

BEING PART OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA.

PARCEL 1:

THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, EXCEPTING AND RESERVING THEREFROM THE EAST 30 FEET AND SOUTH 30 FEET THEREOF AS ACCESS EASEMENT FOR HIGHWAY RIGHT-OF-WAY.

PARCEL 2:

THE EAST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, EXCEPTING AND RESERVING THEREFROM THE EAST 30 FEET AND THE NORTH 30 FEET THEREOF AS AN ACCESS EASEMENT FOR HIGHWAY RIGHT-OF-WAY.

PARCEL 3:

THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, SUBJECT TO AN EASEMENT FOR PUBLIC RIGHT- OF-WAY OVER AND ACROSS THE EAST 30 FEET THEREOF; AND EXCEPTING THE SOUTH 100 FEET THEREOF FOR CANAL RIGHT-OF-WAY.

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST;

THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER (1/4) OF SAID SECTION 22,

S. 00°51'06" E., A DISTANCE OF 1334.40 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE CONTINUE ALONG THE SAID EAST LINE, S. 00°51'06" E., A DISTANCE OF 1334.40 FEET TO THE EAST QUARTER (1/4) CORNER OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 22, S. 00°50'18" E., A DISTANCE OF 2569.47 FEET TO A POINT ON THE NORTH LINE OF A 100 FEET WIDE CANAL RIGHT-OF-WAY;

THENCE LEAVING THE SAID EAST LINE, N. 89°57'31" W., A DISTANCE OF 660.13 FEET ALONG THE SAID NORTH LINE;

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:  
TBC Tree Farm 2, LLC (Folio: 00187400000, and 00187400002)  
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 regulations of SFWMD will be imposed upon this project including, but not limited to: storm attenuation with a peak discharge rate per Collier County and SFWMD Rules, minimum roadway centerline, perimeter berm and finished floor elevations, and water quality pre-



treatment.

## 1.6 PROJECT DESCRIPTION

The Tree Farm MPUD shall be a mixed-use development. The southern  $\pm 18.69$  acres of the property, located within Activity Center #3, shall allow for a variety of commercial uses. The remainder of the property shall be used for residential development.

The commercial land uses within the Activity Center portion of the property are those typically associated with major intersections, including, but not limited to, convenience stores with gas pumps, restaurants, banks, and shopping centers anchored by a major grocery or retail store(s). The commercial uses and signage will be designed to be harmonious with one another and will be compatible with adjacent and nearby land uses. In addition to compliance with all applicable provisions of the LDC, except where deviations are authorized, compatibility and harmony will be achieved by using common architectural elements and common entryway signage and landscape design themes.

The amenities proposed to be provided as part of the residential and recreational portion of the project include, but are not limited to structures (clubhouse), and complimentary areas (swimming pool, children's playground, and tennis facilities) to provide social and recreational space, lakes, natural and landscaped open spaces, and a variety of passive (native preserves) and active recreational opportunities.

Access to the property will be from Collier Boulevard (C.R. 951) and will include an access point off Immokalee Road, when a shared access agreement with the adjacent property to the west is negotiated. The access from Immokalee Road will be aligned with the access to the Pebblebrooke Subdivision located south of Immokalee Road, and across from and to the west of subject property. Access from Collier Boulevard is depicted on the MPUD Master Plan as follows: a right in / right out access at approximately 660 feet from the Collier Boulevard, Immokalee Road intersection; a directional median opening at approximately one-quarter (1/4) mile from Collier Boulevard, Immokalee Road intersection; a full median opening at approximately one-half (1/2) mile from the Collier Boulevard, Immokalee Road intersection; and an optional right in/right out access at approximately three quarter (3/4) mile from the Collier Boulevard/Immokalee Road intersection. The directional and full median openings will be aligned with the access points approved for the Heritage Bay DRI, and all access points are subject to review and approval of Collier County Transportation Services Division. Additionally, this project has provided adequate land to accommodate the widening of Immokalee Road and Collier Boulevard, including intersection improvements and the reconfiguration of the Immokalee canal to facilitate such improvements.

The Tree Farm MPUD will be served with centrally provided potable water, sanitary sewer, electric power, and telephone facilities. Additional services will be provided as deemed appropriate.

## 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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## SECTION II

### PROJECT DEVELOPMENT REQUIREMENTS

#### 2.1 PURPOSE

The purpose of this Section is to generally describe the project plan of development, relationships to applicable County ordinances, the respective land use districts within the Tree Farm MPUD, as well as other project relationships.

#### 2.2 DESCRIPTION OF PROJECT PLAN AND LAND USE DISTRICTS

The project Master Plan, including layout of streets and use of land is graphically illustrated by Exhibit “A”, MPUD Master Plan. There shall be four land use districts, portions of which may include water management lakes or facilities, and private rights-of-way or drive aisles. A breakdown of the Tree Farm MPUD land use districts and their respective acreages is presented in Table I.

**TABLE II**  
**PROJECT LAND USE TRACTS**

DISTRICT	TYPE	ACREAGE
“C/MU”	COMMERCIAL MIXED-USE	±18.69*
“R” <del>“RA”</del>	RESIDENTIAL <del>RECREATIONAL AREA</del>	±39. <del>19</del> <u>64</u> <del>±0.45</del>
“P”	PRESERVE	±0.51
TOTAL		58.84

\* *Note: the MPUD provides for a total of 7.42 acres of right-of-way conveyance for Collier Boulevard, expansion of Immokalee Road, and improvements to the intersection of these two arterial roadways. This right-of-way conveyance includes 4.34 acres within the “C/MU” Commercial Mixed-Use Tract (Activity Center) and 3.08 acres within the “R” Residential Tract*

#### 2.3 MAXIMUM PROJECT DENSITY AND INTENSITY

- A. The Commercial Mixed-Use District will be limited to ±18.69 acres within the designated Activity Center. The Residential District will be limited to ±39.64 acres.
- B. Intensity: A maximum of ~~120~~80,000 square feet of commercial uses and 105,000 square feet of indoor self-storage uses may be constructed within the Commercial Mixed-Use District, ~~of which a maximum of 100,000 square feet may be retail or office and the balance (above 100,000 square feet) is limited to office use, as set forth in Section 3.3 of this MPUD.~~

C. Approved Density:

A maximum of ~~281~~460 multi-family/single-family attached/townhouse units and ~~or~~ ~~138~~ single-family detached residential dwelling units may be constructed in the total project area subject to the trip cap in Section 6.3.J of this PUD. The gross project area is 58.84± acres. The gross project density, therefore, will be a maximum of ~~4.78~~7.82 dwelling units per acre. The Activity Center shall be developed at a human scale, be pedestrian-oriented, and be interconnected with the remaining portion of the project with pedestrian and bicycle facilities.

## 2.4 EXISTING STRUCTURES

The existing principal structures within the MPUD boundaries may be retained and utilized through the construction and platting phases of the development.

## 2.5 NATIVE VEGETATION RETENTION REQUIREMENTS

- A. A minimum of 0.51 acres (25% of the 2.02 acres of native vegetation on site) is required to be retained or replanted. The Tracts identified as “P,” contain 0.51 +/- acres and fully satisfy the native vegetation requirements.
- B. This MPUD is subject to a Compliance Agreement entered into and made on June 6, 2005 by and between Collier County and the Tree Farm Land Trust, with respect to vegetation removal on the subject property. This Agreement establishes that 0.51 acres of native preserve shall be provided within the MPUD. A copy of this Compliance Agreement is attached as Exhibit “D”.

## 2.6 RIGHTS-OF-WAY

At the discretion of the developer, the minimum right-of-way width to be utilized for all internal project streets may be fifty feet (50’). **Deviation #1** from Section 6.06.01(O) of the LDC. Utilization of lands within all project rights-of-way for landscaping, decorative entranceways, and signage may be allowed subject to review and administrative approval by the Community Development and Environmental Services Administrator, or his designee, for engineering and safety considerations prior to installation.

## 2.7 FENCES AND WALLS

**Deviation #2** seeks relief from LDC Section 5.03.02.C, which permits a maximum wall height of 6’ in residential zoning districts and residential components of a PUD, to allow a maximum wall height of 8’ along the perimeter of the PUD, and allow a 12’ wall/berm combination within residential portions of the PUD along Collier Boulevard. The berm portion of the 12’ wall/berm shall be a minimum of 3’ in height.

## 2.8 SIGNAGE

### A. General

All signs will be provided in accordance with Chapter 5.06.00 of the LDC except in the following instances.

1. Boundary marker monuments containing project identification signs designed to identify the project, or any major use within the project, shall be permitted in locations depicted on the MPUD Master Plan (Exhibit "A"). Said boundary marker monument shall not exceed 6 feet in height as measured from finished grade at the location of the boundary marker monument. The sign face area for such boundary markers shall not exceed 64 square feet in area and shall not exceed the height or length of the monument on which it is located. If the sign is two-sided, each sign shall not exceed 64 square feet in area. Each sign shall only contain the main project name, insignia or motto of the entire development, and the developer's name and logo. Boundary marker monuments shall be setback a minimum of 10 feet from any MPUD perimeter property line. **DEVIATION #3**
2. One off-premises sign may be located to the west of the Tree Farm MPUD generally located near the access to Collier Boulevard from the property immediately adjacent to the west of Tree Farm MPUD. The off-premise sign may deviate from the maximum 12 square foot size set forth in Section 5.06.04.C.15.b.i., but may not exceed 16 square feet in size, and may also deviate from Section 5.06.04.C.15.b.v., which requires such off-site signs to be located within 1000 feet of the intersection of the arterial roadway serving the building, structure or use. **DEVIATION #4**

## SECTION III

### COMMERCIAL MIXED-USE DISTRICT (C/MU)

#### 3.1 PURPOSE

The purpose of this Section is to set forth the development plan for areas designated as District “C/MU”, Commercial on Exhibit “A”, MPUD Master Plan. The general function and purpose of this District is to provide the opportunity for diverse types of commercial activities that deliver goods and services, including entertainment and recreational attractions, to many segments of the population.

#### 3.2 MAXIMUM COMMERCIAL/OFFICE SQUARE FEET AND MINIMUM RESIDENTIAL DEVELOPMENT

The 18.69 ± acre commercial area (District “C”), is limited to a maximum of ~~120~~80,000 square feet of commercial/office uses, ~~of which a maximum of 100,000 square feet may be retail or office and the balance (above 100,000 square feet) is limited to office use.~~ -Indoor storage uses are in addition to the square footages identified above but shall not exceed 105,000 square feet. A minimum of 30 percent of the density generated from the Activity Center acreage shall be developed within the Commercial Mixed Use District, (a minimum of 54 dwelling units) and the balance of the density generated from the Activity Center acreage may be developed within 1/3 mile of the Activity Center boundary.

#### 3.3 PERMITTED USES

No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or in part, for other than the following:

A. Principal Uses<sup>1</sup>:

1. Group 0742 – Veterinary services for animal specialties (except outdoor kennel)Group 0742 – Veterinary services for animal specialties (except outdoor kennel);
2. Group 4225 – self storage, indoor self-storage;
- ~~2.3.~~ Establishments furnishing point-to-point communications services as outlined under Major Group 48 in the Standard Industrial Classification Manual; no communication towers are permitted.
- ~~3.4.~~ Group 5231 – Paint glass, and wallpaper stores;
- ~~4.5.~~ Group 5251 – Hardware stores;

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<sup>1</sup> Reference Executive Office of the President, Office of Management and Budget, *Standard Industrial Classification Manual*, 1987 Edition.

- ~~5.6.~~ 6. Group 5261 – Retail nurseries, lawn and garden supply stores;
- ~~6.7.~~ 7. Major Group 53 – General merchandise stores.
- ~~7.8.~~ 8. Major Group 54 - Food stores.
- ~~8.9.~~ 9. Group 5531 – Auto and home supply stores, not including any installation facility;
- ~~9.10.~~ 10. Group 5541 – Gasoline stations, not including service facilities;
- ~~10.11.~~ 11. Group 7542 – Carwashes only.
- ~~11.12.~~ 12. Industry Group 555 – Boat dealers.
- ~~12.13.~~ 13. Major Group 56 – Apparel and accessory stores.
- ~~13.14.~~ 14. Major Group 57 – Home furniture, furnishings, and equipment stores.
- ~~14.15.~~ 15. Major Group 58 – Eating and drinking places.
- ~~15.16.~~ 16. Major Group 59 – Miscellaneous Retail. Industry Group Numbers: 596 – nonstore retailers; 598 – and not including retail sale of fireworks.
- ~~16.17.~~ 17. Major Groups 60, excluding 6099 check cashing agencies, 61, 62, 63, 64, 65, and 67 in the Standard Industrial Classification Manual.
- ~~17.18.~~ 18. Group 7011 – Hotels and motels. ~~The maximum floor area ratio for hotels shall not exceed a factor of 0.60.~~ Not to exceed a maximum of 250 units for the entire PUD.
- 18 Establishments operating primarily to provide personal services for the following Industry groups:
- a. 721 – Laundry, cleaning, and garment services, only including Group 7211 – power laundries, family and commercial, Group 7215 – Coin-operated laundries and dry-cleaning, and Group 7217 – carpet and upholstery cleaning;
  - b. 722 – Photographic portrait studios;
  - c. 723 – Beauty shops
  - d. 724 – Barber shops;
  - e. 725 – Shoe repair shops and shoeshine parlors;
  - f. 729 – Miscellaneous personal services, only including Group 7291 Tax return preparation services, and Group 7299 personal services, not elsewhere classified, only including car title and tag service, computer photography or portraits, costume rental, diet workshops, electrolysis (hair removal), genealogical investigation service, hair weaving or replacements service, dress suit or tuxedo rental, and tanning salons.

19. Establishments operating primarily to provide business services for the following Industry Groups:
  - a. 731 – Advertising, not including Group 7312 outdoor advertising services agencies;
  - b. 733 – Mailing, reproduction, commercial art and photography, and stenographic services;
  - c. 735 – Group 7352 – medical equipment rental and leasing;
  - d. 737 – Computer programming, data processing, and other computer related services, not including Group 7371 – computer programming services.
20. Establishments primarily engaged in developing film and in making photographic prints and enlargements for the trade or for the general public, only including Group 7384, photofinishing laboratories.
21. Group 7513 – Truck rental and leasing, without drivers; Group 7514 – passenger car rental; Group 7515 – passenger car leasing; and Group 7519 – utility trailer and recreational vehicle rental.
22. Group 7631 – Watch, clock, and jewelry repair, and Group 7699 – repair shops and related services, not elsewhere classified.
23. Group 7832 – Motion picture theaters, except drive-in, and Group 7841 – video tape rental.
24. Major Group 79 – Amusement and recreation services, for the following industry numbers:
  - a. Group 7911 – Dance studios, schools and halls
  - b. Group 7922 – Theatrical producers (except motion picture) and Group miscellaneous theatrical services
  - c. Group 7941 – Professional sports clubs and promoters, only including managers of individual professional athletes, and promoters of sports events.
  - d. Group 7991 – Physical fitness facilities
  - e. Group 7999 – Amusement and recreation services, not elsewhere classified, to include moped rental, motorcycle rental, rental of bicycles, schools and camps-sports instructional, scuba and skin diving instruction, sporting goods rental only.
25. Major Group 80 – Health services for the following industry groups:
  - a. 801 – Offices and clinics of doctors of medicine;
  - b. 802 – Offices and clinics of dentists;
  - c. 803 – Offices and clinics of doctors of osteopathy;
  - d. 804 – Offices and clinics of other health practitioners.
26. Major Group 807 – Medical and dental laboratories for the following industry numbers:
  - a. Group 8071 – Medical laboratories;



- b. Group 8072 – Dental laboratories.
- 27. Establishments operating primarily to provide legal services as defined under Major Group 81.
- 28. Group 8231 – Libraries.
- 29. Membership organizations engaged in promoting the interests of their member as defined under Major Group 86.
- 30. Establishment operating primarily to provide engineering, accounting, research, and management for the following Industry Numbers:
  - a. Group 8711 – Engineering services
  - b. Group 8712 – Architectural services
  - c. Group 8713 – Surveying services
  - d. Group 8721 – Accounting, auditing and bookkeeping services
  - e. Group 8732 – Commercial economic, sociological, and educational research
  - f. Group 8741 – Management services
  - g. Group 8742 – Management consulting services
  - h. Group 8743 – Public relations services
  - i. Group 8748 – Business consulting services.
- 31. Offices of government as defined under Major Group 91 – Executive, legislative, and general government, except finance.
- 32. Residential multi-family dwelling units, whether in a free standing residential building or located in a mixed commercial and residential building. Mixed use buildings shall adhere to the development standards set forth in Table III below. Residential units shall not be located on the first floor of a mixed use building, and shall be subject to a minimum per unit floor area of 1,000 square feet. Residential buildings with no commercial component shall adhere to the development standards set forth in Table IV. A minimum of 54 dwelling units shall be constructed within the C/MU designated area consistent with the requirements for Mixed-Use Activity Centers and Growth Management Plan.

#### B. Accessory Uses

Accessory uses and structures customarily associated with the permitted principal uses and structures, including, but not limited to:

- 1. Parking facilities and signage.
- 2. Uses and structures that are accessory and incidental to the permitted uses within this MPUD Document.
- 3. One caretaker's residence.

### 3.4 DEVELOPMENT STANDARDS

- A. Table III below sets forth the development standards for land uses within the Tree Farm MPUD Commercial District. Standards not specified herein shall be those specified in applicable sections of the LDC in effect as of the date of adoption of this Ordinance.

**TABLE III**  
**DEVELOPMENT STANDARDS FOR COMMERCIAL DISTRICT**

	PRINCIPAL USES		ACCESSORY USES
<b>MINIMUM LOT AREA</b>	10,000 sq. ft.		N/A
<b>AVERAGE LOT WIDTH</b>	100 ft.		N/A
<b>MINIMUM YARDS (External)</b>			
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.
<b>MINIMUM YARDS (Internal)</b>			
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.
<b>MIN. DISTANCE BETWEEN STRUCTURES</b>	10 ft. or 1/2 the sum of building heights**		10 ft.
<b>MAXIMUM HEIGHT</b>	<b>ZONED</b>	<b>ACTUAL</b>	
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.
<b>MINIMUM FLOOR AREA</b>	1,000 sq. ft.***		N/A
<b>MAX. GROSS LEASABLE COMMERCIAL AREA</b>	<del>128</del> 0,000 sq. ft. ****		N/A
<b>INDOOR SELF-STORAGE</b>	<u>105,000 sq. ft. ****</u>		<u>N/A</u>

- \* 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 ~~128~~0,000 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.~~ Indoor self-storage uses are in addition to the square footages identified above but shall not exceed 105,000 square feet.
- \*\*\*\*\* 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.

## SECTION IV

### RESIDENTIAL DISTRICT (R)

#### 4.1 PURPOSE

The purpose of this section is to identify specific development standards for areas designated as “R” on the MPUD Master Plan, Exhibit “A”. Residential uses, infrastructure, perimeter land use buffers, and signage will occur within this District.

#### 4.2 MAXIMUM DWELLING UNITS

The maximum number of residential dwelling units allowed within the MPUD shall be established at the time of development plan review, but shall not exceed ~~281~~ 460 multi-family/single-family attached/townhouse and single family detached residential dwelling units or any combination thereof. ~~or 138 single family detached units.~~ For the purpose of calculating the project density, 4 assisted living facilities (ALF) units shall constitute 1 residential dwelling unit and the maximum number of ALF units shall not exceed 150 units.

- a. All dwelling units above 281 shall be located within the C/MU district or within 1/3 mile of the Activity Center boundary.

#### 4.3 USES PERMITTED

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

A. Principal Uses:

1. Single-family attached dwellings (including townhouses intended for fee simple conveyance);
2. Zero lot line dwellings;
3. Single-family detached dwellings;
4. Duplexes, two-family dwellings;
5. Multiple-family dwellings;
6. ALF with ancillary medical uses and personal services for residents and their guests, including but not limited to, beauty salon, bank, pharmacy and convenience store. (Such ancillary medical or personal service uses shall only be accessed from inside the ALF (no exterior access). No external signage or advertising shall be permitted in support of these ancillary medical or personal service uses.

B. Residential Accessory Uses:

1. Customary accessory uses and structures including, but not limited to private garages, swimming pools and screened enclosures.
- ~~2. Clubhouse, gazebo, or other structures intended to provide social and recreational space for the private use of the residents and their guests.~~
- ~~3. Outdoor recreation facilities, such as a community swimming pool, tennis and basketball courts, playgrounds, pedestrian/bicycle pathways, and water features.~~
- ~~4. Passive open space uses and structures, such as but not limited to landscaped areas, gazebos, and park benches.~~
5. 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.

C. Amenity Area:

1. Principal Uses:

- a. Clubhouses, ~~gazebo~~, community administrative facilities and recreational facilities intended to serve residents and guests, including leasing and construction offices.
- b. Any other principal use, which is comparable in nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals (“BZA”) or the Hearing Examiner.

2. Accessory Uses:

- a. Accessory uses and structures customarily associated with the principal uses permitted in this MPUD, including but not limited to swimming pools and spas.
- b. Water management facilities to serve the project such as lakes.
- c. Open space uses and structures such as, but not limited to, boardwalks, nature trails, gazebos and picnic areas.

- d. Any other accessory and related use that is determined to be comparable in nature with the foregoing uses and consistent with the permitted accessory uses of this MPUD as determined by the BZA or the Hearing Examiner.

#### **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 <sup>1,2</sup> & ZERO LOT LINE	MULTI FAMILY <sup>5</sup>	<u>AMENITY AREA</u>
<b>PRINCIPAL STRUCTURES</b>					
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.	<u>10,000 S.F.</u>
MINIMUM FLOOR AREA	1,000 S.F.	1,000 S.F.	1,000 S.F.	750 S.F./D.U.	<u>N/A</u>
MIN FRONT YARD <sup>3,4</sup>	15 FEET	15 FEET	15 FEET	15 FEET	<u>25 FEET</u>
MIN SIDE YARD	5 FEET	0 FEET or 5 FEET	0 FEET or 5 FEET	10 FEET	<u>25 FEET</u>
MIN REAR YARD	7.5 FEET	7.5 FEET	7.5 FEET	20 FEET	<u>25 FEET</u>
MIN PRESERVE SETBACK	25 FEET	25 FEET	25 FEET	25 FEET	<u>25 FEET</u>
MIN. DIST. BETWEEN STRUCTURES	10 FEET	10 FEET	10 FEET	20 FEET or ½ ZONED BH, WHICHEV ER IS GREATER	<u>20 FEET</u>
MAX. ZONED HEIGHT	<del>2-STORIES-</del> NTE 42 FEET	<del>2-STORIES-NTE</del> 42 FEET	<del>2-STORIES-</del> <del>NTE</del> 42 FEET	<del>3-STORIES-</del> <del>NTE</del> -50 FEET	<u>2 STORIES</u> <u>NTE 50</u> <u>FEET</u>
ACTUAL HEIGHT	54 FEET	54 FEET	54 FEET	62 FEET	<u>62 FEET</u>
<b>ACCESSORY STRUCTURES</b>					
FRONT	10 FEET	10 FEET	10 FEET	10 FEET	<u>15 FEET</u>
SIDE	5 FEET	5 FEET	5 FEET	5 FEET	<u>15 FEET</u>
REAR	5 FEET	5 FEET	5 FEET	5 FEET	<u>15 FEET</u>
PRESERVE SETBACK	10 FEET	10 FEET	10 FEET	10 FEET	<u>25 FEET</u>
MAX. BLDG. HT. NOT TO EXCEED	SPS	SPS	SPS	3 STORIES NTE 42 FEET	<u>2 STORIES</u> <u>NTE 42</u> <u>FEET</u>

Words underlined are additions; words ~~struck through~~ are deletions

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.*

*Where the Recreational Area abuts residential lots, the required 15' Type B buffer shall include a 6' wall.*

**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 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.*



#### **~~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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TABLE V  
RECREATIONAL AREA DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS	RECREATIONAL AREA
<b>PRINCIPAL STRUCTURES</b>	
<del>MINIMUM LOT AREA</del>	10,000 S.F.
<del>MINIMUM LOT WIDTH</del>	N/A
<del>MINIMUM FLOOR AREA</del>	N/A
<del>MIN. FRONT YARD</del>	25'
<del>MIN PRESERVE SETBACK</del>	25 FEET
<del>MIN. SIDE YARD</del>	25'
<del>MIN. REAR YARD</del>	25'
<del>MIN. DISTANCE BETWEEN STRUCTURES</del>	20'
<del>MAX. ZONED HEIGHT 2 STORIES NTE</del>	50 FEET
<del>MAX. ACTUAL HEIGHT</del>	62 FEET
<b>ACCESSORY STRUCTURES</b>	
<del>MIN. FRONT YARD</del>	15'
<del>MIN. SIDE YARD</del>	15'
<del>MIN. REAR YARD</del>	15'
<del>PRESERVE SETBACK</del>	25'
<del>MAX. BUILDING HEIGHT NOT TO EXCEED</del>	2 STORIES NTE 42 FEET

NTE: Not to exceed

**Note: Where the Recreational Area abuts residential lots, the required 15' Type B buffer shall include a 6' wall.**

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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.

## SECTION VI

### DEVELOPMENT COMMITMENTS

#### 6.1 PURPOSE

The purpose of this Section is to set forth the development commitments for the development of the project.

#### 6.2 GENERAL

All facilities shall be constructed in accordance with SDP, subdivision plans (if required), and all applicable State and local laws, codes, and regulations applicable to this MPUD. Except where specifically noted or stated otherwise, the standards and specifications of the LDC shall apply to this project, even if the land within the MPUD is not to be platted. The developer, its successors and assigns, shall be responsible for the commitments outlined in this Document.

The developer, its successors or assignee, shall follow the Master Development Plan and the regulations of the MPUD, as adopted, and any other conditions or modifications as may be agreed to in the rezoning of the property. In addition, any successors or assignee in title to the developer are bound by any commitments within this Document. These commitments may be assigned or delegated to a condominium/ homeowners' association to be created by the developer. Upon assignment or delegation, the developer shall be released from responsibility for the commitments.

#### 6.3 TRANSPORTATION

The development of this MPUD Master Development Plan shall be subject to and governed by the following conditions:

- A. If any required turn lane improvement requires the use of existing County rights-of way or easements, compensating right-of-way shall be provided without cost to Collier County as a consequence of such improvement.
- B. If, in the sole opinion of Collier County, a traffic signal, or other traffic control device, sign or pavement marking improvement within a public right-of-way or easement is determined to be necessary, the fair share cost of such improvement shall be borne by the developer.

- C. The applicant shall reserve rights-of-way for Collier Boulevard and Immokalee Road expansion and intersection improvements as depicted on the MPUD Master Plan (Right-of-way Reservations Tracts A, B, and C, totaling 7.42 +/- acres). The applicant shall receive impact fee credits in exchange for Right-of-way Reservation Tract B (0.47 acres), but shall not receive impact fee credits for the reservation and eventual dedication of Right-of-way Reservation Tracts A and C. The applicant shall convey by deed, in fee simple, at no cost to the County (other than the aforementioned impact fee credits for Tract B) all lands reserved as depicted on the MPUD Master Plan (as noted herein) within 90 days of written request of the County.
- D. The applicant shall construct a twelve foot (12') asphalt greenway within the Immokalee Road canal right-of-way, or within the adjacent right-of-way reservation area, at the discretion of the Collier County Transportation Services Division. The greenway shall be located on the north side of the canal and shall connect to the greenway that Collier County is constructing to the west of the Tree Farm MPUD property. The developer shall provide five (5) parking spaces for public use in close proximity to and accessible from the greenway. These parking spaces may be located within the Commercial Tract, and may be located within the Right-of-way Reservation Tract "A" on a temporary or permanent basis, with approval from Collier County Transportation Services Division. The greenway shall be constructed prior to the issuance of the first certificate of occupancy (CO) within the MPUD.
- E. The applicant shall design the project stormwater management system so as to accept and treat stormwater from fifty percent (50%) of the impervious area of proposed extension of Collier Boulevard adjacent to the Tree Farm MPUD, in accordance with South Florida Water Management District permitting requirements.
- F. The applicant shall be responsible for fair share costs of improvements to the Immokalee Road/Collier Boulevard intersection, including bridge replacement and/or widening as may be necessary to construct a minimum of two north and two southbound through lanes as well as necessary turn lanes
- G. The applicant shall ensure that any easements necessary to facilitate interconnections to properties to the west as shown on the MPUD Master Plan shall be granted by the appropriate instrument(s) at the time of submittal of the first development order application.
- H. No certificate of occupancy (CO) for development within the Tree Farm MPUD will be issued until 6 laning of the following roadway segments has been substantially completed (that is fully open to traffic):
1. Immokalee Road from Collier Boulevard west to I-75
  2. Immokalee Road from Collier Boulevard East to Oil Well Road
  3. Collier Boulevard from Immokalee Road south to Golden Gate Boulevard.

- I. Should it become necessary or desirable to construct a wall to mitigate the impacts of noise from Collier Boulevard or Immokalee Road, the owner, successor or assigns shall be responsible for the costs of designing and installing said wall or walls for the portion adjacent to the project boundary.
- J. The Tree Farm MPUD TIS was based on a development scenario that assumed a variety of commercial uses and a maximum of ~~281~~460 multi-family units. The total trip generation was estimated in the TIS to be 580 PM peak hour two-way external trips to adjacent streets based on ITE trip generation rates. The development scenario analyzed in the TIS may change. However, the Project's estimated trip generation will not exceed a maximum of 580 PM peak hour two-way external trips to adjacent streets.
- K. The owner shall provide a bicycle and pedestrian interconnection between the C-MU and R tracts as required by the MUAC.

#### 6.4 UTILITIES

The development of this MPUD Master Development Plan shall be subject to and governed by the following conditions:

- A. The developer shall reserve one (1) area to be granted as an easement to Collier County for a raw water well. The dimension of this well easement be at a maximum 80 feet by 50 feet. The approximate location of this well easement is depicted on the MPUD Master Plan. The water well easement site is located at the northeastern corner of the MPUD, and can be accessed from Collier Boulevard Extension. The grant of this easement shall occur at the time of site development plan or final plat approval for the area within the development phase that contains the well easement site. At the time of the site development plan and/or final plat submittal, the developer shall provide the well site easement that meets the standard setback requirements for water wells.

#### 6.5 ENVIRONMENTAL

- A. The development shall comply with the guidelines and recommendations of the U.S. Fish and Wildlife Service (USF&WS) and the Florida Fish and Wildlife Conservation Commission (FFWCC) regarding potential impacts to "listed species". A Big Cypress Fox Squirrel Management Plan shall be submitted to Environmental

Services Staff for review and approval prior to site plan/construction plan approval. Where protected species are observed on site, a Habitat Management Plan for those protected species, or their habitats shall be submitted to Environmental Services Staff for review and approval prior to site plan/construction plan approval.

#### ~~6.6 AFFORDABLE WORKFORCE HOUSING:~~

~~A. The applicant shall provide 15% of the total units built in the project in the affordable housing price range or workforce housing, i.e., for those who earn up to 150% of the median income as calculated annually using the Collier County median income figure for a family of four as determined by the United States Housing and Urban Development Department (HUD). The applicant will use the most current median income figure as defined above at the time of sale to determine if that unit falls into the 150% median income or below. Currently, that would allow a sales price of up to \$321,000. The applicant will provide verification of the sales prices to Collier County's Housing and Human Services Department. The form of verification shall be determined between the applicant and the Collier County Housing and Human Services Division.~~

#### ~~6.7~~6.6 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 1, 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~~6.7 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.

## 6.8 DEVIATIONS

### A. Deviation #1

At the discretion of the developer, the minimum right-of-way width to be utilized for all internal project streets may be fifty feet (50'). Deviation #1 from section 6.06.01(0) of the LDC. Utilization of lands within all project right-of-way for landscaping. Decorative entranceway, and signage may be allowed subject to review and administrative approval by the community development and environmental services administrator, or his designee, for engineering and safety considerations prior to installation.

### B. Deviation #2

Relief from LDC Section 5.03.02.C, which permits a maximum wall height of 6' in residential zoning districts and residential components of a PUD, to allow a maximum wall height of 8' along the perimeter of the PUD, and allow a 12' wall/berm combination within residential portions of the PUD along Collier boulevard. The berm portion of the 12' wall/berm shall be minimum of 3' in height.

### C. Deviation #3

Boundary marker monuments containing project identification signs designed to identify the project, or any major use within the project, shall be permitted in location depicted on the MPUD master plan (Exhibit "A"). Said boundary marker monument shall not exceed 6 feet in height as measured from finished grade at the location of the boundary marker monument. The sign face area for such boundary markers shall not exceed 64 square feet in area and shall not exceed the height or length of the monument which it is located. If the sign is two-sided, each sign shall not exceed 64 square feet in area. Each sign shall only contain the main project name, insignia or motto of the entire development, and the developer's name and logo. Boundary marker monuments shall be setback a minimum of 10 feet from any MPUD perimeter property line.

