

FOR CAO USE ONLY

RLS #:

17-CPS-01694

Due Date:

1-25-18

DATE RECEIVED:

12-26-17

### REQUEST FOR LEGAL SERVICES

Date: December 26, 2017

Item Previously Submitted: YES Rev #:5

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

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

From / Title: Eric Johnson - Principal Planner

Department / Division: ZONING / DEVELOPMENT REVIEW

Telephone #: (239) 252-2931

Re: PL20170001345 - Marco Shores (PUDA)

#### BACKGROUND OF REQUEST/PROBLEM:

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

FOLIO NO(S): 59430080007,

#### DOCUMENTATION:

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

If yes, attach and reference this information:

Attachments: See City View Documents & Images Tab

#### ACTION REQUESTED:

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

Thank you.

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

OFFICE OF THE  
COUNTY ATTORNEY  
17 DEC 26 AM 9:47

~~★~~ ★ - see attached markups & please provide to applicant  
SAS 1/9/18

Marco Shores Golf Course Community PUD  
Revised PUD Language

SECTION IV

MULTI-FAMILY

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4.07 REGULATIONS FOR RESIDENTIAL PARCEL TWO A

4.07.01 USES PERMITTED

Residential and group housing uses may not be jointly developed on Residential Parcel Two A. Only one of the two uses may be developed. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or part, for other than the following:

A. Principal Uses:

- (1) Boardwalks, viewing stands or docks, and nature trails not associated with any particular multi-family development.
- (2) Golf Course uses (1), (5) and (6) as set forth in 5.02.A.
- (3) Group housing for seniors including assisted living, continuing care retirement communities, skilled nursing, memory care and independent living facilities. Not to exceed 240 <sup>total</sup> units/beds of Group Housing.
- (4) Individual housing units including townhouses, zero lot line, villas and cluster housing.  
*space*
- (5) Multi-family residential buildings and single family detached.
- (6) Non-commercial boat launching facilities and multiple docking areas with a maximum extension into the waterway of 20 feet, *as measured from the ... property line? MHWL? etc*
- (7) Parks, playgrounds, playfields and commonly owned open space.
- (8) Residential clubs, intended to serve the surrounding residential area.
- (9) Water management facilities.

B. Permitted Accessory Uses and Structures:

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

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Land Development code  
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(2) Signs as permitted by the ~~Zoning Ordinance of Collier County.~~

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

4.07.02 MINIMUM LOT AREA:

Multi-family: One (1) net acre.

Single Family Detached: 7500 square feet.

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

4.07.03 MINIMUM YARDS – MULTI-FAMILY/GROUP HOUSING

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

B. Setbacks from edge of pavement of public roadways - thirty feet (30'), for residential structures.

C. Setbacks from road rights of way – twenty-five feet (25'), for group housing for seniors.

D. Distance between any two principal structures <sup>(add dash, not comma)</sup> one-half (1/2) the sum of their heights, but not less than twenty feet (20').

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

4.07.04 MINIMUM YARDS - SINGLE FAMILY

A. Single Family Detached:

(1) Front setback: 25'

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

(3) Rear setback: 20'

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



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4.07.05 MAXIMUM HEIGHT

A. Principal structures – four (4) stories above the required flood plain elevation or one level of parking not to exceed:

Zoned Height: 58 feet

Actual Height: 72 feet

B. Accessory structures – twenty feet (20') above required flood plain elevation not to exceed:

Zoned Height: 20 feet

Actual Height: 25 feet

4.07.06 MINIMUM LIVING AREA OF PRINCIPAL STRUCTURES

Principal residential use structures shall contain a minimum of seven hundred and fifty (750) gross square feet of living area per dwelling unit within principal structure for multi-family use. There shall be no minimum unit size for group housing for seniors use.

4.07.07 OFF-STREET PARKING

Principal uses shall provide a minimum of two parking spaces per dwelling unit for multi-family use. Parking for group housing for seniors shall be in accordance with the LDC.

4.07.08 ARCHITECTURAL STANDARDS

Group housing for seniors shall be subject to the architectural standards under LDC Section 5.05.08.

4.07.09 ASSISTED LIVING AND NURSING HOME STANDARDS

A. Licensed assisted living facilities and nursing homes shall have a core area to shelter residents and staff on site. The core area will be constructed to meet the Public Shelter Design Criteria that are required for new public schools and public community colleges and universities ("State Requirements for Educational Facilities," (2014). Additionally, this area shall be capable of ventilation or air conditioning provided by back-up generator for a period of no less than seventy-two (72) hours.

B. Should an Assisted Living Facility (ALF) or Skilled Nursing Facility (SNF) be developed on Residential Parcel Two A, the structure will conform to Florida Building Code, Section 450 Nursing Homes, Subsection 450.4 Physical plant requirements for disaster preparedness of new nursing home construction, and

will I review  
when you  
resubmit  
revised language  
per Dan Sumner

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Section 464 Assisted Living Facilities, as applicable. The facility shall be equipped with an emergency generator with sufficient fuel supply for 7 days. The generator shall be equipped with a noise attenuation device or shall be enclosed.

C. To provide for hurricane evacuation mitigation, the developer of an ALF on Residential Parcel Two A shall provide a one-time fee to Collier County of \$6,362.40 at the time of SDP approval.

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SECTION VII

DEVELOPMENT COMMITMENTS

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7.07 PUD MONITORING

One entity (hereinafter the Managing Entity) shall be responsible for PUD monitoring until close-out of the PUD, and this entity shall also be responsible for satisfying all PUD commitments until close-out of the PUD. At the time of this PUD approval, the Managing Entity is WCI Communities, LLC, C/O Lennar Corp., Mr. Barry Ernst, 10481 Ben C Pratt Pkwy, Fort Myers, FL 33966. Should the Managing Entity desire to transfer the monitoring and commitments to a successor entity, then it must provide a copy of a legally binding document that needs to be approved for legal sufficiency by the County Attorney. After such approval, the Managing Entity will be released of its obligations upon written approval of the transfer by County staff, and the successor entity shall become the Managing Entity. As Owner and Developer sell off tracts, the Managing Entity shall provide written notice to County that includes an acknowledgement of the commitments required by the PUD by the new owner and the new owner's agreement to comply with the Commitments through the Managing Entity, but the Managing Entity shall not be relieved of its responsibility under this Section. When the PUD is closed-out, then the Managing Entity is no longer responsible for the monitoring and fulfillment of PUD commitments.

7.08 MISCELLANEOUS

- a. All other applicable state or federal permits must be obtained before commencement of the development.
- b. Pursuant to Section 125.022(5) F.S., Issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.