

FOR CAO USE ONLY

RLS #:

17-CRS-01694

Due Date:

8-3-17

DATE RECEIVED:

7-6-17

### REQUEST FOR LEGAL SERVICES

Date: July 06, 2017

Item Previously Submitted: NO Rev #: 1

If YES, RLS #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

To: Office of the County Attorney, Attention: Heidi Ashton-Cicko/Scott Stone

From / Title: Eric Johnson - Principal Planner

Department / Division: ZONING / DEVELOPMENT REVIEW

Telephone #: (239) 252-2931

Re: PL20170001345 - Marco Shores (PUDA)

#### BACKGROUND OF REQUEST/PROBLEM:

(Describe problem and give background information - be specific, concise, and articulate)

FOLIO NO(S): 59430080007.

#### DOCUMENTATION:

Are there documents or other information needed to review this matter? YES

If yes, attach and reference this information:

Attachments: See City View Documents & Images Tab

#### ACTION REQUESTED:

Please review the documents attached to this project in City View, under documents and images and advise this office if it is legally sufficient.

Thank you.

cc: kathynellcrotteau@colliergov.net  
wandarodriguez@colliergov.net

- see comments in CV

\* see attached PUD markups, & please provide a copy to the applicant  
GAS 8/2/17

K - please assign to Scott Stone  
17 JUL 2017  
OFFICE OF THE COUNTY ATTORNEY

Marco Shores Golf Course Community PUD  
Amend Ordinance Number 2016-37

**Amendment to Section IV, Multi-Family of the PUD Document of Ordinance Number 2016-37,  
Marco Shores Golf Course Community PUD.**

The section IV, Multi-Family of the Planned Unit Development Document, previously attached as Exhibit A Ordinance Number 2016-37, the Marco Shores Golf Course Community PUD, is hereby amended to add Section 4.07, Regulations for Residential Parcel Two A :

SECTION IV

MULTI-FAMILY

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4.07 REGULATIONS FOR RESIDENTIAL PARCEL TWO A

4.07.01 USES PERMITTED

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

A. Principal Uses:

- (1) Multi-family residential buildings and single family detached.
- (2) Parks, playgrounds, playfields and commonly owned open space.
- (3) Water management facilities.
- (4) Golf Course uses (1), (5) and (6) as set forth in 5.02.A.
- (5) Group housing for seniors including assisted living, continuing care retirement communities, skilled nursing, memory care and independent living facilities at a FAR of up to 0.6

B. Principal Uses Requiring Site Plan Approval:

- (1) Non-commercial boat launching facilities and multiple docking areas with a maximum extension into the waterway of 20 feet.
- (2) Residential clubs, intended to serve the surrounding residential area.

(3) Individual housing units including townhouses, zero lot line, villas and cluster housing.

(4) Boardwalks, viewing stands or docks, and nature trails not associated with any particular multi-family development.

C. Permitted Accessory Uses and Structures:

(1) Customary accessory uses and structures, including parking structures.

(2) Signs as permitted by the Zoning Ordinance of Collier County.

(3) Model homes, apartments and sales offices shall be permitted in conjunction with the promotion of the development.

4.07.02 MINIMUM LOT AREA:

Multi-family: One (1) net acre.

Single Family Detached: 7500 square feet.

Other Residential Types: In conformance with approved site development plan.

Does staff consider group housing to be "residential?"

4.07.03 MINIMUM YARDS - MULTI-FAMILY/GROUP HOUSING

A. Setbacks from parcel boundaries - twenty feet (20') or one-half (1/2) the height of the structure, whichever is greater.

B. Setbacks from <sup>road rights-of-way</sup> edge of pavement of public roadways -thirty feet (30').

C. Distance between any two principal structures - one-half (1/2) the sum of their heights, but not less than twenty feet.

D. In the case of clustered buildings with a common architectural theme, these distances may be less provided that a site development plan is approved by the Development Services Director.

this title has changed

4.07.04 MINIMUM YARDS - SINGLE FAMILY

A. Single Family Detached:

(1) Front setback: 30'

(2) Side setback: 7-1/2'

(3) Rear setback: 20'

Group housing can't be erected w/ 25 feet of right of way (w/ 6.05.04 D2)

- B. Other than single-family detached: All setbacks in accordance with the approved site plan.

4.07.06 MAXIMUM HEIGHT

- A. Principal structures – four (4) stories above the required flood plain elevation or one level of parking. *don't the maximum always be one level of parking? If so, why include above required flood plain elevation?*
- B. Accessory structures – twenty feet (20') above required flood plain elevation.

4.07.06 MINIMUM LIVING AREA OF PRINCIPAL STRUCTURES

Principal ~~residential~~ use structures shall contain a minimum of seven hundred and fifty (750) gross square feet of living area per dwelling unit within principal structure. There shall be no minimum unit size for group housing for seniors use. *If I'll need to have staff confirm this is acceptable*

4.07.07 OFF-STREET PARKING

Principal uses shall provide a minimum of two parking spaces per dwelling unit. Parking for group housing for seniors shall be per LDC 5.05.04.D.3.

4.07.08 ~~FAR~~ DEVIATION <sup>FROM THE LAND DEVELOPMENT CODE</sup> FOR GROUP HOUSING

Deviation from LDC Section 5.05.04.D.1 which establishes a maximum FAR of 0.45 for group housing to permit a maximum FAR of 0.6. *(Floor area ratio)*

4.07.09 Architectural Standards

Group housing for seniors shall be subject to the architectural standards under LDC Section 5.05.09

~~Amendment to Section VII, Development Commitments of the PUD Document of Ordinance Number 2016-37, Marco Shores Golf Course Community PUD.~~

~~The section VII, Development Commitments of the Planned Unit Development Document, previously attached as Exhibit A Ordinance Number 2016-37, the Marco Shores Golf Course Community PUD, is hereby amended to add Section 7.07, PUD Monitoring:~~

SECTION VII

DEVELOPMENT COMMITMENTS

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7.07 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 WCI Communities, LLC, C/O Lennar Corp., Mr. Barry Ernst, 10481 Ben C Pratt Pkwy, Fort Myers, FL 33966. 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.

7.08 miscellaneous

(see attached page for language)

**7.08**    **Miscellaneous**

- A.    All other applicable state or federal permits must be obtained before commencement of the development.
- B.    Pursuant to Section 125.022(5) F.S., 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.