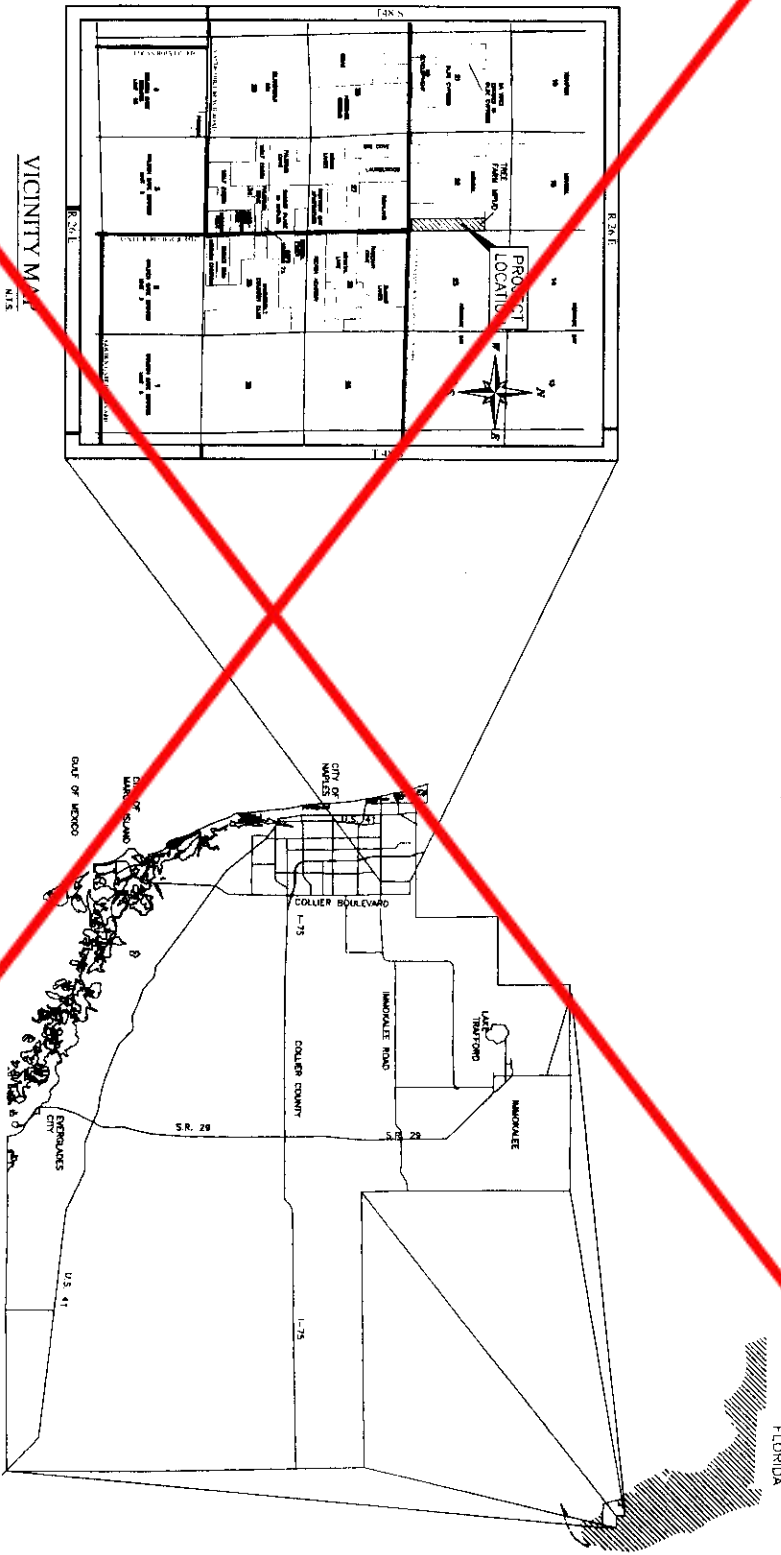
### D. Deviation #4

One off-premises sign may be located to west of the tree farm MPUD generally located near the access to Collier boulevard from the property immediately adjacent to the west of Tree Farm MPUD. The off-premise sign may deviate from the maximum 12 square foot size set forth in section 5.06.04.C.15.b.i.G.2.a., but may not exceed 16 square feet in size, and may also deviate from section 5.06.04.C.15.b.v.G.2.e., which requires such off-site signs to be located within 1,000 feet of the intersection of the arterial roadway serving the building, structure or use.



# TREE FARM MPUD

SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST  
COLLIER COUNTY, FLORIDA

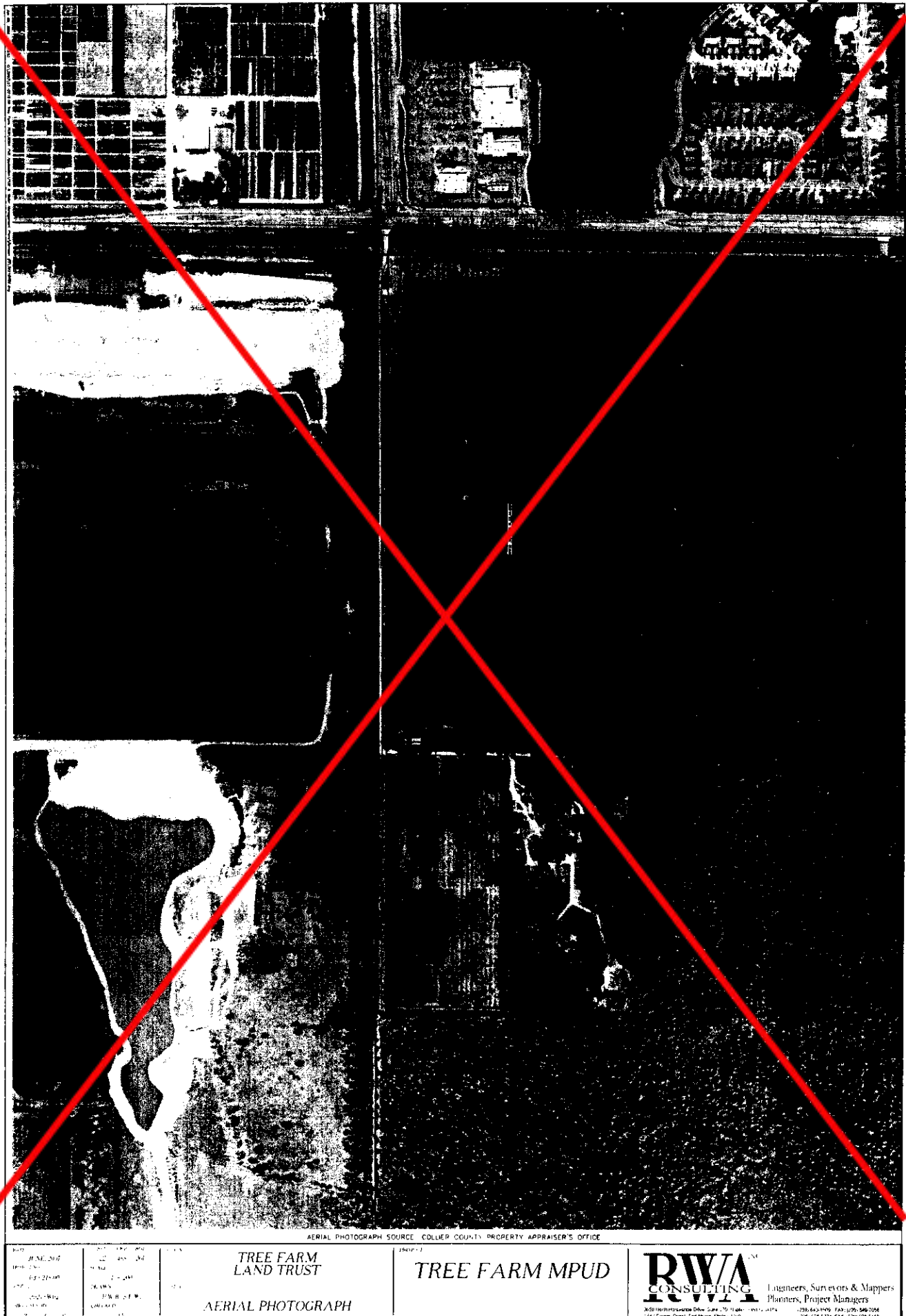


Presented by:

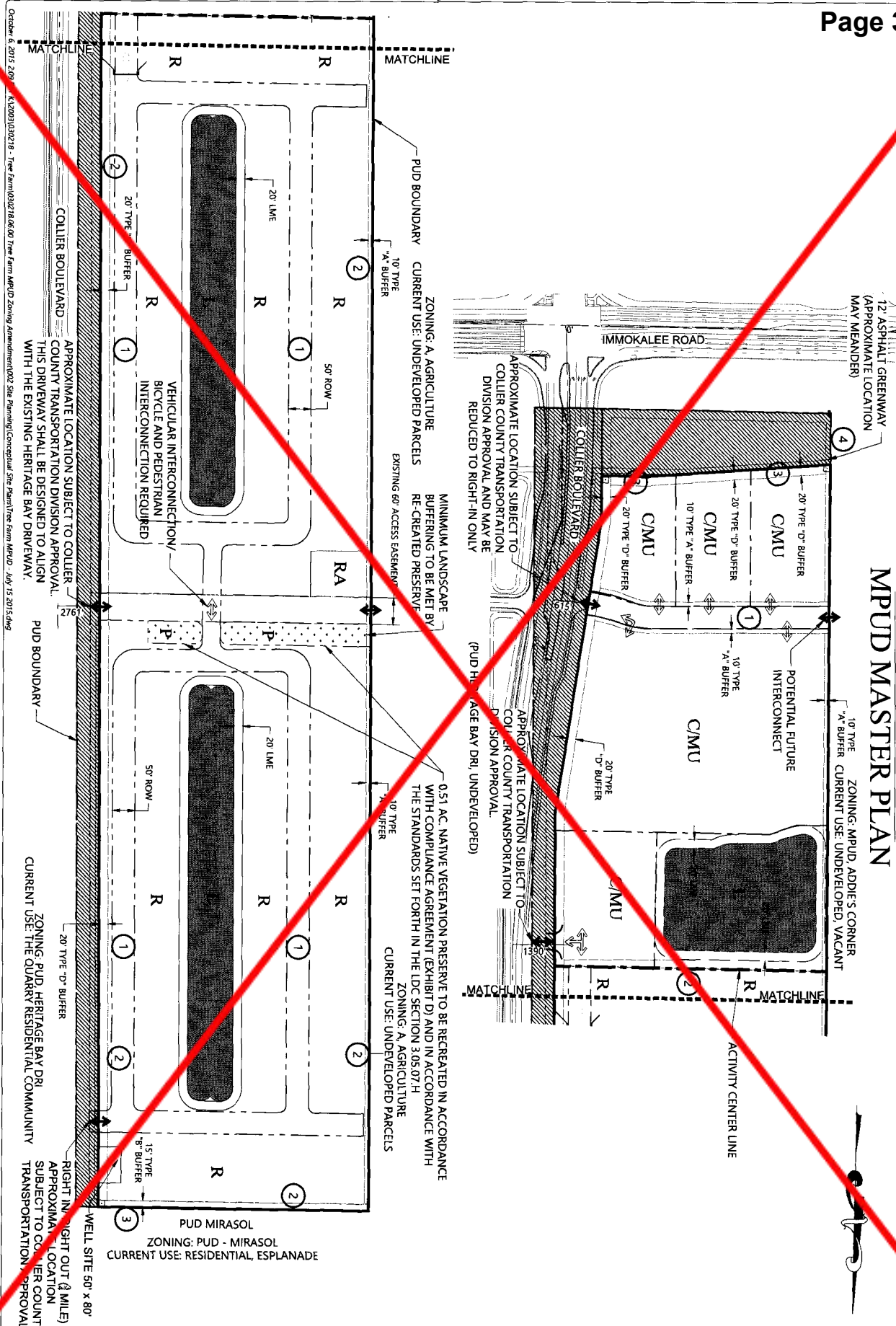
TREE FARM LAND TRUST

2600 GOLDEN GATE PARKWAY, SUITE 304  
NAPLES, FLORIDA 34105  
(239) 403-6922

- CONTENTS
- SHEET 1 COVER SHEET
  - SHEET 2 AERIAL PHOTOGRAPH
  - SHEET 3 MPUD MASTER PLAN
  - SHEET 4 CONCEPTUAL WATER MANAGEMENT PLAN
  - SHEET 5 UTILITY FACILITIES & OFFSITE INTERFACE EXHIBIT
  - SHEET 6 CROSS SECTIONS



# TREE FARM MPUD MASTER PLAN



CLIENT: LANDQUEST GROUP  
PROJECT: TREE FARM MPUD  
TITLE: EXHIBIT A: MASTER PLAN

DATE: 10/12/2015  
BY: [Signature]  
CHECKED: [Signature]  
APPROVED: [Signature]

**RWA ENGINEERING**  
Florida Certificates of Authorization EB 7663 LB 6952  
6610 Willow Park Drive, Suite 200 | Naples, FL 34109  
Office: 239.597.0575 Fax: (239) 597-0575  
www.consult-rwa.com

NO.	REVISION	DATE	BY	CHECKED	APPROVED
1	REVISED PER 1ST SUFFICIENCY REVIEW COMMENTS DATED APRIL 7 2015	APR 7 2015	SPC	APR 7 2015	
2	REVISED PER GROWTH MANAGEMENT COMMENTS				
3	REVISED PER 2ND SUFFICIENCY COMMENTS DATED JUNE 25, 2015	JUN 25 2015	AAS	JUN 25 2015	
4	REVISED PER 3RD SUFFICIENCY COMMENTS DATED AUGUST 8, 2015	AUG 8 2015	AAS	AUG 8 2015	

# TREE FARM MPUD MASTER PLAN

## SCHEDULE OF DEVIATIONS

DEVIATION 1:  
AT THE DISCRETION OF THE DEVELOPER, THE MINIMUM RIGHT-OF-WAY WIDTH TO BE UTILIZED FOR ALL INTERNAL PROJECT STREETS MAY BE FIFTY FEET (50'). DEVIATION #1 FROM SECTION 6.06.01(0) OF THE LDC, UTILIZATION OF LANDS WITHIN ALL PROJECT RIGHTS-OF-WAY FOR LANDSCAPING, DECORATIVE ENTRANCEWAYS, AND SIGNAGE MAY BE ALLOWED SUBJECT TO REVIEW AND ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES ADMINISTRATOR, OR HIS DESIGNEE, FOR ENGINEERING AND SAFETY CONSIDERATIONS PRIOR TO INSTALLATION.

DEVIATION 2:  
DEVIATION #2 SEEKS RELIEF FROM LDC SECTION 5.03.02.C, WHICH PERMITS A MAXIMUM WALLHEIGHT OF 6' IN RESIDENTIAL ZONING DISTRICTS AND RESIDENTIAL COMPONENTS OF A PUD, TO ALLOW A MAXIMUM WALL HEIGHT OF 8' ALONG THE PERIMETER OF THE PUD, AND ALLOW A 12' WALL/BERM COMBINATION WITHIN RESIDENTIAL PORTIONS OF THE PUD ALONG COLLIER BOULEVARD. THE BERM PORTION OF THE 12' WALL/BERM SHALL BE A MINIMUM OF 3' IN HEIGHT.

DEVIATION 3:  
BOUNDARY MARKER MONUMENTS CONTAINING PROJECT IDENTIFICATION SIGNS DESIGNED TO IDENTIFY THE PROJECT, OR ANY MAJOR USE WITHIN THE PROJECT, SHALL BE PERMITTED IN LOCATIONS DEPICTED ON THE MPUD MASTER PLAN (EXHIBIT "A"). SAID BOUNDARY MARKER MONUMENT SHALL NOT EXCEED 6 FEET IN HEIGHT AS MEASURED FROM FINISHED GRADE AT THE LOCATION OF THE BOUNDARY MARKER MONUMENT. THE SIGN FACE AREA FOR SUCH BOUNDARY MARKERS SHALL NOT EXCEED 64 SQUARE FEET IN AREA AND SHALL NOT EXCEED THE HEIGHT OR LENGTH OF THE MONUMENT ON WHICH IT IS LOCATED. IF THE SIGN IS TWO-SIDED, EACH SIGN SHALL NOT EXCEED 64 SQUARE FEET IN AREA. EACH SIGN SHALL ONLY CONTAIN THE MAIN PROJECT NAME, INSIGNIA OR MOTTO OF THE ENTIRE DEVELOPMENT, AND THE DEVELOPER'S NAME AND LOGO. BOUNDARY MARKER MONUMENTS SHALL BE SETBACK A MINIMUM OF 10 FEET FROM ANY MPUD PERIMETER PROPERTY LINE.

DEVIATION 4:  
ONE OFF-PREMISES SIGN MAY BE LOCATED TO THE WEST OF THE TREE FARM MPUD GENERALLY LOCATED NEAR THE ACCESS TO COLLIER BOULEVARD FROM THE PROPERTY IMMEDIATELY ADJACENT TO THE WEST OF TREE FARM MPUD. THE OFF-PREMISES SIGN MAY DEVIATE FROM THE MAXIMUM 12 SQUARE FOOT SIZE SET FORTH IN SECTION 5.06.04.C.15.B.I., BUT MAY NOT EXCEED 16 SQUARE FEET IN SIZE, AND MAY ALSO DEVIATE FROM SECTION 5.06.04.C.15.B.V., WHICH REQUIRES SUCH OFF-SITE SIGNS TO BE LOCATED WITHIN 1000 FEET OF THE INTERSECTION OF THE ARTERIAL ROADWAY SERVING THE BUILDING, STRUCTURE OR USE.

## MPUD MASTER PLAN NOTES

1. THE AMOUNT OF REQUIRED OPEN SPACE IS 30%.
2. WITHIN THE MPUD BOUNDARIES THERE WILL BE A MINIMUM OF 15.43 AC OF OPEN SPACE (30% OF 51.43 (58.84 - 7.42 ROW CONVEYANCE)).
3. THE FACILITIES AND IMPROVEMENTS SHOWN ON THIS PUD MASTER PLAN SHALL BE CONSIDERED CONCEPTUAL IN NATURE.
4. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS SHALL BE DETERMINED AT EITHER SITE DEVELOPMENT PLAN APPROVAL, OR CONSTRUCTION PLANS AND PLAT APPROVAL.
5. THE PROJECT SHALL BE DESIGNED TO PROVIDE VEHICULAR, PEDESTRIAN AND BICYCLE CONNECTIVITY BETWEEN RESIDENTIAL AND MIXED USE/COMMERCIAL AND TO ADJACENT PROPERTY TO THE WEST.
6. BOUNDARY MARKER MONUMENTS SHALL BE SETBACK A MINIMUM OF 10 FEET FROM ANY PERIMETER MPUD PROPERTY LINE.

## LAND USE SUMMARY

TRACT	LAND USE	ACREAGE
TRACT "R"	RESIDENTIAL	*39.19 +/- ACRES
TRACT "P"	PRESERVE	.51 +/- ACRES
TRACT "CMU"	COMMERCIAL/MIXED USE	*14.89 +/- ACRES
TRACT "RA"	RECREATION AREA	.44 +/- ACRES
TOTAL		58.84 +/- ACRES

\* INCLUDES ROW CONVEYANCE

## PRESERVE

A MINIMUM OF 0.51 ACRES (25% OF THE 2.02 ACRES OF NATIVE VEGETATION ON SITE) IS REQUIRED TO BE RETAINED OR REPLANTED. THE TRACTS IDENTIFIED AS "P" CONTAIN 0.51 +/- ACRES, AND FULLY SATISFYING THE NATIVE VEGETATION REQUIREMENTS.

## MAXIMUM DENSITY

281 MULTI-FAMILY SINGLE-FAMILY ATTACHED/TOWNHOUSE UNITS OR 138 SINGLE-FAMILY DETACHED UNITS

LEGEND	
R	RESIDENTIAL
RA	RECREATIONAL AREA
CMU	COMMERCIAL/MIXED USE
P	PRESERVE
↔	PUD INGRESS/EGRESS
↻	INTERNAL CIRCULATION
⊙	DEVIATIONS
■	WATER MANAGEMENT LAKE
▨	ROW CONVEYANCE
□	PRESERVE AREA
●	BOUNDARY MARKER MONUMENTS

October 6, 2015 2:20 PM A:\2015\10\06\00 Tree Farm MPUD Zoning Amendment\002 Site Planning\Conceptual Site Plan\Tree Farm MPUD - July 15, 2015.dwg

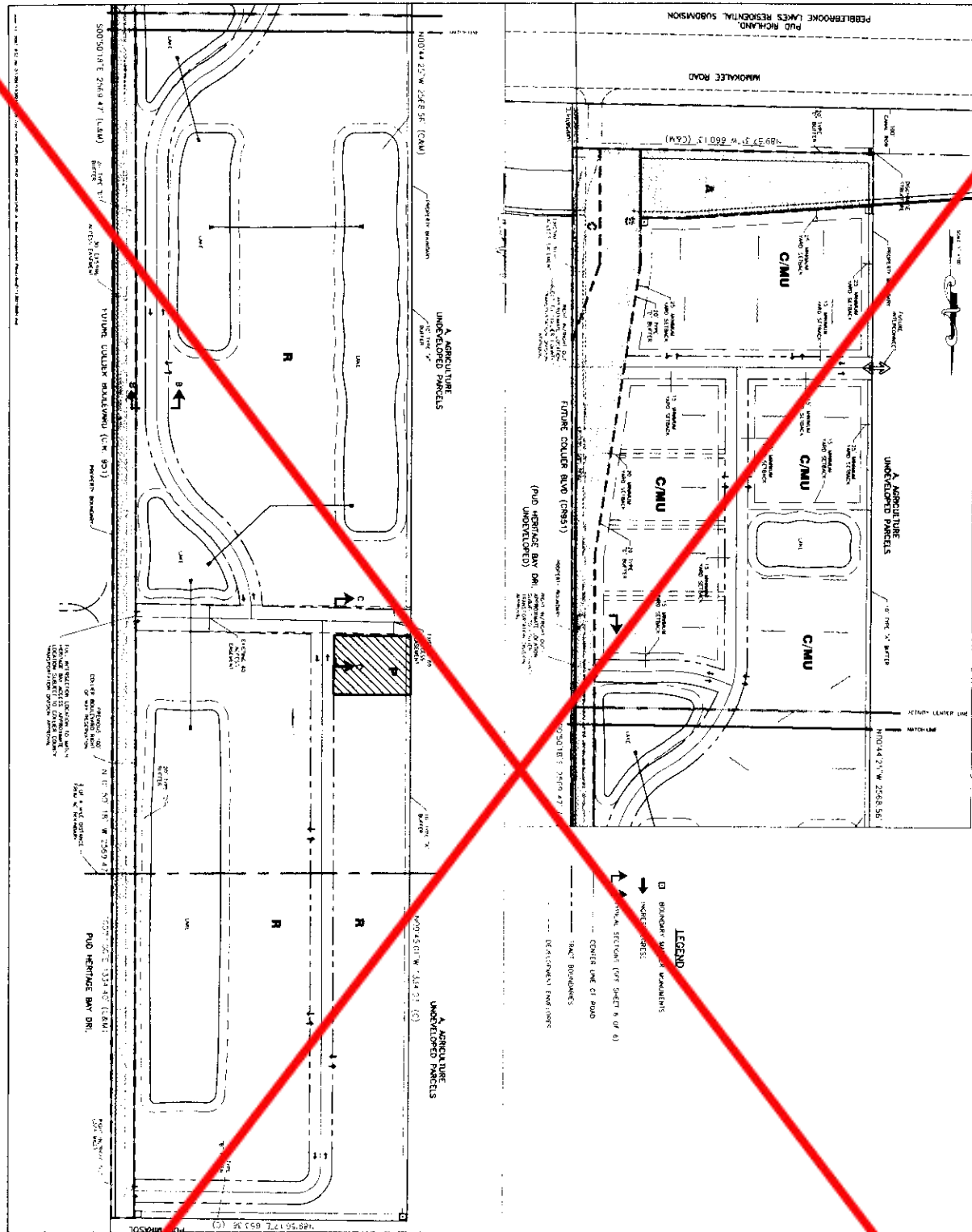
CLIENT	LANDQUEST GROUP
PROJECT	TREE FARM MPUD
TITLE	EXHIBIT A: MASTER PLAN

**RWA**  
ENGINEERING  
Florida Certificate of Authorization EB 7663 LB 6952  
6610 Willow Park Drive, Suite 200 | Naples, FL 34109  
Office: 239.597.0575 Fax: (239) 597-0575  
www.consult-rwa.com

