

**EXHIBIT A
FOR
CLEARY RPUD**

Regulations for development of the Cleary Residential Planned Unit Development (RPUD) shall be in accordance with the contents of this RPUD Document and applicable sections of the LDC and Growth Management Plan (GMP) in effect at the time of issuance of any development order to which said regulations relate. Where this RPUD Ordinance does not provide development standards, then the provisions of the specific sections of the LDC that are otherwise applicable shall apply.

PERMITTED USES:

A maximum development density of 63 residential dwelling units or 200 units of group housing for seniors shall be permitted within the RPUD. Construction of more than 36 residential dwellings requires the developer to demonstrate that they have transferred 1 dwelling unit per acre from Sending Lands consistent with the infill provisions of the Future Land Use Element and Exhibit F.2 of this PUD document. The FAR shall govern group housing units. 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:

MIXED USE:

A. Principal Uses:

1. Group housing for seniors including assisted living, continuing care retirement communities, skilled nursing, memory care and independent living facilities at an FAR of up to 0.6 (See Exhibit A Item C, Operational Requirements for Group Housing and Exhibit E, Deviation #1);
2. Residential Dwelling Units
 - a. Single-family, including detached, zero lot line, two family and duplex;
 - b. Townhouse;
 - c. Multi-family;
3. Any other use, which is comparable in nature with the foregoing uses as determined by the Board of Zoning Appeals (BZA) or the Hearing Examiner.

B. Accessory Uses:

1. Garages and/or carports.
2. Guardhouses, gatehouses, and access control structures.
3. Temporary construction, sales, and administrative offices for the developer and developer's authorized contractors and consultants, including necessary access ways, parking areas, and related uses, subject to the procedures for a temporary use permit provided in the LDC.
4. Landscape features including, but not limited to, landscape buffers, berms, fences and walls.

5. Accessory uses and structures customarily associated with uses permitted in this RPUD, including recreational facilities, such as swimming pool, clubhouse, fitness center and maintenance facilities.
6. Any other use, which is comparable in nature with the foregoing uses, consistent with the permitted uses for this RPUD, as determined by the Board of Zoning Appeals (BZA) or the Hearing Examiner.

C. Operational Requirements for Group Housing

Group housing for seniors uses shall provide the following services and/or be subject to the following operational standards:

1. The facility shall be for residents 55 years of age and older.
2. There shall be on-site dining for the residents.
3. Group transportation services shall be provided for residents for the purposes of grocery and other types of shopping. Individual transportation services may be provided for the residents' individualized needs including but not limited to medical office visits.
4. There shall be an on-site manager/activities coordinator to assist residents with their individual needs. The manager/coordinator shall also be responsible for arranging trips to off-site events as well as planning for lectures, movies, music and other entertainment for the residents at the on-site clubhouse.
5. A wellness center shall be provided on-site. Exercise and other fitness programs shall be provided for the residents.
6. Each unit shall have the option to be equipped to notify the community staff in the event of medical or other emergency.
7. Each unit shall be designed to accommodate residents with physical impairments (handicaps) as required by the applicable building codes and federal law and regulation.

PRESERVE

A. Allowable Uses:

1. Nature trails and boardwalks that do not reduce the amount of required preserve area to be retained.
2. Mitigation for environmental permitting, [as per LDC requirements](#).
3. Passive Recreation areas, as per LDC requirements.
4. Water management and water management structures, as per LDC requirements.

**EXHIBIT B
FOR
CLEARY RPUD**

DEVELOPMENT STANDARDS

Exhibits B sets forth the development standards for land uses within the Cleary RPUD. Standards not specifically set forth herein shall be those specified in applicable sections of the LDC in effect as of the date of approval of the SDP or subdivision plat.

STANDARDS	SINGLE FAMILY DETACHED	SINGLE FAMILY ZERO LOT LINE	TOWNHOUSE	TWO FAMILY & DUPLEX	MULTI- FAMILY	GROUP HOUSING
PRINCIPAL STRUCTURES						
Minimum Lot Area	5,000 SF	4,000 SF	1,600 SF	1,600 SF	10,000 SF	N/A
Minimum Lot Width	50 feet	40 feet	16 feet	16 feet	100 feet	N/A
Minimum Lot Depth	100 feet	100 feet	100 feet	100 feet	N/A	N/A
Minimum Front Yard Setback ⁽¹⁾	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Minimum Side Yard Setback	5 feet	0/5 feet ⁽²⁾	0 feet	0 or 5 feet	15 feet	15 feet
Minimum Rear Yard Setback ⁽⁴⁾	15 feet	15 feet	15 feet	15 feet	20 feet	20 feet
Maximum Building Height Zoned Actual	30 feet 40 feet	30 feet 40 feet	30 feet 40 feet	30 feet 40 feet	40 feet 50 feet	45 feet 50 feet
Minimum Distance Between Structures	10 feet	10 feet	10 feet	10 feet	Greater of 20 feet or ½ BH	Greater of 20 feet or ½ BH
Minimum Floor Area	1,250 SF	1,250 SF	1,250 SF	1,250 SF	1,000 SF	N/A
Minimum Preserve Setback	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
ACCESSORY STRUCTURES⁽³⁾						
Minimum Front Yard Setback ⁽¹⁾	20 feet	20 feet	20 feet	20 feet	15 feet	15 feet
Minimum Side Yard Setback	5 feet	0 feet ⁽²⁾	0 feet ⁽²⁾	0 feet ⁽²⁾	15 feet	15 feet
Minimum Rear Yard Setback ⁽⁴⁾	10 feet	10 feet	10 feet	10 feet	15 feet	15 feet
Minimum Preserve Setback	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Minimum Distance Between Structures	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Maximum Building Height Zoned Actual	25 feet 30 feet	25 feet 30 feet	25 feet 30 feet	25 feet 30 feet	35 feet 45 feet	35 feet 45 feet

BH: Building Height – Zoned

⁽¹⁾ Measured to edge of pavement or back of curb (single-family front entry garages shall have a 23' setback from back of sidewalk).

⁽²⁾ Must be at least 10 feet between structures.

⁽³⁾ Structures such as gatehouses, walls and decorative architectural treatments shall have no setback from property line.

⁽⁴⁾ Landscape Buffer Easements and/or Lake Maintenance Easements shall be located within open space tracts or lake tracts and not be within a platted residential lot. Where a home site ~~is adjacent to~~ abuts a Landscape Buffer Easement or Lake Maintenance Easement within open space tracts or lake tracts, the accessory structure setback on the platted residential lot may be reduced to zero (0) feet where it abuts the easement.

**EXHIBIT D
FOR
CLEARY RPUD**

PARCEL 1
(OR 2651, PG 2615)

THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA

PARCEL 2
(OR 2216, PG 252)

THE WEST 1/2 OF THE SW 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 26 EAST, LYING AND BEING IN THE COUNTY OF COLLIER AND STATE OF FLORIDA

PARCELS 1 & 2 CONTAINING 8.99 ACRES MORE OR LESS COMBINED

**EXHIBIT E
FOR
CLEARY RPUD**

LIST OF REQUESTED DEVIATIONS

1. Deviation 1 seeks relief from LDC Section 5.05.04.D.1 which establishes a maximum FAR of 0.45 for group housing to instead permit a maximum FAR of 0.60.

**EXHIBIT F
FOR
CLEARY RPUD**

LIST OF DEVELOPER COMMITMENTS

1. ENVIRONMENTAL

- a. The RPUD shall be required to preserve 15% of native vegetation. 7.13± acres of native vegetation exists on-site requiring a minimum preservation of 1.07± acres (7.13 x .15 = 1.07) of native vegetation to be retained.
- b. A management plan for Florida black bear shall be submitted for review and approval at time of final plat or SDP for the project, whichever is applicable.
- c. The portion of the 30-foot ROW easement within the preserve will need to be vacated or released prior to final plat or SDP approval, whichever is applicable.

2. PLANNING

TDR credits shall be utilized in accordance with the requirements of LDC Section 2.03.07D.4.g.

A maximum of 63 dwelling units are permitted in the PUD, of which 36 units are derived from the allowable base density and 27 units are derived from density bonus; of the density bonus, 9 units shall be derived from TDR Credits severed and transferred from Rural Fringe Mixed Use District Sending Lands consistent with the provisions of the Collier County Growth Management Plan.

Commencing with submittal of the first development order that utilizes TDR credits (beginning with the 37th unit), a TDR calculation sheet shall be submitted documenting that the developer has acquired all TDR credits needed for that portion of the development. The calculation sheet tracks the chronological assignment of TDR credits with respect to all subsequent development orders until the maximum density allowed by the utilization of TDR credits has been reached (all TDR credits allowing residential development reach a zero balance).

3. 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 Raymond J. Cleary, Jr., 3120 60th Street SW, Naples, FL 34116. 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.

4. 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.

5. TRANSPORTATION

- a. The project shall be limited to a maximum of 85 PM peak hour two-way trips.

6. LANDSCAPING

- a. Preserves may be used to satisfy the landscape buffer requirements after exotic removal in accordance with LDC Section 4.06.02 and LDC Section 4.06.05.E.1. Supplemental plantings with native plant materials shall be in accordance with LDC Section 3.05.07. A minimum 6-foot wide landscape buffer must be reserved for additional landscape material which shall be added outside of the preserve on the development side to achieve the 80% opacity requirement within 6 months of the issuance of the first certificate of occupancy.