

## EXHIBIT A

### BAUMGARTEN MPUD PERMITTED USES

A maximum of 400 residential dwelling units, 370,000 square feet of gross commercial floor area and a 140 hotel/motel rooms shall be permitted within the MPUD. The uses are subject to the trip cap identified in [Exhibit F](#), Section 4.a of this PUD. 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:

#### COMMERCIAL:

##### A. Principal Uses (SIC In Parenthesis):

- |     |  |        |
|-----|--|--------|
| 1.  | Accident <del>&amp;</del> <a href="#">and</a> Health Insurance Services                | (6321) |
| 2.  | Accounting, Auditing and Bookkeeping Services  | (8721) |
| 3.  | Adjustment services  | (7322) |
| 4.  | Advertising (consultants) agencies   | (7311) |
| 5.  | Advertising, not elsewhere classified  | (7319) |
| 6.  | Agricultural uses (interim until first certificate of occupancy for any permitted use) | (N/A)  |
| 7.  | Architectural services   | (8712) |
| 8.  | Animal Hospitals   | (0742) |
| 9.  | Auto <del>&amp;</del> <a href="#">and</a> Home Supply Stores                           | (5531) |
| 10. | Automotive Washing and Polishing   | (7542) |
| 11. | Bakeries, Retail   | (5461) |
| 12. | Banks, commercial: national  | (6021) |
| 13. | Banks, commercial: not chartered   | (6029) |
| 14. | Banks, commercial: state   | (6022) |
| 15. | Banks, savings: Federal  | (6035) |
| 16. | Banks, savings: not federally chartered  | (6036) |
| 17. | Barber Shops   | (7241) |
| 18. | Beauty Shops   | (7231) |
| 19. | Book Stores  | (5942) |
| 20. | Breweries (limited to a maximum of 5,000 sq. ft.)                                      | (2082) |
| 21. | Business Associations  | (8611) |
| 22. | Business Consulting Services, not elsewhere classified                                 | (8748) |
| 23. | Camera <del>&amp;</del> <a href="#">and</a> Photographic Supply Stores                 | (5946) |
| 24. | Candy, Nut <del>&amp;</del> <a href="#">and</a> Confectionery Stores                   | (5441) |
| 25. | Carpet and Upholstery Cleaning   | (7217) |

26.	Civic, Social and Fraternal Associations	(8641)
27.	Clothing <a href="#">&amp;and</a> Accessory Stores, Men's <a href="#">&amp;and</a> Boy's	(5611)
28.	Clothing Stores, Women's	(5621)
29.	Collection Services	(7322)
30.	Commodity Contracts Brokers <a href="#">&amp;and</a> Dealers	(6221)
31.	Commercial Art <a href="#">&amp;and</a> Graphic Design	(7336)
32.	Commercial Photography	(7335)
33.	Commercial Economic, Sociological <a href="#">&amp;and</a> Educational Research	(8732)
34.	Computer <a href="#">&amp;and</a> Computer Software Stores	(5734)
35.	Computer Facilities Management Services	(7376)
36.	Computer Maintenance and Repair	(7378)
37.	Computer Processing <a href="#">&amp;and</a> Data Preparation Services	(7374)
38.	Computer Programming services	(7371)
39.	Computer Rental <a href="#">&amp;and</a> Leasing	(7377)
40.	Credit Reporting Services	( <del>1323</del> <a href="#">7323</a> )
41.	Credit Unions, Federal	(6061)
42.	Credit Unions, State: not federally chartered	(6062)
43.	Dairy Products Stores	(5451)
44.	Data Processing Consultants	(7379)
45.	Dance Studios, Schools <a href="#">&amp;and</a> Halls	(7911)
46.	Data Processing Services	(7374)
47.	Dental Laboratories	(8072)
48.	Dentist Office/Clinic	(8021)
49.	Department Stores	(5311)
50.	Direct mail advertising service	(7331)
51.	Direct Selling Establishments	(5963)
52.	Doctors - Medicine Offices <a href="#">&amp;and</a> Clinics	(8011)
53.	Doctors - Osteopathy Offices <a href="#">&amp;and</a> Clinics	(8031)
54.	Doctors - Chiropractors Offices <a href="#">&amp;and</a> Clinics	(8041)
55.	Dog Grooming	(0752)
56.	Drapery, Curtain <a href="#">&amp;and</a> Upholstery Stores	(5714)
57.	Drinking Places (Alcoholic Beverages); Bottle Clubs and Cabarets are not permitted	(5813)
58.	Drug Stores	(5912)
59.	Dwelling Units - Multi-family and Townhouse <del>—not to exceed</del> <a href="#">400 units, above retail or office uses</a>	
60.	Eating Places	(5812)
61.	Engineering services: industrial, civil, electrical, mechanical, marine and design	(8711)

62.	Executive Offices	(9111)
63.	Executive <del>&amp;</del> <u>and</u> Legislative Offices Combined	(9131)
64.	Fire, Marine <del>&amp;</del> <u>and</u> Casualty Insurance Services	(6331)
65.	Florists	(5992)
66.	Food Stores, Miscellaneous	(5499)
67.	Foreign Branches <del>&amp;</del> <u>and</u> Agencies of Banks	(6081)
68.	Foreign Trade <del>&amp;</del> <u>and</u> International Banking Institutions	(6082)
69.	Funeral home or parlor	(7261)
70.	Garment Pressing, <u>and</u> Agents for Dry Cleaners	(7212)
71.	Gasoline Service Stations	(5541)
72.	General Government, not elsewhere classified	(9199)
73.	General Merchandise Stores (including warehouse clubs and discount retail superstores)	(5311-5399)
74.	Gift, Novelty <del>&amp;</del> <u>and</u> Souvenir Shops	(5947)
75.	Hair weaving or Replacement Services	(7299)
76.	Hardware Store	(5251)
77.	Health practitioners - not elsewhere classified	(8049)
78.	Hobby, Toy <del>&amp;</del> <u>and</u> Games Shops	(5945)
79.	Home health care services	(8082)
80.	Home Furniture and Furnishings Stores	(5712 – 5719)
81.	Hotels <del>&amp;</del> <u>and</u> Motels (maximum of 140 rooms within the PUD)	(7011)
82.	Household Appliance Stores	(5722)
83.	Hospital <del>&amp;</del> <u>and</u> Medical Service Plans	(6324)
84.	Information Retrieval Services	(7375)
85.	Insurance Carriers, not elsewhere classified	(6399)
86.	Investment Advice	(6282)
87.	Jewelry Stores	(5944)
88.	Land Subdividers <del>&amp;</del> <u>and</u> Developers	(6552)
89.	Landscape architects, consulting <del>&amp;</del> <u>and</u> planning	(0781)
90.	Laundries (Coin Operated) <del>&amp;</del> <u>and</u> Dry-cleaning	(7215)
91.	Legal services	(8111)
92.	Libraries (except regional libraries)	(8231)
93.	Life Insurance <del>Services</del>	(6311)
94.	Liquor Stores	(5921)
95.	Loan brokers	(6163)
96.	Luggage <del>&amp;</del> <u>and</u> Leather Goods Stores	(5948)
97.	Lumber and Other Building Materials Dealers (including home improvement superstores)	(5211)

98.	Management Services	(8741)
99.	Management Consulting Services	(8742)
100.	Markets, Meat <a href="#">&amp;and</a> Fish (Seafood) Markets	(5421)
101.	Markets, Fruit <a href="#">&amp;and</a> Vegetable Markets	(5431)
102.	Medical Equipment Rental <a href="#">&amp;and</a> Leasing	(7352)
103.	Medical Laboratories	(8071)
104.	Membership Organizations, not elsewhere classified	(8699)
105.	Membership Warehouse Clubs with Gas and Liquor	(No SIC)
106.	Miniwarehouse/self-storage (indoor only)	(4225)
107.	Miscellaneous amusement and recreational services not elsewhere classified. Only judo instruction, karate instruction, moped rental, motorcycle rental, rental of bicycles, scuba and skin diving instruction are permitted	(7999)
108.	Miscellaneous Business Credit Institutions	(6159)
109.	Miscellaneous Home Furnishings Stores	(5719)
110.	Miscellaneous personal services, not elsewhere classified excluding massage parlors, steam baths, tattoo parlors and Turkish baths. Day spas are permitted.	(7299)
111.	Miscellaneous Retail Stores, not elsewhere classified	(5999)
112.	Mortgage Bankers <a href="#">&amp;and</a> Loan Correspondents	(6162)
113.	Motion Picture Theaters	(7832)
114.	Musical Instrument Stores	(5736)
115.	News Dealers <a href="#">&amp;and</a> Newsstands	(5994)
116.	Nondeposit Trust Facilities	(6091)
117.	Optical Goods Stores	(5995)
118.	Optometrists - offices <a href="#">&amp;and</a> clinics	(8042)
119.	Paint, Glass <a href="#">&amp;and</a> Wallpaper Stores	(5231)
120.	Pension, Health and Welfare Funds <b>Services</b>	(6371)
121.	Personal Credit Institutions	(6141)
122.	Photocopying <a href="#">&amp;and</a> Duplicating Services	(7334)
123.	Photographic Studios, Portrait	(7221)
124.	Photofinishing Laboratories	(7384)
125.	Physical Fitness Facilities	(7991)
126.	Podiatrists - offices <a href="#">&amp;and</a> clinics	(8043)
127.	Political Organizations	(8651)
128.	Professional Membership Organizations	(8621)
129.	Professional Sports Clubs <a href="#">&amp;and</a> Promoters, indoor only	(7941)
130.	Public Relations Services	(8743)

