

EXHIBIT A
TORRES FAMILY TRUST CPUD

LIST OF PERMITTED USES

PERMITTED USES:

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

TRACT C – COMMERCIAL DEVELOPMENT

I. Principal Uses

- A. Up to 60,000 square feet of gross floor area of the following commercial uses, as identified with a number from the Standard Industrial Classification Manual (1987):
1. Accounting, auditing, and bookkeeping (8721).
 2. Advertising agencies (7311).
 3. Animal specialty services, except veterinary (0752, excluding outside kenneling).
 4. Apparel and accessory stores (5611—5699).
 5. Architectural services (8712).
 6. Auto and home supply stores (5531).
 7. Banks, credit unions and trusts (6011-6099).
 8. Barber shops (7241, except for barber schools).
 9. Beauty shops (7231, except for beauty schools).
 10. Business associations (8611).
 11. Business consulting services (8748).
 12. Business credit institutions (6153-6159).
 13. Business services—miscellaneous (7311, 7322-7338, 7371-7379, 7384, 7389, except for auctioneering service, automobile recovery, automobile repossession, batik work, bottle exchanges, bronzing, cloth cutting, contractors' disbursement, cosmetic kits, cotton inspection, cotton sampler, directories-telephone, drive-away automobile, exhibits-building, filling pressure containers, field warehousing, fire extinguisher, floats-decoration, folding and refolding, gas systems, bottle labeling, liquidation services, metal slitting and shearing, packaging and labeling, patrol of electric transmission or gas lines, pipeline or powerline inspection, press clipping service, product sterilization, recording studios, repossession service, rug binding, salvaging of damaged merchandise, scrap steel cutting and slitting, shrinking textiles, solvent recovery, sponging textiles, swimming pool cleaning, tape slitting, textile designers, textile folding, tobacco sheeting, window trimming, and yacht brokers).
 14. Child day care services (8351).
 15. Churches.
 16. Civic, social, and fraternal associations (8641).
 17. Commercial art and graphic design (7336).

18. Commercial photography (7335).
19. Computer and computer software stores (5734).
20. Credit reporting services (7323).
21. Direct mail advertising services (7331).
22. Drug stores (5912).
23. Eating and drinking places (5812 only). All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of section 5.05.01 of the LDC.
24. Educational plants and services (8211, 8221-8222).
25. Engineering services (8711).
26. Essential services, subject to section 2.01.03 of the LDC.
27. Federal and federally-sponsored credit agencies (6111).
28. Food stores (groups 5411-5499).
29. Garment pressing and agents for laundries and drycleaners (7212).
30. General merchandise stores (5331—5399).
31. Glass, Paint, and Wallpaper stores (5231).
32. Group care facilities for persons 55 and over, limited to (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; independent or assisted living facilities pursuant to F.S. § 429 and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to F.S. § 651; as defined in the LDC and all subject to section 5.05.04. of the LDC (hereinafter collectively or singularly referred to as “Assisted Living Facility”). Assisted Living Facilities are not subject to the limitation on square footage.
33. Hardware stores (5251).
34. Health services, offices and clinics (8011-8049, 8092, and 8099).
35. Home furniture and furnishings stores (5712—5719).
36. Home health care services (8082).
37. Household appliance stores (5722).
38. Insurance carriers, agents and brokers (6311—6399, 6411).
39. Labor unions (8631).
40. Landscape architects, consulting and planning (0781).
41. Laundries, family and commercial (7211).
42. Legal services (8111).
43. Libraries (8231).
44. Loan brokers (6163).
45. Management services (8741, 8742).
46. Membership organizations, miscellaneous (8699).
47. Motor freight transportation and warehousing (4225, indoor, air conditioned and mini-self storage warehousing only).
48. Mortgage bankers and loan correspondents (6162).
49. Museums and art galleries (8412).
50. Musical instrument stores (5736).
51. Personal credit institutions (6141).
52. Personnel supply services (7361 & 7363).
53. Photographic studios, portrait (7221).
54. Physical fitness facilities (7991; 7997).

55. Professional membership organizations (8621).
56. Public administration (groups 9111—9199, 9229, 9311, 9411, 9451, 9511—9532, 9611—9661).
57. Public relations services (8743).
58. Radio, television and consumer electronics stores (5731).
59. Radio, television and publishers advertising representatives (7313).
60. Real Estate (6531—6552).
61. Religious organizations (8661).
62. Repair services - miscellaneous (7629—7631, 7699 - bicycle repair, binocular repair, camera repair, key duplicating, lawnmower repair, leather goods repair, locksmith shop, picture framing, and pocketbook repair only).
63. Retail nurseries, lawn and garden supply stores (5261).
64. Retail services - miscellaneous (5921—5963 except pawnshops and building materials; 5992-5999 except auction rooms, awning shops, gravestones, hot tubs, monuments, swimming pools, tombstones and whirlpool baths).
65. Security and commodity brokers, dealer, exchanges and services (6211—6289).
66. Shoe repair shops and shoeshine parlors (7251).
67. Surveying services (8713).
68. Tax return preparation services (7291).
69. Travel agencies (4724, no other transportation services).
70. United States Postal Service (4311, except major distribution center).
71. Veterinary services (0742, excluding outdoor kenneling).
72. Any other commercial use or professional services which is comparable in nature with the foregoing uses, including those that exclusively serve the administrative as opposed to the operational functions of a business and are associated purely with activities conducted in an office.

B. The following commercial uses, as identified with a number from the Standard Industrial Classification Manual (1987), are prohibited within 75 feet of any dwelling unit located to the south or east:

1. Animal specialty services, except veterinary (0752, excluding outside kenneling).
2. Apparel and accessory stores (5611—5699).
3. Auto and home supply stores (5531).
4. Banks, credit unions and trusts (6011-6099).
5. Barber shops (7241, except for barber schools).
6. Beauty shops (7231, except for beauty schools).
7. Business credit institutions (6153-6159).
8. Business services—miscellaneous (7311, 7322-7338, 7371-7379, 7384, 7389, except for auctioneering service, automobile recovery, automobile repossession, batik work, bottle exchanges, bronzing, cloth cutting, contractors' disbursement, cosmetic kits, cotton inspection, cotton sampler, directories-telephone, drive-away automobile, exhibits-building, filling pressure containers, field warehousing, fire extinguisher, floats-decoration, folding and refolding, gas systems, bottle labeling, liquidation services, metal slitting and shearing, packaging and labeling, patrol of electric transmission or gas lines, pipeline or powerline inspection, press clipping

service, product sterilization, recording studios, repossession service, rug binding, salvaging of damaged merchandise, scrap steel cutting and slitting, shrinking textiles, solvent recovery, sponging textiles, swimming pool cleaning, tape slitting, textile designers, textile folding, tobacco sheeting, window trimming, and yacht brokers).

9. Child day care services (8351).
10. Churches.
11. Computer and computer software stores (5734).
12. Drug stores (5912).
13. Eating and drinking places (5812 only). All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of section 5.05.01 of the LDC.
14. Educational plants and services (8211, 8221-8222).
15. Federal and federally-sponsored credit agencies (6111).
16. Food stores (groups 5411-5499).
17. Garment pressing and agents for laundries and drycleaners (7212).
18. General merchandise stores (5331—5399).
19. Glass, Paint, and Wallpaper stores (5231).
20. Hardware stores (5251).
21. Home furniture and furnishings stores (5712—5719).
22. Household appliance stores (5722).
23. Laundries, family and commercial (7211).
24. Libraries (8231).
25. Loan brokers (6163).
26. Motor freight transportation and warehousing (4225, indoor, air conditioned and mini-self storage warehousing only).
27. Mortgage bankers and loan correspondents (6162).
28. Museums and art galleries (8412).
29. Musical instrument stores (5736).
30. Personal credit institutions (6141).
31. Photographic studios, portrait (7221).
32. Physical fitness facilities (7991; 7997).
33. Radio, television and consumer electronics stores (5731).
34. Religious organizations (8661).
35. Repair services - miscellaneous (7629—7631, 7699 - bicycle repair, binocular repair, camera repair, key duplicating, lawnmower repair, leather goods repair, locksmith shop, picture framing, and pocketbook repair only).
36. Retail nurseries, lawn and garden supply stores (5261).
37. Retail services - miscellaneous (5921—5963 except pawnshops and building materials; 5992-5999 except auction rooms, awning shops, gravestones, hot tubs, monuments, swimming pools, tombstones and whirlpool baths).
38. Shoe repair shops and shoeshine parlors (7251).
39. United States Postal Service (4311, except major distribution center).
40. Veterinary services (0742, excluding outdoor kenneling).

II. Accessory Uses:

Accessory uses and structures customarily associated with the permitted principal uses and structures permitted by right in this CPUD, including, but not limited to:

1. Outside storage or display of merchandise when specifically permitted by the LDC for a use, subject to LDC Section 4.02.12.
2. One caretakers residence, subject to LDC Section 5.03.05.
3. Temporary display of merchandise during business hours provided it does not adversely affect pedestrian or vehicular traffic or public health or safety as determined by the County. Merchandise storage and display is prohibited within any front yard but allowed within the side and rear yards of lots.
4. Signage in accordance with LDC Section 5.06.00 et seq.

III. Restrictions on Certain Uses:

Within 75 feet of any dwelling unit adjacent to the eastern and southern perimeter boundaries of the PUD, only the following uses and/or improvements shall be permitted:

1. Conservation/Preserve areas;
2. Landscape buffers;
3. Stormwater management areas (dry or wet detention);
4. Essential services;
5. Professional office or other professional service uses not otherwise prohibited in Section I.B., above; and
6. Accessory uses and structures customarily associated with any of the permitted principal uses, including parking, except outdoor storage and display.

TRACT P – PRESERVE:

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:

1. Preservation of native habitat.

B. Accessory Uses, allowed only if additional acreage above the required minimum is provided in Tract P:

1. Storm water management structures.
2. Pervious and impervious pathways and boardwalks, consistent with LDC Section 3.05.07 H.1.h.i.
3. Shelters without walls.
4. Educational signage and bulletin boards located on or immediately adjacent to the pathway.

5. Benches for seating.
6. Viewing platforms.
7. Any other use which is comparable in nature with the forgoing list of permitted accessory uses, as determined by the Hearing Examiner by the process outlined in the LDC.

EXHIBIT B
TORRES FAMILY TRUST CPUD
DEVELOPMENT STANDARDS

The table below sets forth the development standards for commercial land uses (including Assisted Living Facilities) within Tract C of the Torres Family Trust CPUD. 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.

I. COMMERCIAL DEVELOPMENT STANDARDS

	PRINCIPAL STRUCTURES	ACCESSORY STRUCTURES
MIN. LOT AREA	10,000 S.F.	N/A
MIN. LOT WIDTH	100 FEET	N/A
MIN. FLOOR AREA	700 S.F. ¹	N/A
MINIMUM YARDS (External—measured from the PUD boundary) ²		
From Tamiami Trail	35 FEET	SPS
From adjacent TTRVC zoned property	25 FEET	10 FEET
From adjacent PUD zoned property	25 FEET	10 FEET
MINIMUM YARDS (Internal—measured from internal lot lines)		
Min. Front Yard	10 FEET	SPS
Min. Side Yard	10 FEET	5 FEET
Min. Rear Yard	10 FEET	5 FEET
Min. Preserve Setback	25 FEET	10 FEET
Min. Lake Setback ³	20 FEET	10 FEET
MIN. DISTANCE BETWEEN STRUCTURES	20 FT or ½ sum of BH, whichever is greater	10 FEET
MAX. BUILDING HEIGHT NOT TO EXCEED (ZONED)	45 FEET	SPS
MAX. BUILDING HEIGHT NOT TO EXCEED (ACTUAL)	52 FEET	SPS

1. Per principal structure, on the finished first floor.
2. Dumpsters and dumpster enclosures shall not encroach into the stated perimeter PUD setbacks.
3. As measured from the Control Elevation.

EXHIBIT D
TORRES FAMILY TRUST CPUD

LEGAL DESCRIPTION

Starting at the Northwest Corner of the property at the intersection of the South Right-of-way of U.S. 41 and the West line of Section 12, Township 51 South, Range 26 East Collier County, Florida, and proceeding Southerly along the Section Line for approximately 870 feet, thence Easterly for 330 feet, thence Northerly for 660 feet, thence Westerly along U.S. 41 Southerly Right-of-way for approximately 390 feet to the point of beginning, less and except the following described parcel: Commencing at the intersection of the west line of Section 12, Township 51 South, Range 26 East Collier County, Florida, and the Southeasterly Right-of-way of U.S. 41; run South 54°24'20" East 377.86 feet along said Right-of-way line to the point of beginning; Continue along said Right-of-way Line 12.14 feet; thence South 1°01'20" West 100.00 feet, thence North 88°58'40" West 10.00 feet; thence North 1°01'20" East 106.89 feet to the point of beginning.

EXHIBIT E
TORRES FAMILY TRUST CPUD

LIST OF REQUESTED DEVIATIONS FROM LDC

Deviation 1: From LDC Section 5.05.04.D.1 *Group Housing*, which establishes a maximum floor area ratio of 0.45 for care units, assisted living units, continuing care retirement communities, nursing homes, and dwelling units that are part of an aging-in-place living environment, to allow a maximum floor area ratio of 0.60 for an Assisted Living Facility, consistent with the East Tamiami Trail Infill Subdistrict.

EXHIBIT F
TORRES FAMILY TRUST CPUD

LIST OF DEVELOPER COMMITMENTS

I. 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 MPUD. At the time of this PUD approval, the Managing Entity is Torres Family Holdings, LLC. 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, 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 will 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.

II. ENVIRONMENTAL

The site contains approximately 5.23 acres of native vegetation. For a commercial or industrial project within the Coastal High Hazard Area, 15 percent of existing native vegetation must be retained (15% of 5.23 acres = 0.79 acres). The preserve as depicted on the Master Plan contains a minimum of 0.79 acres.

III. TRANSPORTATION

- A. Intensity of uses under any development scenario for the PUD is limited to the two-way, unadjusted, average weekday, pm peak hour trip entering/exiting generation of 425 total trips utilized in the TIS dated May 2016 (gross trips).
- B. Vehicular connection and shared Tamiami Trail access with the adjacent Fiddler's Creek Business Tract is encouraged, as practicable, utilizing a portion of the existing roadway easement to the west of the project site.

IV. PLANNING

- A. The developer of any group housing or retirement community, its successors or assigns, shall provide the following services and be subject to the following operational standards for the units in the retirement community, including, but not limited to, independent living units, assisted living units, or skilled nursing units:

Operational Characteristics for Senior Housing

Senior housing may be composed of one or more types of care/housing facilities. These care/housing types are limited to independent living, assisted living, and skilled nursing units, each of which can have varying operational characteristics. The following characteristics of senior housing care units distinguish them from residential land uses, and all of the characteristics must be provided for and maintained to be considered a senior housing care unit:

- The facility shall be for residents 55 years of age and older;
 - There shall be on-site dining facilities to the residents, with food service being on-site, or catered;
 - Group transportation services shall be provided for the residents for the purposes of grocery and other types of shopping. Individual transportation services shall be coordinated for the residents needs, including but not limited to medical office visits;
 - There shall be an onsite manager/activities coordinator to assist residents who shall be responsible for planning and coordinating stimulating activities for the residents;
 - An on-site wellness facility shall provide exercise and general fitness opportunities for the residents;
 - Each unit shall be equipped with devices provided to notify emergency service providers in the event of a medical or other emergency;
 - Independent living units shall be designed so that a resident is able to age in place. For example, kitchens may be easily retrofitted by lowering the sink to accommodate a wheelchair bound resident or bathrooms may be retrofitted by adding grab bars.
- B. Tract P, Preserve, where it is dense enough to provide equivalent buffering per the LDC, may count towards minimum buffering requirements.
- C. The Master Plan is conceptual in nature and is subject to modifications at time of Plans and Plat (PPL) or Site Development Plan (SDP) approval due to agency permitting requirements.
- D. Lighting shall be fully shielded and directed so as to prevent glare on adjacent residential or TTRVC zoned properties.
- E. Outdoor amplified sound is prohibited, except in conjunction with an approved temporary use permit and in such limited cases shall be restricted to the hours of 11:00 a.m. to 8:00 p.m.
- F. 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.

- G. All other applicable state or federal permits must be obtained before commencement of the development.