

ORDINANCE NO. 12-12

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NO. 05-59, THE SABAL BAY MIXED USE PLANNED UNIT DEVELOPMENT, BY AMENDING THE PUD DOCUMENT, EXHIBIT A, TO PROVIDE FOR: CHANGES IN DEVELOPMENT STANDARDS INCLUDING RIGHT OF WAY WIDTHS AND SIDEWALKS; ADDITION OF GENERAL PERMITTED USES TO INCLUDE OUTSIDE STORAGE FACILITIES; REMOVAL OF GOLF AS A PERMITTED USE; ADDITION OF CAR WASH, POST OFFICE, DOCKS AND ELECTRIC BOATS AS ALLOWABLE USES IN THE RECREATION/VILLAGE CENTER TRACT; INCREASE OF PRESERVE BY 45 ACRES; INCREASE IN FLOOR AREA RATIO FOR ADULT LIVING FACILITY AND INCREASE IN HEIGHT; REMOVAL OF AFFORDABLE HOUSING AND REMOVAL OF BALD EAGLE MANAGEMENT PLAN AND GOPHER TORTOISE RELOCATION MANAGEMENT PLAN ON PROPERTY LOCATED SOUTH OF THOMASSON DRIVE, SOUTH AND WEST OF U. S. 41, NORTH AND WEST OF THE WENTWORTH PUD, AND EAST OF THE NAPLES BAY INTERCOASTAL WATERWAY IN SECTIONS 23, 24, 25, 26 AND 36, TOWNSHIP 50 SOUTH, RANGE 25 EAST, AND SECTION 19, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 2,416 +/- ACRES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 15, 2005, the Board of County Commissioners approved Ordinance No. 05-59 which established the Sabal Bay Mixed Use Planned Unit Development (PUD); and

WHEREAS, Margaret Perry of Wilson Miller Stantec and R. Bruce Anderson, Esquire of Roetzel & Andress, LPA representing CDC Land Investments, Inc. and Collier Land Development, Inc., petitioned the Board of County Commissioners of Collier County, Florida to amend Ordinance No. 05-59, the Sabal Bay Mixed Use Planned Unit Development.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: AMENDMENTS TO THE PUD DOCUMENT EXHIBIT A OF ORDINANCE NO. 05-59

The PUD Document, Exhibit A of Ordinance No. 05-59, is hereby amended and replaced with Exhibit A attached to this ordinance amendment.

SECTION TWO: REMOVAL OF APPENDIX A OF THE PUD DOCUMENT EXHIBIT A OF ORDINANCE NO. 05-59

Appendix A of the PUD Document, Exhibit A of Ordinance No. 05-59, which contains the Bald Eagle Management Plan, is hereby deleted in its entirety.

SECTION THREE:

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by super-majority vote of the Board of County Commissioners of Collier County, Florida, this 13 day of March, 2012

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: [Signature]
Deputy Clerk

By: Fred W. Coyle
FRED W. COYLE, Chairman

Approved as to form
and legal sufficiency:

[Signature]
Steven T. Williams
Assistant County Attorney

Attachment: Exhibit A - PUD Document

This ordinance filed with the
Secretary of State's Office the
15th day of March 2012
and acknowledgement that
filing received this 28th day
of March 2012
By: [Signature]
Deputy Clerk

CP\11-CPS-01105\90

Sabal Bay

A MIXED-USE PLANNED UNIT DEVELOPMENT

2,416.0849 +/- Acres Located in Sections 23, 24, 25, 26, and 36
Township 50 South, Range 25 East, and
Section 19, Township 50 South, Range 26 East,
Collier County, Florida

PREPARED FOR:

~~WCI Communities, Inc., and Collier Development Corporation~~
CDC Land Investments, Inc. and
Collier Land Development, Inc.
2550 Goodlette Road North, #100
Naples, FL 34103

PREPARED BY:

~~Robert J. Mulhere, AICP; RWA, Inc.~~
~~6610 Willow Park Drive, Suite 200~~
~~Naples, FL 34109~~
WilsonMiller Stantec
3200 Bailey Lane, Suite 200
Naples, FL 34105

And

~~Richard D. Yovanovich~~
~~Goodlette, Coleman & Johnson, P.A.~~
~~4001 Tamiami Trail North, Suite 300~~
~~Naples, FL 34103~~
Roetzel and Andress
850 Park Shore Drive; Trianon Centre, 3rd Floor
Naples, FL 34103

EXHIBIT "A"

DATE REVIEWED BY CCPC	<u>12-15-2011</u>
DATE REVIEWED BY BCC	<u>3-13-2012</u>
ORDINANCE NUMBER	<u>2012-12</u>
AMENDMENT AND/OR REPEAL	<u>AMEND 2005-59</u>

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STATEMENT OF COMPLIANCE

The purpose of this Section is to express the intent of the applicants, ~~WCI Communities, Inc., (WCI), and CDC Land Investments, Inc., and Collier Land Development, Inc.,~~ hereinafter referred to collectively as the ~~developer~~ Owners, to create a Mixed-Use Planned Unit Development (MPUD) on ~~2,416.0849~~ 2,416.0849 +/- acres of land located in Sections 23, 24, 25, 26, and 36, Township 50 South, Range 25 East, and Section 19, Township 50 South, Range 26 East, Collier County, Florida. The name of this MPUD shall be Sabal Bay. The development of Sabal Bay will be in compliance with the planning goals and objectives of Collier County as set forth in the Growth Management Plan (GMP). The development will be consistent with the GMP goals, objectives and policies, ~~and with the Collier County Land Development Code (LDC),~~ and other applicable regulations for the following reasons:

1. The subject property is within the Urban Coastal Fringe Sub-District as identified on the Future Land Use Map of the Future Land Use Element (FLUE). The purpose of the Urban Coastal Fringe Sub-District is to provide for a variety of residential and mixed-use developments such as Planned Unit Developments.
2.
 - a) The proposed residential density of Sabal Bay is ~~1.26~~ 0.85 dwelling units (DUs) per acre, ~~1,999 units/1585-2,350 acres,~~ which excludes the ~~31.00-acre educational facility, 1.00-acre East Naples Fire Control and Rescue District site, 75.01~~ 50 acres of commercial uses, ~~12.40 acres of platted right-of-way, and the 16 acres of recreation/village center uses~~ 711.67 acres of tidal wetlands. This density is consistent with the maximum density permitted by the FLUE Density Rating System and is therefore consistent with FLUE Policy 5.1. The base density allowed by the FLUE for the entire subject property is four (4) DUs per acre. Due to the project's location within the Traffic Congestion Zone, one (1) dwelling unit is subtracted from the base density permitting a maximum density of three (3) dwelling units per acre.
 - b) The maximum combined density and intensity within this PUD shall not exceed the Development of Regional Impact (DRI) thresholds for mixed-use developments, established for Collier County on the date of adoption of this PUD. Specifically, this PUD is limited to a maximum of: one-hundred and sixty percent (160%) of any combination of the individual DRI thresholds for three or more uses, including residential, office, and retail, ~~and hotel~~ uses, and no single use exceeds one-hundred percent (100%) of the DRI threshold for that use. Further, in no case shall commercial uses, inclusive of the existing ~~87,038~~ 101,894 square feet of existing commercial development, exceed the following: 250 hotel rooms; 200,000 square feet of retail; and, 60,000 square feet of office.
 - c) The undeveloped and developed commercial acreage is consistent with the provisions of the FLUE as it is located within Activity Center # 17 at US 41 and Thomasson Drive.
 - d) Commercial uses within the Recreation/Village Center District are consistent with FLUE Map -11, which identifies existing zoning consistent with the FLUE by Policies 5-9, 5-10, 5-11, and 5-12. Moreover, the area and allowable uses within the Recreation/Village Center District are consistent with the provisions set forth in Policy 5.1.

3. The Sabal Bay MPUD is compatible with and complementary to existing and future surrounding land uses as required in Policy 5.4 of the FLUE.
4. Improvements are planned to be in compliance with the LDC as set forth in Objective 3 of the FLUE.
5. The development of the Sabal Bay MPUD will result in an efficient and economical extension of community facilities and services as required in Policy 3.1 of the FLUE.
6. The Sabal Bay MPUD is planned to incorporate natural systems for water management in accordance with their natural functions and capabilities as may be required by Objective 1.5 of the Drainage Sub-Element of the Public Facilities Element.
7. All final local development orders for this project are subject to the Collier County Adequate Public Facilities Ordinance, Chapter 6 and Chapter 10, of the LDC. Transportation concurrency is partially vested in that the ~~Developer~~ is Owners are entitled to a Certificate of Adequate Public Facilities for transportation concurrency for 1,766 dwelling units, upon compliance with the provisions set forth in the Standard Form Collier County Contribution Agreement for Road Impact Fee Credits dated October 22, 2002, and further amended on April 22, 2008 and June 22, 2010 between Collier Land Development, Inc., Collier Development Corporation, and the Board of County Commissioners.
8. By virtue of compliance with the provisions of Chapter 6, of the LDC, the project will also implement, ~~and~~ further Objective 2.0 of the FLUE, Objective 1.2 of the Sanitary Sewer Sub-Element, and Objective 1.5 of the Recreation and Open Space Element.
9. The native vegetation provisions of the Sabal Bay MPUD implement Policy 6.1.1 of the Conservation Coastal Management Element in that native preserves will be incorporated into the project design.
10. The development's commitment regarding the Lely Area Stormwater Improvement Project (Section 8.6(E) of this Document) is consistent with and furthers Policy 1.3.4 of the Drainage Sub-element of the Public Facilities Element in that it improves the existing Lely Canal drainage facility.

SHORT TITLE

This ordinance shall be known and cited as the "SABAL BAY PUD MIXED-USE PLANNED UNIT DEVELOPMENT ORDINANCE".

SECTION I

LEGAL DESCRIPTION, ~~PROPERTY OWNERSHIP, AND~~ GENERAL DESCRIPTION, AND DENSITY

1.1 PURPOSE

The purpose of this Section is to set forth the legal description ~~and ownership~~ of the Sabal Bay MPUD, and to describe the existing conditions of the property proposed to be developed.

1.2 LEGAL DESCRIPTION

The subject property referred to within this Document as “project site” and “project area”, is comprised of 2,416.0849 +/- acres, and located within Sections 23, 24, 25, 26, and 36 Township 50 South, Range 25 East, and Section 19, Township 50 South, Range 26 East, Collier County, Florida, and is legally described as:

See Exhibit “B”

1.3 GENERAL DESCRIPTION OF PROPERTY

- A. The subject property is located in Sections 23, 24, 25, 26, and 36, Township 50 South, Range 25 East, and Section 19, Township 50 South, Range 26 East, Collier County, Florida. The property is generally located south of Thomasson Drive, south and west of U.S. 41, north and west of the Wentworth PUD, and east of the Naples Bay Intercoastal Waterway in the western portion of Collier County.
- B. The zoning classification of the subject property, at the time of the MPUD application is PUD, A - Agriculture, and A-ST – Agriculture Special Treatment Overlay.
- C. Elevations within the subject property are approximately 8 to 11 feet above MSL. ~~Per FEMA Firm Map Panel No. 1200670 581 F, 1200670 582 F, 1200670 583 E, 1200670 584 E, and 1200670 605 E, dated August 3, 1992, the Sabal Bay property is located within AE 8-11 of the FEMA flood insurance rate map.~~ Finished floor elevations within the Sabal Bay development will be set in accordance with the FEMA Flood Elevation or SFWMD ERP in effect at the time of development permitting, whichever is greater.
- D. A large portion of the subject property contains native vegetation habitats of varying quality. The property also contains a significant amount of jurisdictional wetlands. An Environmental Impact Statement (EIS) has been submitted, pursuant to Subsection 10.02.02(A) of the LDC, and provisions for on-site preservation of higher quality wetlands, interspersed with uplands, are incorporated into the design of the conceptual master plan, and overall water management system. The Sabal Bay MPUD contains a wide variety of vegetative communities inventoried and

mapped in the EIS. The site has been designed to provide for onsite protection of habitat for listed species.

- E. The soil types on the subject property include a variety of hydric and non-hydric soils listed in EIS.
- F. The subject property is located within the ~~Collier County Water Management District Henderson Creek Watershed~~ Lely Main Canal, Lely Manor Canal and Miscellaneous Coastal drainage basins.
- G. A portion of the subject property is located within the City of Naples Water Service District.
- H. The subject property is partially developed pursuant to the January 7, 2002 Preliminary Development Agreement (PDA) with the State of Florida's Department of Community Affairs to allow development on 83 acres of the property within Collier County.

1.4 DENSITY

- A. A maximum of 1999 residential dwelling units may be constructed in the total project area. The gross project area, excluding commercial/office (C/O) development, and Village Commercial (REC/VC), ~~tidal wetlands, and platted rights-of-way,~~ is approximately ~~1585~~ 2,350 acres. The gross project density shall be a maximum of ~~1.26~~ 0.85 dwelling units per acre.

SECTION II

PROJECT DEVELOPMENT

2.1 PURPOSE

The purpose of this Section is to generally describe the plan of development for the Sabal Bay MPUD, and to identify relationships to applicable County ordinances, policies, and procedures.

2.2 GENERAL DESCRIPTION OF PROJECT PLAN AND PROPOSED LAND USES

- A. The Sabal Bay MPUD will be a mixed-use planned unit development. The MPUD will incorporate residential, ~~golf~~, commercial, recreational, and preserve land uses. The northeastern portion of the property along US 41 is located within Activity Center #17 and shall allow for commercial/office uses. There currently exists ~~87,038~~ 101,894 square feet of retail development within the MPUD authorized to be constructed pursuant to a PDA between Collier Development Corporation and the State of Florida Department of Community Affairs. The other uses shall be distributed throughout the remainder of the MPUD property, as set forth on the MPUD Master Plan (Exhibit A).

Access to the property shall be from East Tamiami Trail (US 41), Thomasson Drive, Hamilton Avenue and Bayshore Drive.

The project will be served with centrally provided potable water, sanitary sewer, electric power, and telephone. Additional services shall be provided as deemed appropriate.

- B. The MPUD Master Plan is illustrated graphically as Exhibit "A". A Land Use Summary indicating approximate land use acreages is shown on the Plan. The Master Plan is conceptual, and the location, size, and configuration of individual, residential, commercial, recreational areas, water management features, and tract development areas shall be determined at the time of site development plan (SDP) and/or subdivision plat approval.

2.3 COMPLIANCE WITH COUNTY ORDINANCES

- A. Regulations for development of the Sabal Bay MPUD shall be in accordance with the contents of this MPUD Ordinance and applicable sections of the LDC (to the extent they are not inconsistent with this MPUD Ordinance) and the GMP in effect at the time of issuance of any development order to which said regulations authorize the construction of improvements, such as but not limited to subdivision plat, SDP, excavation permit and preliminary work authorization. Where these MPUD regulations fail to provide developmental standards, then the provisions of the most similar district in the LDC shall apply.

- B. Unless otherwise defined herein, or as necessarily implied by context, the definitions of all terms shall be the same as the definitions set forth in the LDC in effect at the time of development order application.
- C. Development permitted by the approval of this MPUD shall be subject to the Adequate Public Facilities Ordinance, Section 6.02.00 and Section 10.02.07 of the LDC. At this time, 1,766 residential units are vested for transportation concurrency pursuant to the terms of the Standard Form Collier County Contribution Agreement for Road Impact Fee Credits dated October 22, 2002, and amended April 22, 2008 and June 22, 2010, between Collier Land Development, Inc., Collier Development Corporation, and the Board of County Commissioners. In addition, ~~87,038~~ 101,894 square feet of commercial development exists within the MPUD boundary.
- D. Unless modified, waived or excepted by this MPUD or by subsequent request, the provisions of other sections of the LDC remain in effect with respect to the development of the land which comprises this MPUD.
- E. All conditions imposed herein or as represented on the Sabal Bay Master Plan are part of the regulations which govern the manner in which the land may be developed.
- F. The Subdivisions Division of the LDC (Section 10.02.04 and Appendix B) shall apply to the Sabal Bay MPUD, except where an exemption or substitution is set forth herein or otherwise granted pursuant to Subsection 10.02.02(B) the LDC.
- G. The Site Development Plans Section of the LDC (10.02.03) shall apply to the Sabal Bay MPUD, except where an exemption is set forth herein or otherwise granted pursuant to Subsection 10.02.03(B) of the LDC.
- H. Recognizing that the MPUD Master Plan does not designate specific dwelling unit types, the type of dwelling unit which characterizes the initial development of any platted tract or phase of a platted tract shall be carried out throughout the development of that tract or phase.
- I. Regardless of the ultimate mix of uses, in no case shall this MPUD exceed DRI thresholds for a mixed-use project (100 percent for a specific use and 160 percent of any combination of three or more uses), as they exist on the date the MPUD is approved. The project shall be monitored through the PUD monitoring process on an annual basis and during SDP and/or subdivision plat review process, as may be applicable.

2.4 ROADWAYS

- A. Roadways within the Sabal Bay MPUD shall be privately and/or CDD owned and maintained, except for Thomasson and ~~Xerie Drive~~ Cardinal Way, which will be public roads. Standards for roads shall be in compliance with the applicable provisions of the LDC regulating subdivisions, unless otherwise modified, waived or

excepted by this MPUD or approved during subdivision plat approval. The ~~developer~~ Owners reserves the right to request substitutions to design standards in accordance with Subsection 10.02.04(A)(3) of the LDC. The ~~developer~~ Owners retains the right to establish gates, guardhouses, and other access controls as may be deemed appropriate by the ~~developer~~ Owners on all internal and privately owned and maintained project roadways.

B. Roadways within the Sabal Bay MPUD shall be designed and constructed in accordance with Chapter 10 of the LDC with the following substitutions:

1. Streets and access improvements

- a. Street Right-of-Way Width: At the discretion of the ~~developer~~ Owners, the minimum right-of-way width to be utilized for local streets and cul-de-sacs may be fifty feet (50'), a deviation from LDC Subsection 6.06.01(0) that requires rights-of-way for local roads to be at least sixty feet (60'). Drive aisles serving multi-family tracts shall not be required to meet this standard. Additionally, in specific cases where development roadways cross potential wetland or upland preserves, the Owners shall have the ability to reduce the required right-of-way width below the current 50-foot minimum to a width of no less than 40 feet.
- b. Dead-end Streets: Cul-de-sacs may exceed a length of one thousand feet (1,000'), a deviation from LDC Subsection 6.06.01(J) that limits cul-de-sacs to 1,000 feet.
- c. Reverse Curves: Tangents between reverse curves are not required for any local street design in this MPUD. A deviation from Section III, Exhibit "A", Design Requirements for Subdivisions C.13.j. of the Administrative Code for Collier County Construction Standards Manual adopted through Ordinance No. 2004-66.
- d. In specific cases where development roadways cross potential wetland or upland preserves, the Owners shall have the ability to utilize rip-rap backslope treatment with a slope no steeper than 2:1, and for a maximum height of 36 inches for the length of the roadway crossing, a deviation from Section 4.06.05.j. Owners may utilize structural retaining wall to minimize potential wetland or upland impacts for backfill elevations exceeding 36 inches in height for the length of the roadway crossing. In these specific cases, a guard rail system designed to withstand vehicular impact will be provided.

2.5 SIDEWALKS/BIKEPATHS, BIKE LANES

- A. Sidewalks: All privately and/or CDD owned roads internal to the Sabal Bay MPUD ~~other than local roads~~ shall have a minimum six five foot (6 5') wide sidewalk on both sides of the street as illustrated on Exhibit A, or a minimum ten foot (10') wide pathway on one side of the street which may meander in and out of the right-of-way. This constitutes a deviation from LDC Subsection 6.06.02.A which requires arterial and collector roadways to provide a six foot (6') wide sidewalk on both sides of the street.
- ~~B. Bike lanes shall be provided on both sides of collector and arterial streets.~~
- ~~C.B.~~ Pursuant to Chapter 6.06.02 of the LDC, sidewalks/bike paths shall be permitted as follows:
1. An internal pedestrian walkway system is permitted within drainage easements. Where such a pedestrian system is provided, no sidewalk shall be required adjacent to the right-of-way serving the adjacent residential tract.
 2. Sidewalks may be located outside platted rights-of-way when located within a separate sidewalk easement.
 3. Sidewalks may be located within landscape buffers and/or easements; however, the landscape buffer shall be increased in width by an amount equal to the encroachment at the point of encroachment.

2.6 LAKE SETBACK AND EXCAVATION

The lake setback requirements described in Section 22-122(~~a~~1) of the Collier County Code of Laws and Ordinances may be reduced subject to the provisions established in Section 22-122(~~a~~1) of the Collier County Code of Laws and Ordinances. All lakes greater than two (2) acres may be excavated to the maximum commercial excavation depths set forth in Section 22-122(~~e~~3) of Collier County Code of Laws and Ordinances, and subject to permit approval from the South Florida Water Management District. Removal of fill and rock from the Sabal Bay MPUD shall be administratively permitted to an amount up to ten (10) percent ~~per lake~~ (20,000 cubic yards maximum), unless the project is issued a commercial excavation permit.

2.7 FILL STORAGE

Fill storage is generally allowed throughout the Sabal Bay MPUD. Fill may be transported and stockpiled within areas that have been disturbed / or farmed. Prior to stockpiling in these locations, the ~~developer~~ Owners shall notify the ~~Community Development and Environmental Services Administrator~~ County Manager or his designee and shall demonstrate compliance with the following standards:

1. Stockpile maximum slope: 2:1
2. Stockpile maximum height: Thirty Feet (30')

3. Fill storage in excess of six feet (6') in height shall be located no closer than one hundred feet (100') from any existing residential unit or residential unit under construction. This excludes fill storage areas associated with the Lely Area Surface Drainage Improvements Project.
4. Soil erosion control shall be provided in accordance Subsection 10.02.02.C of the LDC.
5. Stockpiles with side slopes greater than 4:1 shall be fenced with childproof fencing.

2.8 USE OF PRIVATE AND/OR CDD RIGHTS-OF-WAY

Utilization of lands within all project rights-of-way for landscaping, decorative entranceways, and signage shall be allowed subject to review and administrative approval by the Collier County Engineering Director for engineering and safety considerations during the development review process and prior to any installations.

2.9 MODEL HOMES/SALES CENTERS/SALES OFFICES/ CONSTRUCTION OFFICES

- A. Models, sales/rental centers and other uses and structures related to the promotion and sale, resale, and/or rental of real estate and ~~or golf~~ sports memberships such as, but not limited to, pavilions, viewing platforms, gazebos, tents, parking areas, and signs, shall be permitted principal uses throughout the Sabal Bay MPUD subject to the requirements of Chapters 4.05.00, 4.06.00, 5.06.00 and 5.04.04 of the LDC. Such temporary use permits shall be valid through the life of the project with no extension of the temporary use permit required.
- B. Temporary use permits for sales centers, and model homes may be approved subsequent to zoning approval. Temporary use permit applications, and, where required, associated SDP or site improvement plan (SIP) application(s) for residential models, shall be submitted, and approved pursuant to Chapters 4.05.00, 4.06.00, 5.06.00, and 5.04.04 of the LDC, with applications for the subdivision plat. The location of the model units within a future platted lot shall be depicted on the SDP or SIP, as the case may be. All model units shall be located on lots that will be platted through subsequent development order approvals, and shall comply with all development standards applicable to said lots.
- C. Temporary uses for sales centers may be serviced by temporary well and septic systems.
- D. A portion (no more than 1/3 of the gross floor area), of the clubhouse facilities may be used as a temporary sales facility to be utilized to market residential products, including the re-sale of residences within the boundaries of the Sabal Bay MPUD and ~~or golf and sports club memberships. The use of a portion of the clubhouse as a temporary sales facility shall cease when the project is released to the control of the homeowners' association.~~

2.10 CHANGES AND AMENDMENTS TO MPUD DOCUMENT OR MPUD MASTER PLAN

Changes and amendments may be made to this MPUD Ordinance, MPUD Master Plan as provided in LDC Subsection 10.02.13.E. Minor changes and refinements as described in Section 8.3 C of this Document, may be made by the ~~developer~~ Owners in connection with any type of development or permit application required by the LDC.

2.11 COMMON AREA MAINTENANCE

Common area maintenance shall be provided by a Community Development District (CDD) established pursuant to Chapter 190, Florida Statutes, or by a property owners' association. For those areas not maintained by a CDD, the ~~developer~~ Owners will create a property owners' association or associations, whose functions shall include provisions for the perpetual maintenance of common facilities and open spaces. The CDD, or the property owners' association, as applicable, shall be responsible for the operation, maintenance, and management of the surface water and stormwater management systems.

2.12 LANDSCAPE BUFFERS, BERMS, FENCES AND WALLS

Landscape buffers, berms, fences and walls are generally permitted as a principal use throughout the Sabal Bay MPUD. The following standards shall apply:

A. Landscape berms shall have the following maximum side slopes:

1. Grassed berms: 4:1
2. Ground covered berms:
 - a. Perimeter: 3:1
 - b. Internal to project: 3:1
3. Other slope stabilizing materials and landscape features, including natural or manmade rock features and geotextile mats, where necessary, excluding rip rap: 1:1
4. Structural walled berms: vertical

B. Fence or wall maximum height:

1. Perimeter fences or walls and fences and walls separating commercial uses in the C01, C02, and C03 areas from residential areas shall be permitted at a height of up to eight feet (8'), as measured from the finished grade of the ground at the base of the fence or wall on top of a berm of up to four feet (4'). This constitutes a deviation from Subsection 5.03.02B,C of the LDC allowing wall height to be measured from finished grade, rather than existing grade, of the ground at the base of the wall. For the purpose of this provision, finished grade shall be considered no greater than 18 inches above the crown elevation of the nearest existing road. If the fence or wall is constructed on a perimeter landscape berm, the berm and wall in combination shall not be higher than 8 feet from the finished grade.
2. All other fences or walls shall not exceed a height of six feet (6') as measured from the finished floor elevation of the nearest residential structure. Fences or walls constructed on a landscaped berm shall not exceed

a height of six feet (6'), as measured from the top of the berm and the combination of berm and fence shall not exceed eight feet (8'), as measured from existing grade.

3. Entrance features, which are an integral part of security and access control structures such as gatehouses and control gates, shall be subject to the height limitations for principal residential structures, not to exceed 35 feet.
- C. Pedestrian sidewalks and/or bike paths and utilities may be allowed in landscape buffers. Where such structures or features are located in the required landscape buffer, the landscape buffer shall be increased in width equal to the encroachment in that location, as required in Chapter 4.06.02 of the LDC. Water management systems, and drainage structures, shall be permitted within a required buffer as provided in Subsection 4.06.02D(4) of the LDC.

2.13 DESIGN GUIDELINES AND STANDARDS

- A. The Collier County Planned Unit Development District is intended to encourage ingenuity, innovation and imagination in the planning, design and development or redevelopment of relatively large tracts of land under unified ownership or control, as set forth in Policy 5.6 of the FLUE of the Collier County GMP.
- B. The Sabal Bay MPUD is a planned community and shall be developed under unified control. The ~~developer~~ Owners will establish design guidelines and standards to ensure a high and consistent level of quality for residential units and related community features and facilities such as landscapes, hardscapes, waterscapes, signage, lighting, pedestrian systems, bicycle paths, pavement treatments, roadway medians, fences, walls, buffers, berms and other similar facilities.

2.14 GENERAL PERMITTED USES

Certain uses shall be considered general permitted uses throughout the Sabal Bay MPUD except in the Preserve Area. General permitted uses are those uses which generally serve the ~~developer~~ Owners and residents of the Sabal Bay MPUD and are typically part of the common infrastructure or are considered community facilities.

A. General Permitted Uses:

1. Water management facilities and related structures.
2. Irrigation treatment and distribution facilities.
3. Temporary sewage treatment facilities.
4. Lakes including lakes with bulkheads or other architectural or structural bank treatments.

5. Guardhouses, gatehouses, and access control structures.
6. Community and neighborhood parks, recreational facilities.
7. Temporary construction, sales, and administrative offices for the ~~developer~~ Owners and ~~developer's~~ Owners' authorized contractors and consultants, including necessary access ways, parking areas and related uses.
8. Landscape features including, but not limited to, landscape buffers, berms, fences and walls subject to the standards set forth in Section 2.12 of this Document.
9. Outside storage areas for recreational vehicles, trailers, and similar uses for the use by the project's residents and guests, excluding boats, in the R5 area only. If this use is provided, the Owners shall install an eight foot (8') high wall or fence on top of a four foot (4') berm for screening/buffering purposes prior to any storage use.

B. Development Standards:

Unless otherwise set forth in this Document, the following development standards shall apply to structures:

1. Setback from back of curb or edge of pavement of any road – Twelve feet (12') except for guardhouses, gatehouses, and access control structures which shall have no required setback.
2. Setback from MPUD boundary: See Table I, Section III, Development Standards.
3. Minimum distance between unrelated structures – Ten feet (10')
4. Maximum height of structures – See Table I, Section III Development Standards.
5. Minimum floor area – None required.
6. Minimum lot or parcel area – None required.
7. Standards for parking, landscaping, signs and other land uses where such standards are not specified herein are to be in accordance with LDC in effect at the time of SDP approval.