131.	Radio, Television <a href="#">&amp;and</a> Consumer Electronics Stores	(5731)
132.	Radio, Television <a href="#">&amp;and</a> Publishers Advertising Representatives	(7313)
133.	Real Estate Agents and Managers	(6531)
134.	Record <a href="#">&amp;and</a> Prerecorded Tape Stores; adult video rental or sales prohibited	(5735)
135.	Religious Organizations	(8661)
136.	Repair Shops <a href="#">&amp;and</a> Related Services, not elsewhere classified	(7699)
137.	Retail Nurseries, Lawn <a href="#">&amp;and</a> Garden Supply Stores	(5261)
138.	Secretarial and Court Reporting Services	(7338)
139.	Security Brokers, Dealers <a href="#">&amp;and</a> Flotation Companies	(6211)
140.	Security and Commodity Exchanges	(6231)
141.	Services Allied with the Exchange of Securities or Commodities, not elsewhere classified	(6289)
142.	Sewing, Needlework <a href="#">&amp;and</a> Piece Goods Stores	(5949)
143.	Shoe Repair Shops and Shoeshine Parlors	(7251)
144.	Short-Term Business Credit Institutions, except agricultural	(6153)
145.	Social Services, Individual <a href="#">&amp;and</a> Family (activity centers, elderly or handicapped only; day care centers for adult <a href="#">&amp;and</a> handicapped only)	(8322)
146.	Sporting Goods Stores <a href="#">&amp;and</a> Bicycle Shops	(5941)
147.	Stationery Stores	(5943)
148.	Stores, Children's and Infants Wear	(5641)
149.	Stores, Family Clothing	(5651)
150.	Stores, Miscellaneous Apparel <a href="#">&amp;and</a> Accessory	(5699)
151.	Stores, Shoes	(5661)
152.	Stores, Women's Accessory <a href="#">&amp;and</a> Specialty	(5632)
153.	Surety Insurance <b>Services</b>	(6351)
154.	Surveying Services	(8713)
155.	Tanning Salons	(7299)
156.	Tax Return Preparation Services	(7291)
157.	Title Abstract Offices	(6541)
158.	Title Insurance <b>Services</b>	(6361)
159.	Tobacco Stores <a href="#">&amp;and</a> Stands	(5993)
160.	Travel Agencies (no other transportation services)	(4724)
161.	Tutoring	(8299)
162.	Used Merchandise Stores	(5932)
163.	Veterinary services for animal specialties	(0742)
164.	Video Tape Rental, adult video rental or sales prohibited	(7841)

165. Watch, Clock ~~&~~and Jewelry Repair (7631)

166. Dwelling Units, multi-family

167. Any other principal use, which is comparable in nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals ("BZA") or the Hearing Examiner.

B. Accessory Uses:

1. Uses and structures that are accessory and incidental to the permitted uses within this MPUD document.
2. Water management facilities to serve the project such as lakes.
3. Open space uses and structures such as, but not limited to, boardwalks, nature trails, gazebos and picnic areas.
4. Any other accessory and related use that is determined to be comparable in nature with the foregoing uses and consistent with the permitted accessory uses of this MPUD as determined by the BZA or the Hearing Examiner.

**RESIDENTIAL:**

A. Principal Uses:

1. Dwelling Units - Multi-family and Townhouse
2. Model homes / model sales or leasing offices
3. Any other principal use, which is comparable in nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals ("BZA") or the Hearing Examiner.

B. Accessory Uses:

1. Accessory uses and structures customarily associated with the principal uses permitted in this MPUD, including but not limited to garages, carports, swimming pools, spas and screen enclosures.
2. Water management facilities to serve the project such as lakes.
3. Clubhouses, Community administrative facilities intended to serve residents and their guests, including leasing and construction offices.
4. Open space uses and structures such as, but not limited to, boardwalks, nature trails, gazebos and picnic areas.

5. Any other accessory and related use that is determined to be comparable in nature with the foregoing uses and consistent with the permitted accessory uses of this MPUD as determined by the BZA or the Hearing Examiner.

#### **AMENITY AREAS FOR RESIDENTIAL USES**

A. Principal Uses:

1. Clubhouses, community administrative facilities and recreational facilities intended to serve residents and guests, including leasing and construction offices.
2. Any other principal use, which is comparable in nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals ("BZA") or the Hearing Examiner.

B. Accessory Uses:

1. Accessory uses and structures customarily associated with the principal uses permitted in this MPUD, including but not limited to garages, carports, swimming pools, spas and screen enclosures.
2. Water management facilities to serve the project such as lakes.
3. Open space uses and structures such as, but not limited to, boardwalks, nature trails, gazebos and picnic areas.
4. Any other accessory and related use that is determined to be comparable in nature with the foregoing uses and consistent with the permitted accessory uses of this MPUD as determined by the BZA or the Hearing Examiner.

C. Development Standards:

1. Community recreation, clubhouse, indoor and outdoor fitness facilities (spa), dining facilities, community administration, maintenance buildings, recreational amenities and other similar uses designed for use by all residents and guests shall be permitted uses throughout the R designated areas of the PUD.

Development Standards for uses not located within a residential building:

<u>Front Yard Setback:</u>	<u>15'</u>
<u>Side Yard Setback:</u>	<u>15' except where adjacent to preserve.</u>
<u>Rear Yard Setback:</u>	<u>15' except where adjacent to preserve.</u>
<u>Waterbody Setback:</u>	<u>0' from lake maintenance easement or bulkhead</u>

PUD Boundary Setback: When a building or use is placed less than 100' from PUD boundary a 15' wide Type B landscape buffer with 6' high wall shall be provided where abutting any external residential PUD.

All pole lighting shall be limited to flat full cutoff shields.

Maximum Height:

Clubhouse(s) and other uses not located within a residential building:

Zoned: 25'

Actual: 35'

2. Community structures such as guardhouses, gatehouses, fences, walls, columns, decorative architectural features, streetscape, passive parks and access control structures shall have no required setback, except as listed below, and are permitted throughout the "R" designated areas of the PUD; however such structures shall be located such that they do not cause vehicular stacking into the road right-of-way or create site distance issues for motorists and pedestrians.

Maximum Height for Guardhouses/Gatehouses:

Zoned: 25'

Actual: 30'



## EXHIBIT B

### BAUMGARTEN MPUD DEVELOPMENT STANDARDS

The tables below set forth the development standards for land uses within the Baumgarten MPUD. Standards not specifically set forth herein shall be those specified in applicable sections of the LDC in effect as of the date of approval of the SDP or subdivision plat.

#### I. COMMERCIAL USES:

	PRINCIPAL USES		ACCESSORY USES	
<b>MINIMUM LOT AREA</b>	10,000 Sq. Ft.		N/A	
<b>AVERAGE LOT WIDTH</b>	100 ft.		N/A	
<b>MINIMUM YARDS (External)</b>				
From Immokalee Road ROW	25 ft.		SPS	
From Collier Boulevard ROW	25 ft.		SPS	
From Eastern Project Boundary	50 ft.		15 ft	
From Southern Project Boundary	200 ft. Minimum		200 ft. Minimum	
<b>MINIMUM YARDS (Internal)</b>				
Internal Drives/ROW	10 ft.		10 ft	
Rear	10 ft.		10 ft.	
Side	10 ft.		10 ft.	
Lakes (measured from control elevation)	25 ft.		20 ft.*	
<b>MIN. DISTANCE BETWEEN STRUCTURES</b>	1/2 the sum of building heights		10 Ft.	
<b>MAXIMUM HEIGHT</b>	<b>ZONED</b>	<b>ACTUAL</b>	<b><u>ZONED</u></b>	<b><u>ACTUAL</u></b>
Retail Buildings	45 ft.	65 ft.	35 ft.	<u>45 ft.</u>
Office Buildings and Hotel/Motel	55 ft.	65 ft.	35 ft.	<u>45 ft.</u>
<b>MINIMUM FLOOR AREA (ground floor)</b>	1,000 sq. ft. **		N/A	
<b>MAXIMUM GROSS COMMERCIAL AREA</b>	228,000 sq. ft.		N/A	
<b>HOTEL / MOTEL</b>	140 rooms maximum in PUD			

\* No structure may be located closer than 20 feet to the control elevation of a lake (allowing for the required minimum 20-foot wide lake maintenance easement).

\*\* Per principal structure. Kiosk vendor, concessions, and temporary or mobile sales structures shall be permitted to have a minimum floor area of twenty-five (25) square feet and shall be subject to the accessory structure standards set forth in the LDC.

Note: Residential dwellings may be constructed ~~in a mixed-use building~~ above retail.

## II. RESIDENTIAL:

PRINCIPAL STRUCTURE	TOWNHOUSE (PER UNIT)	MULTI-FAMILY	AMENITY AREA
Minimum Lot Area	1,440 SF	43,560 SF	<del>10,000 SF</del>
Minimum Lot Width	18 feet	N/A	<del>N/A</del>
Minimum Lot Depth	80 feet	N/A	<del>N/A</del>
Minimum Front Yard Setback *2	20 feet	20 feet	<del>10 feet</del>
Minimum Side Yard Setback *1	0/10 feet	0/10 feet	<del>½ BH</del>
Minimum Rear Yard Setback *4	15 feet	15 feet	<del>10 feet</del>
Minimum PUD Boundary Setback	25 feet	25 feet	<del>25 feet</del>
Maximum Building Height			
Zoned	45 feet	55 feet	<del>35 feet</del>
Actual	50 feet	65 feet	<del>40 feet</del>
Minimum Distance Between Buildings	20 feet	20 feet	<del>½ sum of BH</del>
Floor Area Minimum, per unit	750 SF	<del>700</del> 684 SF	<del>N/A</del>
<b>ACCESSORY STRUCTURES (*3)</b>			
Minimum Front Yard Setback *2	15 feet	15 feet	<del>SPS</del>
Minimum Side Yard Setback	10 feet	10 feet	<del>SPS</del>
Minimum Rear Yard Setback *4	10 feet	10 feet	<del>SPS</del>
Minimum PUD Boundary Setback	15 feet	15 feet	<del>20 feet</del>
Minimum Distance Between Buildings	0/10 feet	0/10 feet	<del>SPS</del>
Maximum Height			
Zoned	35 feet	35 feet	<del>20 feet</del>
Actual	40 feet	40 feet	<del>25 feet</del>

SPS – Same as Principal Structure

BH – Building Height (zoned height)

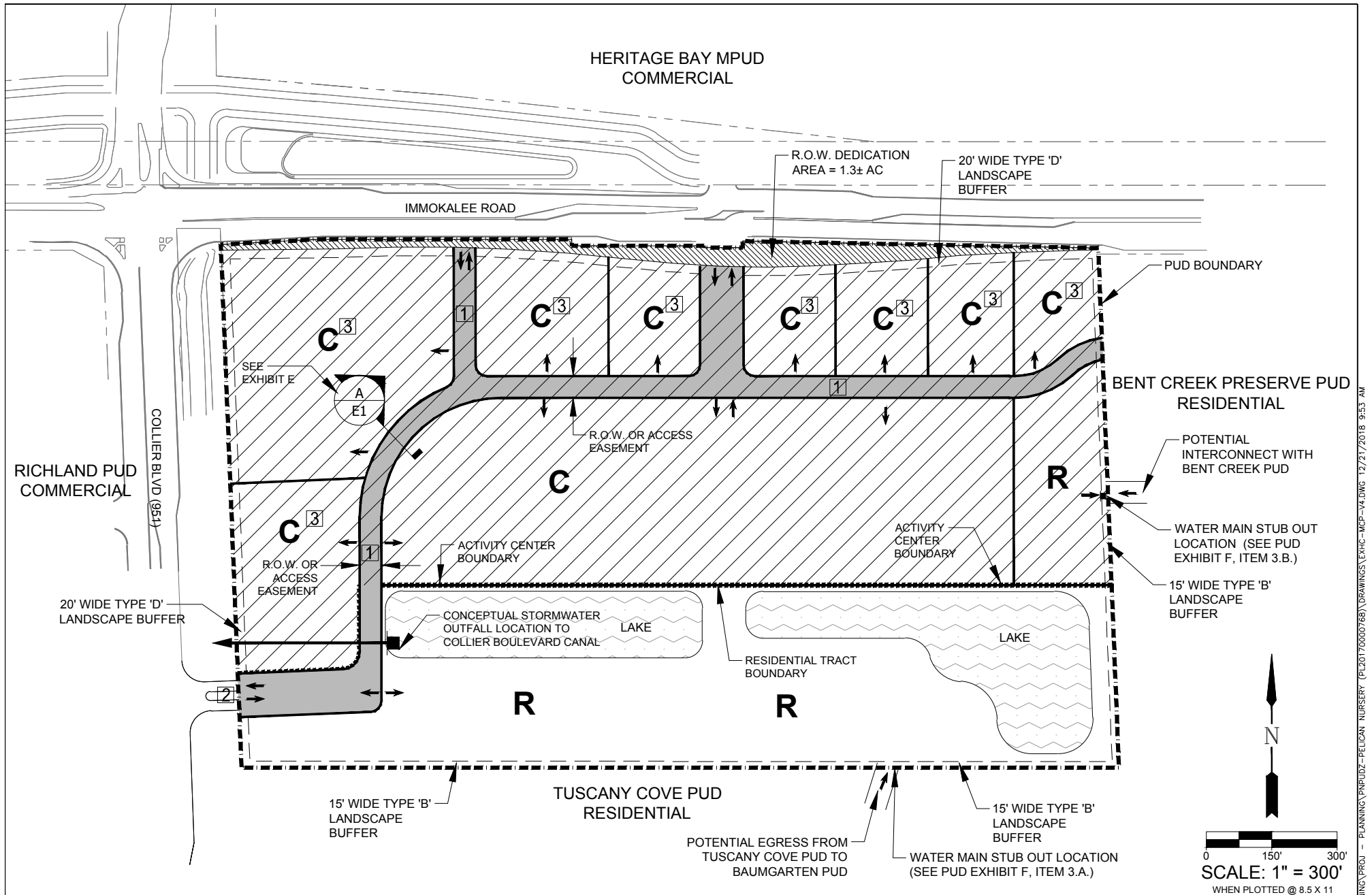
\*1 – Minimum separation between adjacent dwelling units, if detached, shall be 10’.

\*2 – Front yards shall be measured from back of curb (if curbed) or edge of pavement (if not curbed) for private streets or drives, and from ROW line for any public roadway. Single-family front entry garages shall have a 23’ setback from back of sidewalk.

\*3 – Structures such as gatehouses, walls and decorative architectural treatments shall have no setback from property line.

\*4 – All landscape Buffer Easements and/or Lake Maintenance Easements shall be located within open space tracts or lake tracts and not be within a residential lot. Where a home site abuts a Landscape Buffer Easement or Lake Maintenance Easement within open space tracts or lake tracts, the accessory structure setback on the residential lot may be reduced to zero (0) feet where it abuts the easement.

Note: nothing in this MPUD Document shall be deemed to approve a deviation from the LDC unless it is expressly stated in a list of deviations.



<p><b>LEGEND</b></p> <p># = DEVIATION</p> <p>ACTIVITY CENTER LIMITS</p>	<p><b>GradyMinor</b></p> <p>0. Grady Minor and Associates, P.A. 3800 Via Del Rey Bonita Springs, Florida 34134</p> <p>Civil Engineers • Land Surveyors • Planners • Landscape Architects</p> <p>Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266</p> <p>Bonita Springs: 239.947.1144 <a href="http://www.GradyMinor.com">www.GradyMinor.com</a> Fort Myers: 239.690.4380</p>	<p><b>BAUMGARTEN MPUD</b></p> <p>EXHIBIT C MASTER PLAN REVISED 12/21/2018</p>	<p>SCALE: 1" = 300'</p> <p>JOB CODE: PNPUDZ</p> <p>DATE: MAY 2017</p> <p>FILE NAME: EXHC-MCP-V4</p> <p>SHEET 1 OF 2</p>
---	--	---	---

\\GOM.LOCAL\FILES\PLANNING\PROJ - PLANNING\PNPUDZ-PELICAN NURSERY (PL20170000768)\DRAWINGS\EXHC-MCP-V4.DWG 12/21/2018 9:53 AM

## SITE SUMMARY

TOTAL SITE AREA: 55.66± ACRE

COMMERCIAL	34± AC (61%)
RESIDENTIAL	12± AC (22%)
AMENITY AREA	0.5± AC (1%)
WATER MANAGEMENT	6± AC (11%)
ROW DEDICATION AREA	1.3± AC (2%)
BUFFERS	1.86± AC (3%)

RESIDENTIAL: MAXIMUM 400 DWELLING UNITS

COMMERCIAL: MAXIMUM 370,000 S.F.

HOTEL/MOTEL: MAXIMUM 140 ROOMS

### OPEN SPACE:

REQUIRED: 30%  
PROVIDED: 30%

## DEVIATIONS (APPLIES TO ENTIRE PROJECT, SEE EXHIBIT E)

1. STREET SYSTEM REQUIREMENTS AND APPENDIX B
2. DIRECTORY SIGNS
3. GROUND SIGNS

## NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MINOR MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
2. THE SITE CONTAINS NO NATIVE VEGETATION COMMUNITIES AND NO ORIGINAL NATIVE TREES REMAIN; THEREFORE NO NATIVE VEGETATION PRESERVATION IS REQUIRED.
3. THE PUD WILL OUTFALL PROJECT STORMWATER TO THE COLLIER BLVD (SR 951) DRAINAGE CANAL.

### LEGEND



**GradyMinor**

Civil Engineers • Land Surveyors • Planners • Landscape Architects  
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266  
Bonita Springs: 239.947.1144 [www.GradyMinor.com](http://www.GradyMinor.com) Fort Myers: 239.690.4380

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

### *BAUMGARTEN MPUD*

EXHIBIT C  
MASTER PLAN NOTES  
REVISED 12/21/2018

SCALE:  
1" = 300'  
JOB CODE:  
PNPUDZ  
DATE:  
MAY 2017  
FILE NAME:  
EXHC-MCP-V4  
SHEET 2 OF 2

## EXHIBIT D

### BAUMGARTEN MPUD LEGAL DESCRIPTION

PARCEL 1 (PARCEL NO. 00192920001):

THE NW 1/4 OF THE NW 1/4, SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, LESS THE NORTH 100 FEET PREVIOUSLY CONVEYED FOR ROAD RIGHT-OF-WAY AND LESS RIGHT OF WAY DESCRIBED IN O.R. BOOK 2568, PAGE 1176 AND LESS RIGHT OF WAY DESCRIBED IN O.R. BOOK 3328, PAGE 1487, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

PARCEL 2 (PARCEL NO. 00192360001):

THE WEST 60% OF THE NE 1/4 OF THE NW 1/4, SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, LESS THE NORTH 100 FEET PREVIOUSLY CONVEYED FOR ROAD RIGHT-OF-WAY AND LESS ROAD RIGHT-OF-WAY DESCRIBED IN O.R. BOOK 3328, PAGE 1487, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

THE ABOVE DESCRIBED LANDS BEING SUBJECT TO THE TERMS OF THAT BOUNDARY LINE AGREEMENT RECORDED IN OFFICIAL RECORD BOOK 2228, PAGE 1540, COLLIER COUNTY, FLORIDA, AND SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA,  
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, THENCE S.89°58'37"E. ALONG THE NORTH LINE OF SAID SECTION 26, A DISTANCE OF 105.55 FEET; THENCE S.00°01'23"W. DEPARTING SAID NORTH LINE, A DISTANCE OF 136.96 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF IMMOKALEE ROAD AND THE POINT OF BEGINNING.  
FROM SAID POINT OF BEGINNING, THENCE RUN ALONG SAID SOUTH RIGHT-OF-WAY THE FOLLOWING NINE (9) COURSES:

1. N.86°54'32"E., A DISTANCE OF 220.75 FEET,
2. S.89°58'57"E., A DISTANCE OF 585.17 FEET,
3. S.00°01'25"W., A DISTANCE OF 15.00 FEET,
4. S.89°58'25"E., A DISTANCE OF 301.91 FEET,
5. S.00°01'35"W., A DISTANCE OF 3.94 FEET,
6. S.89°58'25"E., A DISTANCE OF 89.97 FEET,
7. N.00°01'25"E., A DISTANCE OF 15.00 FEET,
8. S.88°54'04"E., A DISTANCE OF 22.92 FEET,
9. S.88°54'04"E., A DISTANCE OF 793.22 FEET;

TO AN INTERSECTION WITH THE WEST BOUNDARY LINE OF THE PLAT OF BENT CREEK PRESERVE, AS RECORDED IN PLAT BOOK 55, PAGE 61, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE S.02°16'43"E. DEPARTING SAID SOUTH RIGHT-OF-WAY ALONG SAID WEST BOUNDARY LINE, A DISTANCE OF 1,194.23 FEET TO AN INTERSECTION WITH THE NORTH BOUNDARY LINE OF THE PLAT OF TUSCANY COVE, AS RECORDED IN PLAT BOOK 42, PAGE 15, OF SAID PUBLIC RECORDS; THENCE N.89°59'25"W. ALONG SAID NORTH LINE, A DISTANCE OF 2,013.46 FEET TO AN INTERSECTION WITH THE EAST LINE OF A 100 FOOT WIDE CANAL RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 12, PAGE 348, OF SAID PUBLIC RECORDS; THENCE N.02°15'50"W., ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1,201.93 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 00192920001 CONTAINS 33.82 ACRES, MORE OR LESS.

PARCEL NO. 00192360001 CONTAINS 21.84 ACRES, MORE OR LESS.

TOTAL PARCEL CONTAINS 55.66 ACRES, MORE OR LESS.

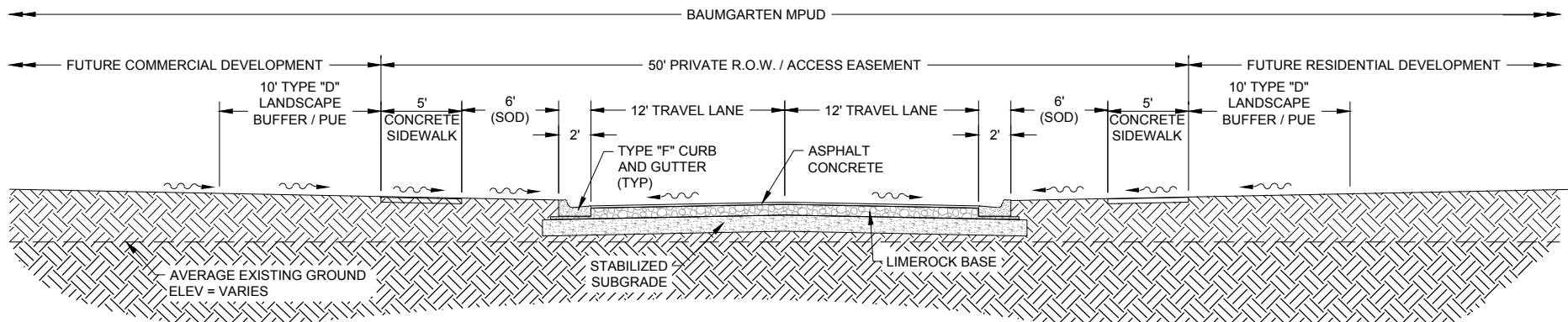
## EXHIBIT E

### BAUMGARTEN MPUD DEVIATIONS FROM THE LDC

DEVIATION 1: From LDC Section 6.06.02. – “Street System Requirements” and “Appendix B, Typical Street Sections and Right-of-Way Design Standards”. The LDC establishes a minimum 60-foot right of way width for local streets. This deviation proposes to allow for private roads within the site to be located in a 50-foot wide access easement or Right-of-Way, as shown on the Master Plan and in Exhibit E, Cross Section.

DEVIATION 2: From LDC Section 5.06.04.F.3, Directory Signs, which requires a Directory Sign to be a maximum of 20 feet in height and a maximum of 200 square feet, to permit the Directory Sign located at the Collier Boulevard entrance to the MPUD to be a maximum of 25’ in height and a maximum of 250 square feet in size.

DEVIATION 3: From LDC Sections 5.06.04.F.1 and 5.06.04.F.2, Ground Signs, which requires each outparcel to have a single ground sign of up to 60 square feet, to permit individual free standing uses within the MPUD to have one additional sign of the same dimensional criteria for the ground signs permitted by the LDC that would be oriented to the internal private by-pass driveway that is provided for in the MPUD.



**A** **SECTION**  
SCALE: 1" = 10"

**LEGEND**



**GradyMinor**

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

Civil Engineers • Land Surveyors • Planners • Landscape Architects  
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266  
Bonita Springs: 239.947.1144 [www.GradyMinor.com](http://www.GradyMinor.com) Fort Myers: 239.690.4380

**BAUMGARTEN MPUD**

EXHIBIT E  
CROSS SECTION  
REVISED 11/12/2018

SCALE:	1" = 10'
JOB CODE:	PNPUDZ
DATE:	JULY 2017
FILE NAME:	EXHC-MCP-V2
SHEET	1 OF 1



## EXHIBIT F

### BAUMGARTEN MPUD DEVELOPMENT 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 BCHD Partners II, LLC, 2600 Golden Gate Parkway, Naples, FL 34105. 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. 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.
- c. Parking lot lighting shall use dark sky compliant (flat panel, full cut off fixtures—BUG rating where  $U = 0$ ) to avoid light spill onto adjacent properties. Fixtures within 50-ft of residential properties along the ~~project~~-PUD boundary shall be set at no higher than a 15-ft mounting height. Otherwise the site light poles shall not exceed a 25-ft mounting height. Light levels along the PUD boundary shall be limited to no more than 0.5-ft-candles along the joint property line where adjacent to residential property (i.e. not applicable to Collier Blvd and Immokalee Rd). An exception to this

would be to allow applicable standard light levels at interconnect drives/pathways between adjacent project interconnects, as applicable.

### 3. UTILITIES

- a. As part of the subdivision plat approval or SDP for the residential portion of the PUD, the owner shall provide a water main stub-out to the southern property line of the PUD, at the interconnect location shown on the PUD Master Plan, in a location determined by the owner and approved by the County. A County Utility Easement shall be made available at no cost to the County for the water main stub-out and shall be shown on the recorded plat or recorded by separate instrument prior to preliminary acceptance of utilities. The stub-out shall be sized to supply fire flow to the PUD under maximum day conditions, as required by Collier County Design Criteria in the Collier County Water-Sewer District Utilities Standards Manual, as adopted by Ordinance 2004-31, as amended, and as further amended by Resolution No. 2014-258, or its successor resolution. This stub-out will not be required if the residential tract is master metered.
- b. As part of the subdivision plat approval or SDP for the residential portion of the PUD, the owner shall provide a water main stub-out to the eastern property line of the PUD, at the location of the terminus of Glenforest Drive within the Bent Creek Preserve RPUD. A County Utility Easement shall be made available at no cost to the County for the water main stub-out and shall be shown on the recorded plat or recorded by separate instrument prior to preliminary acceptance of utilities. The stub-out shall be sized to supply fire flow to the PUD under maximum day conditions, as required by Collier County Design Criteria in the Collier County Water-Sewer District Utilities Standards Manual, as adopted by Ordinance 2004-31, as amended, and as further amended by Resolution No. 2014-258, or its successor resolution. ~~This stub-out will not be required if the residential tract is master metered.~~

### 4. TRANSPORTATION

- a. The maximum net external trip generation for the PUD shall not exceed 1,159 ~~1,155~~ two-way PM peak hour trips as a mixed-use commercial/residential project (internal capture and pass by trips deducted). The trips will be based on the applicable land use codes in the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at the time of application for Site Development Plan (SDP), or Plat and Construction Plan (PPL) approval.
- b. As a part of the first application for Site Development Plan or Plat for construction of the development an operational TIS will be provided that includes the entire development (highest best use) for review and approval by Collier County Transportation staff which will be updated/revised with each subsequent SDP or Plat application until build-out condition is achieved.

## 5. PLANNING

1. Permitted uses within the PUD shall qualify for a parking reduction of up to 40% of that required in the LDC when it can be demonstrated that autonomous vehicles (AV) will be in general use. The reduction may occur concurrent with SDP approval or after SDP approval as an amendment to an approved PUD.

## 6. SPECIAL CONDITIONS

- a. No adult orientated sales are permitted.
- b. For commercial uses, outdoor music and televisions shall be limited to the areas that are a minimum of 200 feet from the southern and eastern PUD boundaries. There will be no outdoor amplified sound between the hours of 10 p.m. and 8 a.m. weekdays and 12 a.m. and 8 a.m. on weekends.
- c. Dumpsters shall be oriented as far away from residential units as possible.