

ORDINANCE NO. 2021- 20

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 AN ESTATES (E) ZONING DISTRICT TO A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DISTRICT TO ALLOW UP TO 200,000 SQUARE FEET OF COMMERCIAL USES FOR A PROJECT TO BE KNOWN AS BCHD I CPUD ON PROPERTY LOCATED APPROXIMATELY ONE-HALF MILE NORTH OF RANDALL BOULEVARD ON THE WEST SIDE OF IMMOKALEE ROAD IN SECTION 22, TOWNSHIP 48 SOUTH, RANGE 27 EAST, COLLIER COUNTY, FLORIDA CONSISTING OF 19.13± ACRES; AND BY PROVIDING AN EFFECTIVE DATE. (PL20200000546)

WHEREAS, Noel Davies, Esquire of Davies Duke, PLLC and D. Wayne Arnold of Q. Grady Minor and Associates, P.A., representing BCHD Partners I, 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: Zoning Classification.


The zoning classification of the herein described real property located in Sections 21 and 22, Township 48 South, Range 27 East, Collier County, Florida is changed from an Estates (E) zoning district to a Commercial Planned Unit Development (CPUD) for a 19.13± acre parcel to be known as BCHD I CPUD in accordance with Exhibits A through F attached hereto and incorporated by reference herein. 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: Effective Date.

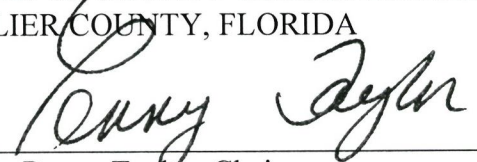
This Ordinance shall become effective upon filing with the Department of State and on the date that the Growth Management Plan Amendment in Ordinance No. 2021-19 becomes effective.

PASSED AND DULY ADOPTED by super-majority vote of the Board of County Commissioners of Collier County, Florida, this 27th day of April, 2021.

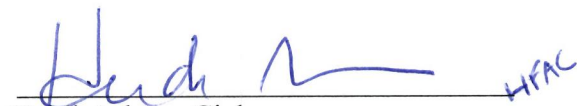
ATTEST:
CRYSTAL K. KINZEL, CLERK

By: 
Attest as to Chairman's Clerk
signature only

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
Penny Taylor, Chairman

Approved as to form and legality:

 HFAC
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 – Deviations
Exhibit F – List of Developer Commitments

This ordinance filed with the
Secretary of State's Office the
4th day of May, 2021
and acknowledgement of that
filing received this 4th day
of May, 2021

By: 
Deputy Clerk

EXHIBIT A

BCHD I CPUD PERMITTED USES

A maximum of 200,000 square feet of gross commercial floor area shall be permitted within the CPUD. The uses are subject to the trip cap identified in Exhibit F, Section 3.a of this PUD.

COMMERCIAL:

A. Principal Uses:

1. All permitted and conditional uses in the C-1 through C-3 Zoning Districts of the Collier County Land Development Code (LDC), Ordinance 04-41, as amended), except those uses identified as prohibited in item C. below.
2. Carwashes (7542)
3. Medical and dental laboratories (8071 and 8072)
4. Motor freight transportation and warehousing (4225, air-conditioned mini-and self storage warehousing only)
5. Nursing and professional care facilities (8051, 8052, 8059)
6. 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 CPUD 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 CPUD as determined by the BZA or the Hearing Examiner.

C. Prohibited Uses and Structures:

1. Any use that would be subject to regulation under Ordinance No. 91-83 and any amendment or successor ordinances thereto regulating sexually oriented businesses.
2. 7361 – Employment Agencies, only labor contractors
3. 7363 – Help Supply Services, only: Labor pools; Manpower pools
4. Homeless shelter, as defined by the LDC.
5. Soup kitchens, as defined by the LDC.
6. 8063 – Psychiatric Hospitals. For the avoidance of any doubt, psychiatric hospitals, including drug/alcohol rehabilitation facilities shall be prohibited.
7. 8069 – Specialty Hospitals, Except Psychiatric, only: alcoholism rehabilitation hospitals; drug addiction rehabilitation hospitals; rehabilitation hospitals drug addiction and alcoholism; tuberculosis and other respiratory illness hospitals.
8. 8322 – Individual and Family Social Services, only: alcoholism counseling, nonresidential; crisis center; crisis intervention centers; hotlines; offender rehabilitation agencies; offender self-help agencies; outreach programs; parole offices; probation offices; public welfare centers; referral services for personal and social problems; refugee services; self-help organizations for alcoholic and gamblers; settlement houses.

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, as per LDC requirements.
3. Passive Recreation areas, as per LDC requirements.
4. Water management and water management structures, as per LDC requirements.

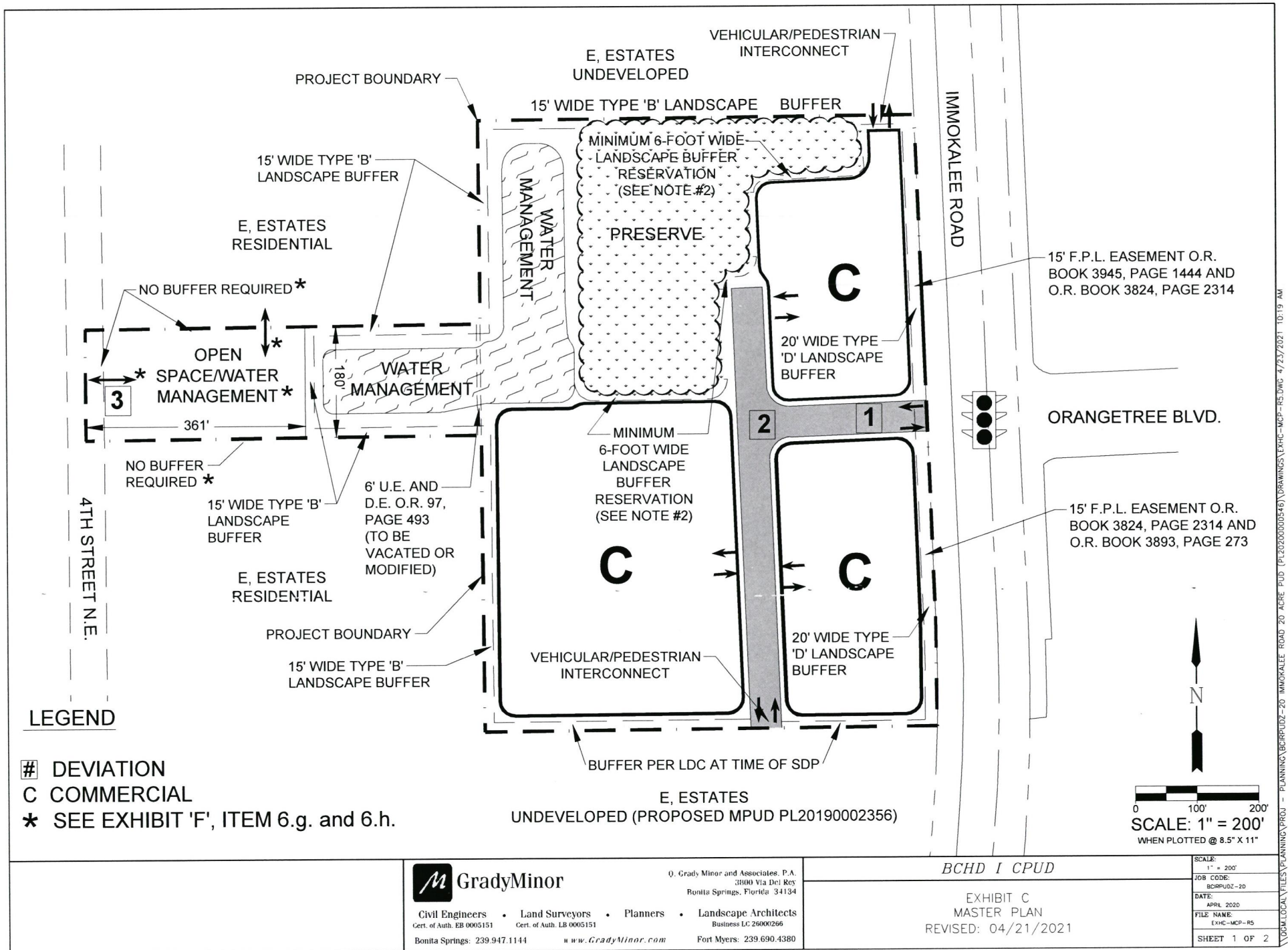
EXHIBIT B

BCHD I CPUD DEVELOPMENT STANDARDS

The tables below set forth the development standards for land uses within the BCHD I CPUD. 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.

	PRINCIPAL USES		ACCESSORY USES	
MINIMUM LOT AREA	10,000 Sq. Ft.		N/A	
AVERAGE LOT WIDTH	100 ft.		N/A	
MINIMUM YARDS (External)				
From Immokalee Road ROW	25 ft.		SPS	
From Northern Project Boundary	30 ft.		SPS	
From Western Project Boundary*	50 ft.		25 ft	
From Southern Project Boundary	25 ft. ****		25 ft. ****	
MINIMUM YARDS (Internal)				
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.**	
Preserve	25 ft.		10 ft.	
MIN. DISTANCE BETWEEN STRUCTURES	1/2 the sum of building heights		10 Ft.	
MAXIMUM HEIGHT***	ZONED	ACTUAL	ZONED	ACTUAL
	45 ft.	55 ft.	35 ft.	45 ft.
MINIMUM FLOOR AREA (ground floor)	1,000 sq. ft. ***		N/A	
MAXIMUM GROSS COMMERCIAL AREA	200,000 sq. ft.			

- * Setback from 4th Street N.E. shall be 200 feet for any principal use and 200 feet for any accessory use.
- ** 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.
- **** May be reduced to zero feet if developed as a unified plan with the adjacent property to the south.



GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects
 Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 29000266
 Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

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

BCHD I CPUD

EXHIBIT C
MASTER PLAN
 REVISED: 04/21/2021

SCALE:
 1" = 200'
 JOB CODE:
 BORPUD-20
 DATE:
 APRIL 2020
 FILE NAME:
 EXHC-MCP-R5
 SHEET 1 OF 2

\\LOCAL FILES\PLANNING\PROJ - PLANNING\BORPUD-20 IMMOKALEE ROAD 20 ACRE PLUD (PL20200003546)\DRAWINGS\EXHC-MCP-R5.DWG 4/23/2021 10:19 AM

SITE SUMMARY

TOTAL SITE AREA: 19.13± ACRE

COMMERCIAL (C)	12.51± AC (65%)
4TH STREET N.E. ROW	0.12± AC (1%)
PRESERVE (P)	2.85± AC (15%)
WATER MANAGEMENT	1.67± AC (9%)
LANDSCAPE BUFFERS / OPEN SPACE	1.98± AC (10%)

COMMERCIAL: MAXIMUM 200,000 S.F.

OPEN SPACE:

REQUIRED: 30%
PROVIDED: 30%

PRESERVE:


REQUIRED: 2.85± ACRES (19.01 ACRES NATIVE VEGETATION X 15%)
PROVIDED: 2.85± ACRES

DEVIATIONS (SEE EXHIBIT E)

1. RELIEF FROM LDC SECTION 5.06.04.F.3., "DIRECTORY SIGNS"
2. RELIEF FROM LDC SECTION 6.06.01. - "STREET SYSTEM REQUIREMENTS" AND "APPENDIX B, TYPICAL STREET SECTIONS AND RIGHT-OF-WAY DESIGN STANDARDS"
3. RELIEF FROM LDC SECTION 4.06.02.C.4. - "BUFFER REQUIREMENTS - TYPES OF BUFFERS"

NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MINOR 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 MEET THE LDC REQUIREMENTS FOR A TYPE 'B' BUFFER A 6 FOOT WIDE LANDSCAPE BUFFER RESERVATION HAS BEEN IDENTIFIED ON THE MASTER PLAN. IN THE EVENT THAT THE PRESERVE DOES NOT MEET BUFFER REQUIREMENTS AFTER REMOVAL OF EXOTICS AND SUPPLEMENTAL PLANTING WITHIN THE PRESERVE, PLANTINGS WILL BE PROVIDED IN THE 6' WIDE RESERVATION TO MEET THE BUFFER REQUIREMENTS. THE TYPE, SIZE, AND NUMBER OF SUCH PLANTINGS, IF NECESSARY, WILL BE DETERMINED AT TIME OF INITIAL SDP OR PLAT AND INCLUDED ON THE LANDSCAPE PLANS FOR THE SDP OR PLAT.

 GradyMinor 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		BCHD I CPUD EXHIBIT C MASTER PLAN NOTES REVISED 04/21/2021		SCALE: N.T.S. JOB CODE: BCIRPUDZ-20 DATE: APRIL 2020 FILE NAME: EXHC-MCP-R5 SHEET 2 OF 2
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\\COMLOCAL\FILES\PLANNING\PROJ - PLANNING\BCIRPUDZ-20\WORKSPACE\ROAD 20\ACRE PUD (PL20200000546)\DRAWINGS\EXHC-MCP-R5.DWG 4/23/2021 10:17 AM

EXHIBIT D

BCHD I CPUD LEGAL DESCRIPTION

PARCEL 1: THE NORTH 180 FEET OF TRACT NO. 116, GOLDEN GATE ESTATES, UNIT NO. 22, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGES 83-84, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

PARCEL 2: TRACT 118, GOLDEN GATE ESTATES, UNIT NO. 22, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGES 83-84, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, LESS THAT PORTION TAKEN FOR ROAD RIGHT OF WAY PURSUANT TO ORDER OF TAKING RECORDED IN O.R. BOOK 3111, PAGE 500, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PORTION OF TRACT 118, GOLDEN GATE ESTATES, UNIT NO. 22, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 84, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF SAID TRACT 118; THENCE SOUTH 01°30'15" EAST, FOR A DISTANCE OF 172.46 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS SOUTH 88°32'50" WEST, A DISTANCE OF 2,814.93 FEET THEREFROM; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,814.93 FEET, THROUGH A CENTRAL ANGLE OF 03°12'32", SUBTENDED BY A CHORD OF 157.83 FEET AT A BEARING OF SOUTH 00°09'06" WEST, FOR AN ARC LENGTH OF 157.65 FEET TO THE END OF SAID CURVE, AND THE SOUTHEASTERLY CORNER OF SAID TRACT 118; THENCE NORTH 89°40'50" WEST, ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT 118, FOR A DISTANCE OF 50.10 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS NORTH 87°51'02" WEST, A DISTANCE OF 2,769.79 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,769.79 FEET, THROUGH A CENTRAL ANGLE OF 03°38'39", SUBTENDED BY A CHORD OF 176.14 FEET AT A BEARING OF NORTH 00°19'38" EAST, FOR AN ARC LENGTH OF 176.17 FEET TO THE END OF SAID CURVE; THENCE NORTH 01°30'15" WEST, FOR A DISTANCE OF 153.94 FEET; THENCE SOUTH 89°40'50" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID TRACT 118, FOR A DISTANCE OF 49.00 FEET, TO THE POINT OF BEGINNING.

PARCEL 3: ALL OF TRACT 119, GOLDEN GATE ESTATES, UNIT NO. 22, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGES 83-84, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, LESS THE EASTERLY 49.00 FEET TAKEN FOR ROAD RIGHT OF WAY PURSUANT TO ORDER OF TAKING RECORDED IN O.R. BOOK 3111, PAGE 500, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

PARCEL 4: ALL OF TRACT 120, GOLDEN GATE ESTATES UNIT NO. 22, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGES 83 AND 84, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, LESS THE EASTERLY 49.00 FEET AS DESCRIBED IN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 3111, PAGE 485 AND STIPULATED FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK 3431, PAGE 993.

19.13 ACRES MORE OR LESS (AS MEASURED)

EXHIBIT E

BCHD I CPUD DEVIATIONS FROM THE LDC

DEVIATION 1: Relief from LDC Section 5.06.04.F.3., “Directory Signs”, which permits Multiple-occupancy parcels or multiple parcels developed under a unified development plan, with a minimum of 8 independent units, and containing 20,000 square feet or more of leasable floor area shall be permitted 1 directory sign a maximum of 10 feet in height and a maximum of 100 square feet at one entrance on each public street, to instead allow a single directory sign where fewer than 8 independent units are developed under a unified plan.

DEVIATION 2: Relief from LDC Section 6.06.01. – “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 instead allow for private roads within the site to be located in a 50-foot wide access easement or Right-of-Way.

DEVIATION 3: Relief from LDC Section 4.06.02.C.4. – “Buffer Requirements – Types of buffers”, which requires a landscape buffer shall be required adjacent to any road right-of-way external to the development project and adjacent to any primary access roads internal to a commercial development. Said landscape buffer shall be consistent with the provisions of the Collier County Streetscape Master Plan, which is incorporated by reference herein. The minimum width of the perimeter landscape buffer shall vary according to the ultimate width of the abutting right-of-way. Where the ultimate width of the right-of-way is zero to 99 feet, the corresponding landscape buffer shall measure at least ten feet in width. Where the ultimate width of the right-of-way is 100 or more feet, the corresponding landscape buffer shall measure at least 15 feet in width. Developments of 15 acres or more and developments within an activity center shall provide a perimeter landscape buffer of at least 20 feet in width regardless of the width of the right-of-way. Activity center right-of-way buffer width requirements shall not be applicable to roadways internal to the development to instead allow installation of a 15 foot wide type ‘B’ buffer adjacent to the internal lake as shown on the conceptual PUD Master Plan.

This deviation shall only apply if the westernmost 361 feet of the westerly portion of the PUD (a.k.a. north 180 feet of Tract 116, Golden Gate Estates Unit 22 subdivision), which is the single western parcel immediately abutting 4th ST. NE, is acquired on or before August 31, 2021, by the adjacent single-family homeowner to the north (a.k.a. the south half of Tract 115, Golden Gate Estates Unit 22 subdivision).

EXHIBIT F

BCHD I CPUD 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 I Partners, 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 be dark sky compliant (flat panel, full cut off fixtures— backlight, uplight and glare (BUG) rating where U = 0) to avoid light spill onto adjacent properties. Fixtures within 50-ft of residential properties along the 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 0.2-ft-candles along the joint property line where adjacent to residential property (i.e. not applicable to Immokalee Rd).
- d. All buildings shall be of similar architectural design and have similar design elements.

3. TRANSPORTATION

- a. The total daily trip generation for the PUD shall not exceed 681 two-way PM peak hour net 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. Vehicular and Pedestrian interconnection will be provided to the south to allow access to all connection points with Immokalee Road, consistent with the conceptual PUD Master Plan, Exhibit C. The final location of the access point will be coordinated with the adjacent property owner and a cross-access easement will be provided at time of the first Site Development Plan or Plat. The connection and supporting infrastructure will be constructed to the property line by the developer or successors or assigns prior to the first Certificate of Occupancy.
- c. Vehicular interconnection will be provided to the north consistent with the conceptual PUD Master Plan, Exhibit C. The final location of the access point will be coordinated with the adjacent property owner and a cross-access easement will be provided at time of Site Development Plan for the commercial outparcel(s) north of the signalized entry road. The connection and supporting infrastructure will be constructed to the property line by the developer or successors or assigns at the time the outparcel(s) is developed and completed prior to Certificate of Occupancy.
- d. Sidewalks connecting to the Immokalee Road ROW shall be provided on both the north and south sides of the entrance road/drive.

4. ENVIRONMENTAL

- a. The CPUD shall be required to preserve 15% of native vegetation. 19.01± acres of native vegetation exists on-site requiring a minimum preservation of 2.85± acres ($19.01 \times .15 = 2.85$). A minimum of 2.85± acres of native vegetation shall be retained on-site.
- b. A management plan for Florida Black Bear shall be submitted for review and approval at time of final plat or SDP for the project, whichever is applicable.

5. LANDSCAPING

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 meet the LDC requirements for a Type 'B' buffer a 6 foot wide landscape buffer reservation has been identified on the Master Plan. In the event that the preserve does not meet buffer requirements after removal of exotics and supplemental planning within the preserve, plantings will be provided in the 6 foot wide reservation to meet the buffer requirements. The type, size, and number of such plantings, if necessary, will be determined at time of initial SDP or Plat and included on the landscape plans for the SDP or Plat.

6. SPECIAL CONDITIONS

- a. No adult orientated sales are permitted.
- b. Outdoor amplified sound shall be limited to areas labeled C on the Master Plan adjacent to Immokalee Road and at least 500 feet from adjacent western residential parcels. There will be no outdoor amplified sound between the hours of 9 p.m. and 8 a.m. weekdays and 10 p.m. and 8 a.m. on weekends.
- c. There will be no outdoor dining adjacent to residential properties.
- d. Delivery bays shall not abut external residential development.
- e. All pole lighting shall be limited to flat full cutoff shields.
- f. All buildings shall be designed with unifying architectural design elements.
- g. No commercial structures will be constructed on the westerly portion of the PUD (a.k.a. north 180 feet of Tract 116, Golden Gate Estates Unit 22 subdivision), which is the single western parcel immediately abutting 4th St. NE. this area will be used for native preservation, stormwater management or buffer areas only; however, the immediately adjacent single family homeowner to the north (a.k.a. the south half of Tract 115, Golden Gate Estates Unit 22 subdivision) may establish a driveway for the sole benefit and exclusive use of that homeowner's residential property. There shall be no access to commercial uses within the CPUD from 4th St. NE.
- h. Should the westernmost 361 feet of the westerly portion of the PUD (a.k.a. north 180 feet of Tract 116, Golden Gate Estates Unit 22 subdivision), which is the single western parcel immediately abutting 4th ST. NE, be acquired by the property owner of the adjacent northern parcel (a.k.a. the south half of Tract 115, Golden Gate Estates Unit 22 subdivision) on or before August 31, 2021, that area shall not be utilized for water management purposes and no buffers will be required on the northern, western and southern portions of that property. A 15 foot wide type 'B' landscape buffer will be provided east of the acquired portion of the property adjacent to the western end of the proposed water management area as shown on the Master Plan. In the event the property is not acquired by the property owner of the adjacent northern parcel (a.k.a. the south half of Tract 115, Golden Gate Estates Unit 22 subdivision) on or before August 31, 2021, then that area may be utilized for water management purposes and buffers shall be provided per the LDC at time of SDP.
- i. Owner will install chain link fencing around the lake as required by the LDC or Code of Laws and Ordinances at time of Site Development Plan approval.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 4, 2021

Ms. Teresa Cannon, BMR Senior Clerk II
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, Florida 34112

Dear Ms. Cannon:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2021-20, which was filed in this office on May 4, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb