

EXHIBIT A
THE HAVEN AT NORTH NAPLES MPUD

LIST OF PERMITTED USES

Regulations for development of the MPUD shall be in accordance with the content of this document and all applicable sections of the Growth Management Plan (GMP), the Land Development Code (LDC), and the Administrative Code in effect at the time of approval of the first Site Development Plan (SDP) or plat. Where the MPUD Ordinance does not provide development standards, then the provision of the specific sections of the LDC that are otherwise applicable shall apply.

The MPUD establishes two tracts which allow for the following:

1. Tract A – Group Care Uses (ALF/CCRC).
2. Tract B – Multi-Family Residential.

The maximum density and intensity are as follows:

1. A maximum Floor Area Ratio (FAR) of 0.65 for Tract A; and
2. A maximum density of 334 (± 22.92 du/ac) multi-family dwelling units within Tract B.

I. Permitted Principal Uses

A. Tract A Permitted Uses.

1. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § 429.02 F.S. and Ch. 589A-36 F.A.C.; and continuing care retirement communities pursuant to Ch. 651 F.S. and Ch. 690-193 F.A.C.; all subject to LDC Section 5.05.04 at a maximum FAR of 0.65.
2. Any other commercial or professional use which is comparable in nature with the foregoing list of permitted uses and consistent with the purpose and intent of the district as determined by the Board of Zoning Appeals, pursuant to the LDC.

B. Tract B Permitted Uses

1. Multi-family dwelling units, not to exceed 334 total dwelling units.

II. Accessory Uses:

Accessory uses and structures customarily associated with the permitted principal uses and structures permitted by right in this MPUD, including, but not limited to:

A. Tract A Accessory Uses:

1. Indoor Uses including the following: Administrative Offices; Housekeeping; Public Restrooms; Coat Room; Main Dining Room;; Private dining; Central Kitchen; Library;

Game/Card Rooms; Business Center; Billiards Room; Arts Studio; Beauty/Barber Shop; Resident Social Director's Office; Receiving Room; Nurse Practitioner's Office; Auditorium; Exercise Studio; Physical Therapy; Physician Office; Locker Room and Showers; Massage/Spa Therapy; Beauty Salon (AL & SNF); Exercise Physiologist Office; Resident Services Director's Office; Resident Services Staff's Office; Sales and Marketing. The aforementioned uses are only available to residents and their guests.

2. Outdoor Accessory Uses including the following: Parking facilities; covered loading dock; guard house; outdoor recreational facilities such as swimming pool and deck and similar facility; walking trails; signs and water management facilities; hardscape, seating, trellis and decks; lawn games – croquet, badminton and lawn bowling; deck and trellis; putting greens; courtyard, garden and landscaping; maintenance building, swimming pool and deck

B. Tract B Accessory Uses:

1. Recreational uses and facilities that serve the residents of Tract B, such as swimming pools, fitness centers, dining facilities, sports courts, and clubhouse/recreation buildings.
2. Customary accessory uses and structures to multi-family units, including parking structures, gazebos, fountains, trellises, signage, entry gates and gatehouse, administrative offices, and similar structures.
3. Temporary sales facilities may be permitted.

EXHIBIT B HAVEN AT NORTH NAPLES MPUD

LIST OF DEVELOPMENT STANDARDS

The table below sets forth the development standards for the uses within Haven at North Naples 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.

