

ORDINANCE NO. 18-51

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NO. 2004-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH ESTABLISHED THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA BY AMENDING THE APPROPRIATE ZONING ATLAS MAP OR MAPS BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM A RURAL AGRICULTURAL (A) ZONING DISTRICT WITH A PORTION OF THE REAL PROPERTY IN A ST OVERLAY (SPECIAL TREATMENT) TO A RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) ZONING DISTRICT FOR THE PROJECT KNOWN AS RUSSELL SQUARE RPUD TO ALLOW DEVELOPMENT OF UP TO 230 MULTI-FAMILY DWELLING UNITS ON PROPERTY LOCATED EAST OF SANTA BARBARA BOULEVARD AND APPROXIMATELY 1/4 MILE SOUTH OF DAVIS BOULEVARD IN SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 32.9+/- ACRES; AND BY PROVIDING AN EFFECTIVE DATE. [PUDZ-PL20170004414]

WHEREAS, D. Wayne Arnold, AICP of Q. Grady Minor & Associates, Inc. and Richard D. Yovanovich, Esquire of Coleman, Yovanovich & Koester, P.A. representing developer, Neal Communities of Southwest Florida, LLC, petitioned the Board of County Commissioners to change the zoning classification of the herein described property.

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

SECTION ONE:

The zoning classification of the herein described real property located in Section 9, Township 50 South, Range 26 East, Collier County, Florida is changed from a Rural Agricultural (A) zoning district with a portion of the real property in a ST overlay to a Residential Planned Unit Development (RPUD) zoning district for a 32.9+/- acre project to be known as the Russell Square RPUD to allow up to 230 multi-family dwelling units in accordance with the RPUD Documents, attached hereto as Exhibits "A" through "F" and incorporated herein by reference.

The appropriate zoning atlas map or maps as described in Ordinance No. 2004-41, as amended, the Collier County Land Development Code, is/are hereby amended accordingly.

SECTION TWO:

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 23rd day of October, 2018.

ATTEST:
CRYSTAL K. KINZEL, CLERK

By: 

Deputy Clerk

Attest as to Chairman's
signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 

ANDY SOLIS, Chairman

Approved as to form and legality:


Heidi Ashton-Cicko

Managing Assistant County Attorney

Attachments: Exhibit A – Permitted Uses
Exhibit B – Development Standards
Exhibit C – Master Plan
Exhibit D – Legal Description
Exhibit E – List of Deviations
Exhibit F – Developer Commitments

This ordinance filed with the
Secretary of State's Office the
25th day of October, 2018
and acknowledgement of that
filing received this 25th day
of October, 2018

By: 

Deputy Clerk

**EXHIBIT A
FOR
RUSSELL SQUARE RPUD**

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

PERMITTED USES:

A maximum of 230 multi-family residential dwelling unit types shall be permitted within the RPUD. 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:

RESIDENTIAL

A. Principal Uses:

1. Multi-family dwelling units

B. Accessory Uses:

1. Accessory uses and structures customarily associated with the principal uses permitted in this RPUD, including but not limited to garages, carports, swimming pools, spas, screen enclosures and utility buildings.
2. Model homes and model home centers including sales trailers and offices for project administration, construction, sales and marketing.
3. Any other accessory use, which is comparable in nature with the foregoing uses and consistent with the permitted accessory uses of this PUD as determined by the Board of Zoning Appeals or the Hearing Examiner.

AMENITY AREA

A. Principal Uses:

1. Clubhouse with cafes, snack bars and similar uses intended to serve residents and guests.
2. Community administrative and recreation facilities. Outdoor/indoor recreation facilities, such as a community swimming pool, tennis/pickle ball courts and basketball courts, fitness/spa, parks, playgrounds, pedestrian/bikeways, dog parks and passive and/or active water features intended to serve residents and guests.

3. Open space uses and structures such as, but not limited to, boardwalks, nature trails, bikeways, landscape nurseries, gazebos, boat and canoe docks, fishing piers, picnic areas, fitness trails and shelters to serve residents and their guests.

B. Accessory Uses:

1. Model homes and model home centers including sales trailers and offices for project administration, construction, sales and marketing.
2. Any other accessory use, which is comparable in nature with the foregoing uses and consistent with the permitted accessory uses of this PUD as determined by the Board of Zoning Appeals or Hearing Examiner.

PRESERVE

A. Allowable Uses:

1. Nature trails and boardwalks that do not reduce the amount of required preserve area to be retained.
2. Preservation.
3. Passive uses, as per LDC requirements.
4. Water management as allowed by the LDC.
5. Uses subject to LDC section Allowable uses within County required preserves.

- B. Any other use, which is comparable in nature with the foregoing uses and consistent with the permitted accessory uses of this PUD as determined by the Board of Zoning Appeals or the Hearing Examiner.

**EXHIBIT B
FOR
RUSSELL SQUARE RPUD
DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARDS

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

1. Guardhouses, gatehouses, access control structures, clock towers, fences, walls, columns, decorative hardscaping or architectural embellishments associated with the project's entrance features are permitted within the "R" and "A" designated areas abutting the project's entrance, or within the private roadway as depicted on the PUD Master Plan, and shall have no required setbacks; however, such structures cannot be located where they create vehicular stacking or sight distance issues for motorists and pedestrians, and cannot exceed 35 feet in zoned height and 40 feet in actual height.

**EXHIBIT B
FOR
RUSSELL SQUARE RPUD
DEVELOPMENT STANDARDS**

STANDARDS	MULTI-FAMILY	AMENITY AREA
PRINCIPAL STRUCTURE		
Minimum Floor Area (per unit)	1,000 S.F.	N/A
Minimum Lot Area	N/A	10,000
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Maximum Height Zoned Actual	35 feet 45 feet	35 feet 45 feet
SETBACKS		
Minimum Front Yard	15 feet (1)	15 feet
Minimum Side Yard	10 feet	10 feet
Minimum Rear Yard (2)	10 feet from Perimeter Buffer or 0 feet from LMT	10 feet from Perimeter Buffer or 0 feet from LMT
Minimum Preserve	25 feet	25 feet
Minimum Distance Between Principal Structures	20 feet	10 feet
ACCESSORY STRUCTURE		
Maximum Height Zoned Actual	35 feet 40 feet	35 feet 40 feet
SETBACKS		
Minimum Front Yard	SPS	SPS
Minimum Side Yard	SPS	SPS
Minimum Rear Yard	0 feet from Perimeter Buffer or LMT	0 feet from Perimeter Buffer or LMT
Minimum Preserve	10 feet	10 feet