2.15 OPEN SPACE REQUIREMENTS

The Collier County LDC requires that mixed-use residential projects maintain open space at a minimum of 30% of the entire MPUD. The MPUD Master Plan identifies preserves,

lakes, recreation tracts, including ~~golf course area~~, and buffers as open spaces. These areas, in conjunction with open space areas included within the residential areas, will satisfy the 30% open space requirements of Subsection 4.02.01B of the LDC for mixed-use developments.

2.16 NATIVE VEGETATION RETENTION REQUIREMENTS

Pursuant to Policy 6.1.1 of the Conservation and Coastal Management Element of the Collier County GMP, and Section 3.05.07 of the Collier County LDC, a minimum of ~~559.52~~ 537.61 acres (25% of the ~~2,238.07~~ 2,150.45 +/- acres of native vegetation on site) is required to be retained or replanted. For the purposes of this MPUD, the Preserve Tracts, which equal ~~56%~~ 61% +/- (~~1,256.24~~ 1,302 acres) of the ~~2,238.07~~ 2,150.45 +/- acres of native vegetation occurring on site, will fully satisfy the native vegetation requirements of Collier County. No other vegetation relocation or revegetation is required.

Of the ~~2,416.08~~ 2,416.08 ± acres on the project site, ~~178.04~~ 266.04 ± acres are not considered habitats with native vegetation present. Those habitats not included as native vegetation habitats include commercial uses, open water, cleared lands, and agricultural lands. Of the remaining habitat types, exotic plant species coverage was not evaluated according to canopy coverage alone; therefore, these habitats are not excluded from the native vegetation preservation requirement pursuant to Policy 6.1.1 of the Conservation and Coastal Management Element of the GMP. Since the on-site preserve will exceed the GMP requirement, the applicant has elected not to further evaluate native habitats on-site to exclude them from this requirement.

2.17 SIGNAGE

A. GENERAL

All signs shall be in accordance with Section 5.06.00 of the LDC except in the following instances.

1. Two ground or wall entrance signs shall be allowed at the entrance to each individual residential tract and shall be limited in size to 60 square feet each and shall not exceed a height of 6 feet as measured from finished grade. These signs shall not contain more than the project name of the individual tract, the main project name or any major use, the insignia or motto of the project and the ~~developer's~~ Owners' name and logo. Said signs shall be located so that they are visible only internal to the Sabal Bay MPUD. This constitutes a deviation from Subsection ~~5.06.04A.6.(b)~~ 02.B.6 of the LDC, which limits such signs to 64 square feet.
2. Two ground signs are permitted for each project entrance (on US 41, Thomasson Drive, Hamilton Avenue and Bayshore Drive), and shall be allowed in addition to other signage allowed by Section 5.06.00 of the LDC. Each of these permitted signs shall be limited to 120 square feet in area and shall only contain the name of the project or any major use, insignia or motto of the entire development, and the ~~developer's~~ Owners'

name and logo and shall be architecturally compatible with the landscape buffer along the project boundaries and the common architectural theme of the entire project. This constitutes a deviation from LDC Section 5.06.05 ~~02~~ and 5.06.04 which limits such signs to 64 square feet.

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"). 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~~ Owners' name and logo.
4. In the case of commercial development within the REC/VC District, which is internalized within the MPUD, and in consideration of mixed-use and/or neo-traditional development, signage may vary from the requirements of Chapter 5.06.00 of the LDC.
5. Traffic signs, such as street signs, stop signs, speed limit signs, internal directional signs, and the like, shall be designed to reflect a common architectural theme. The placement and size of such signs shall be in accordance with the LDC, or other applicable County regulations.

SECTION III RESIDENTIAL/~~GOLF~~

3.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for areas within the Sabal Bay MPUD designated on the Master Plan as “~~R/G~~”, Residential/~~Golf~~.

3.2 MAXIMUM DWELLING UNITS

A maximum of 1,999 approved residential dwelling units may be constructed on lands designated “~~R/G~~” Residential on the MPUD Master Plan. For purposes of project density, 4 ALF/CCRC units shall constitute 1 ~~golf~~ residential dwelling unit. However, the maximum density on tract R/G8 is limited to 390 dwelling units.

3.3 GENERAL DESCRIPTION

Areas designated as “~~R/G~~,” Residential/~~Golf~~, on the Master Plan are designed to accommodate a full range of residential dwelling types, general permitted uses as described by Section 2.14 of this Document, a full range of recreational facilities, essential services, and customary accessory uses.

The approximate acreage of the area designated as “~~R/G~~”, Residential/~~Golf~~, is indicated on the MPUD Master Plan. This acreage is based on conceptual designs and is approximate. Actual acreages of all development tracts will be provided at the time of SDP, or subdivision plat approvals, in accordance with Sections 10.02.03 and 10.02.04 of the LDC. Residential/~~Golf~~ tracts are designed to accommodate internal roadways, open spaces, ~~golf course uses~~ and other similar uses found in residential areas.

3.4 PERMITTED USES AND STRUCTURES

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

A. Principal Uses:

1. Single family attached and detached dwellings, townhomes.
2. Single family and zero lot line dwellings.
3. Two-family and duplex dwellings.
4. Multi-family dwellings including mid-rise, coach home and garden apartments. Multi-family buildings are limited to a maximum building height of 50 feet measured as set forth in the LDC Section 1.08.02

Definitions “building, zoned height of”, except that within tract RG4, depicted on Exhibit “A”, multi-family buildings shall be permitted up to a height of 10 residential floors over parking, not to exceed a zoned height of 150 feet”, and an actual height of 165 feet.

5. Timeshares, which shall not be counted as temporary lodging units but which shall be counted as residential dwelling units.
6. Model homes and model home centers including offices for project administration, construction, sales and marketing.
7. Assisted living facilities (ALF) and/or continuing care retirement communities (CCRC) with ancillary medical uses and personal services for residents and their guests, including but not limited to, beauty salon, bank, pharmacy and convenience store are permitted as ancillary uses. (Such ancillary medical or personal service uses shall only be accessed from inside the ALF or CCRC). No external signage or advertising is permitted in support of these ancillary medical or personal service uses. As ancillary uses, not intended for utilization by the general public, such ancillary medical or personal service uses shall be limited in size and intensity to an amount determined to be necessary to serve the residents of the ALF or CCRC, their guests, and the facility employees. ALF and/or CCRC are prohibited in the R2-B, R5, and R7 areas as indicated on the MPUD Master Plan.
- ~~8. Golf course and golf course related facilities, except within tract R/G8.~~
- ~~9.8.~~ Recreational facilities such as parks, playgrounds, and pedestrian/bikeways

B. Accessory Uses and Structures:

1. Accessory uses and structures customarily associated with principal uses permitted in this District, including swimming pools, spas and screen enclosures, recreational facilities designed to serve the development and provide essential services.
2. Community, ~~and golf course~~ related recreational facilities and structures including clubhouses, health and fitness facilities, restaurants, cocktail lounges, ~~pro shops, driving ranges,~~ pools, meeting rooms, community buildings, playgrounds, playfields, tennis courts, and similar uses intended to exclusively serve community residents and their guests.
3. Community ~~and golf course~~ related maintenance facilities, water management facilities, and utility and maintenance structures and staff offices.

4. Boardwalks, nature trails, shelters, viewing piers, viewing platforms, educational signs, kiosks, elevated paths, and docks or platforms for launching and mooring or storage of non-motorized vessels utilizing movable storage racks. Electric boats are an allowed accessory use.

3.5 DEVELOPMENT STANDARDS

- A. Table I sets forth the development standards for land uses within the Sabal Bay MPUD Residential/~~Golf~~ Area. Standards not specified herein shall be those specified in Chapter 5 of the LDC in effect as of the date of adoption of this MPUD Ordinance.
- B. The following standards shall be applicable to the proposed ALF or CCRC use. The ALF or CCRC use is prohibited in the R2-B, R5, and R7 areas depicted on the MPUD Master Plan. Standards not specified herein shall be those specified in Section 5.05.04 of the LDC in effect as of the date of adoption of this MPUD Ordinance.
 1. Minimum Lot Size: 1 acre.
 2. Minimum Yard Requirements:
 - i) Front: ~~25 feet~~ one-half (1/2) the height of the principal structure
 - ii) Side: ~~15 feet~~ one half (1/2) the sum of the height of principal structures, except no setback shall be required from any lake easement.
 - iii) Rear: ~~25 feet~~ one-half (1/2) the height of the principal structure, except that no setback shall be required from any lake easement.
 - iv) Setback from U.S. 41: same as height of the principal structure
 3. Floor Area Ratio: ~~0.45~~ 0.60 FAR.
 4. Maximum height: ~~3 stories over one level of parking~~ not to exceed a zoned height of ~~50~~ 60 feet and an actual height of 75 feet.
 5. Any ALF or CCRC constructed along U.S. 41 will provide a Type C buffer, 20 foot wide, opaque within one year, with a six-foot wall, fence, hedge or berm or combination thereof and two staggered rows of trees spaced no more than 30 feet on center along with a single row shrub. Trees shall be 14 feet tall at time of planting and shrubs shall be 24 inches tall at time of planting.
- C. Site development standards for single family, zero lot line, two-family, duplex, single family attached and town home uses apply to individual residential lot boundaries. Multi-family standards apply to platted parcel boundaries, unless otherwise specified.
- D. Standards for parking, landscaping, signs and other land uses, where such standards are not specified herein, are to be in accordance with the LDC in effect at the time of SDP approval. Unless otherwise indicated, required yards, heights, and floor area standards apply to principal structures.

TABLE I: SABAL BAY MPUD DEVELOPMENT STANDARDS FOR “RG” RESIDENTIAL/GOLF AREA

SETBACK	SINGLE FAMILY DETACHED	ZERO LOT LINE	TWO FAMILY/ DUPLEX	SINGLE FAMILY ATTACHED/ TOWNHOME	MULTI FAMILY/ TIMESHARE DWELLINGS (EXCLUDING TOWNHOUSES)	CLUBHOUSE/ RECREATION BUILDINGS	ALFs CCRC'S ⁸
PRINCIPAL STRUCTURES^{10,11}							
Minimum Lot Area	5,000 SF	4,000 SF	3,500 SF per lot or unit	3,500 <u>2,600</u> SF	N/A	10,000 SF	Per Section 3.5 B
Minimum Lot Width ²	40'	35'	35' per lot or unit	20'	N/A	N/A	N/A
Front Yard Setback ⁶	15'	15'	15'	15'	15' or .5 BH, whichever is greater, not to exceed 50 feet , and a minimum of 75 feet from the PUD perimeter boundary.	20'	Per Section 3.5 B
Front Yard for Side ⁶ Entry Garage	10'	10'	10'	10'	15' or .5 BH, whichever is greater, not to exceed 50 feet , and a minimum of 75 feet from the PUD perimeter boundary.	N/A	N/A
Rear Yard ¹	10'	10'	10'	10'	15' or .5 BH, whichever is greater, not to exceed 50 feet , and a minimum of 75 feet from the PUD perimeter boundary.	15'	<u>Per Section 3.5.B</u>
Side Yard	6' 5'	0' or 6' 5' ³	0' or 6' 5' ³	0' or 6' 5' ³	15' or 50% of BH, whichever is greater not to exceed 50 feet , and a minimum of 75 feet from the PUD perimeter boundary ⁴	10'	Per Section 3.5 B
From Golf Course	0	0	0	0	0	0	0
From Preserve ¹	25'	25'	25'	25'	25'	25'	25'
Maximum Height ⁵	35'	35'	35'	35'	50' above FEMA elevation ^{5,7}	55'	Per Section 3.5.B
Floor Area Minimum (SF)	1200 SF	1200 SF	1200 SF	1200 SF	700 SF	N/A	N/A ⁸
Minimum Distance Between Principal Structures ⁴	<u>42' 10'</u>	<u>42' 10'</u>	<u>42' 10'</u>	42' 10'	15' or .5 SBH, whichever is greater ^{4,9}	15' or .5 SBH, whichever is greater ⁴	15' or .5 SBH, whichever is greater ⁴
ACCESSORY STRUCTURES^{10,11}							
Front	SPS	SPS	SPS	SPS	SPS	SPS	SPS
Side	SPS	SPS	SPS	SPS	SPS	SPS	SPS
Rear	5'	5'	5'	5'	5'	10'	10'
From Preserve ¹	10'	10'	10'	10'	10'	10'	10'
Minimum Distance Between Accessory Structures on same lot	0' or 10'	0' or 10'	0' or 10'	0' or 10'	0' or 10' ⁴	0' or 10' ⁴	0' or 10'
Minimum Distance Between Accessory and Principal Structures on same lot	0' or 10'	0' or 10'	0' or 10'	0' or 10'	0' or 10' ⁴	0' or 10' ⁴	0' or 10'
Maximum Height	SPS	SPS	SPS	SPS	50'	SPS	50' 80'

BH: Building Height – measured as defined in LDC Section 1.08.02 Definitions “building, zoned height of.”

SBH: (Sum of Building Heights): Combined height of two adjacent buildings for the purpose of determining setback requirements.

SPS: Same as Principal Structure

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.

*1 - Setback from lake easements for all accessory uses and structures may be 0 feet. Setback from preserve areas shall be 25 feet for principal structures and 10 feet for accessory structures, or as may otherwise be permitted in accordance with the applicable provisions set forth in LDC Section 3.05.07.

*2 - Minimum lot width for cul-de-sac lots consistent with the measurement standards established in the LDC.

*3 - Zero feet (0'). Where the zero foot (0') yard option is utilized, the opposite side of the structure or attached structures shall have a ~~twelve~~ ten foot (~~12~~ 10') side yard. Where zero lot line development is proposed, a conceptual site plan shall be submitted with the application for final subdivision plat approval. The conceptual site plan shall depict the proposed location of dwelling units and the required setbacks.

*4 - Distance between principal and accessory structures for multi-family development: Where common architectural themes are utilized for a common development tract, distances between principal structures may be reduced subject to Fire District approval at the time of site plan review. In no case shall the distance between principal structures be less than 10 feet or .25 SBH, whichever is greater. A common architectural theme shall be demonstrated during SDP review through submittal of drawings and renderings depicting common signage, common entry design features, common landscape and landscape features, and common architectural building design features.

*5 – Building height is measured as set forth in LDC Section 1.08.02 Definitions “building, zoned height of.” Actual height of structures in Single Family Detached, Zero Lot Line, Two Family/Duplex, and Single Family Attached/Townhome categories shall not exceed forty-five feet (45'). Mid-rise Multi-family/timeshare structures within Tracts- R/G4, as depicted on the MPUD Master Plan (Exhibit “A”) shall have a maximum height of 10 residential floors over parking, not to exceed 150 feet of zoned height as measured pursuant to LDC Section 1.08.02 Definitions “Buildings, zoned height of”, and a maximum actual height of 165 feet.

*6 – Front loading garages shall have a minimum front yard setback 23 feet, as measured from the back of sidewalk. Side loaded garages may be located less than 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.

*7 – 50 feet for R/G8.

*8 – Standards not specified herein shall be those specified in Section 5.05.04 of the LDC in effect as of the date of adoption of this MPUD Ordinance. There is no minimum floor area established for an ALF or CCRC; however, the maximum floor area ratio (FAR) is ~~.45 as set forth in Section 5.05.04 of the LDC .60.~~ The ALF/CCRC use is prohibited in the R2-B, R5, and R7 areas.

*9 – Minimum separation between parking decks under mid-rise structures shall not be less than 60 feet.

10 – In no instance shall a structure encroach into a required landscape buffer, other than those structures permitted to be located within a landscape buffer in accordance with LDC applicable provisions in effect at the time of permitting.

~~11 – Where setbacks are measure as a percent or factor of building height, the “Zoned” building height shall be utilized.~~

SECTION IV

RECREATION/VILLAGE CENTER

4.1 PURPOSE

The purpose of this section is to identify permitted uses and development standards for areas within the Sabal Bay MPUD designated on the Master Plan as REC/VC, "Recreation /Village Center."

4.2 GENERAL DESCRIPTION

The approximate acreage of the REC/VC Tract is indicated on the Master Plan. This acreage is based on conceptual designs and is approximate. Actual acreages of all development tracts will be provided at the time of SDP or subdivision plat approvals in accordance with Section 10.02.03 and Section 10.02.04 of the LDC. The REC/VC area shall accommodate a variety of recreational, water management, open space, commercial uses, including temporary lodging establishments, as well as customary accessory uses associated with the permitted principal use, and essential services.

The REC/VC Subdistrict shall not be subject to the conditions, limitations or restrictions set forth in Chapter 4.07.04 of the LDC. The commercial uses identified within this subdistrict are permitted pursuant to FLUE Map 11 that establishes exempt commercial areas within the boundaries of the MPUD which have been determined to be consistent by policy (FLUE Policy 5.9). Regardless of the ultimate mix of uses, in no case shall this MPUD exceed DRI thresholds established for a mixed-use project (100 percent for a specific use and 160 percent of any combination of three or more uses), as those regulations exist on the date this MPUD is approved. The ~~developer~~ Owners shall provide the County with incremental development information, including the aggregate commercial square footage within the REC/VC Tract and within the PUD in total, as required during the annual PUD monitoring process, and through the SDP and/or subdivision plat application submittal process.

4.3 PERMITTED USES AND STRUCTURES

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

A. Permitted Principal Uses and Structures:

1. Recreational facilities and structures such as, but not limited to, pools, tennis courts, health and fitness facilities, clubhouses, pro shops, meeting rooms, community buildings, playgrounds, ~~and~~ playfields, docks, and electric boats.
2. Commercial banks (Groups 6021-6029 drive-through facilities are prohibited).
3. Real estate agents and managers for property within PUD only (Group 6531).

4. Hardware store only – 2,500 square feet, maximum floor area (Group 5251).
5. Variety stores – 2,500 square feet maximum floor area (Group 5331).
6. Miscellaneous general merchandise stores, except catalog showrooms – 2,500 square feet maximum floor area (Group 5399).
7. Grocery stores, 10,000 square feet maximum floor area (Group 5411).
8. Fish, meat, and seafood markets only (Group 5421).
9. Fruit and vegetable markets (Group 5431).
10. Retail bakeries (Group 5461).
11. Coffee stores and health food stores only – 2,500 square feet maximum floor area (Group 5499).
12. Gasoline service stations, except truck stops (Group 5541).
13. Apparel and accessory stores – 2,500 square feet maximum floor area (Groups 5611—5661).
14. Record and prerecorded tape stores (Group 5735).
15. Eating places, except caterers and industrial and institutional food service establishments, dinner theaters, drive-in restaurants and restaurants with drive-through facilities (Group 5812).
16. Liquor stores (Group 5921).
17. Gift, novelty, and souvenir shops (Group 5947).
18. Sewing, needlework, and piece goods stores (Group 5949).
19. Florists (Group 5992).
20. Agents for laundries and drycleaners only (Group 7212).
21. Coin-operated laundries and drycleaning (Group 7215).
22. Diaper service, and garment alteration and repair shops only (Group 7219).
23. Beauty shops, except beauty schools and cosmetology schools (Group 7231).
24. Barber shops, except barber colleges (Group 7241).

25. Depilatory salon, electrolysis, massage parlor, shopping services for individuals, and tanning salons only (Group 7299).
26. Housekeeping and maid services only (Group 7349).
27. Videotape rental (Group 7841).
28. Physical fitness facilities (Group 7991).
29. Offices and/or clinics of physicians, and offices and/or clinics of dentists. (Groups 8011—8021).
30. Offices and clinics of chiropractors (Group 8041).
31. Establishments operating primarily to provide temporary lodging such as hotels or motels as defined under Industry Group 7011 in the Standard Industrial Classification Manual. Within the REC/VC Subdistrict, up to 150 temporary lodging units may be developed. Those temporary lodging units may be developed as typical hotel or motel units or may be developed as independent detached or attached units constructed so as to appear like residential dwelling units of various types (No more ~~then~~ than 250 temporary lodging units shall be permitted within the entire MPUD).
32. Timeshares, which shall not be counted as temporary lodging units but which shall be counted as residential dwelling units.
33. Miscellaneous Retail Stores, not elsewhere provided for above (Groups 5699, 5999), whether accessory to a hotel, motel, clubhouse, or independent.
- ~~33.~~34. Open space uses, and structures such as, but not limited to, boardwalks, nature trails, bikeways, landscape nurseries, gazebos, fishing/observation pier, picnic areas, fitness trails, and shelters.
35. Carwashes (Group 7542)
36. United States Postal Service (Group 4311)

B. Permitted Accessory Uses and Structures

1. Customary accessory uses or structures incidental to recreation and village center areas and, or facilities, including structures constructed for purposes of maintenance, storage or shelter with appropriate screening and landscaping.

2. Accessory uses and structures customarily associated with the permitted principal uses and structures, including, but not limited to:
 - a. Parking facilities and signage
 - b. One caretaker's residence
 - c. Temporary licensed uses such as art festivals, displays, outdoor gatherings or performances and outdoor food markets.

4.4 DEVELOPMENT STANDARDS

A. Minimum Yard Requirements:

1. Front Yard: Twenty-five feet (25').
2. Side Yard: Fifteen feet (15').
3. Rear Yard: Fifteen feet (15').
4. Proposed structures located adjacent to a lake may have no setback from the lake maintenance easement. No structures are permitted in the required 20-foot lake maintenance easement.
5. Principal and accessory structure setbacks from Preserve Area
 - i) Principal structure: Twenty-five feet (25')
 - ii) Accessory structure: Ten feet (10')

- B.** Exterior lighting shall be arranged in a manner which will protect roadways and residential properties from direct glare or unreasonable interference.
- C.** Maximum height of structures - Fifty feet (50); except clock towers or similar architectural features, which shall be permitted up to seventy-five feet (75').
- D.** Minimum distance between principal structures - Ten feet (10'), or greater, if required by local fire codes in effect at time of development.
- E.** Minimum distance between accessory structures - Ten feet (10').
- F.** Parking for uses and structures constructed in the Recreation/Village Center: The amount of required parking within this District may be reduced by up to 25% of the applicable LDC parking requirements if it is demonstrated that such a reduction is warranted through the submission of a shared parking analysis, to be submitted with an SDP application. The amount of parking necessary shall be determined utilizing the modal splits and parking demands for various uses recognized by the Institute of Traffic Engineers (ITE), Urban Land Institute (ULI) or other sources or studies. The analysis shall demonstrate the number of parking spaces available for more than one use or function, recognizing the required parking spaces will vary depending on the multiple functions or uses in close proximity which are unlikely to require the spaces at the same time.

The shared parking analysis methodology will be determined and agreed upon by the County Transportation Staff and the applicant during the SDP pre-application meeting. The shared parking analysis shall use the maximum square footage of uses proposed by the SDP application. Note: Any such reduction approved by staff is a deviation from the requirements set forth in LDC Section 4.05.04.

~~G. Architectural and Site Design Standards:~~

~~Commercial development within the REC/VC Subdistrict shall conform with the guidelines and standards of Section 5.05.08 of the LDC, or if variations from these guidelines are needed to accommodate mixed-use residential or neo-traditional neighborhood-scale commercial development, a separate plan for architectural design and site design and signage shall be submitted to the Collier County Zoning and Land Development Review Director at the time of the first SDP approval for commercial or mixed-use development within this subdistrict. The plan for architectural design shall indicate the exact nature of any deviation from the requirements of Section 5.05.08 of the LDC, and shall further demonstrate that any such deviation, while varying from one or more of the provisions of Chapter 5.05.08, nonetheless are deemed to meet the overall purpose and intent of Chapter 5.05.08.~~

SECTION V COMMERCIAL/OFFICE

5.1 PURPOSE

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

5.2 MAXIMUM COMMERCIAL/OFFICE SQUARE FEET

The ~~45~~ 50 ± acre Commercial/Office Areas (Tracts C/O1, C/O2 and C/O3), shall be developed with an amount of commercial/office square footage that will not exceed individual DRI thresholds. Total retail or other uses on the C/O1 and C/O2 shall not exceed 142,000 square feet of retail and 40,000 square feet of office space.

Regardless of the ultimate mix of uses, in no case shall this MPUD exceed DRI thresholds established for a mixed-use project (100 percent for a specific use and 160 percent of any combination of three or more uses) as those regulations exist on the date this MPUD is approved. This shall be monitored through the PUD monitoring process on an annual basis and through the SDP and/or subdivision plat review process.

5.3 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 Uses¹:

1. Establishments primarily engaged in performing soil preparation services, crop services, veterinary services, other animal services, farm labor and management services, and landscape and horticultural services, as outlined under Major Group 07 in the Standard Industrial Classification Manual, only including Industry Number 0742 – veterinary services for animal specialties.

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

2. 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. Any retail business as defined in the Standard Industrial Classification Manual for the following categories:
 - a. 523 – Paint glass, and wallpaper stores;
 - b. 525 – Hardware stores;
 - c. 526 – Retail nurseries, lawn and garden supply stores;
 - d. Major Group 53 – General merchandise stores.
4. Any retail store engaged in selling food as defined under Major Group 54 in the Standard Industrial Classification Manual.
5. Any retail business engaged in selling automobile parts and accessories; and retail gasoline sales (without service facilities), as defined in the Standard Industrial Classification Manual for the following categories:
 - a. 553 – Auto and home supply stores, not including any installation facility;
 - b. 554 – Gasoline stations, not including service facilities;
 - c. Group 7542 – Carwashes only.
6. Any retail business engaged in selling new or used motorboats and other watercraft, marine supplies, and outboard motors as defined under Industry Group 555 in the Standard Industrial Classification Manual.
7. Any retail business engaged in selling apparel and accessories as defined under the Major Group 56 in the Standard Industrial Classification Manual.
8. Any retail business engaged in selling home furniture, furnishings, and equipment stores as defined under Major Group 57 in the Standard Industrial Classification Manual.
9. Any retail establishment selling prepared foods and drinks, including alcoholic drinks (for consumption on the premises), as defined under the Major Group 58 in the Standard Industrial Classification Manual.
10. Any miscellaneous retail business as defined under Major Group 59 in the Standard Industrial Classification Manual, not including Industry Group

Numbers: 596 – non-store retailers; 598 – fuel dealers; and not including retail sale of fireworks.

11. Establishments operating primarily in the fields of finance, insurance, and real estate as defined under Major Groups 60, 61, 62, 63, 64, 65, and 67 in the Standard Industrial Classification Manual.
12. Within Tract C/O3 only, establishments operating primarily to provide temporary lodging such as hotels or motels as defined under Industry Group 7011 in the Standard Industrial Classification Manual. No more than 150 units shall be permitted. (No more than 250 units shall be permitted in total within the REC/VC District and Tract C/O3).
13. Establishments operating primarily to provide personal services as defined in the Standard Industrial Classification Manual 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, 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.
14. Establishments operating primarily to provide business services as defined in the Standard Industrial Classification Manual 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 – Miscellaneous equipment rental and leasing, only including Group 7352 – medical equipment, rental and leasing;
 - d. 737 – Computer programming, data processing, and other computer related services, not including Group 7371 – prepackaged software

15. 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.
16. Establishments primarily engaged in furnishing automotive repair, rental, leasing and parking services to the general public, including 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.
17. Establishments engaged in miscellaneous repair services, only including Group 7631 – Watch, clock, and jewelry repair and Group 7699 – Repair shops and related services, not elsewhere classified.
18. Establishments operating primarily to provide motion picture services as defined under Major Group 78 in the Standard Industrial Classification Manual, only including Group 7832 - Motion picture theaters, except drive-in, and Group 7841 – Videotape rental.
19. Establishments operating primarily to provide amusement and recreation services as defined under Major Group 79 in the Standard Industrial Classification Manual, for the following Groups:
 - a. 7911 – Dance studios, schools and halls
 - b. 7922 – Theatrical producers (except motion picture) and miscellaneous theatrical services
 - c. 7941 – Professional sports clubs and promoters, only including managers of individual professional athletes, and promoters of sports events.
 - d. 7991 – Physical fitness facilities
 - e. 7999 – To include moped rental, motorcycle rental, rental of bicycles, schools and camps-sports instructional, scuba and skin diving instruction, sporting goods rental only.
20. Establishments operating primarily to provide medical and health services as defined under Major Group 80 in the Standard Industrial Classification Manual, for the following 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.

21. Establishments operating primarily to provide medical and dental laboratories as defined under Major Group 807 in the Standard Industrial Classification Manual, for the following Groups:
 - a. Group 8071 – Medical Laboratories;
 - b. Group 8072 – Dental Laboratories.
22. Establishment operating primarily to provide legal services as defined under Major Group 81 in the Standard Industrial Classification Manual.
23. Establishments primarily engaged in providing library services, only including Group 8231 – Libraries.
24. Membership organizations engaged in promoting the interests of their member as defined under Major Group 86 in the Standard Industrial Classification Manual.
25. Establishments operating primarily to provide engineering, accounting, research, and management for the following Groups:
 - a. 8711 – Engineering services
 - b. 8712 – Architectural services
 - c. 8713 – Surveying services
 - d. 8721 – Accounting, auditing and bookkeeping services
 - e. 8732 – Commercial economic, sociological, and educational research
 - f. 8741 – Management services
 - g. 8742 – Management consulting services
 - h. 8743 – Public relations services
 - i. 8748 – Business consulting services.
26. Offices of government as defined under Major Group 91 in the Standard Industrial Classification Manual.
27. Mixed multi-family residential and commercial uses located within C/O1 and C/O2 Tracts. Residential dwelling units shall be counted toward the maximum 1999 allowable residential dwelling units. A maximum of 390 units shall be permitted within the combined Tracts R/G8, C/O1 and C/O2. The commercial space shall be counted toward the maximum allowable square footage as allowed per DRI thresholds. Regardless of the ultimate mix of uses, in no case shall this MPUD exceed DRI thresholds, established in chapter 380 of Florida Statutes, for a mixed-use project (100 percent for a specific use and 160 percent of any combination of three or more uses), in effect on the date of approval of this PUD. This

shall be monitored through the PUD monitoring process on an annual basis, and during all SDP and/or subdivision plat submittals. The mixed residential and commercial uses shall be subject to the following criteria:

- a. An SDP is approved pursuant to Chapter 10 of the LDC that is designed to protect the character of the residential uses and of the neighboring lands;
- b. The commercial uses in the development shall be limited in hours of operation, size of delivery trucks, and type of equipment;
- c. The residential uses are designed so that they are compatible with commercial uses;
- d. Residential dwelling units may be located above principal structures;
- e. Residential and commercial uses shall not occupy the same floor of a building in which the uses are located;
- f. The mixed-commercial/residential structure shall be designed to enhance the compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses, directing commercial lighting away from residential units, and separating pedestrian and vehicular access ways and parking areas from residential units; and
- g. The SDP shall incorporate traditional neighborhood design (TND) principles.

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. One caretaker's residence
3. Temporary licensed uses such as art festivals, displays, outdoor gatherings or performances and outdoor food markets.
4. Docks and electric boats.

- C. Should market conditions not warrant commercial development within the C/O3 Tract, that Tract shall be used for any uses permitted within the R/G Subdistrict, subject to all development standards set forth in Section III of this MPUD Document.

5.4 DEVELOPMENT STANDARDS

- A. Minimum Lot Area: 10,000 square feet.
- B. Minimum Lot Width: 100 feet

C. Minimum Yards (Internal):

1. Front Yard: Twenty (20) feet plus one (1) foot for each two (2) feet of building height over fifty (50) feet.
2. Side Yard: None, or a minimum of five (5) feet, with unobstructed passage from front to rear yard
3. Rear Yard: 15 feet.
4. Parcels with two frontages may reduce one front yard by 10 feet.
5. In no instance shall a structure encroach into a required landscape buffer, other than those structures permitted to be located within a landscape buffer, in accordance with LDC provision in effect at the time or permitting.”

D. Minimum Yards and Buffers (External):

1. East Tamiami Trail (US 41): 50-foot setback, except that canopies for gas stations shall maintain a 30-foot setback, provided no gas pumps or pump islands are located closer than 30 feet from the East Tamiami Trail right-of-way. A 20-foot landscape buffer, in accordance with Section 2.12 of this Document and Section 4.06.00 of the LDC, shall be provided along the entire frontage of US 41. In accordance with Subsection 5.05.05D1 of the LDC, should a gasoline service station be developed, a 25 foot wide landscape buffer is required along rights-of-way adjacent to the service station. In no instance shall a structure encroach into a required landscape buffer, other than those structures permitted to be located within a landscape buffer, in accordance with the LDC provisions in effect at the time or permitting.

E. Minimum Distance Between Non-attached Structures: Fifteen feet (15') or one-half the sum of the building heights, whichever is greater.

F. Maximum Height: Five stories or fifty feet (50'), whichever is greater, except for hotels, which may be developed up to seventy-five feet (75') in height, as measured in accordance with the LDC definition of the term “building, zoned height of”.

G. Minimum Floor Area: 500 square feet per principal structure, on the finished first floor. Kiosk vendor, concessions, and temporary or mobile sales structures shall be permitted to have a minimum floor area of 25 square feet and shall not be subject to the setback requirements set forth on Paragraph 5.4 C. above; however, in no instance shall a structure encroach into a required landscape buffer, other

H. than those structures permitted to be located within a landscape buffer in accordance with LDC provision in effect at the time of permitting.

I. Off-Street Parking and Loading Requirements:

As required by Section 4.05.00 of the LDC in effect at the time of SDP approval.

J. Architectural and Site Design Standards:

Commercial development within this District shall conform with the guidelines and standards of Section 5.05.08 of the LDC or variance. Gray, primary and/or secondary colors shall be permitted as a predominant exterior roof colors. This is a deviation from Subsection 5.05.08C.13.b of the LDC.

SECTION VI

PRESERVE

6.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for the area within the Sabal Bay MPUD designated on the Master Plan as “P”, Preserve.

6.2 GENERAL DESCRIPTION

Areas designated as “P”, Preserve on the Master Plan are designed to accommodate conservation, passive recreation and water management uses and functions. The approximate acreage of the Preserve is indicated on the Master Plan. This acreage is based on conceptual designs and is approximate. The configuration of these areas may change due to permitting requirements with the South Florida Water Management District, United States of America Corps of Engineers and other agencies; however, the acreage shall be generally consistent with that shown on the Master Plan. Actual acreages of preserve areas will be provided at the time of SDP or subdivision plat approvals in accordance with Sections 10.02.03 and 10.02.04 of the LDC.

6.3 PERMITTED USES AND STRUCTURES

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

- A. Permitted Principal Uses and Structures
 1. Upland preserves
 2. Wetland preserves
- B. Permitted Accessory Uses and Structures
 1. Boardwalks, nature trails, shelters, viewing piers, viewing platforms, educational signs, kiosks, elevated ~~golf cart~~ paths, ~~golf course rough areas~~, and docks or platforms for launching and mooring or storage of non-motorized vessels utilizing movable storage racks.
 2. Water management structures in accordance with Collier County, SFWMD, DEP, and USACOE permitting requirements.

6.4 DEVELOPMENT STANDARDS

- A. Minimum Yard Requirements for Accessory Structures
 1. From MPUD or external development tract boundary: Fifteen Feet (15')
 2. From internal tract boundary: Ten Feet (10')
 3. From lake maintenance easement: Zero Feet (0')

4. Maximum Height of Structures: Twenty-five Feet (25'), except for viewing platforms that may be ~~forty feet (40')~~ seventy-five feet (75')

SECTION VII

PUBLIC FACILITY

7.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for the area within the Sabal Bay MPUD designated on the Master Plan as “PF”, Public Facility. The PF district land is set aside for Collier County School Board to build an elementary or middle school and one acre is set aside for fire, rescue and an EMS site. Should the School Board or Fire District decide that it will not need this land, or a portion of it, then this area may be used for any uses permitted within the R/G Subdistrict, subject to all development standards set forth in R/G Subdistrict.

7.2 GENERAL DESCRIPTION

Areas designated as “PF”, on the Master Plan are designed to accommodate an educational facility, and public safety services and facilities. The approximate acreage of the areas designated as “PF”, are indicated on the MPUD Master Plan. This acreage is based on conceptual designs and is approximate. Actual acreages of all development tracts will be provided at the time of SDP or subdivision plat approvals in accordance with Sections 10.02.03 and 10.02.04 of the LDC.

7.3 PERMITTED USES AND STRUCTURES

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

A. Permitted Principal Uses and Structures

1. Educational facilities, limited to public elementary or middle school.
2. Educational plant, limited to public elementary or middle school.
3. Safety service facilities, limited to fire stations and EMS facilities.

B. Accessory Uses

Accessory uses customarily associated with the principal permitted uses.

7.4 DEVELOPMENT STANDARDS

A. Minimum Yard Requirements:

1. Front Yard: Twenty-five feet (25')
2. Side Yard: Fifty feet (50').
3. Rear Yard: Fifty feet (50').

C.B. Exterior lighting shall be arranged in a manner, which will protect roadways and residential properties from direct glare or unreasonable interference.

1. Maximum height of structures – Thirty-five feet (35')
2. Minimum distance between principal structures - Ten feet (10'), or half the sum of building heights.
3. Minimum distance between accessory structures - Ten feet (10').
4. Minimum off-street parking: Subject to Chapter 4.05.00 of the LDC.

SECTION VIII

GENERAL DEVELOPMENT COMMITMENTS

8.1 PURPOSE

The purpose of this Section is to set forth the development commitments for the Sabal Bay MPUD.

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 CDC Land Investments, Inc. 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.

8.2 GENERAL

All facilities shall be constructed in strict accordance with SDPs, subdivision plats (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 Section III, Exhibit "A", Design Requirements for Subdivisions of the Administrative Code for Collier County Construction Standards Manual adopted through Ordinance No. 2004-66 shall apply to this project, even if the land within the MPUD is not to be platted. The ~~developer~~ Owners, its their successors and assigns, shall be responsible for the commitments outlined in this Document

The ~~developer~~ Owners, its their successors or assignee, shall follow the Master 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~~ Owners is are bound by the commitments within this Document. These commitments may be assigned or delegated to a condominium/ homeowners' association to be created by the ~~developer~~ Owners. Upon assignment or delegation, the ~~developer~~ Owners shall be released from responsibility for the commitments.

8.3 MPUD MASTER DEVELOPMENT PLAN

- A. Exhibit "A", MPUD Master Plan illustrates the proposed development and is conceptual in nature. Proposed tract, parcel, or land use boundaries, or special land use boundaries shall not be construed to be final, and may be varied at any time at any subsequent approval phase such as subdivision plat or SDP application. Subject to the provisions of Subsection 10.02.13(E) of the LDC, amendments may be made from time to time.
- B. All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all services and all common areas in the project.
- C. ~~The Community Development and Environmental Services Administrator,~~ County Manager or his designee, shall be authorized to approve minor changes and refinements to the Sabal Bay MPUD Master Plan upon written request of the ~~developer~~ Owners, subject to the provisions set forth in LDC Subsection 10.02.13E.

8.4 ENGINEERING

- A. Except as noted and authorized as a deviation in this PUD Document, all project development will be consistent with provisions of Sections 10.02.04 and 10.02.03 of the LDC.

8.5 UTILITIES

- A. All County or City water distribution and sewage collection and transmission facilities to serve the project shall be designed, constructed, conveyed, owned, and maintained in accordance with Collier County Ordinance No. 04-51, as amended, and other applicable County or City rules and regulations.
- B. All customers connecting to the water distribution and sewage collection facilities shall be considered to be customers of the County or the City of Naples, as the case may be, and shall be billed by the County or City in accordance with the County's or City's established rates.
- C. The development shall be subject to application for and conditions associated with a water and sewer availability letter from the Collier County Public Works Division, or from the City of Naples Utilities Department, whichever is applicable, in accordance with applicable franchise services boundaries.
- D. The ~~developer~~ Owners shall reserve three requested easements, and associated utility and access easements to connect with a public right-of-way. These sites shall be used for wells (not to exceed 100' by 100' for each site) with a minimum spacing of 500 feet between wells. This conveyance shall occur at the time the

SDP, or final subdivision approval for the area within the development phase that contains the easement.

- E. The ~~developer~~ Owners shall provide a 10 foot wide utility easement on the development property along both sides of Bayshore Drive, if determined to be needed by Collier County.

8.6 WATER MANAGEMENT

- A. In accordance with the Rules of the South Florida Water Management District, this project shall be designed for a storm event of a 3-day duration and 25-year return frequency.
- B. The ~~developer~~ Owners shall design the water management facilities in accordance with County ordinances, State, and Federal minimum design regulations in effect at the time of submittal of SDPs, or construction plans or plat approvals as the case may be. ~~An analysis of predevelopment pollutant loading and post development pollutant loading in general accordance with the Harvey Harper methodology shall be completed and submitted prior to the issuance of final site development plans or construction plan approvals.~~
- C. An excavation permit shall be required for the proposed lakes in accordance with Subsection 22-122(c) of Ordinance 04-55 of Collier County Code of Laws and Ordinances. All lake dimensions shall be approved at the time of excavation permit approval, and shall be consistent with permits issued by the South Florida Water Management District.
- D. Detailed paving, grading and site drainage plans shall be submitted to Engineering Review Services Staff for review and approval. No construction permits shall be issued unless and until approval of the proposed construction in accordance with the approved plans is granted.
- E. This ~~developer~~ Owners shall obtain an Environmental Resource Permit or Early Work Permit from the South Florida Water Management District prior to SDP approval.
- F. The ~~developer~~ Owners shall adhere to the conditions set forth in the ~~September 23, 2003~~ October 14, 2003 (as amended March 27, 2007, April 22, 2008, and October 27, 2009) ~~Contribution~~ Companion Agreement by and between Collier Land Development, Inc., Collier Development Corporation and Collier County regarding the Lely Area Surface Water Drainage Improvements in order to further the Lely Area Stormwater Improvement Project (LASIP). To further clarify, the applicant's responsibilities are as follows:

- 1) Hamilton Avenue (f.k.a. Fern Street) – the applicant will make provisions in the land plan design to continue to allow the current positive outfall, and provide physical maintenance, through the natural flowway portions of the outfall within applicant’s property. Collier County will be responsible to provide all on-going physical maintenance of the conveyance within the Hamilton Avenue (f.k.a. Fern Street) right-of-way.
- 2) Avalon Outfall Canal System – the applicant will make provision in the land plan design to continue to allow the current positive outfall of this canal by relocating the canal to the westerly property line in that area (as shown on the MPUD Master Plan), construct a uniform canal section, and place it in an 87-foot wide drainage easement, to be purchased by Collier County, which is consistent with previous PUD and ERP approvals. Collier County will be responsible to provide all on-going physical maintenance of the conveyance and easement. Owners agree to provide legal access to Collier County for the purposes of providing said maintenance.

8.7 ENVIRONMENTAL

- A. Buffers shall be provided around wetlands, extending at least fifteen (15) feet landward from the edge of the jurisdictional wetland boundary in all places and averaging twenty-five (25) feet from the edge of the jurisdictional wetland boundary. Where natural buffers are not possible, structural buffers shall be provided in accordance with the State of Florida Environmental Resources Permit Rules.
- ~~B. A preserve area management plan shall be provided to Environmental Services Staff for approval prior to site/construction plan approval, identifying methods to address treatment of invasive exotic species, fire management, and maintenance.~~
- ~~C. All conservation areas shall be placed under conservation easements with protective covenants per or similar to Section 704.06 of the Florida Statutes.~~
- ~~D. B. This PUD shall comply with the guidelines of the United States Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FFWCC), and as applicable, Collier County regulations, for impacts to protected species. With respect to the Bald Eagle Management Plan, rRestrictions within bald eagle nest protection buffer zones buffer shall be in accordance with the USFWS South Florida Multi-Species Recovery Plan, May 1999 and Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS 1987, except to the degree that the site specific bald eagle management plan provides for allowance or restrictions that vary from the USFWS South Florida Multi-Species Recovery Plan, May 1999 and Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS 1987–State and Federal~~

~~Management guidelines and. Upon receipt of technical assistance from the U.S. Fish & Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FFWCC) all proposed improvements may be required to be removed from the Bald Eagle Primary Nest Protection Zone. may require technical assistance from the USFWS and FFWCC. The listed species documented on the property include American alligator, gopher tortoise, little blue heron, snowy egret, tri-colored heron, white ibis, bald eagle, wood stork, Florida panther, and Florida black bear. A Habitat Management Plan for listed species shall be submitted to Environmental Services Staff for review and approval prior to SDP approval.~~

- E. ~~This Bald Eagle Management Plan shall be updated to depict the location of new eagles nests, or to remove the location of nests that have been abandoned in the following manner:~~
- 1) ~~If the nest is abandoned in accordance with US fish and Wildlife Regulations, the Bald Eagle Management Plan may be administratively updated to eliminate the abandoned nest.~~
 - 2) ~~If the eagles relocate to a tree that is not located on the subject property and the primary and secondary protection zones of the tree are located entirely outside of any area of the PUD proposed for any type of development; then the bald eagle management plan shall be administratively updated to reflect any of the following: new nest location; new primary zone location; new secondary zone location. If the eagles relocate to a tree and the primary or secondary protection zones of the tree are located on any area of the PUD proposed for any type of development; then the bald eagle management plan shall be amended and shall require a PUD amendment including public hearing before the Environmental Advisory Council (EAC), Collier County Planning Commission (CCPC) and Board of County Commissioners (BCC).~~
- F. ~~Approximately 60 acres of the project site are identified as an old agricultural operation. Soil sampling within this former agricultural area shall be required at the time development is proposed within these areas. Sampling shall provide soil analysis for herbicides, pesticides and heavy metals. Measures needed to clean up the site shall be addressed prior to site plan/construction plan approval.~~
- G. ~~A gopher tortoise relocation/management plan shall be submitted for review and approval at the time of final SDP/construction plan submittal, and shall be in accordance with the requirements of LDC. The success of the establishment of gopher tortoises within proposed gopher tortoise preserves shall be studied by an independent (non-governmental) party to document the success of the relocation effort. A copy of the report detailing the study and the results shall be provided to Environmental Services Department Staff.~~

HC. In accordance with requests from Rookery Bay National Estuarine Research Reserve (RBNERR) ~~and the Conservancy of Southwest Florida (Conservancy)~~ the Developer Owners agrees to the following:

1. ~~The developer shall establish a surface water hydrology monitoring program, which will include annual reports of said monitoring to be shared with RBNERR. The Collier County Lely Area Stormwater Improvement Project (LASIP) Permit requires water quality monitoring, for some period of time, at the furthest downstream portion of the Lely Canal. During January, 2011, the Owners provided RBNERR a copy of the most recent water quality report for the test locations within the Sabal Bay MPUD. For so long as the LASIP Permit requires water quality monitoring, the Owners will provide a copy of the annual water quality monitoring report to RBNERR. Additional reports may be obtained from SFWMD upon request.~~
2. The ~~developer Owners~~ shall include a provision in the conservation easement requiring notification to RBNERR ~~and the Conservancy~~ in advance of any changes to the conditions of, and or dedication language set forth in the project's conservation easement. The RBNERR ~~and the Conservancy~~ will be allowed to participate in the discussions of any proposed changes.
3. ~~The developer shall allow the Conservancy to review and comment on the draft master declaration document pertaining to any provisions that will address language to protect and sustain the environmental integrity of the development's preserves.~~
3. 4. ~~In order to minimize environmental impacts to water quality within RBNERR,~~ The developer Owners shall do the following: conducting pre-development water quality testing by an independent laboratory; testing of sediments at the furthest downstream stormwater outfalls for pollutant loading prior to soil disturbance for construction of these outfall locations to assess existing sediment quality; utilizing water management Best Management Practices (BMP's) during construction to minimize adverse impacts on water quality during development; ~~conducting~~ providing post development water quality monitoring and reporting as set forth in Paragraph 8.7.H.C.1. above;. Additionally, the Owners will seek to and, ~~increasing~~ public awareness by educating residents and the homeowners' association; through the use of signage and take-home information, of the potential damage from stormwater pollution on the environment and the importance of protecting aquatic and terrestrial resources within and nearby the RBNERR. Further, the developer Owners shall erect signage at various locations along the RBNERR boundary, making residents and guests aware of the location and natural resource importance of the estuarine ecosystem and its management. The developer shall include water management Best Management Practices (BMP's) from the

~~proposed Southwest Florida Basin BMP Matrix rule, with the selection of BMPs based on minimum of two (2) from Group A, two (2) from Group B, and one (1) from Group C, as part of the SFWMD ERP. The developer will include in the design of the backbone surface water management system, four additional Best Management Practices (BMP's), which includes: 1) extended hydraulic residence time due to increased lake acreage; 2) existing and created wetland areas, incorporated into a treatment train concept, upstream of final discharge; 3) planted filter marshes, incorporated into a treatment train concept, upstream of wetland treatment areas; 4) increased flow path between inflow and outflow through both the planted filter marshes and the wetland treatment areas. These BMP's will be incorporated downstream of the lake system, and prior to final discharge from the system, to provide additional "treatment" or "polishing." Such design will be made part of the development's surface water management plans, to be reviewed and permitted by SFWMD as a part of the ERP application.~~

4. 5. The ~~developer~~ Owners shall disclose in the homeowner association documents that the following activities may occur on the adjacent RBNERR lands: exotic plant removal and ongoing maintenance; utilization of prescribed burns as a means of habitat management; controlling illegal dumping; management of access within RBNERR lands, controlling and trapping when necessary, feral, nuisance and domestic animals.
5. 6. The two archeological sites determined to be of prehistoric cultural significance (8cr535 and 8cr 227) shall be preserved and the ~~developer~~ Owners shall coordinate with the Florida Division of Historic Resources to minimize any disturbance to these sites during development and as a result of exotic vegetation removal.

8.8 TRANSPORTATION

- ~~A. All traffic control devices, signs, pavement markings and design criteria shall be in accordance with Florida Department of Transportation (FDOT) Manual of Uniform Minimum Standards (MUMS), current edition, FDOT Design Standards, current edition, and the Manual on Uniform Traffic Control Devices (MUTCD), current edition. All other improvements shall be consistent with the LDC.~~
- ~~B. Arterial level street lighting shall be provided at all access points. Access lighting shall be in place prior to the issuance of the first certificate of occupancy (CO) for the units/square footage that will directly utilize the access.~~
- ~~C. Access points, including both driveways and proposed streets, shown on the PUD Master Plan are considered to be conceptual. Nothing depicted on any such Master Plan shall vest any right of access at any specific point along any property~~

~~frontage. All such access issues shall be approved or denied during the review of required subsequent SDP or final plat submissions. All such accesses shall be consistent with the Collier County Access Management Policy (Res. 01-247), as it may be amended from time to time, and with the Collier County Long-range Transportation Plan. The number of access points constructed may be less than the number depicted on the Master Plan; however, no additional access points shall be considered unless a PUD amendment is to be processed.~~

- ~~D. Site-related improvements (as apposed to system-related improvements) necessary for safe ingress and egress to this project, as determined by Collier County, shall not be eligible for impact fee credits. Site related improvements shall be in place by phase, and available for access, prior to the issuance of the first CO for that phase.~~
- ~~E. Road impact fees shall be paid in accordance with Ordinance 01-13, as amended, and section Chapter 6.02 and Section 10.02.07 of the LDC, as it may be amended.~~
- ~~F. All work within Collier County rights-of-way or public easements shall require a right-of-way permit.~~
- ~~G. All proposed median opening locations shall be in accordance with the Collier County Access Management Policy (Resolution 01-247), as it may be amended, and the LDC, as it may be amended. Collier County reserves the right to modify or close any median opening existing at the time of approval of this PUD which is found to be adverse to the health, safety and welfare of the public. Any such modifications shall be based on, but are not limited to, safety, operational circulation, and roadway capacity.~~
- ~~H. Nothing in any development order shall vest a right of access in excess of a right in/right out condition at any access point. Neither shall the existence of a point of ingress, a point of egress or a median opening, nor the lack thereof, be the basis for any future cause of action for damages against the County by the developer, its successor in title, or assignee.~~
- ~~I. All internal roads, driveways, alleys, pathways, sidewalks and interconnections to adjacent developments shall be operated and maintained by an entity created by the developer and Collier County shall have no responsibility for maintenance of any such facilities.~~
- ~~J. 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.~~
- ~~K. 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~~

~~if an easement is determined to be necessary, the cost of such improvement shall be borne by the developer.~~

- A. ~~E.~~ The development shall abide by Section 6.02.00 02 of the LDC in regards to Transportation Demand Management (TDM) strategies required for a project that ~~is located within and~~ affects a Transportation Concurrency Exemption Area (TCEA).
- B. The Owners, their successors or assigns, agree that the southwest connection to US-41 across from St. Andrews Boulevard will be at the sole discretion of FDOT and shall align with the existing St. Andrews Boulevard. Upon connection to this signalized intersection, the Owners, their successors, or assigns shall assume sole financial responsibility for intersection improvements relating to the use of this intersection by this development. This shall include, but not be limited to, the following:
- i. Any increase in the storage capacity of the northwest-bound left turn lane(s) approaching the signal constructed at the time of connection.
 - ii. Design, purchase, and installation of any physical intersection improvements including a mast arm, signal head(s), pedestrian signal heads, and any signal controller(s) that are necessary to accommodate this developments connection to the signal.
 - iii. County or FDOT's cost(s) for setup and modification of intersection controls including a mast arm, signal head(s), pedestrian signal heads, and any related signal timing changes that are necessary to accommodate each phase of this development. The Owners, their successors, or assigns agree to reimburse the FDOT or the agency maintaining the traffic signal within 90 days of the agency's request.
 - iv. Correction of any non-ADA compliant features within the Public Right-of-Way at all four quadrants of this intersection to become compliant with the then-current Americans with Disabilities Act requirements."
- C. The Owners, their successors or assigns, agree that at the St. Andrews Boulevard access, they will maintain a throat distance of at least 200 feet as measured from the edge of pavement of U.S. 41 to the closest point of any gate or gatehouse.
- D. The Owners, their successors or assigns, agree that the project's main residential access on U.S. 41 may be a signalized intersection if approved by FDOT. The Owners, their successors or assigns shall assume sole financial responsibility for intersection improvements relating to the use of this intersection by this development. This shall include, but not be limited to, the following:
- i. Design, purchase, and installation of intersection improvements including mast arm(s), signal head(s), pedestrian signal heads, and any signal controller(s) that are necessary to accommodate this development's connection to the signal.
 - ii. Any additional signal timing adjustments directly related to this development's traffic shall also remain the financial responsibility of this development, in perpetuity.
 - iii. Design, purchase, and installation of ADA compliant items within the public right-of-way.

8.9 ADDITIONAL COMMITMENTS

- A. Prior to the issuance of the 400th certificate of occupancy for a single family home, The developer Owners, their successors or assigns shall provide a minimum of one playground, for use by residents and their guests, meeting ASTM design guidelines.
- B. The developer Owners, their successors or assigns shall install a pathway along the lake where the lake fronts Thomasson Drive and shall provide a minimum of three benches for public use for this portion of lake-frontage at the time development occurs adjacent to the lake.

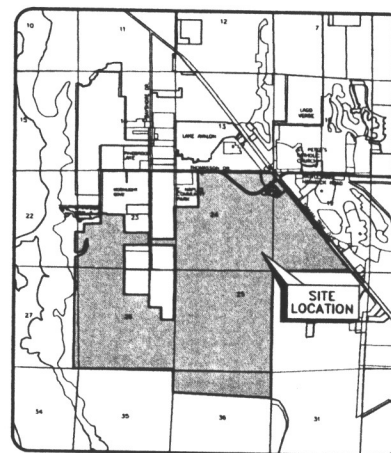
~~8.10 AFFORDABLE/WORKFORCE HOUSING COMMITMENTS~~

- ~~A. The developer, or its successors or assigns, shall pay the sum of \$1,000.00 to the Collier County Affordable Housing Trust Fund for each residential unit not located within Tracts RG8, C/O1 and C/O2. The payment shall be made within seven (7) days on the closing of the residential unit.~~
- ~~B. The developer or its successors or assigns shall pay the sum of fifty cents (\$0.50) for each square foot of retail development constructed on the property, excluding Tracts C/O1 and C/O2, to the Collier County Affordable Housing Trust Fund within seven (7) days of the improvement receiving a CO.~~
- ~~C. The payment of the sums set forth in the Section shall satisfy any obligations of the project to pay linkage fee, or similar types of fees should an ordinance establishing such fees be adopted by the Board of County Commissioners in the future.~~

SECTION 25, AND PORTIONS OF SECTIONS 23, 24, 26, AND 36,
TOWNSHIP 50 SOUTH, RANGE 25 EAST,
AND A PORTION OF SECTION 19,
TOWNSHIP 50 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA

[illegible]

LOCATION MAP



SITE MAP

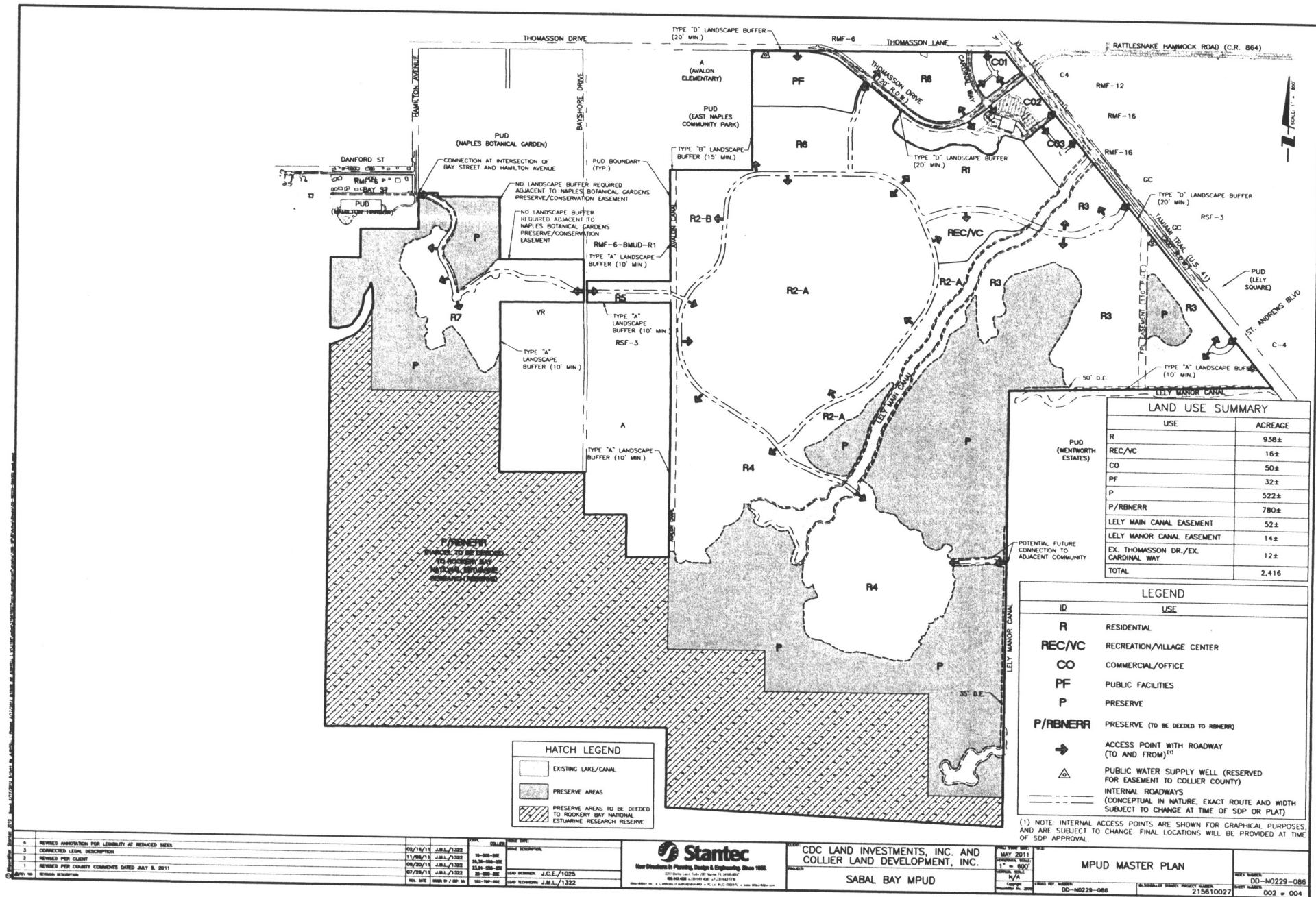
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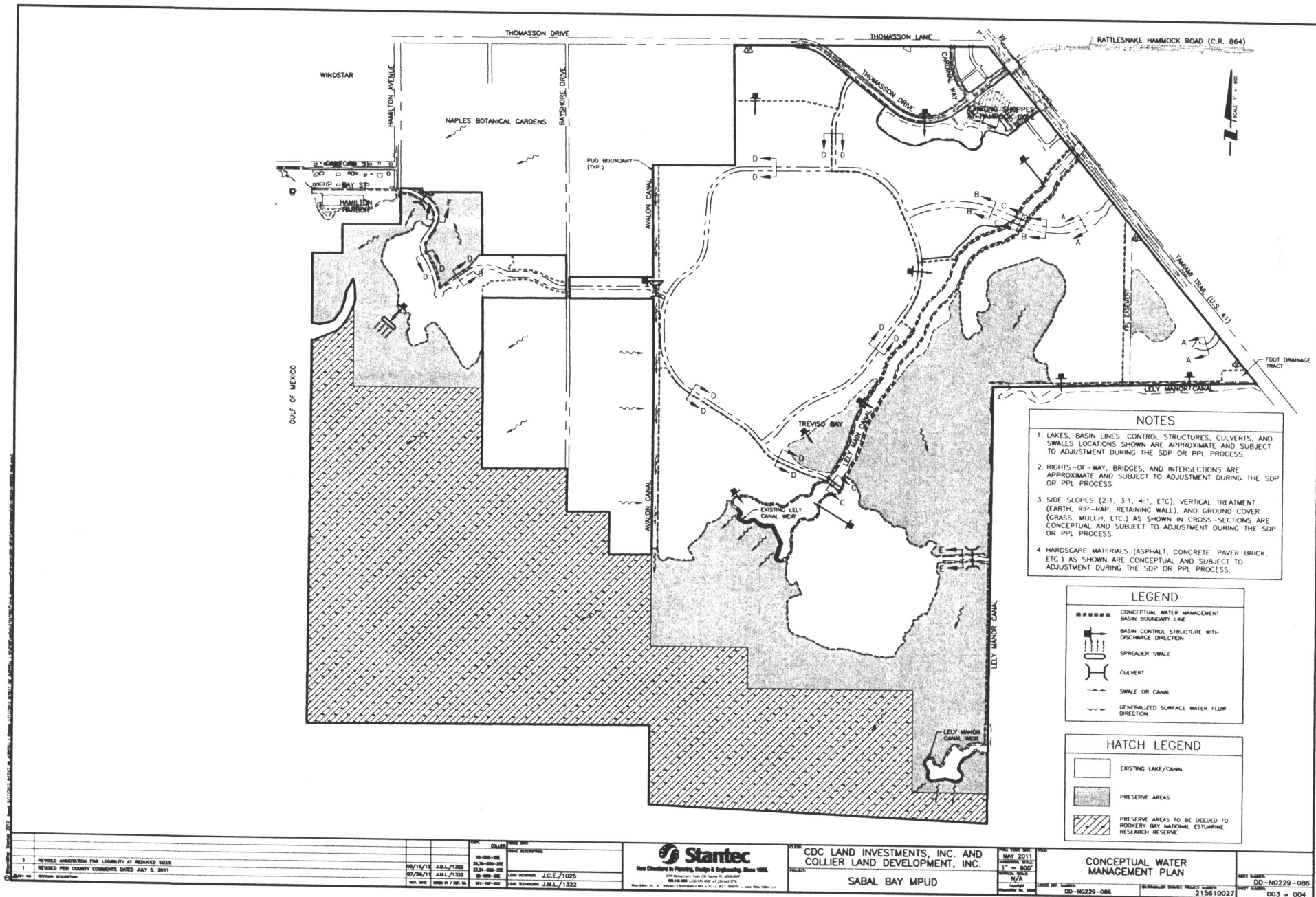
Wilson Miller

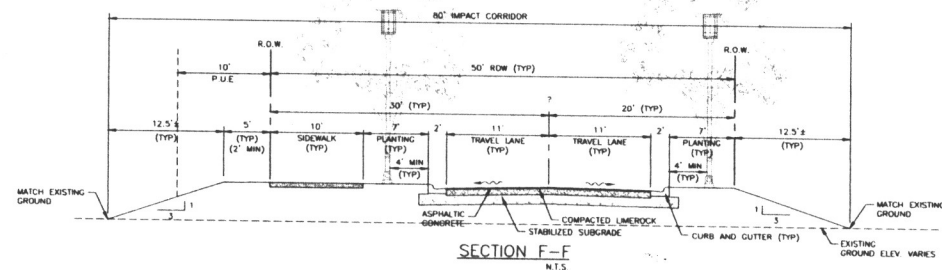
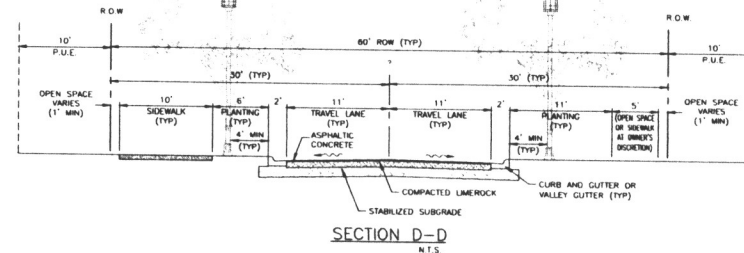
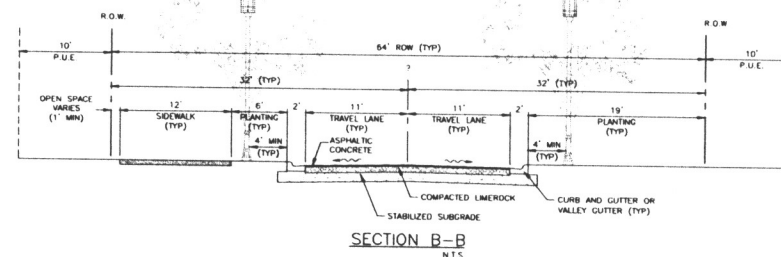
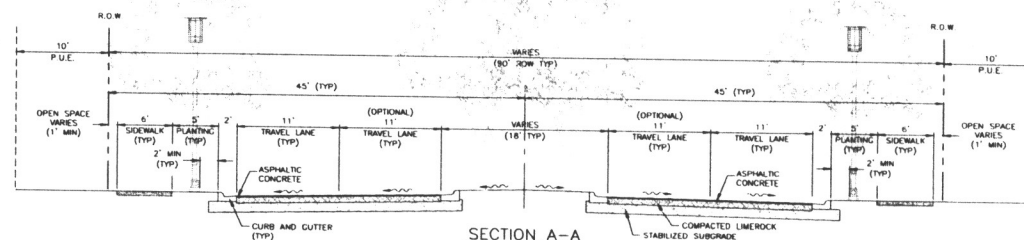
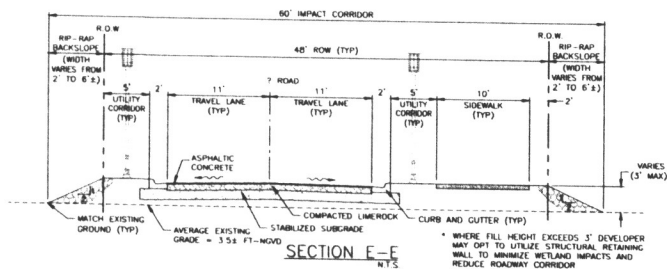
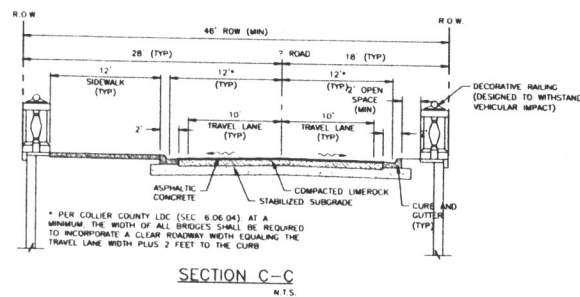
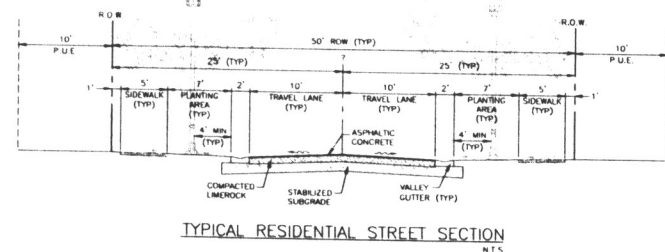
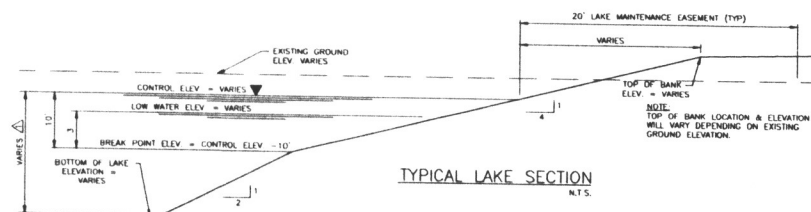
Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

3200 Bailey Lane, Suite 200 • Naples, Florida 34105-6507 • Phone 239-646-4040 • Fax 239-263-6494 • Web-Site www.nisconrider.com







4. ADDED SHEET AND ENLARGED SECTIONS FOR LEGIBILITY AT REDUCED SIZES 5. RETURN REVISIONS		10-00-001 10-00-002 10-00-003 10-00-004 10-00-005 10-00-006 10-00-007 10-00-008 10-00-009 10-00-010 10-00-011 10-00-012 10-00-013 10-00-014 10-00-015 10-00-016 10-00-017 10-00-018 10-00-019 10-00-020 10-00-021 10-00-022 10-00-023 10-00-024 10-00-025 10-00-026 10-00-027 10-00-028 10-00-029 10-00-030 10-00-031 10-00-032 10-00-033 10-00-034 10-00-035 10-00-036 10-00-037 10-00-038 10-00-039 10-00-040 10-00-041 10-00-042 10-00-043 10-00-044 10-00-045 10-00-046 10-00-047 10-00-048 10-00-049 10-00-050 10-00-051 10-00-052 10-00-053 10-00-054 10-00-055 10-00-056 10-00-057 10-00-058 10-00-059 10-00-060 10-00-061 10-00-062 10-00-063 10-00-064 10-00-065 10-00-066 10-00-067 10-00-068 10-00-069 10-00-070 10-00-071 10-00-072 10-00-073 10-00-074 10-00-075 10-00-076 10-00-077 10-00-078 10-00-079 10-00-080 10-00-081 10-00-082 10-00-083 10-00-084 10-00-085 10-00-086 10-00-087 10-00-088 10-00-089 10-00-090 10-00-091 10-00-092 10-00-093 10-00-094 10-00-095 10-00-096 10-00-097 10-00-098 10-00-099 10-00-100 10-00-101 10-00-102 10-00-103 10-00-104 10-00-105 10-00-106 10-00-107 10-00-108 10-00-109 10-00-110 10-00-111 10-00-112 10-00-113 10-00-114 10-00-115 10-00-116 10-00-117 10-00-118 10-00-119 10-00-120 10-00-121 10-00-122 10-00-123 10-00-124 10-00-125 10-00-126 10-00-127 10-00-128 10-00-129 10-00-130 10-00-131 10-00-132 10-00-133 10-00-134 10-00-135 10-00-136 10-00-137 10-00-138 10-00-139 10-00-140 10-00-141 10-00-142 10-00-143 10-00-144 10-00-145 10-00-146 10-00-147 10-00-148 10-00-149 10-00-150 10-00-151 10-00-152 10-00-153 10-00-154 10-00-155 10-00-156 10-00-157 10-00-158 10-00-159 10-00-160 10-00-161 10-00-162 10-00-163 10-00-164 10-00-165 10-00-166 10-00-167 10-00-168 10-00-169 10-00-170 10-00-171 10-00-172 10-00-173 10-00-174 10-00-175 10-00-176 10-00-177 10-00-178 10-00-179 10-00-180 10-00-181 10-00-182 10-00-183 10-00-184 10-00-185 10-00-186 10-00-187 10-00-188 10-00-189 10-00-190 10-00-191 10-00-192 10-00-193 10-00-194 10-00-195 10-00-196 10-00-197 10-00-198 10-00-199 10-00-200 10-00-201 10-00-202 10-00-203 10-00-204 10-00-205 10-00-206 10-00-207 10-00-208 10-00-209 10-00-210 10-00-211 10-00-212 10-00-213 10-00-214 10-00-215 10-00-216 10-00-217 10-00-218 10-00-219 10-00-220 10-00-221 10-00-222 10-00-223 10-00-224 10-00-225 10-00-226 10-00-227 10-00-228 10-00-229 10-00-230 10-00-231 10-00-232 10-00-233 10-00-234 10-00-235 10-00-236 10-00-237 10-00-238 10-00-239 10-00-240 10-00-241 10-00-242 10-00-243 10-00-244 10-00-245 10-00-246 10-00-247 10-00-248 10-00-249 10-00-250 10-00-251 10-00-252 10-00-253 10-00-254 10-00-255 10-00-256 10-00-257 10-00-258 10-00-259 10-00-260 10-00-261 10-00-262 10-00-263 10-00-264 10-00-265 10-00-266 10-00-267 10-00-268 10-00-269 10-00-270 10-00-271 10-00-272 10-00-273 10-00-274 10-00-275 10-00-276 10-00-277 10-00-278 10-00-279 10-00-280 10-00-281 10-00-282 10-00-283 10-00-284 10-00-285 10-00-286 10-00-287 10-00-288 10-
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ALL OF SECTION 25 AND PART OF SECTIONS 23, 24, 26 AND 36, TOWNSHIP 50 SOUTH,
RANGE 25 EAST, AND PART OF SECTION 19 TOWNSHIP 50 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA
(Containing 2,416.49 Acres ±)
Sabal Bay P.U.D. Boundary

All of Section 25 and part of Sections 23, 24, 26 and 36, Township 50 South, Range 25 East, and part of Section 19 Township 50 South, Range 26 East, Collier County, Florida and being more particularly described as follows;

Beginning at the Northeast Corner of Section 25, Township 50 South, Range 25 East, Collier County, Florida;
Thence along the East Line of Said Section 25 South 00°22'18" West 2,687.69 feet;
Thence continue along the east line of said Section 25 South 00°20'37" West 2,685.56 feet to the Southeast Corner of said Section 25;
Thence along the East line of Section 36 South 00°19'56" West 1,518.00 feet;
Thence North 87°28'51" West 5,326.38 feet;
Thence North 00°14'25" East 1,254.17 feet to the North West Corner of Said Section 36;
Thence along the south line of Section 26 South 89°32'22" West 2,696.15 feet;
Thence continue along the South line of Said Section South 89°29'09" West 2,696.69 feet to the Southwest corner of said Section 26;
Thence along the West line of said Section 26 North 00°22'46" East 2,689.10 feet;
Thence continue along the West line of said Section 26 North 00°22'20" East 2,690.20 feet to the Northwest Corner of Said Section 26;
Thence along the West Line of Section 23 North 00°06'08" West 1345.66 feet;
Thence continue along the West line of Said Section 23 North 00°07'16" West 693.72 feet;
Thence North 89°29'07" East 469.67 feet;
Thence North 00°04'49" West 453.06 feet;
Thence North 89°30'33" East 916.44 feet;
Thence North 00°31'29" West 567.34 feet;
Thence North 89°27'53" East 300.00 feet;
Thence South 00°32'07" East 60.00 feet;
Thence North 89°28'59" East 980.33 feet to the West line of the plat of Naples Groves and Truck Co's Little Farms No 2 (Lots 67-69), as recorded in Plat Book 1, Page 27, Public Records of Collier County, Florida.
Thence along said West line South 00°46'37" East 308.52 feet;
Thence continue along said West line South 00°40'46" East 673.87 feet to the Northwest Corner of Lot 70, of said Naples Groves and Truck Co's Little Farms No 2;
Thence along the North line of Said Lot 70 North 89°27'07" East 1,322.10 feet to the North East Corner of Said Lot 70;
Thence along the East line of Said Lot 70 and Lot 71 of said Plat South 00°43'14" East 674.00 feet to the Southeast corner of Said Lot 71;
Thence along the South line of Said Lot 71 South 89°28'25" West 1,322.26 feet to the Southwest corner of said Lot 71;
Thence along the West line of Said Plat South 00°42'15" East 1,347.80 feet;
Thence continue along said West line South 00°20'27" West 1,344.53 feet to the Southwest corner of Lot 79 of said plat;

Thence along the South line of Said Lot 79 North 89°31'43" East 1,346.87 feet to the fractional corner of said Section 26 being the Northwest corner of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Said Section 26;
 Thence along said fractional line South 00°19'29" West 671.99 feet to the Southwest corner of said fractional quarter;
 Thence along the south line of said fractional Quarter North 89°31'42" East 673.39 feet to the Northwest corner of Lot 81 of Said Naples Grove and Truck Co's Little Farms No. 2;
 Thence along the west line of said Lot 81 South 00°12'23" West 672.16 feet to the Southwest corner of said Lot 81;
 Thence along the south line of said Lot North 89°31'43" East 672.16 feet to the East line of Said Lot and the East line of said Section 26;
 Thence along the East line of said Section 26 North 00°19'29" East 2,688.11 feet to the Northeast corner of said Section 26;
 Thence along the East line of said Section 23 North 00°42'49" West 1,351.04 feet to the southeast corner of Lot 91 of said Naples Groves and Truck Co's Little Farms No 2.
 Thence along the South line of said Lot 91 South 89°27'26" West 1,320.61 feet;
 Thence along the west line of Said Lot 91 North 00°47'37" West 337.27 feet;
 Thence along the North line of said Lot 91 North 89°30'57" East 1,320.45 feet to the east line of said Section 23;
 Thence along the East line of Said Section North 00°44'44" West 1,011.86 feet;
 Thence Continue along said East line North 00°34'32" West 752.45 feet to the Southwest corner of that land described in Official Record Book 1027, page 678, Public Records of Collier County, Florida;
 Thence along the South line of said Land North 89°31'59" East 1,289.77 feet;
 Thence along the East line of said Land North 00°42'37" West 1,890.79 feet to the south Right of Way Line of Thomasson Drive (100 Right Of Way);
 Thence along said Right of Way Line North 89°35'12" East 1399.52 feet;
 Thence continue along said Right of Way line North 89°35'12" East 2855.89 feet to an intersection with the westerly Right of Way line of US 41 (Tamiami Trail) (State Road No. 90);
 Thence along said Right of Way of US41 of South 39°03'59" East 1266.82 feet;
 Thence continue along said Right of Way South 39°03'59" East 5,465.08 feet to a point at the intersection of said westerly Right of Way and the South line of Section 19, Township 50 South, Range 26 East, Collier County, Florida;
 Thence along the South line of said Section 19 South 88°13'29" West 1,636.98 feet;
 Thence continue along said South line South 88°23'16" West 2,491.52 feet to the POINT OF BEGINNING.

Less and excepting there from the waters of Tide Creek located on the west line of Section 23.

Subject to easements and restrictions of record.

Containing 2,416.49 acres more or less.

Bearings are based on the North Line of Section 19 being North 89°42'24" East - Florida State Plane - East Zone 83-90 Adjustment

Not valid unless embossed with the Professionals Seal

REF.

W.O.: N0229-200-502

Date: 11-11-11

Exhibit B
Page 2 of 2

Exhibit "C"

List of Deviations

(PREVIOUSLY APPROVED DEVIATIONS 1 – 8 IN ACCORDANCE WITH ORDINANCE 05-59 TO STILL REMAIN IN EFFECT)

Deviation 1: LDC Section 6.06.01(O) and LDC Appendix B, in order to allow 50 feet of right-of-way for local roads rather than the required 60-foot width (throughout).

Deviation 2: LDC Section 6.06.01(J), to allow cul-de sacs in excess of 1,000 feet the MPUD (throughout).

Deviation 3: In accord with LDC Section 10.02.04.A.3, Section 2-12 of the Collier County Code of Ordinances, Exhibit "A", Design Requirements for Subdivisions C.17.j of the Administrative Code for Collier County Construction Standards Manual, formerly LDC Section 3.2.8.4.16.10 (Section III P. 10 of the proposed Construction Standards Manual) to allow reverse curves without tangents (throughout).

Deviation 4: LDC Section 5.03.02B to allow perimeter fences or walls to be permitted at 8 feet on top of a 4 foot berm, formerly approved as a height of eight feet (8') as measured from the finished grade of the ground at the base of the fence or wall, and modified at staff's request.

Deviation 5: LDC Section 5.06.02.B.6., formerly Section 5.06.04 A. 6. (b.) to allow a maximum of two ground or wall entrance signs shall be allowed at the entrance to each individual residential tract and shall be limited in size to 60 square feet each (rather than the combined size permitted in the LDC of 64 square feet) and shall not exceed a height of 6 feet as measured from finished grade.

Deviation 6: LDC Sections 5.06.02 and 5.06.04, formerly Chapter 5.06.05 to allow entrance signs up to 120 square feet. Two ground signs shall be permitted for each project entrance (on US 41, Thomasson Drive and Bayshore Drive), and shall be allowed in addition to other signage allowed by Chapter 5.06.00, of the LDC. Each of these permitted signs shall be limited to 120 square feet in area and shall only contain the name of the project or any major use, insignia or motto of the entire development, and the developer's owners' name and logo and shall be architecturally compatible with the landscape buffer along the project boundaries and the common architectural theme of the entire project.

Deviation 7: LDC Section 4.05.04, to allow parking for uses and structures constructed in the Recreation/Village Center to be reduced by up to 25% of the applicable LDC parking requirements, should such a reduction be deemed to be warranted through the development and submission of a shared parking analysis submitted with the SDP application. Parking requirements shall be determined utilizing the modal splits and parking demands for various uses recognized by Institute of Traffic Engineers (ITE), Urban Land Institute (ULI) or other sources or studies. The analysis shall demonstrate the number of parking spaces available to more than one use or function, recognizing

the required parking area will vary depending on the multiple functions or uses in close proximity which are unlikely to require the same spaces at the same time. The shared parking analysis methodology shall be determined and agreed upon by the County Transportation Growth Management Staff and the developer owners during the SDP pre-application meeting. The shared parking analysis shall use the maximum square footage of uses proposed by the SDP application.

Deviation 8: LDC 5.05.08.C.13.b., formerly Section 5.05.iii.(a) to allow gray primary and/or secondary colors to be permitted as a predominant exterior roof color. See Section 5.4.J. of the MPUD document.

NEW DEVIATIONS:

Deviation 9 seeks relief from LDC Section 6.06.01(O) and LDC Appendix B in order to allow, in specific cases where private, internal development roadways cross wetland or upland preserves, the Owners request additional flexibility to reduce the required ROW width below the current 50-foot minimum to a width of no less than 40 feet. This deviation would allow the Owners to minimize impacts to potential wetland or upland preserves while maintaining accessibility throughout the site.

Deviation 10 seeks relief from LDC Section 6.06.02.A which requires arterial and collector roads to provide a six-foot sidewalk on both sides of the street. The applicant requests the ability for all privately and/or CDD owned roadways internal to the Sabal Bay development to provide a minimum five-foot sidewalks on both sides of all streets or a minimum ten-foot wide pathway on one side of the street which may meander in and out of the right-of-way. Since the development is planned for an internal pathway system, this is a reasonable deviation.

Deviation 11 seeks relief from LDC Section 4.06.02 which requires a Type B buffer between single family and multi-family uses. Specifically, the applicant requests that no buffer be required between these uses when a water body separates the two uses. Requiring the installation of a buffer in these areas would inhibit the lake views for both single family and multi-family residences.

Deviation 12 seeks relief from LDC Section 4.06.05.J which requires that rip-rap treatment for those areas that have a slope no steeper than 2:1, but steeper than 3:1, be limited to 30 inches in height, and be limited to 200 square feet sections or solely used in rapid flow water management areas. Specifically, this deviation requests to allow rip-rap treatment along the backslope of certain roadway crossings adjoining preserves on one side or more in order to minimize impacts to potential wetland and upland preserves, as well as allow the use of rip-rap stabilization for elevations up to a height of 36 inches. Approval of this deviation will allow the owners to minimize impacts to potential wetland and upland preserve areas by minimizing the development footprint, subsequently reducing the total amount of wetland impacts required to develop the subject Project. Since the suggested roadways will be low-speed, low-volume and limited in length, this is a reasonable deviation.

Deviation 13 seeks relief from LDC Section 5.05.04.D.1 which allows a maximum floor area ratio of 0.45 for care units, assisted living units, continuing care retirement

communities, nursing homes, and dwelling that are part of an aging-in-place living environment. Market studies on the desires of people moving into these types of facilities have shown that a larger unit is often desired. In order to offer a competitive product that is marketable to an aging sector, the applicant requests a maximum floor area ratio of 0.60 which is similar to other approved continuing care retirement communities in this area.

Deviation 14 seeks relief from LDC Sections 5.06.02 and 5.06.04 to allow entrance signs up to 120 square feet. This previously approved deviation is requested to add the entrance signs to be located on Hamilton Avenue as previously approved for the entrances on U.S. 41, Thomasson Drive, and Bayshore Drive.

Deviation 15 seeks relief from LDC Section 5.03.02 to allow fences or walls separating commercial uses from residential areas to be permitted at a height of up to eight feet (8') on top of a berm of up to four feet (4') in height. This is needed since much of the land within the MPUD is low-lying and given that appropriate buffering is needed between different land uses. This deviation will benefit the public welfare by allowing for enhanced buffering.

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2012-12

Which was adopted by the Board of County Commissioners on the 13th day of March, 2012, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 20th day of March, 2012.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Ann Jennejohn,
Deputy Clerk