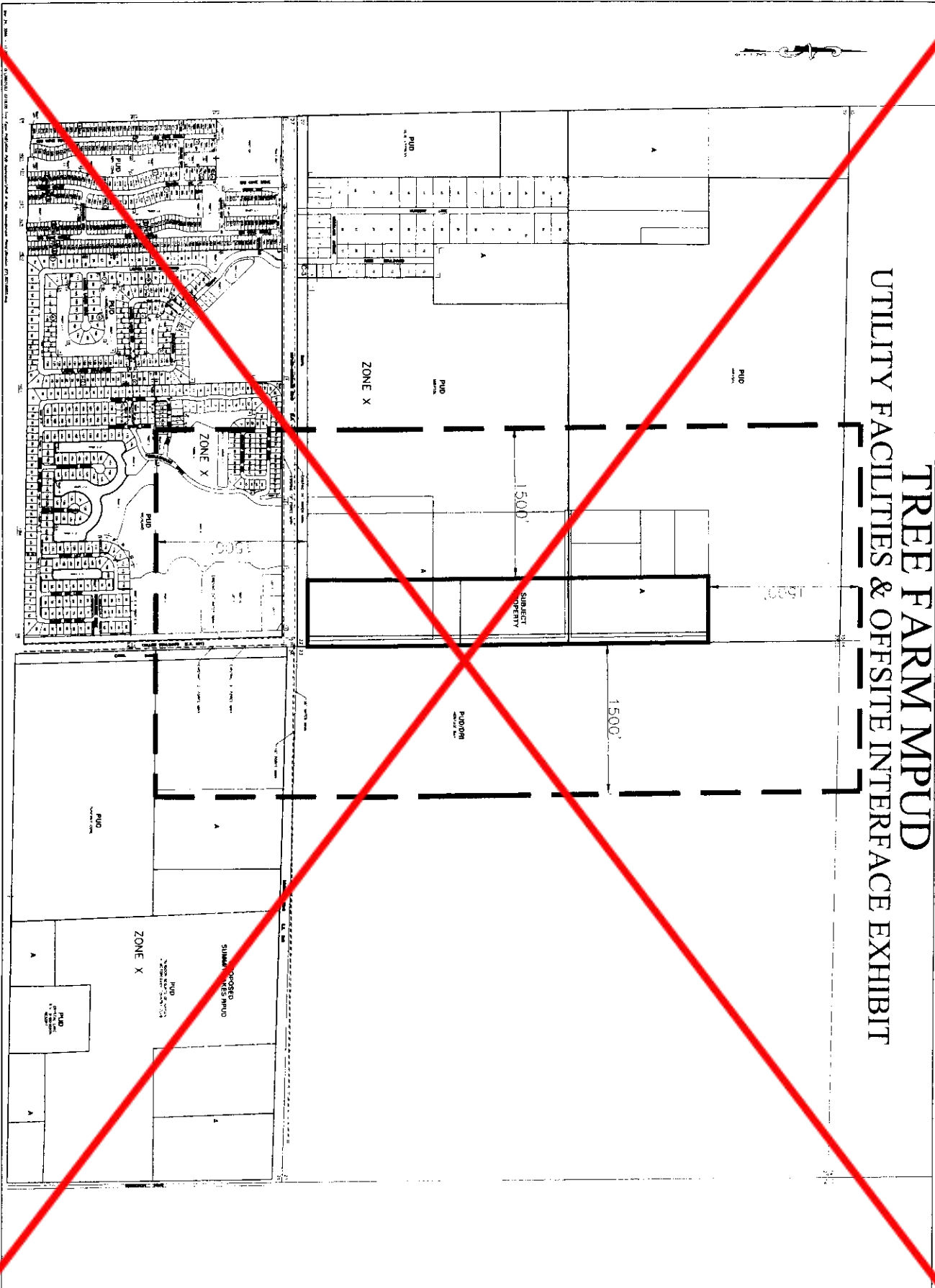
4	REVISED PER 3RD SUFFICIENCY COMMENTS DATED AUGUST 6, 2015	AAS	OCT 11 2015
3	REVISED PER 2ND SUFFICIENCY COMMENTS DATED JUNE 25, 2015	AAS	JUN 28 2015
2	REVISED PER GROWTH MANAGEMENT COMMENTS	SPC	JAN 23 2015
1	REVISED PER 1ST SUFFICIENCY REVIEW COMMENTS DATED APRIL 7, 2015	SPC	APR 7 2015
0	REVISION		

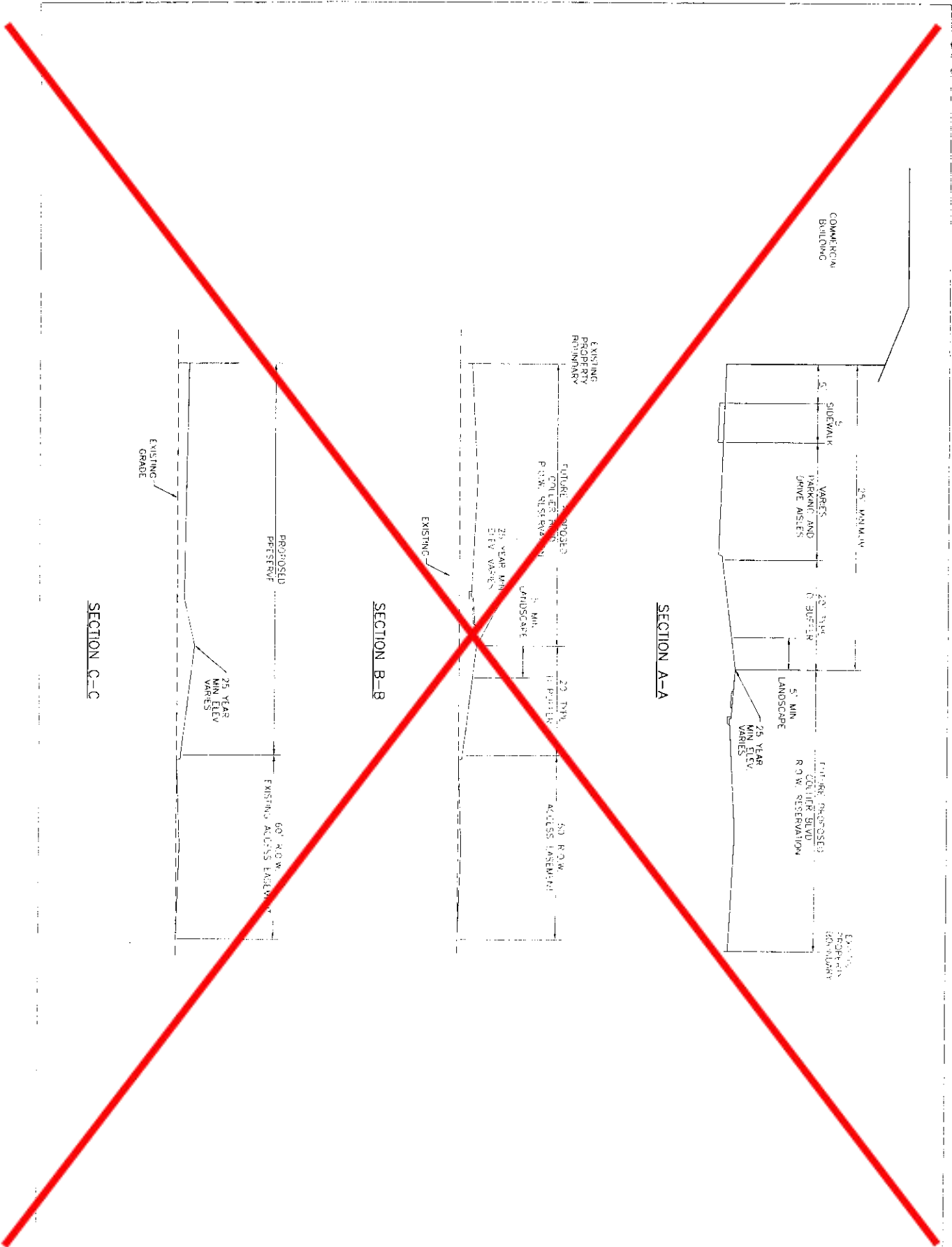


# TREE FARM MPUD CONCEPTUAL WATER MANAGEMENT PLAN



**TREE FARM MPUD**  
**UTILITY FACILITIES & OFFSITE INTERFACE EXHIBIT**











## SCHEDULE OF PREVIOUSLY APPROVED DEVIATIONS

### APPROVED DEVIATION 1:

AT THE DISCRETION OF THE DEVELOPER, THE MINIMUM RIGHT-OF-WAY WIDTH TO BE UTILIZED FOR ALL INTERNAL PROJECT STREETS MAY BE FIFTY FEET (50'). DEVIATION #1 FROM SECTION 6.06.01(O) OF THE LDC. UTILIZATION OF LANDS WITHIN ALL PROJECT RIGHT-OF-WAY FOR LANDSCAPING, DECORATIVE ENTRANCEWAY, AND SIGNAGE MAY BE ALLOWED SUBJECT TO REVIEW AND ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES ADMINISTRATOR, OR HIS DESIGNEE, FOR ENGINEERING AND SAFETY CONSIDERATIONS PRIOR TO INSTALLATION.

### APPROVED DEVIATION 2:

DEVIATION #2 SEEKS RELIEF FROM LDC SECTION 5.03.02.C, WHICH PERMITS A MAXIMUM WALL HEIGHT OF 6' IN RESIDENTIAL ZONING DISTRICTS AND RESIDENTIAL COMPONENTS OF A PUD, TO ALLOW A MAXIMUM WALL HEIGHT OF 8' ALONG THE PERIMETER OF THE PUD, AND ALLOW A 12' WALL/BERM COMBINATION WITHIN RESIDENTIAL PORTIONS OF THE PUD ALONG COLLIER BOULEVARD. THE BERM PORTION OF THE 12' WALL/BERM SHALL BE MINIMUM OF 3' IN HEIGHT.

### APPROVED DEVIATION 3:

BOUNDARY MARKER MONUMENTS CONTAINING PROJECT IDENTIFICATION SIGNS DESIGNED TO IDENTIFY THE PROJECT, OR ANY MAJOR USE WITHIN THE PROJECT, SHALL BE PERMITTED IN LOCATION DEPICTED ON THE MPUD MASTER PLAN (EXHIBIT "A"). SAID BOUNDARY MARKER MONUMENT SHALL NOT EXCEED 6 FEET IN HEIGHT AS MEASURED FROM FINISHED GRADE AT THE LOCATION OF THE BOUNDARY MARKER MONUMENT. THE SIGN FACE AREA FOR SUCH BOUNDARY MARKERS SHALL NOT EXCEED 64 SQUARE FEET IN AREA AND SHALL NOT EXCEED THE HEIGHT OR LENGTH OF THE MONUMENT WHICH IT IS LOCATED. IF THE SIGN IS TWO-SIDED, EACH SIDE SHALL NOT EXCEED 64 SQUARE FEET IN AREA. EACH SIGN SHALL ONLY CONTAIN THE MAIN PROJECT NAME, INSIGNIA OR MOTTO OF THE ENTIRE DEVELOPMENT, AND THE DEVELOPER'S NAME AND LOGO. BOUNDARY MARKER MONUMENTS SHALL BE SETBACK A MINIMUM OF 10 FEET FROM ANY MPUD PERIMETER PROPERTY LINE.

### APPROVED DEVIATION 4:

ONE OFF-PREMISES SIGN MAY BE LOCATED TO WEST OF THE TREE FARM MPUD GENERALLY LOCATED NEAR THE ACCESS TO COLLIER BOULEVARD FROM THE PROPERTY IMMEDIATELY ADJACENT TO THE WEST OF TREE FARM MPUD. THE OFF-PREMISE SIGN MAY DEVIATE FROM THE MAXIMUM 12 SQUARE FOOT SIZE SET FORTH IN SECTION 5.06.04.0158.C.2.A, BUT MAY NOT EXCEED 16 SQUARE FEET IN SIZE, AND MAY ALSO DEVIATE FROM SECTION 5.06.04.0158.C.2.E, WHICH REQUIRES SUCH OFF-SITE SIGNS TO BE LOCATED WITHIN 1,000 FEET OF THE INTERSECTION OF THE ARTERIAL ROADWAY SERVING THE BUILDING, STRUCTURE OR USE.

## MPUD MASTER PLAN NOTES

1. THE AMOUNT OF REQUIRED OPEN SPACE IS 30%.
2. WITHIN THE MPUD BOUNDARIES THERE WILL BE A MINIMUM OF 15.43 AC OPEN SPACE [30% OF 51.43 (58.84 - 7.42 ROW CONVEYANCE.)]
3. THE FACILITIES AND IMPROVEMENTS SHOWN ON THIS PUD MASTER PLAN SHALL BE CONSIDERED CONCEPTUAL IN NATURE.
4. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS SHALL BE DEFINED AT EITHER SITE DEVELOPMENT PLAN APPROVAL, OR CONSTRUCTION PLANS AND PLAT APPROVAL.
5. THE PROJECT SHALL BE DESIGNED TO PROVIDE VEHICULAR, PEDESTRIAN AND BICYCLE CONNECTIVITY BETWEEN RESIDENTIAL AND MIXED USED/COMMERCIAL AND TO ADJACENT PROPERTY TO THE WEST.
6. BOUNDARY MARKER MONUMENTS SHALL BE SETBACK A MINIMUM OF 10 FEET FROM ANY PERIMETER MPUD PROPERTY LINE.

## LAND USE SUMMARY

TRACT	LAND USE	ACREAGE
TRACT "R"	RESIDENTIAL	*39.64 ± ACRES
TRACT "P"	PRESERVE	0.51 ± ACRES
TRACT "C/MU"	COMMERCIAL / MIXED USE	*18.69 ± ACRES
TOTAL		58.84 ± ACRES

\* INCLUDES ROW CONVEYANCE

## LEGEND

<b>R</b>	RESIDENTIAL
<b>C/MU</b>	COMMERCIAL / MIXED USE
<b>P</b>	PRESERVE
	PUD INGRESS / EGRESS
	DEVIATIONS
	WATER MANAGEMENT LAKE
	PRESERVE AREA
	ROW CONVEYANCE TO COLLIER COUNTY
	BOUNDARY MARKER MONUMENTS

### PRESERVE

A MINIMUM OF 0.51 ACRES (25% OF THE 2.02 ACRES OF NATIVE VEGETATION ON SITE) IS REQUIRED TO BE RETAINED OR REPLANTED. THE TRACT IDENTIFIED AS "P" CONTAINS 0.51 ± ACRES, AND FULLY SATISFIES THE NATIVE VEGETATION REQUIREMENTS.

### MAXIMUM DENSITY

460 MULTI-FAMILY / SINGLE FAMILY ATTACHED / TOWNHOUSE AND SINGLE FAMILY DETACHED RESIDENTIAL DWELLING UNITS.

PROJECT:

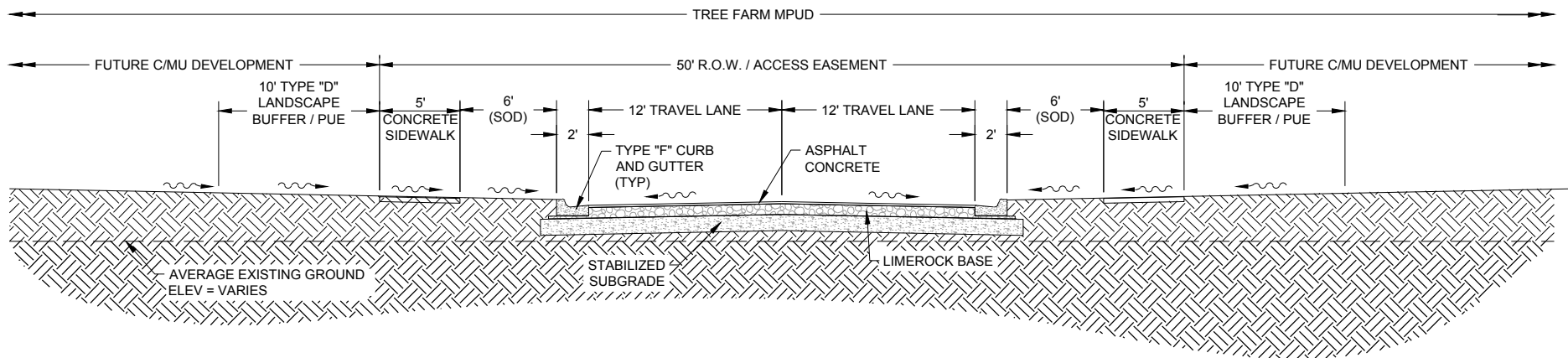
**TREE FARM  
MPUD**

TITLE:

**MPUD MASTER  
CONCEPT PLAN  
NOTES**

OWNER/CLIENT/CONSULTANT:

**TBC TREE FARM 1,  
LLC & TBC TREE  
FARM 2, LLC**



# LEGEND



**GradyMinor**

O. Grady Minor and Associates, P.A.  
3800 Via Del Rey  
Bonita Springs, Florida 34134

Civil Engineers • Land Surveyors • Planners • Landscape Architects  
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266  
Bonita Springs: 239.947.1144 [www.GradyMinor.com](http://www.GradyMinor.com) Fort Myers: 239.690.4380

## TREE FARM MPUD

EXHIBIT B  
DEVIATION #1 CROSS SECTION

SCALE:	1" = 10'
JOB CODE:	TFPUDA
DATE:	APRIL 2019
FILE NAME:	DEVIATION 1 CROSS SECTION
SHEET	1 OF 1



## COLLIER COUNTY

Exhibit D  
Final Compliance Agreement

**DAVID C. WEIGEL**  
COLLIER COUNTY ATTORNEY

3301 East Tamiami Trail  
Naples, FL 34112-4902  
Telephone: (239) 774-8400  
Facsimile: (239) 774-0225

Heidi F. Ashton  
Jennifer A. Belpedio  
Ellen T. Chadwell  
Jeffrey A. Klatzkow  
William E. Mountford  
Thomas C. Palmer  
Michael W. Pettit  
Jacqueline W. Hubbard  
Marjorie M. Student  
Scott Teach  
Patrick G. White  
Robert N. Zachary

June 16, 2005

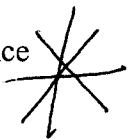
Timothy G. Hains  
Quarles & Brady, LLP  
1395 Panther Lane, Ste. 300  
Naples, Florida 34109

RE: Compliance Agreement between Collier County and Tree Farm Land Trust

Dear Mr. Hains,

Enclosed please find an original copy of the Compliance Agreement between Collier County and Tree Farm Land Trust, which was recorded today, in Official Records Book 3823 at Page 1809.

Please know that the Compliance Agreement requires the applicant to provide a copy of the Compliance Agreement to the County along with its application for a Planned Unit Development.



If you have any questions, please do not hesitate to contact my office. Thank you.

Sincerely yours,

*JABelpedio*  
Jennifer A. Belpedio  
Assistant County Attorney

JAB/tlk

Cc: David C. Weigel, County Attorney

Prepared by:  
Jennifer A. Belpedio  
Assistant County Attorney  
2800 North Horseshoe Dr  
Suite 300  
Naples, FL 34104

Retn:  
COUNTY ATTORNEY  
INTEROFFICE  
ATTN: JENNIFER A BELPEDIO

### COMPLIANCE AGREEMENT

This Compliance Agreement ("Agreement") is entered into and made on this 15<sup>th</sup> day of June, 2005, by and between Collier County (the "County") and the Tree Farm Land Trust, ("Trust") (hereinafter referred to collectively as "the Parties"), with respect to vegetation removal on property identified by the Property Appraiser as Folio Number 00187240000.

### RECITALS

WHEREAS, on July 16, 2004, the County alleged that vegetation removal violations (Code Enforcement Case Number 2004070644) exist on property located at the northwest corner of the intersection of Immokalee Road and Collier Boulevard, and identified by the Property Appraiser as Folio Number 00187240000 ("Subject Property"); and

WHEREAS, the Parties acknowledge that the Tree Farm Land Trust, and Timothy G. Hains, as its Trustee, being the property owner and respective agent, are responsible for any violation; and

WHEREAS, an analysis conducted by consulting ecologists, Passarella and Associates, Inc., on November 2, 2004 asserts that 1.13 acres of 2.02 acres of existing native vegetation on the Subject Property were removed. (See attached Exhibit "A," letter from Elena Mandia to Don Schrotenboer, dated November 2, 2004)

WHEREAS, on October 11, 2004, County staff, and the Trust's representatives met to

identify the prohibited vegetation removal and to discuss the abatement of the allegations in an effort to resolve the dispute; and

WHEREAS, RWA Consulting, Inc. (RWA) proposed that the Parties resolve the matter by executing a compliance agreement to include the requirement that the Trust agrees to pursue a rezone of the property and retain or restore, as appropriate, the amount of native vegetation required by land development regulations at the time of the rezone.

WHEREAS, the County Transportation Department has indicated to the Trust that it intends to acquire a 100-foot wide strip of land extending the entire length of the eastern boundary of the Subject Property for the purposes of a right-of-way expansion of Collier Boulevard; and

WHEREAS, the vast majority of the 1.13 acres of vegetation that was cleared without authorization is located within the area intended to be acquired by the County Transportation Department; and

WHEREAS, Code Enforcement staff, County Attorney staff, and the Environmental Services staff met to discuss RWA's proposal and other possible actions that may be taken by the Trust to resolve the issue; and

WHEREAS, the Parties desire to reduce their agreement of all such claims or controversies to this writing so that it will be binding upon the Trust and the County and their respective predecessors, successors, heirs, assigns, spouses, employees, former employees, elected officials, former elected officials, officers, agents, representatives, attorneys, insurers, sureties, and affiliates; and

NOW THEREFORE, in consideration of the mutual covenants and promises and considerations set forth in this Agreement, the sufficiency of which is hereby acknowledged by the Trust and the County, the Trust and the County hereby agree to the following:

1. The Parties agree to adopt and incorporate the foregoing Recitals, sometimes referred to as "Whereas clauses," by reference into the terms of this Agreement.

2. The Trust agrees to either: a) submit a complete and sufficient rezone application (Application) to the County or b) submit a complete and sufficient mitigation plan/revegetation plan and any other required applications to the County along with the required fees no later than August 1, 2005;

3. The Trust agrees that it will notify the Collier County Code Enforcement Director *in writing* if it is unable to submit either application as set forth in Paragraph 2 by August 1, 2005. The Trust agrees to set forth the basis for its request and the extension of time necessary in its request;

4. The Trust agrees that it will pay the County any required after the fact clearing fees for any area cleared without a required permit;

5. The Trust agrees that if a rezone is granted but the rezone expires because of a failure to improve the property, then the Trust will submit a complete and sufficient mitigation plan/revegetation plan and any other required applications to the County along with the required fees no later than the date of expiration (i.e. sunset date) of the rezone;

5. The Trust also agrees that its Application will set forth terms that are consistent with the *Preservation Standards* set forth in Land Development Code Section 3.05.07 H.1.e for mixed use development, and a copy of the analysis conducted by consulting ecologists, Passarella and Associates, Inc., on September 17, 2004;

6. In consideration of Trust's agreement, as set forth above, the County agrees that the percentage of native vegetation preserved will not include: 1) any portion of the subject property which is acquired by the County as part of a right-of-way expansion of Collier

Boulevard or 2) any portion of the subject project which was *lawfully* cleared (*i.e.* with a permit, if required);

7. The County also agrees that it will grant a *reasonable* extension of time of the August 1, 2005, deadline if the Trust's request is in writing and demonstrates that a delay has occurred due to unforeseen circumstances not caused by the Trust.

8. This Agreement is freely and voluntarily executed by County and Trust subsequent to their being apprised of all relevant information concerning this Agreement and upon advice of their respective counsels.

9. The Parties hereto agree that this Agreement supersedes and replaces all prior agreements and understandings and that it constitutes the entire agreement between Respondent Trust and the County and that no other agreements exist, oral or written, between the Parties relating to any matters covered by this Agreement or any other matter whatsoever.

10. The Parties acknowledge and assume the risk that facts, additional and different or contrary to the facts which they believe to exist, may now exist or may be discovered after this Agreement has been entered, and the Parties agree that any such additional, different or contrary facts shall in no way limit, waive, affect or alter this Agreement.

11. Except as expressly provided for herein, the Parties represent and warrant that in executing this Agreement, they do not rely upon, nor have not relied upon, any oral or written representation, promise, warranty or understanding made by any of the Parties or their representatives with regard to the subject matter, basis, or effect of this Agreement.

IN WITNESS WHEREOF, the Trust and the County have executed this Agreement, which consists of six (6) pages, on the date as first set forth above and as sworn to and acknowledged by and through its duly authorized representative.

Signed, sealed and delivered  
in the presence of:

Suzanne Howard  
SUZANNE HOWARD  
Printed Name of Witness

TREE FARM LAND TRUST

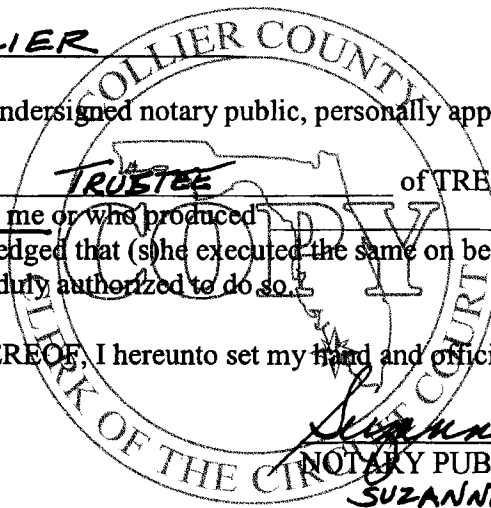
By: Timothy G. Hains,  
as Trustee  
Timothy G. Hains, Trustee of Tree  
Farm Land Trust

Kawni Rich  
Shawnie' Rich  
Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF COLLIER

BEFORE ME, the undersigned notary public, personally appeared TIMOTHY G.  
HAINS, as TRUSTEE of TREE FARM LAND TRUST  
who is personally known to me or who produced \_\_\_\_\_ as  
identification, and acknowledged that (s)he executed the same on behalf of TREE FARM LAND  
TRUST and that (s)he was duly authorized to do so.

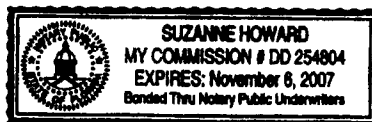
IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Suzanne Howard  
NOTARY PUBLIC, STATE OF FLORIDA  
SUZANNE HOWARD  
(Print Name)

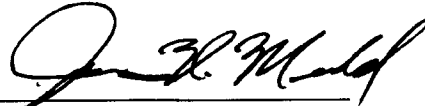
My Commission Expires:

(SEAL)






COLLIER COUNTY, FLORIDA

BY:   
JAMES V. MUDD,  
COUNTY MANAGER

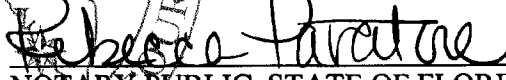
Approved as to form and  
legal sufficiency:

  
Jennifer A. Belpedio  
Assistant County Attorney

STATE OF FLORIDA  
COUNTY OF Collier

Mudd BEFORE ME, the undersigned notary public, personally appeared James V. Mudd, as Manager of COLLIER COUNTY, who is personally known to me or who produced \_\_\_\_\_ as identification, and acknowledged that (s)he executed the same on behalf of COLLIER COUNTY and that (s)he was duly authorized to do so.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
NOTARY PUBLIC, STATE OF FLORIDA  
Rebecca Paratore  
(Print Name)

My Commission Expires:

(SEAL)



**PASSARELLA AND ASSOCIATES, INC.****Consulting Ecologists**

9110 College Pointe Court  
Fort Myers, FL 33919  
Phone (941) 274-0067  
Fax (941) 274-0069

**TO:** Don Schrotenboer  
**FROM:** Elena Mandia  
**DATE:** November 2, 2004  
**RE:** Tree Farm PUD  
Project No. 04AMF1030

Vegetation mapping for the subject property was conducted using 2003 rectified Collier County Property Appraiser's color aerials (scale 1" = 200'). Groundtruthing to map the vegetative communities was conducted on February 18, 2004 utilizing the Florida Land Use, Cover and Forms Classification System<sup>1</sup> (FLUCFCS), Level III. Level IV FLUCFCS was utilized to denote exotic species disturbance. AutoCAD (Version 2004) software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS map (Figure 1). A total of 11 vegetative associations and land uses (i.e., FLUCFCS codes) were identified on the property. Of the 11, only two are considered to be Collier County native vegetation communities. Those areas are the Pine Flatwoods, Disturbed, Exotics 25-49% (FLUCFCS Code 4119 E2) and Pine Flatwoods, Disturbed, Exotics 50-75% (FLUCFCS Code 4119 E3). These areas total 2.02± acres of native vegetation.

The total of unauthorized cleared native vegetation equals 1.13± acres based on the FLUCFCS map, a site visit conducted on September 17, 2004, and aerial photos taken on July 22, 2004 (Figure 1). The native vegetation that remains on the site after the clearing totals 0.89± acre.

The native vegetation to be retained for the site with 15 percent native vegetation preservation would be 0.30± acre. If 25 percent native vegetation preservation would be required, than 0.51± acre native vegetation would need to be retained.

EM/bmw

Enclosure

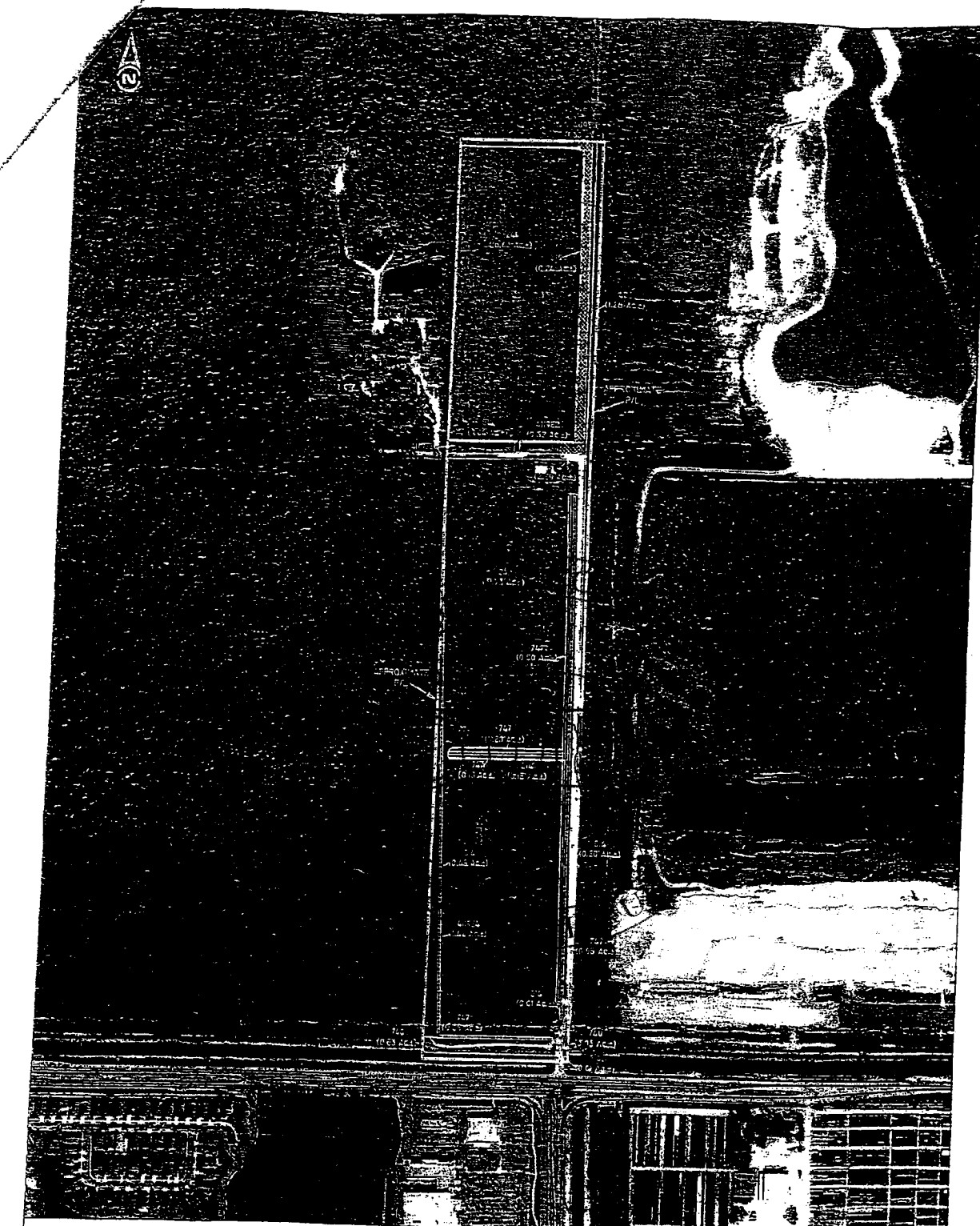
cc: Robert Mulhere, w/enclosure

<sup>1</sup>Florida Department of Transportation. 1999. *Florida Land Use, Cover and Forms Classification System*. Procedure No. 550-010-001-a. Third Edition.





5

\*\*\* OR: 3823 PG: 1816 \*\*\*



LEGEND

-  SPWMD "OTHER SURFACE WATERS" AND COE "WATERS" (1.11 AC.±)
-  CLEARED NATIVE VEGETATION (1.13 AC.±)

FLUCPCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
211	TREE NURSERY	46.18 AC.±	20.9%
4119 B2	PINE PLANTWOOD, DISTURBED 60-70% EXOTICS	0.89 AC.±	1.2%
4119 B3	PINE PLANTWOOD, DISTURBED 80-90% EXOTICS	1.28 AC.±	2.2%
4119 B4	PINE PLANTWOOD, DISTURBED 75-100% EXOTICS	1.42 AC.±	2.4%
422	BRAZILIAN PEPPER	1.28 AC.±	2.1%
516	CANAL	0.59 AC.±	0.7%
514	DITCH	1.42 AC.±	2.4%
740	DISTURBED LAND	0.89 AC.±	0.9%
740	SEWER	1.88 AC.±	3.1%
814	ROAD	2.88 AC.±	4.8%
TOTAL		224.00 AC.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH COLLIER COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY, 2003.

FLUCPCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCPCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCPCS) (FOOT 1999).

PROPERTY BOUNDARY FROM RWA, INC. DRAWING NO. BOUNDARY SURVEY.DWG DATED 1-29-04.

UPLAND/WETLAND LINES HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

DATE OF SURVEY	11/2/04	SCALE	1"=400'
DATE OF PHOTOGRAPH	11/2/04	DATE OF SURVEY	11/2/04
DATE OF SURVEY	11/2/04	DATE OF PHOTOGRAPH	11/2/04
DATE OF SURVEY	11/2/04	DATE OF PHOTOGRAPH	11/2/04

**PASSARELLA and ASSOCIATES, INC.**  
Consulting Ecologists  
3110 College Pointe Court, Fort Myers, Florida 33919

**TREE FARM PUD**  
AERIAL WITH FLUCPCS AND CLEARED NATIVE VEGETATION AREA

FIGURE 1