TABLE I: DEVELOPMENT STANDARDS

	MULTI-FAMILY	CLUBHOUSE/ RECREATION BUILDINGS	GROUP CARE
PRINCIPAL STRUCTURES			
MIN. LOT AREA	10 Ac.	N/A	10 Ac.
MIN. LOT WIDTH	150'	N/A	150'
MIN. FLOOR AREA	700 S.F./DU	N/A	N/A
PERIMETER SETBACKS			
NORTH	30'	30'	30'
SOUTH	35' ¹	35' ¹	N/A
EAST	35' ¹	35' ¹	20'
WEST	50'	35'	20'
MINIMUM YARDS (MEASURED FROM THE PUD BOUNDARY)			
MIN. FRONT YARD - NORTH, ADJ TO ORANGE BLOSSOM DR. ²	30'	30'	30'
MIN. FRONT YARD – EAST, ADJ. TO AIRPORT PULLING RD. ²	30'	30'	N/A
MIN. SIDE YARD	20'	20'	20'
MIN. REAR YARD	20'	20'	20'
MIN. PRESERVE SETBACK	25'	25'	25'
MIN. LAKE SETBACK	20'	20'	20'
MIN. DISTANCE BETWEEN STRUCTURES	15 FEET OR AS REQ. BY FIRE CODE, WHICHEVER IS GREATER	15 FEET OR AS REQ. BY FIRE CODE, WHICHEVER IS GREATER	15 FEET OR AS REQ. BY FIRE CODE, WHICHEVER IS GREATER
MAX. BUILDING HEIGHT ZONED	60' NTE 5 STORIES	35' NTE 2 STORIES	35'
MAX. BUILDING HEIGHT ACTUAL	70'	42'	42'
MAX. FAR (GROUP HOUSING)	N/A	N/A	0.645
ACCESSORY STRUCTURES			
MIN. FRONT YARD	SPS	SPS	SPS
MIN. SIDE YARD	10'	10'	SPS
MIN. REAR YARD	10'	10'	SPS
MIN. PRESERVE SETBACK	10'	10'	10'
MIN. DISTANCE BETWEEN STRUCTURES²	10'	10'	10'
MAX. HEIGHT ZONED	20'	SPS	35' NTE 2 STORIES
MAX. HEIGHT ACTUAL	25'	SPS	42'

SPS = Same as Principal Structures; NTE = not to exceed; S.F. = square feet; BH = building height.

Footnotes:

- Any structure greater than 35' in height shall be setback a minimum of 50' or ½ the building height.
- Front yards for parcels abutting a street or internal driveway shall be measured from the back of curb (if curbed) or edge of pavement (if not curbed).

EXHIBIT D
THE HAVEN AT NORTH NAPLES MPUD

LEGAL DESCRIPTION (PARCEL NO. 00238040007)

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA:

THENCE ALONG THE EAST LINE OF SAID SECTION 2, NORTH 2°14'00" WEST 1049.41', THENCE PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 2, SOUTH 89°51'42" WEST 100.07' TO THE WEST RIGHT OF WAY LINE OF STATE ROAD 31 AND THE PLACE OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUING PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 2, SOUTH 89°51'42" WEST 1250.68' TO THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 2; THENCE ALONG SAID WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 2, NORTH 1°57'50" WEST 347.75'; THENCE PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 2, NORTH 89°51'42" EAST 1249.04' TO THE WEST RIGHT OF WAY LINE OF STATE ROUTE 31; THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 2°14'00" EAST 347.75' TO THE PLACE OF BEGINNING; BEING A PART OF THE EAST 1/2 OF THE SOUTHEAST 1.4 OF SECTION 2, TOWNSHIP SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.

LEGAL DESCRIPTION (PARCEL NO. 00238240001)

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID SECTION 2, NORTH 02 DEGREES 57 MINUTES 30 SECONDS WEST, 1397.16 FEET; THENCE LEAVING SAID SECTION LINE SOUTH 89 DEGREES 08 MINUTES 26 SECONDS WEST, 100.02 FEET TO THE WEST RIGHT-OF-WAY LINE OF AIRPORT-PULLING ROAD (C.R. 31) AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE SOUTH 89 DEGREES 08 MINUTES 26 SECONDS WEST, 602.51 FEET; THENCE CONTINUE SOUTH 89 DEGREES 08 MINUTES 26 SECONDS WEST, 646.53 FEET; THENCE NORTH 02 DEGREES 41 MINUTES 03 SECONDS WEST, 972.50 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ORANGE BLOSSOM DRIVE; THENCE ALONG SAID LINE NORTH 89 DEGREES 12 MINUTES 27 SECONDS EAST, 584.37 FEET; THENCE LEAVING SAID LINE SOUTH 02 DEGREES 56 MINUTES 50 SECONDS EAST, 660.18 FEET; THENCE NORTH 89 DEGREES 12 MINUTES 27 SECONDS EAST, 660.26 FEET TO THE SAID WEST RIGHT-OF-WAY LINE OF AIRPORT-PULLING ROAD; THENCE ALONG SAID WEST LINE SOUTH 02 DEGREES 58 MINUTES 50 SECONDS EAST, 311.02 FEET TO THE POINT OF BEGINNING.

EXHIBIT E
HAVEN AT NORTH NAPLES MPUD

LIST OF DEVIATIONS

Deviation 1 (Group Housing) seeks relief from LDC Section 5.05.04.D.1, Group Housing, which states the maximum floor area ratio (FAR) for ALF/Group Housing shall not exceed 0.45, to instead allow for a maximum FAR of 0.65.

EXHIBIT F
HAVEN AT NORTH NAPLES MPUD

LIST OF DEVELOPER COMMITMENTS

The purpose of this section is to set forth the development commitments for the development of this project.

I. GENERAL:

- A. One entity (hereinafter the Managing Entity) shall be responsible for MPUD monitoring until close-out of the MPUD, and this entity shall also be responsible for satisfying all MPUD commitments until close-out of the MPUD. At the time of this MPUD approval, the Managing Entity is Johnson Development Associates, Inc. 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 the County that includes an acknowledgement of the commitments required by the MPUD 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 MPUD is closed-out, then the Managing Entity is no longer responsible for the monitoring and fulfillment of MPUD 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. Development of the subject property shall be in accordance with the contents of this Ordinance and applicable sections and parts 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 (SDP), 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.
- D. All other applicable state or federal permits must be obtained before commencement of the development.

II. TRANSPORTATION:

- A. The maximum total daily trip generation for the MPUD shall not exceed 319 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.

III. PLANNING:

- A. The developer of any group housing, including a retirement community, its successors or assigns, shall provide the following services and be subject to compliance with LDC Section 5.05.04 (with the exception of the deviation granted from LDC Section 5.05.04.D.1 to allow a maximum FAR of 0.65), and subject to the following operational standards for the units in the group housing, including, but not limited to, independent living units, assisted living units, or skilled nursing units:

Operational Characteristics for Senior Housing

Senior housing may be composed of one or more types of care/housing facilities. These care/housing types are limited to independent living, assisted living, and skilled nursing units, each of which can have varying operational characteristics. The following characteristics of senior housing care units distinguish them from residential land uses, and all of the characteristics must be provided for and maintained to be considered a senior housing care unit:

- i. The facility shall be for residents 55 years of age and older;
- ii. There shall be on-site dining facilities to the residents, with food service being on-site, or catered;
- iii. Group transportation services shall be provided for the residents for the purposes of grocery and other types of shopping. Individual transportation services shall be coordinated for the residents' needs, including but not limited to medical office visits;
- iv. There shall be an onsite manager/activities coordinator to assist residents who shall be responsible for planning and coordinating stimulating activities for the residents;
- v. An on-site wellness facility shall provide exercise and general fitness opportunities for the residents;
- vi. Each unit shall be equipped with devices provided to notify emergency service providers in the event of a medical or other emergency;
- vii. Independent living units shall be designed so that a resident is able to age in place. For example, kitchens may be easily retrofitted by lowering the sink to accommodate a wheelchair bound resident or bathrooms may be retrofitted by adding grab bars.
- vii. Group housing for seniors shall be constructed to have a core area to shelter residents and staff on site in the event of a hurricane. The core area will be constructed to meet the Public Shelter Design Criteria that are required for new public schools and public community colleges and universities ("State Requirements for Educational Facilities, 2014") and shall be capable of ventilation or air conditioning provided by back-up generator for a period of no less than 96 hours.

IV. ENVIRONMENTAL:

- A. The minimum required native preservation is ± 0.39 Ac. (25% of 1.55 Ac.). Pursuant to LDC Sec. 3.05.07.H.1.f., the developer will mitigate the preservation requirement off-site. The developer shall donate ± 1.56 Ac. (± 0.39 Ac x 4) to Collier County or to another government agency.

V. AFFORDABLE HOUSING

- A. To achieve the 334 dwelling units (22.92 du/ac.), the MPUD shall commit to the following:

38 units will be rented to households whose incomes are up to and including 100% of the Area Median Income (AMI) for Collier County and 38 units will be rented to households whose incomes are up to and including 80% of the AMI for Collier County and the corresponding rent limits. These units will be committed for a period of 20 years from the date of issuance of certificate of occupancy of the first unit. Income and rent limits may be adjusted annually based on combined income and rent limit table published by the Florida Housing Finance Corporation or as otherwise provided by Collier County.