



ORDINANCE NO. 08 - 28

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 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 ZONING DISTRICT WITH A MOBILE HOME OVERLAY (A-MHO) TO A RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) TO BE KNOWN AS ESPERANZA PLACE RPUD, FOR PROPERTY LOCATED IN SECTION 32, TOWNSHIP 46 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 31.6+/- ACRES; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Heidi K. Williams, AICP, of Q. Grady Minor and Associates, P.A., representing Florida Non-Profit Services, Inc., and The Empowerment Alliance of Southwest Florida Community Development Corporation, petitioned the Board of County Commissioners to change the zoning classification of the herein described real 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 32, Township 46 South, Range 29 East, Collier County, Florida, is changed from a Rural Agricultural Zoning District with a Mobile Home Overlay (A-MHO) to a Residential Planned Unit Development (RPUD), in accordance with Exhibits A through F attached

hereto and incorporated herein and by reference made part hereof. The appropriate zoning atlas map or maps, as described in Ordinance 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 a supermajority vote of the Board of County Commissioners of Collier County, Florida, this 10th day of June, 2008.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY *Dwight E. Brock*

By: *Tom Henning*
TOM HENNING, CHAIRMAN

Attest as to Chairman's, Deputy Clerk
signature on
Approved as to form
and legal sufficiency:

Marjorie M. Student-Stirling
Marjorie M. Student-Stirling
Assistant County Attorney

- Exhibit A: Permitted Uses
- Exhibit B: Development Standards
- Exhibit C: Master Plan
- Exhibit D: Legal Description
- Exhibit E: List of Request Deviations from LDC
- Exhibit F: List of Developer Commitments

This ordinance filed with the Secretary of State's Office the 10th day of June, 2008 and acknowledgement of that filing received this 13th day of June, 2008.
By *Dwight E. Brock*
Deputy Clerk

Esperanza Place Residential Planned Unit Development

Exhibit A

The Esperanza Place RPUD is a total of 31.63 +/- acres that will be developed with up to 262 dwelling units. This amounts to a gross density of 8.28+/- units per acre. The base density is 4 units per acre and the affordable housing density bonus is used to make up the difference.

I. Tract A:

Tract A of the Esperanza Place RPUD is approximately 15.83± acres, which are to be developed with up to 176 dwelling units and related accessory uses.

A. Permitted Uses

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

1. Principal Uses

- a. Multi-family dwelling units;
- b. Zero-lot line units, including townhomes;
- c. Community center;
- d. Any other use that is comparable in nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals (BZA) according to the process described in the Land Development Code (LDC).

2. Accessory Uses

- a. Garages;
- b. Carports;
- c. Recreation facilities, including but not limited to, swimming pools, tennis courts, playground equipment or other amenity;
- d. Essential services, in accordance with Section 2.01.03 of the LDC;
- e. Any other use that is comparable in nature with the foregoing list of permitted uses, as determined by the BZA according to the process described in the LDC.

B. Development Standards

Table 1 and Table 1.1, contained in Exhibit B, set forth the development standards for land uses within Tract A of the Esperanza Place RPUD. Standards not specifically set forth herein shall be those specified in applicable sections of the LDC in effect as of the date of the date of approval of the site development plan (SDP) or subdivision plat.

II. Tract B:

Tract B of the Esperanza Place RPUD is approximately 13.8± acres, which are to be developed with up to 85 dwelling units and related accessory uses.

A. Permitted Uses

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

1. Principal Uses

- a. Single-family, detached dwelling units;
- b. Single-family, attached dwelling units;
- c. Any other use that is comparable in nature with the foregoing list of permitted principal uses, as determined by the BZA according to the process described in the LDC.

2. Accessory Uses

- a. Garages;
- b. Carports;
- c. Essential services, in accordance with Section 2.01.03 of the LDC;
- d. Community clubhouse;
- e. Recreation facilities, including but not limited to, swimming pools, tennis courts, playground equipment or other amenity;
- f. Any other use that is comparable in nature with the foregoing list of permitted uses, as determined by the BZA according to the process described in the LDC.

B. Development Standards

Table 1 and Table 1.1, contained in Exhibit B, set forth the development standards for land uses within Tract B of the Esperanza Place RPUD. Standards not specifically set forth herein shall be those specified in applicable sections of the LDC in effect as of the date of the date of approval of the SDP or subdivision plat.

III. Tract C

Tract C of the Esperanza Place RPUD is approximately 2.0± acres, which are to be developed with up to 1 single-family dwelling unit and related accessory uses.

A. Permitted Uses

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

1. Principal Uses

mn

- a. Single-family dwelling unit
2. Accessory Uses
- a. Garages;
 - b. Carports;
 - c. Storage sheds;
 - d. Recreation facilities, including but not limited to, swimming pools, tennis courts, playground equipment or other amenity;
 - e. Essential services, in accordance with Section 2.01.03 of the LDC;
 - f. Any other use that is comparable in nature with the foregoing list of permitted uses, as determined by the BZA according to the process described in the LDC.

B. Development Standards

Table 1 and Table 1.1, contained in Exhibit B, set forth the development standards for land uses within Tract C of the Esperanza Place RPUD. Standards not specifically set forth herein shall be those specified in applicable sections of the LDC in effect as of the date of the date of approval of the SDP or subdivision plat.

Exhibit B

Development of the Esperanza Place RPUD shall be in accordance with the contents of this Ordinance and applicable sections of the LDC and Growth Management Plan (GMP) in effect at the time of issuance of any development order, such as, but not limited to, final subdivision plat, final site development plan, excavation permit and preliminary work authorization, to which such regulations relate. Where these regulations fail to provide developmental standards, then the provisions of the most similar district in the LDC shall apply.

Table 1 – Principal Structures

Tracts A, B & C Development Standards

DEVELOPMENT STANDARDS	SINGLE-FAMILY, DETACHED	SINGLE-FAMILY, ATTACHED AND DUPLEX	MULTI-FAMILY	ZERO-LOT LINE, TOWNHOMES (TRACT A ONLY)	COMMUNITY CENTER/ RECREATION BUILDINGS
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PRINCIPAL STRUCTURES					
Minimum Lot Area	5,000 s.f. per unit	3,500 s.f. per unit	n/a	1,200 s.f. per unit	n/a
Minimum Lot Width	50 feet	35 feet	n/a	15 feet	n/a
Minimum Floor Area	1,000 s.f.	750 s.f.	750 s.f.	750 s.f.	n/a
Minimum Setbacks:					
Front (see Note 2)	20 feet	20 feet	20 feet	20 feet	20 feet
Side	7.5 feet	0 feet and 6 feet	10 feet	0 feet or 6 feet	10 feet
Rear	15 feet	15 feet	15 feet	15 feet	15 feet
Minimum Distance Between Structures	15 feet	12 feet	Greater than 20 feet	12 feet	10 feet
Maximum "Zoned" Height	35 feet	35 feet	45 feet	45 feet	45 feet
Maximum "Actual" Height	40 feet	40 feet	50 feet	50 feet	50 feet

- 1) Principal structures located on corner lots may reduce one of the two front setbacks by 50 percent. The remaining setback must meet the full front setback standard.
- 2) Driveways shall be a minimum of 23 feet in length from the sidewalk to the garage door or façade of the structure to allow vehicles room to park without obstructing the sidewalk.

11/13/20

Table 1.1 – Accessory Structures

Tracts A, B & C Development Standards

DEVELOPMENT STANDARDS	SINGLE-FAMILY, DETACHED	SINGLE-FAMILY, ATTACHED AND DUPLEX	MULTI-FAMILY	ZERO-LOT LINE, TOWNHOMES (TRACT A ONLY)	COMMUNITY CENTER/ RECREATION BUILDINGS
ACCESSORY STRUCTURES					
Minimum Setbacks:					
Front (see Note 1)	20 feet	20 feet	20 feet	20 feet	10 feet
Side	5 feet	5 feet	5 feet	5 feet	5 feet
Rear	5 feet	5 feet	5 feet	5 feet	5 feet
Maximum "Zoned" Height	35 feet	35 feet	35 feet	35 feet	35 feet
Maximum "Actual" Height	40 feet	40 feet	40 feet	40 feet	40 feet

- 1) Driveways shall be a minimum of 23 feet in length from the sidewalk to the garage door or façade of the structure to allow vehicles room to park without obstructing the sidewalk.

MM22

SITE DATA:

TRACT A: 15.83± ACRES (50.05% OF ACREAGE)
 TRACT B: 13.80± ACRES (43.63% OF ACREAGE)
 TRACT C: 2.00± ACRES (6.32% OF ACREAGE)

TOTAL SITE AREA = 31.63± ACRES

REQUIRED PRESERVE AREA:

EXISTING NATIVE VEGETATION X 0.25 = PRESERVE AMOUNT
 UPLAND: 0.52 ACRES X 0.25 = 0.13 ACRES
 WETLAND: 0.73 ACRES X 0.25 = 0.18 ACRES
 TOTAL = 0.31 ACRES

DENSITY CALCULATIONS:

TRACT A: 176 DWELLING UNITS
 TRACT B: 85 DWELLING UNITS
 TRACT C: 1 UNIT

262 DWELLING UNITS / 31.63± ACRES = 8.28± UNITS PER ACRE

NOTES:

- THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MINOR MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
- ALL ACREAGES ARE APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF SDP OR PLAT APPROVAL.

DEVIATIONS:

- From Section 5.05.08 which requires non-residential components of any PUD to meet architectural design standards to allow the non-residential component of Tract A to be exempt from these standards.
- From Section 3.05.07 which requires on-site preservation of 25 percent of the native vegetation on the site to allow off-site preservation or payment toward the Conservation Collier Trust Fund, in accordance with Commitment III.B, described in Exhibit F of this PUD.

ZONING: RSF-4
 USE: SINGLE FAMILY RESIDENTIAL

ZONING: MH
 USE: MOBLIE HOME

15' WIDE TYPE B BUFFER

15' WIDE TYPE B BUFFER

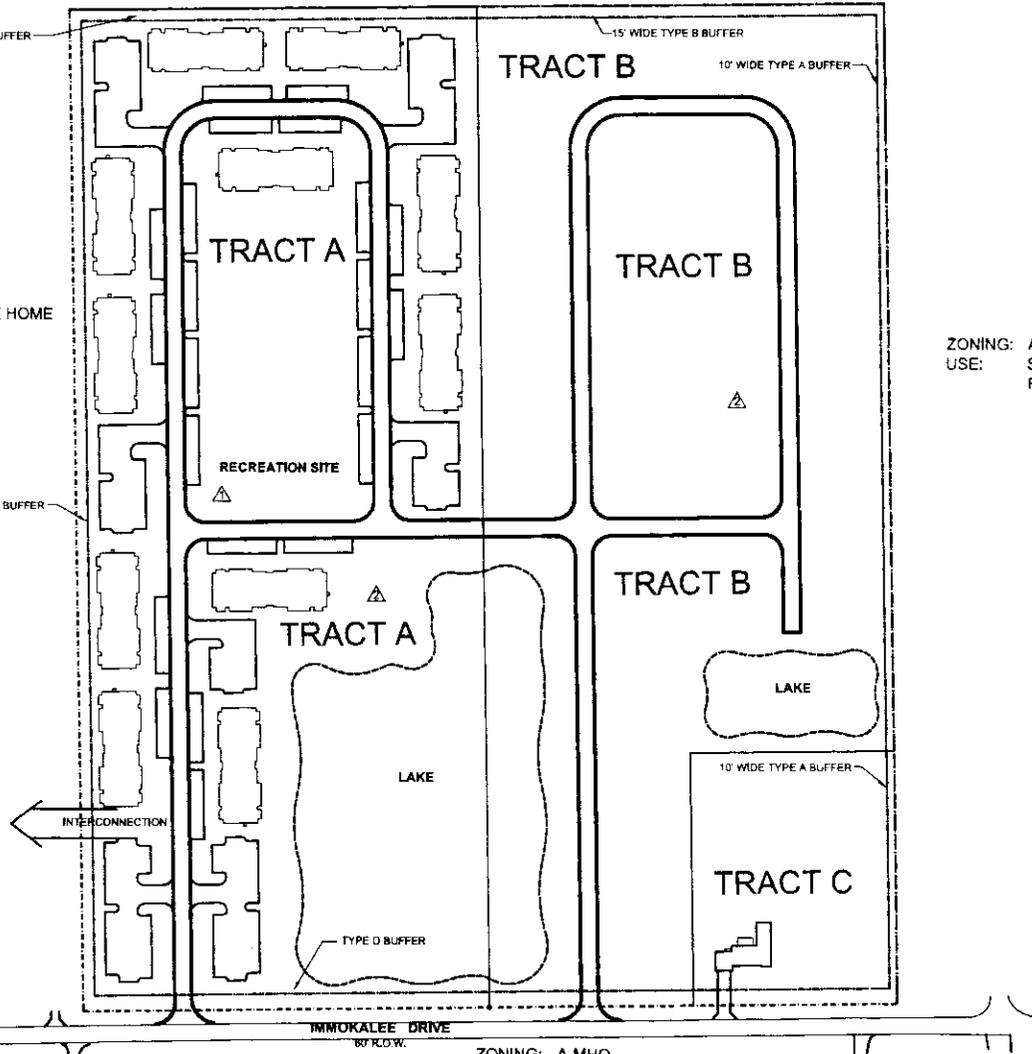
10' WIDE TYPE A BUFFER

ZONING: MH
 USE: MOBILE HOME

ZONING: A-MHO
 USE: SINGLE FAMILY RESIDENTIAL

15' WIDE TYPE B BUFFER

10' WIDE TYPE A BUFFER



ZONING: A-MHO
 USE: AGRICULTURAL



Revision	Date	Description	By
1	01-08	Respond To County Comments	MML
2	04-08	Respond To County Comments	MML
3	05-08	Respond To County Comments	MML

Q. GRADY MINOR & ASSOCIATES, P.A.
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS • LANDSCAPE ARCHITECTS
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ESPERANZA PLACE RPUD

**EXHIBIT C
 MASTER PLAN** *mmml*

COUNTY: COLLIER
SUBMITTAL ZONING:
DATE: OCTOBER 2007
FILE NAME: FNPS NP 3
SHEET 1 OF 1

Exhibit D

Legal Description

PARCEL 1

OR 4242 PG 2471

A PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 46 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 264.70 FEET OF THE EAST 1058.10 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA, LESS THE SOUTH 30.00 FEET THEREOF FOR ROAD RIGHT-OF-WAY, CONTAINING 7.90 ACRES, PLUS OR MINUS.

TOGETHER WITH

PARCEL 2

OR 4242 PG 2470

A PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 46 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 29 EAST, ALL LYING AND BEING IN COLLIER COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 1,058.80 FEET THEROF AND THE SOUTH 30.00 FEET FOR ROAD RIGHT OF WAY, CONTAINING 7.92 ACRES, MORE OR LESS.

TOGETHER WITH

PARCEL 3

OR 1596 PG 43

A PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 46 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 264.70 FEET OF THE EAST 794.10 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA, LESS THE SOUTH 30.00 FEET THEREOF FOR ROAD RIGHT-OF-WAY, CONTAINING 7.90 ACRES, PLUS OR MINUS.

TOGETHER WITH

PARCEL 4

OR 1007 PG 1558

THE WEST 264.70' OF THE EAST 529.40' OF THE SE 1/4 OF THE SW 1/4 OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 29 EAST ALL LYING AND BEING IN COLLIER COUNTY, FLORIDA, LESS THE SOUTH 30.00' FOR ROAD R/W, CONTAINING 7.90 ACRES, MORE OR LESS.

BEING MORE PARTICULARLY DESCRIBED AS:

A PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 46 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 29 EAST THENCE RUN NORTH 89°15'36" EAST ALONG THE SOUTH LINE OF SAID SECTION 32, ALSO BEING THE CENTERLINE OF IMMOKALEE ROAD (60' RIGHT-OF-WAY), FOR A DISTANCE OF 1323.92 FEET; THENCE RUN NORTH 00°44'24" WEST FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF IMMOKALEE DRIVE; THENCE RUN NORTH 00°51'21" WEST ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 32, FOR A DISTANCE OF 1,299.83 FEET; THENCE RUN NORTH 89°16'27" EAST, FOR A DISTANCE OF 1,060.74 FEET; THENCE RUN SOUTH 00°47'35" EAST, FOR A DISTANCE OF 1299.57 FEET TO A POINT ON THE SAID NORTHERLY RIGHT-OF-WAY LINE OF IMMOKALEE DRIVE; THENCE RUN SOUTH 89°15'35" WEST ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1059.31 FEET TO THE POINT OF BEGINNING, CONTAINING 31.63 ACRES, MORE OR LESS.

Exhibit E

Deviations from the Land Development Code

1. A deviation from Section 5.05.08 of the LDC which requires non-residential components of any PUD to meet architectural design standards to allow the non-residential component of Tract A to be exempt from these standards.
2. A deviation from Section 3.05.07 of the LDC which requires on-site preservation of 25 percent of the native vegetation on the site to allow off-site preservation or payment toward the Conservation Collier Trust Fund, in accordance with Commitment III.B, described in Exhibit F of this RPUD.

Exhibit F

List of Developer Commitments

I. Affordable Housing:

- A. As documented in the Affordable Housing Density Bonus Agreement, the developers have agreed to construct 60 owner-occupied dwelling units for residents in or below the workforce income category (61-80 percent of County median income) and 176 rental units for residents in or below the low income category (51-60 percent of County median income).

II. Transportation:

- A. If any entrance is to be gated, the face of said gate shall be located to maintain no less than a 100-foot throat length to the northerly edge of the pavement at its intersection with Immokalee Drive.
- B. The developers shall pay a proportionate fair share contribution toward the cost of construction of improvements to the intersection of S.R. 29 and Lake Trafford Road. This contribution shall be made prior to the approval of the first site development plan (SDP) or plans and plat (PPL), whichever occurs first.
- C. Because the developers anticipate using public funding to construct internal roads, they shall have the option of turning roads built in accordance with County construction standards for local roads over to the County for maintenance.

III. Environmental:

- A. A Florida Black Bear Management Plan shall be provided to the County Manager, or designee, during SDP or plat review process.
- B. The site currently contains 1.26± acres of native vegetation (0.52+/- acres of upland and 0.73± acres of wetland native vegetation onsite); a minimum of 25 percent, 0.32 acres, must be preserved. For the 0.13 acre portion of the upland vegetation, the applicant will donate an equivalent off-site preserve to be accepted by a public agency or contribute a monetary payment to Conservation Collier equivalent to the average per-acre value found in an appraisal of the entire site, multiplied by the number of acres to be preserved off-site, plus 15 percent of that amount as an endowment for management of off-site land. The appraisal shall be based on the fair market value of the land as if the desired zoning were in place. Twenty-five percent of the 0.73 acre wetland native vegetation will be preserved and appropriately managed off-site at an approved mitigation bank. All preservation must be accomplished prior to SDP/PPL approval. This off-site preservation may be utilized as part of the required off-site mitigation requirement of the Environment Resource Permit.

- C. The subject property was used for agricultural purposes and incurred clearing for which no permit can be located. In order for the clearing activities to be considered legal and re-creation of the removed vegetation not be required, an after-the-fact permit will be issued for the clearing of approximately 23.6 acres prior to approval for the SDP or PPL for relevant acreage. No after-the-fact clearing fee will be assessed against the developers. The regular clearing fee shall apply.

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 copy of:

ORDINANCE NO. 2008-28

Which was adopted by the Board of County Commissioners on the 10th day of June 2008, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 11th day of June 2008.

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


By: Teresa Polaski,
Deputy Clerk