SPS – Same as Principal Structure

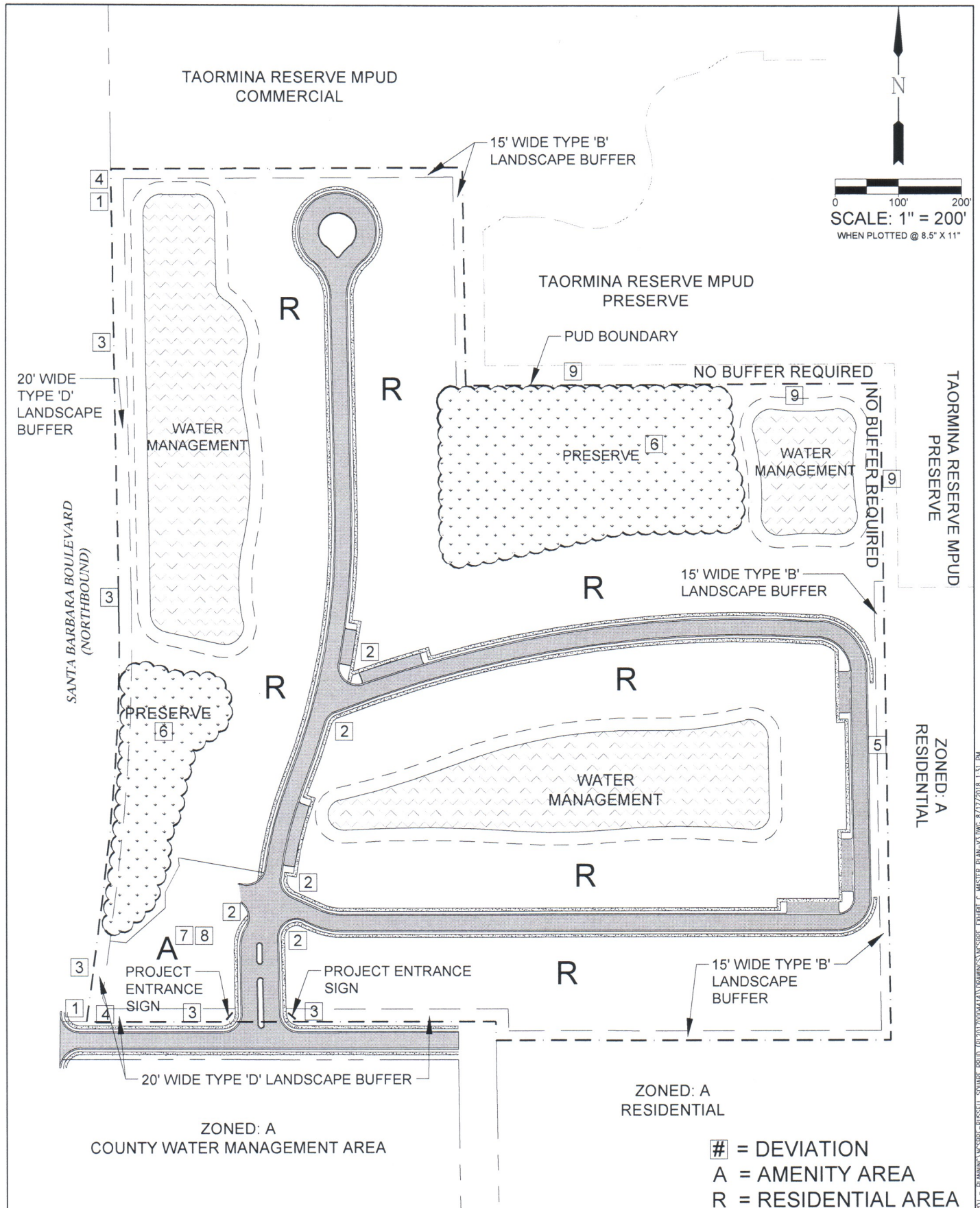
LBT – Landscape Buffer Tract

LMT – Lake Maintenance Tract

(1) Front setback is measured from back of curb, or edge of pavement if not curbed, for private roads. The minimum 15-foot front setback may be reduced to 10 feet where the unit has a recessed or side-entry garage. Front-loading garages shall be setback a minimum of 23 feet from the edge of sidewalk for private roads.

(2) No structures may be located within the county drainage easement shown on the master plan.

Note: Nothing in this RPUD document shall be deemed to approve a deviation from the LDC unless it is expressly stated in a list of deviations.



Civil Engineers • Land Surveyors • Planners • Landscape Architects
 Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151
 Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

Q. Grady Minor and Associates, P.A.
 3800 Via Del Rey
 Bonita Springs, Florida 34131

RUSSELL SQUARE RPUD

EXHIBIT C
 MASTER PLAN

REVISED
 08/17/2018

SCALE: 1" = 200' • 8.5 x 11"
 JOB CODE: NCSBP
 DATE: FEBRUARY 2018
 FILE NAME: NCSBP EXHIBIT C MASTER PLAN+G
 SHEET 1 OF 2

LOCAL FILES\PLANNING\PROJ - PLANNING\NCSBP - RUSSELL SQUARE RPUD (1207000414)\DRAWINGS\NCSBP EXHIBIT C MASTER PLAN+G.DWG 8/17/2018 1:31 PM



SITE SUMMARY

TOTAL SITE AREA: 32.9± ACRE

MAXIMUM DWELLING UNITS: 230 (7 DU/AC X 32.9 ACRES)

PRESERVE:

REQUIRED: 3.47± ACRES (13.88± ACRES NATIVE VEGETATION X 0.25)

PROVIDED: 3.47± ACRES

NATIVE TREES:

REQUIRED: 28 (110 EXISTING TREES X 0.25)

PROVIDED: 25 PINES + 3 PALMS IN ACCORDANCE WITH LDC SECTION 3.05.07

OPEN SPACE:

REQUIRED: 19.74± ACRES (32.9± ACRES X .60)

PROVIDED: 19.74± ACRES

NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
2. PRESERVES MAY BE USED TO SATISFY THE LANDSCAPE BUFFER REQUIREMENTS AFTER EXOTIC VEGETATION REMOVAL IN ACCORDANCE WITH LDC SECTIONS 4.06.02 AND 4.06.05.E.1. SUPPLEMENTAL PLANTINGS WITH NATIVE PLANT MATERIALS SHALL BE IN ACCORDANCE WITH LDC SECTION 3.05.07. IN ORDER TO PROVIDE THE REQUIRED TYPE B BUFFER, A MINIMUM 6-FOOT-WIDE LANDSCAPE BUFFER EASEMENT LOCATED OUTSIDE OF THE PRESERVE WILL BE CONVEYED BY OWNER TO A HOMEOWNER'S ASSOCIATION OR CONDOMINIUM ASSOCIATION AT TIME OF SDP OR PLAT APPROVAL. OWNER WILL PLANT ADDITIONAL LANDSCAPE MATERIAL IN THE BUFFER EASEMENT TO ACHIEVE THE OPACITY REQUIREMENT NO LATER THAN ONE YEAR FROM THE ISSUANCE OF THE FIRST RESIDENTIAL CERTIFICATE OF OCCUPANCY.



GradyMinor

O. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

Civil Engineers • Land Surveyors • Planners • Landscape Architects
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RUSSELL SQUARE RPUD

EXHIBIT C
MASTER PLAN NOTES

REVISED
08/20/2018

SCALE:
1" = 200' ± 8.5 x 11
JOB CODE:
NCSBPE
DATE:
FEBRUARY 2018
FILE NAME:
NCSBPE EXHIBIT C MASTER PLAN-VA
SHEET 2 OF 2

LOCAL FILES \PLANS\PLANNING\PROJ - PLANNING\NCSBPE-RUSSELL SQUARE RPUD (PL03700004414)\DRAWINGS\NCSBPE EXHIBIT C MASTER PLAN-VA.DWG: 8/20/2018 2:23 PM



**EXHIBIT D
FOR
RUSSELL SQUARE RPUD**

LEGAL DESCRIPTION

PARCEL A:

THE SOUTH ONE-HALF (1/2) OF THE SOUTHWEST ONE QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (1/4) OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, RESERVING THEREFROM THE EAST THIRTY (30) FEET FOR ROAD RIGHT-OF-WAY PURPOSES ONLY.

PARCEL B:

THE NORTH ONE-HALF (1/2) OF THE NORTHWEST ONE QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, RESERVING THEREFROM THE EAST THIRTY (30) FEET FOR ROAD RIGHT-OF-WAY PURPOSES ONLY; ALSO KNOWN AS TRACT 40 OF UNRECORDED PLAT.

PARCEL C:

THE SOUTH ONE-HALF (1/2) OF THE NORTHWEST ONE QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, LESS 30 FEET FOR EASEMENT ON THE SOUTH LINE AND 30 FEET FOR EASEMENT ON THE EAST LINE FOR ROAD RIGHT-OF-WAY PURPOSES ONLY. ALSO KNOWN AS TRACT 39, ENCHANTED ACRES, COLLIER COUNTY, FLORIDA.

PARCEL D:

THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, RESERVING THEREFROM THE EAST 30 FEET FOR ROAD RIGHT OF WAY; ALSO DESCRIBED AS TRACT 42, ENCHANTED ACRES.

AND ALSO LESS THAT PORTION OF SAID PARCELS A, B, C AND D, TAKEN BY EMINENT DOMAIN PROCEEDING BETWEEN COLLIER COUNTY, FLORIDA AND C&T PROPERTIES UNLIMITED AS EVIDENCED BY ORDER OF TAKING RECORDED MARCH 10, 2008 IN OFFICIAL RECORDS BOOK 4337, PAGE 541, CASE NUMBER 07-4923-CA REFERENCED TO AS PARCEL 126FEE AND BEING MORE PARTICULARLY DESCRIBED AS:

A PARCEL OF LAND LYING IN THE SOUTHWEST AND NORTHWEST QUARTERS OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 9; THENCE SOUTH 00°50'29" EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9 A DISTANCE OF 653.41 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF COPE LANE; THENCE SOUTH 89°57'32" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 38.83 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 07°21'18" EAST, A DISTANCE OF 207.06 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 3,100.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°20'02" AN ARC DISTANCE OF 450.91 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE NORTH 00°58'38" WEST, A DISTANCE OF 685.18 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN O.R. 3283, PAGE 524, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE SOUTH 89°39'02" WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 100.01 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE SOUTH 00°58'38" EAST ALONG SAID WEST LINE, A DISTANCE OF 686.37 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

PARCEL E:

THE SOUTH ONE-HALF (S 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, LESS THE WEST THIRTY (30') FEET THEREOF, TO BE USED FOR ROAD RIGHT-OF-WAY PURPOSES ONLY (TRACT 50 OF UNRECORDED PLAT)

PARCEL F:

THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA. LESS ROAD EASEMENTS ON THE WEST SIDE OF 30-FOOT PARCEL ALSO KNOWN AS TRACT 49 ENCHANTED ACRES.

PARCEL G:

SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, AND ALSO KNOWN AS LOT 48 OF ENCHANTING ACRES.

PARCEL H:

(1) THE EAST 30 FEET OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA;

(2) THE EAST 30 FEET OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA;

(3) THE EAST 30 FEET OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; LESS THE SOUTH 30 FEET THEREOF CONVEYED TO COLLIER COUNTY, FLORIDA, BY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 1091, PAGES 1110 AND 1119, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;

(4) THE EAST 30 FEET OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA;

(5) THE WEST 30 FEET OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; AND

(6) THE WEST 30 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.

CONTAINING 32.89 ACRES, MORE OR LESS.

**EXHIBIT E
FOR
RUSSELL SQUARE RPUD**

LIST OF DEVIATIONS

1. Deviation 1 seeks relief from LDC Section 5.04.06.A.3.e, which allows temporary signs on residentially zoned properties up to 4 square feet in area or 3 feet in height, to allow a temporary banner sign up to a maximum of 32 square feet in area and 8 feet in height. The temporary banner sign shall be limited to a maximum of 90 days during season defined as November 1 to April 30 per calendar year. This Deviation will remain valid until 90% of the units are sold or until December 31, 2024, whichever comes first. At such time, the Deviation will be void.
2. Deviation 2 seeks relief from LDC Section 5.06.02.B.5.a, which requires on-premises directional signs to be setback a minimum of 10' from edge of roadway, paved surface or back of curb, to allow a setback of 5' from edge of roadway, paved surface or back of curb. This deviation excludes public roads.
3. Deviation 3 seeks relief from LDC Section 5.03.02.C.1.a and 5.03.02.C, Fences and Walls, Excluding Sound Walls, which requires fences or walls in a residential PUD to be 6 feet or less in height, to permit an 8-foot high wall on top of berm along Cope Lane right-of-way and 12 foot high wall on top of the required water management berm along the Santa Barbara boulevard right-of-way.
4. Deviation 4 seeks relief from LDC Section 5.06.02.B.6 (a) and 5.06.02.B.6 (b), On-premises Sign Within Residential Districts, which permits two ground signs at a maximum height of 8 feet with a sign face area not to exceed 64 square feet and a minimum setback from all property lines and road right-of-way of 10 feet, to permit two signs, not at the project entrance, of up to 80 square feet (per sign face) to be located along the Santa Barbara Boulevard frontage of the property on the project's wall and to exceed the maximum sign height of 8 feet for a maximum of 12 feet in height measured from the adjacent roadway centerline elevation with a minimum setback of zero feet from the property line. This Deviation is conditioned upon owner's relocation of the wall and sign at its own expense, in the event it conflicts with a County road expansion or project.
5. Deviation 5 seeks relief from LDC Section 6.06.02.A.2, Sidewalks, Bike Lane and Pathway Requirements, which requires dual sidewalks on local roads internal to the site, to allow a sidewalk on one side of the roadway where the property is permitted with single loaded home sites. Appropriate crosswalks shall be provided at crossing locations.
6. Deviation 6 seeks relief from LDC Section 3.05.07.A.5, Preservation Standards, which requires preservation areas shall be interconnected within the site and to adjoining off-site preservation areas or wildlife corridors, to allow the onsite preserves to be non-contiguous.
7. Deviation 7 seeks relief from LDC Section 5.05.08.B.2.a.i and 5.05.08.B.2.c.i, Architectural and Site Design Standards, which requires where a proposed project site located within 150 to 300 feet of an arterial or collector road, including all rights-of-way, shall be required to comply with LDC sections 5.05.08 D.4., D.10., D.13., D.15., E, and F. Compliance shall be limited to the building

façades facing the arterial or collector road to allow the buildings behind a wall to not be subject to this LDC requirement.

8. Deviation 8 seeks relief from LDC Section 4.05.04.G, Parking Space Requirements, which requires where small-scale recreation facilities are accessory to a single-family or multifamily project and intended only for the residents of that project, exclusive of golf courses/clubhouses, the recreation facilities may be computed at 50 percent of normal requirements where the majority of the dwelling units are not within 300 feet of the recreation facilities and at 25 percent of normal requirements where the majority of the dwelling units are within 300 feet of the recreation facilities, to allow the parking space for the recreation facilities to be computed at 25 percent where the majority of dwelling units are within 500 feet of the recreation facilities.
9. Deviation 9 seeks relief from LDC Section 4.06.02, Table 2.4, Buffer Requirements, which requires a 15' wide type "B" landscape buffer to allow no buffer in the areas adjacent to the Taormina Reserve PUD preserve area as depicted on the Master Plan.

**EXHIBIT F
FOR
RUSSELL SQUARE RPUD**

LIST OF DEVELOPER COMMITMENTS

1. 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 Neal Communities of Southwest Florida, LLC, 5800 Lakewood Ranch Blvd. N., Sarasota, FL 34240. 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.

2. MISCELLANEOUS

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

3. ENVIRONMENTAL

- a. The RPUD shall be required to preserve 25% of native vegetation. 13.88± acres of native vegetation exists on-site requiring a minimum preservation of 3.47± acres ($13.88 \times .25 = 3.47$) of native vegetation to be retained.
- b. In addition to item 3.a. above, the RPUD shall be required to preserve 25% of native trees, which have grown up in the pasture and central single-family residential area. 110 trees (101 slash pine >8" dbh and 9 cabbage palm >8' clear trunk) exist in densities greater than 8 trees/acre requiring a minimum preservation of 28 trees ($110 \times .25 = 27.50$). Developer shall be permitted to replace these trees and the replacement trees will be placed into areas allowing for 40-foot diameter canopy for the pines and 10-foot diameter canopy for the palms in accordance with LDC Section 3.05.07.

4. TRANSPORTATION

- a. The PUD shall be limited to a maximum of 124 p.m. peak hour two-way trips based on the use codes in the ITE Manual on trip generation rates in effect at the time of application for SDP/SDPA or subdivision plat approval.
- b. Prior to the issuance of the first certificate of occupancy for residential dwelling units, the developer or successor shall extend Cope Lane east to the intersection with Sunset Boulevard. This roadway extension shall be constructed to County standards with sidewalks on both sides of the street.
- c. Owner or its successors shall pay its proportionate fair share for a traffic signal at the intersection of Cope Lane and Santa Barbara Boulevard, if warranted and constructed.

5. LANDSCAPING

- a. In order to avoid conflicts with utilities and sidewalks, the required canopy tree for an individual lot shall be one from the following list:

Wax Myrtle

Green Buttonwood

Satin Leaf

Simpson Stopper (*Myrcianthes fragrans*) 2:1

Dahoon Holly 2:1

or any other small native tree approved by the County's Landscape Architect.

Where it can be demonstrated that another tree species can be planted without conflict, staff may approve this alternative species.

- b. Preserves may be used to satisfy the landscape buffer requirements after exotic vegetation removal in accordance with LDC sections 4.06.02 and 4.06.05.E.1. Supplemental plantings with native plant materials shall be in accordance with LDC section 3.05.07. In order to provide the required Type B buffer, a minimum 6-foot-wide landscape buffer easement located outside of the preserve will be conveyed by owner to a homeowner's association or condominium association at time of SDP or plat approval. Owner will plant additional landscape material in the buffer easement to achieve the opacity requirement no later than one year from the issuance of the first residential certificate of occupancy.

6. UTILITIES

The owner will construct a Collier County 8" water main through the PUD property and connect to one existing offsite County water main. If water service is connected to Collier County on the north end of the property then a south connection will be stubbed for Collier County future use. If water service is connected to Collier County on the south end of the property then a north connection will be stubbed for Collier County future use.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 25, 2018

Ms. Crystal K. Kinzel, Clerk
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Martha S. Vergara

Dear Ms. Kinzel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 18-51, which was filed in this office on October 25, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb