

ORDINANCE NO. 17-02

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 TO A RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) ZONING DISTRICT FOR THE PROJECT KNOWN AS HAMILTON PLACE RPUD TO ALLOW DEVELOPMENT OF UP TO 66 SINGLE-FAMILY AND/OR MULTI-FAMILY DWELLING UNITS ON PROPERTY LOCATED EAST OF LIVINGSTON ROAD AND SOUTH OF PINE RIDGE ROAD IN SECTION 18, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 9.75+/- ACRES; AND BY PROVIDING AN EFFECTIVE DATE. [PUDZ-PL20160001255]

WHEREAS, D. Wayne Arnold, AICP of Q. Grady Minor & Associates, Inc. representing developer, WCI Communities, Inc., 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 18, Township 49 South, Range 26 East, Collier County, Florida is changed from a Rural Agricultural (A) zoning district to a Residential Planned Unit Development (RPUD) zoning district for a 9.75+/- acre project to be known as the Hamilton Place RPUD to allow up to 66 single family and/or 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 27th day of January, 2017.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 

Deputy Clerk

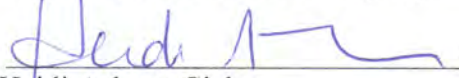
Attest as to Chairman's
signature only.

By: 

PENNY TAYLOR

, Chairman

Approved as to form and legality:

 HFAC
12-19-16

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
30th day of January, 2017
and acknowledgement of that
filing received this 30th day
of January, 2017.

By: 

Deputy Clerk

**EXHIBIT A
FOR
HAMILTON PLACE RPUD**

Regulations for development of the Hamilton Place 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 66 residential dwelling units 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. Dwelling Units – Multi-family, single family detached, single family attached and single family variable lot line.
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. Customary accessory uses 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. Open space uses and structures such as, but not limited to, boardwalks, nature trails, gazebos and picnic areas.
4. 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. Clubhouses with cafes, snack bars and similar uses intended to serve residents and guests.
 2. Community administrative and recreation facilities. Outdoor recreation facilities, such as a community swimming pool, tennis/pickle ball courts and basketball courts, parks, playgrounds, pedestrian/bikeways, and passive and/or active water features (private intended for use by the residents and their guests only).
 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.
 4. Tennis clubs, health spas, fitness facilities and other indoor recreational uses (private, intended for use by the residents and their guests only).
- 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. Mitigation for environmental permitting.
 3. Passive Recreation areas, as per LDC requirements.
 4. Water management as allowed by the LDC.

**EXHIBIT B
FOR
HAMILTON PLACE RPUD**

DEVELOPMENT STANDARDS

Exhibit B sets forth the development standards for land uses within the Hamilton Place 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.

STANDARDS	SINGLE-FAMILY DETACHED	VARIABLE LOT LINE FOR SINGLE FAMILY	SINGLE FAMILY ATTACHED	MULTI-FAMILY	AMENITY CENTER
Minimum Lot Area	5,000 SF	4,000 SF	3,500 SF	1 acre	10,000 SF
Minimum Lot Width *3	50 feet	40 feet	35 feet	100 feet	N/A
Minimum Lot Depth	100 feet	100 feet	100 feet	100 feet	N/A
Minimum Front Yard *1,*6	20 feet *2	20 feet *2	20 feet *2	20 feet	N/A
Minimum Side Yard	5 feet	0 - 10 feet *4	0 or 5 feet	10 feet	N/A
Minimum Rear Yard *6 Principal	15 feet	15 feet	15 feet	15 feet	N/A
Maximum Height Zoned (not to exceed 2 stories) Actual (not to exceed 2 stories)	30 feet 35 feet	30 feet 35 feet	30 feet 35 feet	30 feet 35 feet	30 feet 35 feet
Minimum Distance Between Principal Structures *5	12 feet	10 feet	10 feet	10 feet	N/A
Floor Area Min. (S.F.)	1500 SF	1000 SF	1000 SF	1000 SF	N/A
PUD Boundary	40 feet	40 feet	40 feet	40 feet	40 feet
Preserve	25 feet	25 feet	25 feet	25 feet	25 feet
ACCESSORY STRUCTURES					
Front *2	20 feet	20 feet	20 feet	20 feet	20 feet
Side	5 feet	0 feet	0 feet	10 feet	10 feet
Minimum Rear Yard *6	10 feet	10 feet	10 feet	10 feet	N/A
PUD Boundary	40 feet	40 feet	40 feet	40 feet	40 feet
Preserve	10 feet	10 feet	10 feet	10 feet	10 feet
Minimum Distance Between Structures	10 feet	10 feet	10 feet	10 feet	10 feet
Maximum Height Zoned (not to exceed 2 stories) Actual (not to exceed 2 stories)	25 feet 30 feet	25 feet 30 feet	25 feet 30 feet	25 feet 30 feet	25 feet 30 feet

Minimum lot areas for any unit type may be exceeded. The unit type, and not the minimum lot area, shall define the development standards to be applied by the Growth Management Department during an application for a building permit. For variable lot single family and single family attached units, a conceptual exhibit showing typical building configurations, including building setbacks and building separations, shall be submitted to the Growth Management Division with the application for the first building permit for the platted development tract. Verification of ingress/egress for maintenance shall be provided for variable lot line single-family units.

All distances are in feet unless otherwise noted.

*1 – Front yards shall be measured as follows:

- A. If the parcel is served by a public right-of-way, setback is measured from the adjacent right-of-way line.
- B. If the parcel is served by a private road, setback is measured from the back of curb (if curbed) or edge of pavement (if not curbed).

C. If the parcel has frontage on two sides, setback is measured from the side with the shortest frontage with the other frontage designated as a side yard.

*2 – Front entry garages must be a minimum of 20', and a minimum of 23' from a sidewalk. Porches, entry features and roofed courtyards may be reduced to 15'.

*3 – Minimum lot width may be reduced by 20% for cul-de-sac lots provided the minimum lot area requirement is maintained.

*4 – The side setback may be variable between zero feet (0') to ten feet (10') as long as a 10-foot minimum separation between principal structures is maintained. If the variable lot line for single-family option is utilized, the owner shall provide with the building permit application, the setback of the principal structures on the abutting lots of all sides.

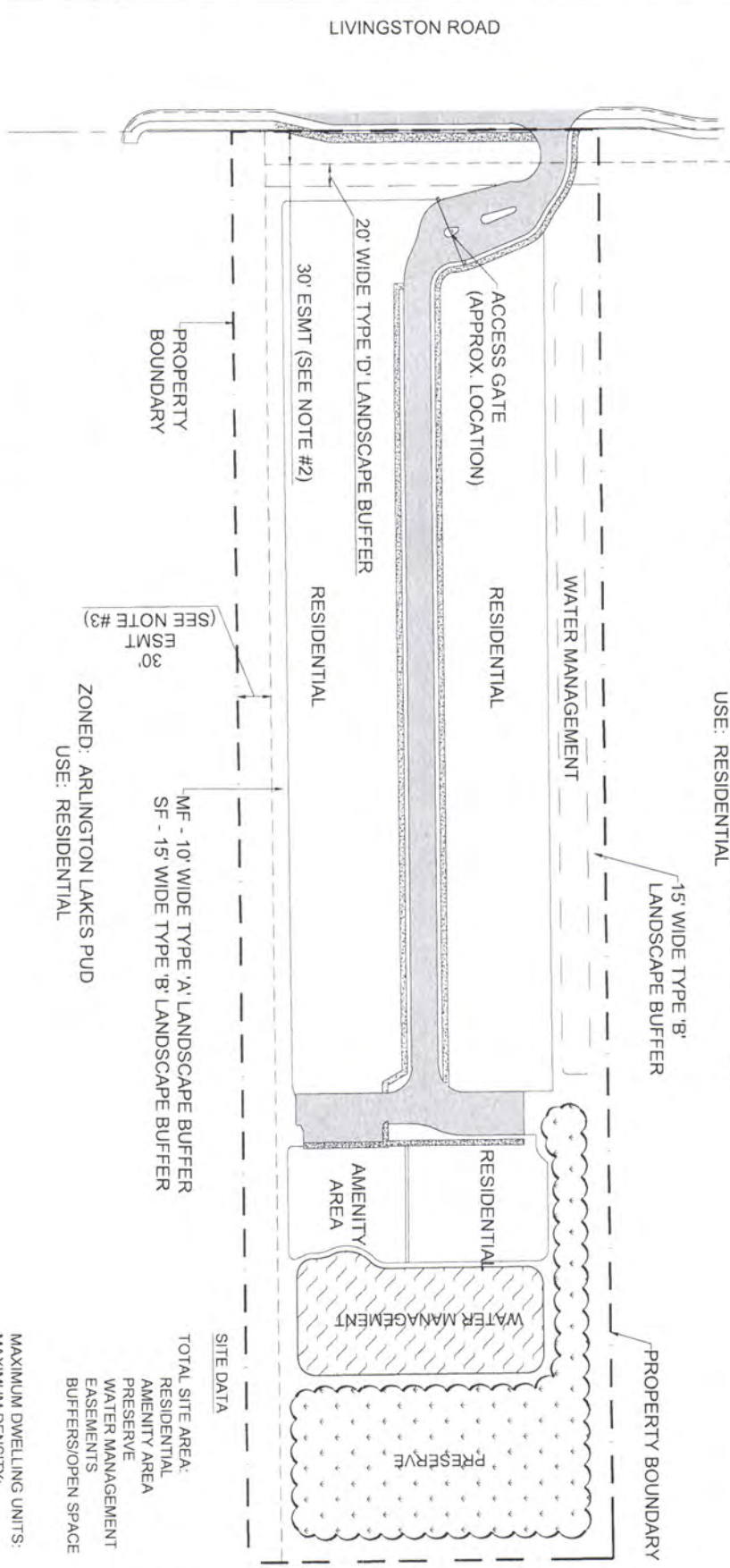
*5 – Building distance may be reduced at garages to a minimum of 0' where attached garages are provided and a 10' minimum building separation is maintained, if detached.

*6 – No front building setback is required from the 30' wide access easement, which extends along the southerly boundary of the Hamilton Place PUD. However, a landscape buffer shall be required.

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.



ZONED: BRYNWOOD PRESERVE PUD (PLAT BOOK 38 PAGE 54 - 57)
USE: RESIDENTIAL



ZONED: ARLINGTON LAKES PUD
USE: PRESERVE

SITE DATA

TOTAL SITE AREA:	9.75± AC
RESIDENTIAL	5.0± AC
AMENITY AREA	0.3± AC
PRESERVE	0.97± AC
WATER MANAGEMENT	0.91± AC
EASEMENTS	1.1± AC
BUFFERS/OPEN SPACE	1.47± AC

MAXIMUM DWELLING UNITS: 66
MAXIMUM DENSITY: 6.77 DU/AC

PRESERVE:
REQUIRED - 0.97± ACRES (6.46± ACRES NATIVE
VEGETATION X 15%)
PROVIDED - 0.97± ACRES

NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MINOR MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS
2. 30.0' EASEMENT (OR 335, PG 839), UTILITY EASEMENT (OR 1729, PG 395)
3. SUBORDINATION OF ENCUMBRANCE (OR 1729, PG 390)
3. 30.0' EASEMENT (OR 543, PG 76)

LEGEND

Revised	Date	Description	By	Scale
1	12/15/2016	REVISED FOR COUNTY REVIEW 1 COMMENTS	S.U.	1" = 100'
2	12/15/2016	REVISED FOR COUNTY REVIEW 2 COMMENTS	S.U.	
3	12/15/2016	REVISED FOR COUNTY REVIEW 3 COMMENTS	S.U.	

GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects
2300 N. 11th St. Suite 100
Bristol Springs, FL 32009
Phone: 230.690.1380
Fax: 230.690.1381

HAMILTON PLACE RPUD

EXHIBIT C
MASTER PLAN

REVISED
12/15/2016

DATE	12/15/2016
BY	S.U.
SCALE	1" = 100'

**EXHIBIT D
FOR
HAMILTON PLACE RPUD**

LEGAL DESCRIPTION

(PER COMMITMENT NUMBER: 1062-3504066)

THE EAST 264.00 FEET OF THE WEST 528.00 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.

(PER COMMITMENT NUMBER: 1062-3504081)

THE WEST 264 FEET AND THE EAST 264 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.

(PER COMMITMENT NUMBER: 1062-3504087)

THE EAST 264.00 FEET OF THE WEST 792.00 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.

AND

THE EAST 264.00 FEET OF THE WEST 1056.00 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.

**EXHIBIT E
FOR
HAMILTON PLACE RPUD**

LIST OF DEVIATIONS

No Deviations requested.

**EXHIBIT F
FOR
HAMILTON PLACE 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 WCI Communities, LLC, 24301 Walden Center Drive, Bonita Springs, FL 34135. 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 15% of native vegetation, 6.46± acres of native vegetation exists on-site requiring a minimum preservation of 0.97± acres ($6.46 \times .15 = 0.97$) of native vegetation to be retained.
- b. Preserves may be used to satisfy the landscape buffer requirements after exotic removal in accordance with LDC Section 4.06.02 and LDC Section 4.06.05.E.1. Supplemental plantings with native plant materials shall be in accordance with LDC Section 3.05.07.

4. WATER MANAGEMENT

The project's stormwater management system shall be designed to discharge to the east into the Whippoorwill Flowway.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 30, 2017

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Martha Vergara, BMR Senior Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 17-02, which was filed in this office on January 30, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb