

ORDINANCE NO. 2023- 54

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 AN AIRPORT ZONING OVERLAY TO A RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) ZONING DISTRICT WITH AN AIRPORT ZONING OVERLAY FOR A PROJECT KNOWN AS ROCK CREEK ESTATES RPUD TO ALLOW DEVELOPMENT OF UP TO 15 SINGLE-FAMILY DWELLING UNITS, A PRIVATE RECREATIONAL AMENITY, AND A BOAT RAMP WITH UP TO 12 PRIVATE BOAT SLIPS ON PROPERTY LOCATED WEST OF AIRPORT-PULLING ROAD, ON THE SOUTH SIDE OF NORTH ROAD, ACROSS THE STREET FROM TERMINAL DRIVE TO THE NAPLES AIRPORT, IN SECTION 2, TOWNSHIP 50 SOUTH, RANGE 25 EAST; CONSISTING OF 11.36+/- ACRES; AND BY PROVIDING AN EFFECTIVE DATE. [PL20220001779]

WHEREAS, Josephine Medina, AICP, of RVI Planning representing ELAH Holdings, LLC, 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 2, Township 50 South, Range 25 East, Collier County, Florida, is changed from a Rural Agricultural (A) zoning district with an Airport Zoning Overlay to a Residential Planned Unit Development (RPUD) zoning district with an Airport Zoning Overlay for an 11.36+/- acre project to be known as Rock Creek Estates RPUD to allow up to 15 single-family dwelling units, a private recreational amenity, and a boat ramp with up to 12 private boat slips 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 Number 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 14th day of November, 2023.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: *Meck*
Attest as to Chairman's
signature only

By: *Rick LoCastro*
Rick LoCastro, Chairman

Approved as to form and legality:

Heidi Ashton-Cicko HHC
Heidi Ashton-Cicko 10-19-23
Managing Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
16 day of Nov, 2023
and acknowledgement of that
filing received this 21 day
of Nov, 2023
By: *M. Kinzel*
Deputy Clerk

- 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

EXHIBIT "A"
LIST OF PERMITTED USES
Rock Creek Estates RPUD

Regulations for development of this PUD shall be in accordance with the contents of this document and all applicable sections of the Growth Management Plan (GMD), the Land Development Code (LDC), and the Administrative Code in effect at the time of approval of the subdivision plat (PPL). Where the PUD ordinance does not provide development standards, then the provision of the specific sections of the LDC that are otherwise applicable shall apply.

PERMITTED USES:

A maximum of 15 dwelling units (1.3 du/acre) shall be permitted in 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:

I. RESIDENTIAL TRACTS

A. Principal Uses:

1. Single-family detached dwelling units.

Any other principal use and related use that is determined to be comparable to the foregoing by the Board of Zoning Appeals, or Hearing Examiner, pursuant to the process outlined in the Land Development Code (LDC).

B. Accessory Uses:

Accessory uses customarily associated with Permitted Principal Uses, including but not limited to:

1. Customary accessory uses and structures including carports, garages, and utility buildings.
2. Temporary sales trailers and model units.

Any other accessory use and related use that is determined to be comparable to the foregoing by the Board of Zoning Appeals, or Hearing Examiner, pursuant to the process outlined in the Land Development Code (LDC).

II. RESIDENTIAL/PRIVATE RECREATION AMENITY TRACT A

A. Principal Uses:

1. Maximum of one (1) Single-family detached dwelling unit.
2. Private recreational uses and facilities including, up to 6,100 +/- square foot recreational building, indoor basketball/shuffle courts, and private garage.

B. Accessory Uses:

1. Customary accessory uses and structures including carports, garages, and utility buildings.
2. Outdoor recreational uses shall not be permitted.

Any other accessory use and related use that is determined to be comparable to the foregoing by the Board of Zoning Appeals, or Hearing Examiner, pursuant to the process outlined in the Land Development Code (LDC).

III. PRIVATE DOCK AREA

A. Principal Uses:

1. A golf cart path, parking, private recreational single-family boat docks, private boat ramp, mooring pilings, boat lifts /davits, picnic areas, and kayak launches to serve residents and their guests. All docks are reserved for the exclusive use of the owners of dwelling units within this RPUD. No more than twelve (12) slips may be constructed within this project.

IV. PRESERVE

A. Principal Uses:

1. Preserve

B. Accessory Uses:

1. Allowable uses within County required preserves as set forth in the LDC Section 3.05.07.H

V. GENERAL

The following structures and uses shall be considered general permitted uses throughout the RPUD:

1. Essential services, including interim and permanent utility and maintenance facilities.
2. Water management facilities.
3. Walls, berms and signs.
4. Passive open space uses and structures, including, but not limited to landscaped areas, gazebos, playgrounds, park benches, and walking trails.

EXHIBIT "B"
DEVELOPMENT STANDARDS
Rock Creek Estates RPUD

The standards for land uses within the development shall be as stated in these development standard tables. 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 subdivision plat (PPL).

Guardhouses, gatehouses, access control structures, clock towers, columns, decorative hardscaping or architectural embellishments associated with the project's entrance are permitted and shall have no required setbacks; however, such structures cannot be located where they create sight distance issues for motorists and pedestrians, and cannot exceed 35 feet in actual height.

PERMITTED USES AND STANDARDS	Single-Family Detached	Recreational Buildings and Structures
Min. Lot Area	7,500 sq. ft.	10,000 sq. ft
Min. Lot Width	50'	80'
Min. Lot Depth	150'	150'
PUD Setback (Principal)	15'	20'
Front Yard ⁽¹⁾	20' ⁽²⁾⁽³⁾	25'
Side Yard (Principal) ⁽⁴⁾	7.5'	15'
Side Yard (Accessory) ⁽⁴⁾	5'	10'
Rear Yard (Principal) ⁽⁴⁾	15'	15'
Rear Yard (Accessory) ⁽⁴⁾	5'	10'
Preserve (Principal) Setback	25'	25'
Preserve (Accessory) Setback	10'	10'
Min. Distance Between Principal Structures	15'	20'
Maximum Height Actual	45'	35'
Zoned Height	35'	25'

- (1) Front setback is measured from the property line, right-of-way line or road easement.
- (2) Front-loading/front-entry garages shall be setback a minimum of 23' from the back of sidewalk. Units with side-loaded garages shall have a minimum 10' setback from the front property line/right-of-way. No structures will overhang into the utility easement.
- (3) Corner lots shall provide one (1) front yard setback within the yard that contains the driveway/vehicular access to the dwelling unit. The secondary front yard that does not contain the driveway/vehicular access to the dwelling unit shall provide a minimum 10-foot setback measured from the right-of-way and will have no overhang into the utility easement if there are any buildings adjacent to that side setback.
- (4) 0' principal and accessory setbacks are permitted from lake maintenance easements and landscape buffer easements, which will be separate platted tracts on the PPL.

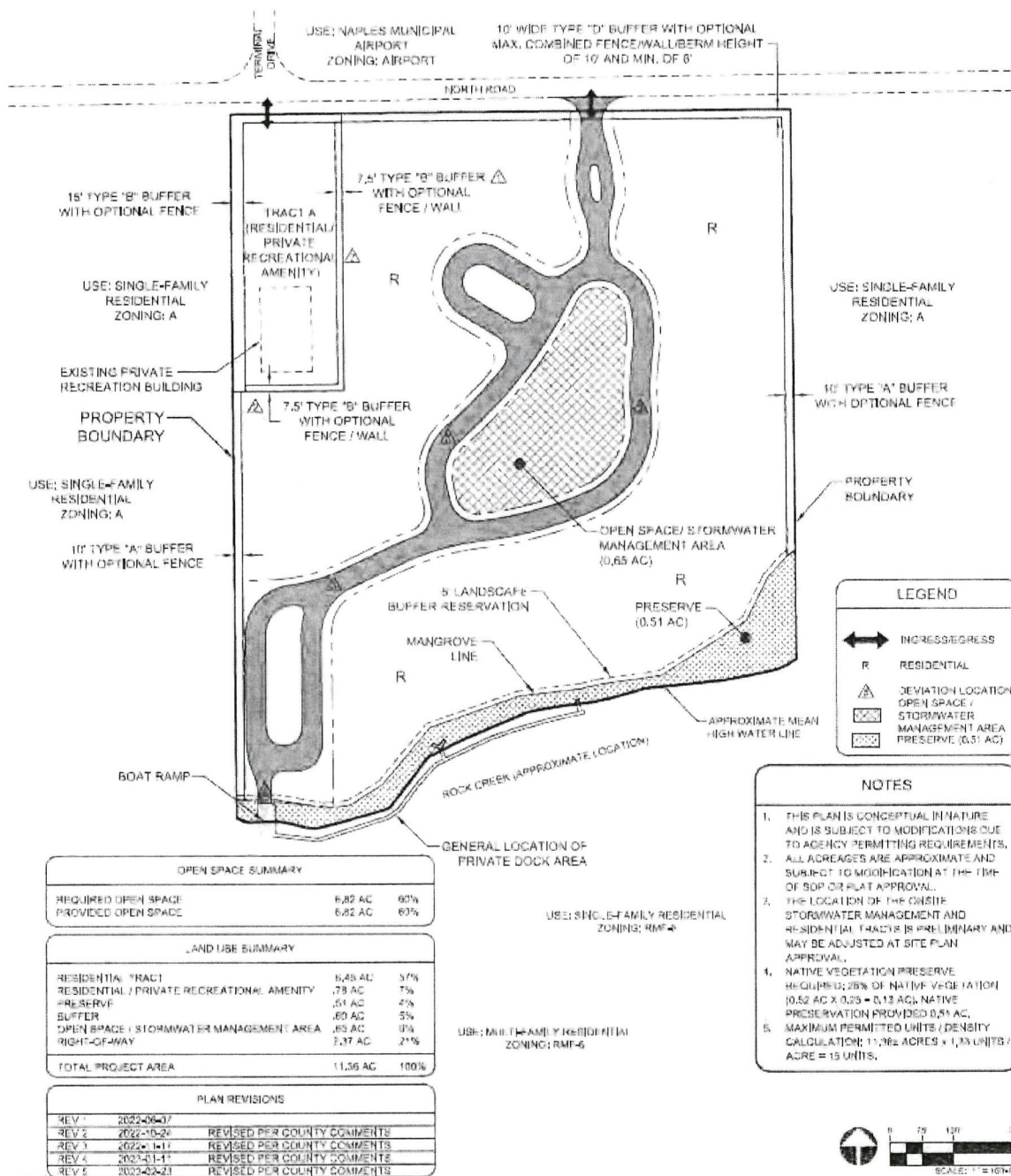
GENERAL: Except as provided for herein, all criteria set forth shall be understood to be in relation to individual parcel or lot boundary lines, or between structures. Homeowners' association boundaries shall not be utilized for determining development standards. Landscape buffers and lake maintenance easements shall be platted as separate tracts at time of subdivision plat approval, or shown as separate tracts on the SDP.

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

EXHIBIT "C"

RPUD Master Plan

Rock Creek Estates



OPEN SPACE SUMMARY		
REQUIRED OPEN SPACE	6.82 AC	60%
PROVIDED OPEN SPACE	6.82 AC	60%

LAND USE SUMMARY		
RESIDENTIAL "TRACT A"	6.45 AC	57%
RESIDENTIAL / PRIVATE RECREATIONAL AMENITY	.78 AC	7%
PRESERVE	.51 AC	4%
BUFFER	.60 AC	5%
OPEN SPACE / STORMWATER MANAGEMENT AREA	.65 AC	6%
RIGHT-OF-WAY	2.37 AC	21%
TOTAL PROJECT AREA	11.36 AC	100%

PLAN REVISIONS		
REV 1	2022-06-07	
REV 2	2022-10-24	REVISED PER COUNTY COMMENTS
REV 3	2023-01-11	REVISED PER COUNTY COMMENTS
REV 4	2023-01-11	REVISED PER COUNTY COMMENTS
REV 5	2023-02-21	REVISED PER COUNTY COMMENTS

LEGEND

↔ INGRESS/EGRESS

R RESIDENTIAL

▲ DEVIATION LOCATION

▨ OPEN SPACE / STORMWATER MANAGEMENT AREA

▩ PRESERVE (0.51 AC)

- NOTES**

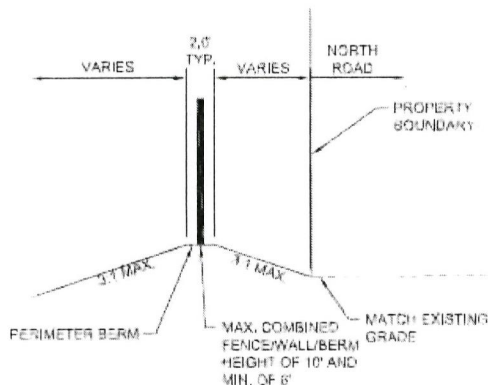
 - THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATIONS DUE TO AGENCY PERMITTING REQUIREMENTS.
 - ALL ACREAGES ARE APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF SDP OR PLAT APPROVAL.
 - THE LOCATION OF THE ON-SITE STORMWATER MANAGEMENT AND RESIDENTIAL TRACTS IS PRELIMINARY AND MAY BE ADJUSTED AT SITE PLAN APPROVAL.
 - NATIVE VEGETATION PRESERVE REQUIRED: 28% OF NATIVE VEGETATION (0.52 AC x 0.28 = 0.13 AC); NATIVE PRESERVATION PROVIDED 0.51 AC.
 - MAXIMUM PERMITTED UNITS / DENSITY CALCULATION: 11.36 ACRES x 1.35 UNITS / ACRE = 15 UNITS.



ROCK CREEK ESTATES • RPUD MASTER PLAN (EXHIBIT C)

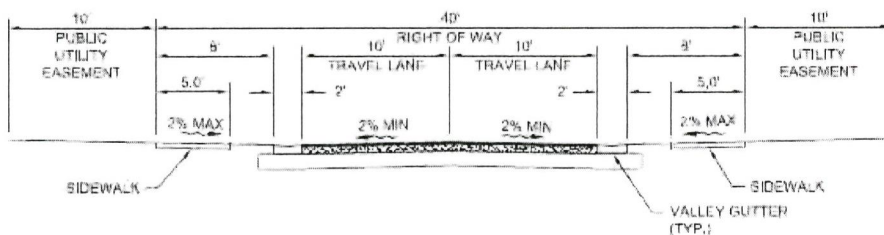
9 COLLIER COUNTY, FLORIDA
 FEBRUARY 21, 2023
 PROJECT # 23001262
 SLAH HOLDINGS, LLC

EXHIBIT "C"
RPUD Master Plan
Rock Creek Estates



WALL CROSS SECTION (TYP.)

N.T.S.



TYPICAL 40' ROW CROSS SECTION

N.T.S.



ROCK CREEK ESTATES • RPUD MASTER PLAN (EXHIBIT C)

- COLLIER COUNTY, FLORIDA
- FEBRUARY 27, 2023
- PROJECT # 22001282
- ELAH HOLDINGS, LLC

EXHIBIT "D"
LEGAL DESCRIPTION
Rock Creek Estates RPUD

PARCEL 1

PARCEL ID #00386760404

A CERTAIN LOT OR PARCEL OF LAND LOCATED IN SECTION 2, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 2, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA; THENCE ALONG THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 2, S 0 DEGREES 26'20" E 30.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTH ROAD AND A CONCRETE MONUMENT FOR A PLACE OF BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY N89 DEGREES 38'10"E 664.90 FEET, TO THE EAST LINE OF WEST 1/2 LOT 21, NAPLES GROVE AND TRUCK COMPANY'S LITTLE FARMS NUMBER 2, AS RECORDED IN PLAT BOOK 1, PAGE 27A OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE ALONG SAID EAST LINE AND ITS EXTENSION S 0 DEGREES 32'15"E 641.80 FEET TO A CONCRETE MONUMENT; THENCE CONTINUING S 0 DEGREES 32'15"E 20 FEET MORE OR LESS TO THE APPROXIMATE MEAN HIGH WATER LINE OF ROCK CREEK; THENCE MEANDERING ALONG SAID APPROXIMATE MEAN HIGH WATER LINE SOUTHWESTERLY, WESTERLY, NORTHWESTERLY AND SOUTHEASTERLY TO THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 2; THENCE ALONG SAID NORTH AND SOUTH 1/4 LINE N 0 DEGREES 26'20"W 184.00 MORE OR LESS TO A CONCRETE MONUMENT; THENCE CONTINUING N 0 DEGREES 26'20"W 645.56 FEET TO THE PLACE OF BEGINNING. LYING IN THE WEST 1/2 OF LOT 21, THE WEST 1/2 OF LOT 22, AND THAT PART OF THE WEST 1/2 OF LOT 23 LYING NORTH OF ROCK CREEK OF SAID NAPLES GROVE AND TRUCK COMPANY'S LITTLE FARMS NO. 2.

A/K/A 2250 NORTH ROAD, NAPLES FL 34104

PARCEL CONTAINS 11.36 ACRES, MORE OR LESS

EXHIBIT "E"
LIST OF REQUESTED DEVIATIONS FROM LDC
Rock Creek Estates RPUD

Deviation 1: Deviation from LDC Section 4.06.02.C, which requires a 15-foot-wide Type "B" buffer between single-family dwelling units and amenity centers, to instead allow for a 7.5-foot-wide Type "B" buffer between single family dwelling units and on-site recreation/amenity uses. The buffer will contain 3-gallon muhly grass, planted 3-feet off-center on the single-family residential side of the 7.5' buffer, in addition to all required Type "B" plant materials. No buffer is required between the single-family dwelling unit on Tract A and the recreational uses on Tract A.

Deviation 2: Deviation from LDC Section 5.03.02.C.2, which permits a maximum fence/wall height of 6 feet for certain lots in residential zoning districts, to allow for a maximum fence/wall/berm height of 10 feet along the northern PUD perimeter boundary, abutting North Road.

Deviation 3: Deviation from LDC Section 6.06.01.N which establishes the minimum right-of-way width of 60 feet to be utilized, to allow for a 40-foot right-of-way internal private right-of-way.

Deviation 4: Deviation from LDC Section 4.05.04.G, Table 17, which requires boat ramps to provide a minimum of 10 spaces per ramp with dimensions of 10 feet wide by 40 feet long and vehicular parking shall be provided at 4 spaces per ramp, to allow for no boat trailer or vehicular parking spaces to be required.

EXHIBIT "F"
DEVELOPMENT COMMITMENTS
Rock Creek Estates RPUD

1. GENERAL

- A. One entity (ELAH Holdings, LLC) 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 ELAH Holdings, LLC. 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 acknowledgment 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.
- 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. All other applicable state or federal permits must be obtained before the commencement of the development.

2. TRANSPORTATION

- A. The maximum total daily trip generation for the PUD shall not exceed 17 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.

3. ENVIRONMENTAL

- A. The subject site contains approximately 0.52 acres of native vegetation of which 25% (0.13 acres) is required to be preserved. The subject site shall provide 98% (0.51 acres) of native vegetation preservation. The native preservation requirement will be satisfied on-site in accordance with the Land Development Code. Any replanting of native vegetation to meet preserve standards shall comply with all requirements set forth in the LDC Section 3.05.07.H.
- B. Preserves may be used to satisfy the landscape buffer requirements after exotic 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 requirements of a Type 'B' buffer along the southern boundaries of the RPUD; a 6-foot-wide landscape buffer reservation 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. 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.

4. UTILITIES

- A. At the time of application for subdivision Plans and Plat (PPL) approval, offsite improvements and/or upgrades to the wastewater collection/transmission system may be required to adequately handle the total estimated peak hour flow from the project. Whether or not such improvements are necessary, and if so, the exact nature of such improvements and/or upgrades shall be determined by County, during PPL or SDP review. Such improvement and/or upgrades as may be necessary shall be permitted and installed at the developer's expense and may be required to be in place prior to issuance of a certificate of occupancy for any portion or phase of the development that triggers the need for such improvements and/or upgrades.

5. CITY OF NAPLES AIRPORT AUTHORITY ("NAA")

- A. The Owner and Developer shall enter into a mutually agreeable easement with the NAA.
- B. The maximum height of any residence, building or other structure (including rooftop appurtenances) shall not exceed fifty (50) feet above the established elevation of the Naples Municipal Airport, which is a total height of fifty eight and two hundredths (58.20) North American Vertical Datum of 1988 (NAVD 88).
- C. The Owner and Developer shall record a restrictive covenant incorporating the following disclosure:

"NAPLES MUNICIPAL AIRPORT. THE NAPLES MUNICIPAL AIRPORT IS LOCATED LESS THAN EIGHT HUNDRED FIFTY FIVE (855) FEET FROM THE [PROPERTY] [PREMISES], IN CLOSE PROXIMITY THERETO. [PURCHASERS][OWNERS][TENANTS] CAN EXPECT ALL OF THE USUAL AND COMMON NOISES AND DISTURBANCES CREATED BY, AND INCIDENT TO, THE OPERATION OF AN AIRPORT."

- D. The Owner and Developer shall comply with all stipulations of any FAA Determination of No Hazard to Air Navigation issued with respect to the land within this PUD (including any crane used for construction and/or maintenance therein).

6. MISCELLANEOUS

- A. Should any significantly historical cultural materials or human remains be found during excavation process, the developer shall contact a certified archeologist.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 21, 2023

Crystal K. Kinzel, Clerk of Court
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, FL 34112

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. 2023-54, which was filed in this office on November 16, 2023.

If you have any questions or need further assistance, please contact me at (850) 245-6271 or Anya.Owens@DOS.MyFlorida.com.

Sincerely,

Anya C. Owens
Administrative Code and Register Director

ACO/wlh