



Professional Engineers, Planners & Land Surveyors

Avida

ADD2016-00011

Revised 04/22/16

(f/k/a Oasis Cove RPD/CPD)

Schedule of Deviations and Written Justification

Existing Approved Deviation per Z-10-009 to remain and no changes are proposed.

New Deviation (2) is requested from LDC Section 34-935(b)(1) which requires minimum setbacks from development perimeter boundaries; to allow a 0 foot perimeter setback between the RPD and CPD zoning lines for any site improvements.

JUSTIFICATION: This deviation is requested to accommodate the unified development plan for the overall project. The RPD/CPD zoning line is not a property line and the two zoning districts will remain under unified control. The development will provide land leases in lieu of selling off parcels and will maintain unified ownership. This deviation is internal to the site and has no impact to surrounding properties. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

New Deviation (3) is requested from LDC Section 10-416(d)(1) which requires a buffering area along the entire perimeter of a proposed development whenever the proposed development abuts a different use; to allow no buffer between the RPD and CPD since the development will remain under unified control.

JUSTIFICATION: This deviation is requested to accommodate the unified development plan for the overall project. The RPD/CPD zoning line is not a property line and the two zoning districts will remain under unified control. . The development will provide land leases in lieu of selling off parcels and will maintain unified ownership. No buffers were shown on the approved master concept plan and this deviation is proposed to clarify that no buffers are required to accommodate a seamless, unified development plan. This deviation is internal to the site and has no impact to surrounding properties. The requested deviation

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enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

New Deviation (4) is requested from LDC Section 34-935(e)(4) which requires a minimum building separation of one-half the sum of their heights or 20 feet, whichever is greater; to allow a minimum building separation of 10 feet for single-story structures and a minimum building separation of 20 feet for other buildings.

JUSTIFICATION: This deviation is requested to accommodate the proposed site layout and design. The proposed single-story buildings and 10-foot building separations are commonly approved for the proposed structure type. Appropriate construction techniques as well as fire safety construction and procedures will be adhered to as required. This deviation is internal to the site and has no impact to surrounding properties. The planned development will be enhanced by this deviation and the intent of such regulations to protect health, safety and welfare will be served.

New Deviation (5) is requested from LDC Section 34-2194(b) which requires a minimum 25-foot setback to an artificial body of water; to allow a minimum waterbody setback of 0 feet for buildings and accessways where bulkheads or other hardened shoreline structures are provided.

JUSTIFICATION: This deviation is requested to accommodate the proposed site design which integrates the open space and vehicular network on site to maximize lake views and aesthetics for the proposed development. It should be noted that although a deviation was not previously approved, the approved property development regulations allowed for a water body setback of 20 feet. For locations where a 0 foot setback is provided between the accessways and the lake, the developer will provide for the protection of wayward vehicles through the use of guardrails, berms, swales, or other similar suitable methods. The RPD and CPD will remain under unified control and adequate access will be provided for lake maintenance. This deviation is internal to the site and has no impact to surrounding properties. This proposed alternative is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

New Deviation (6) is requested from LDC Section 10-329(d)(1)a. which requires a minimum 25-foot setback for excavations to proposed right-of-way line or easement for a local road; to allow a minimum 0 foot setback for excavations to accessways along the northern portion of the proposed lake.

JUSTIFICATION: This deviation is requested to accommodate the proposed site design which integrates the open space and vehicular network on site to

maximize lake views and aesthetics for the proposed development. For locations where a 0 foot setback is provided between the accessways and the lake, the developer will provide for the protection of wayward vehicles through the use of guardrails, berms, swales, or other similar suitable methods. The RPD and CPD will remain under unified control and adequate access will be provided for lake maintenance. This deviation is internal to the site and has no impact to surrounding properties. This proposed alternative is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

New Deviation (7) is requested from LDC Section 10-418(3) which states that hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline; to allow up to 40 percent of the lake shoreline to comprise of hardened shoreline structures.

JUSTIFICATION: This deviation is requested to accommodate the proposed site design which integrates the open space and vehicular network on site to maximize lake views and aesthetics for the proposed development. Compensatory littoral plantings will be calculated utilizing the linear footage of the shoreline structure. The compensatory littorals will be calculated by indicating the number of linear feet of shoreline structure multiplied by five feet for the littoral shelf width requirement multiplied by 50 percent for the plant coverage at time of planting. As an enhancement, the compensatory littoral plants will be added to the code required planted littoral shelf pursuant to LDC Section 10-418(2). For locations where a 0 foot setback is provided between the accessways and the lake, the developer will provide for the protection of wayward vehicles through the use of guardrails, berms, swales, or other similar suitable methods. The RPD and CPD will remain under unified control and adequate access will be provided for lake maintenance. This deviation is internal to the site and has no impact to surrounding properties. This proposed alternative is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

New Deviation (8) is requested from LDC Section 10-328(a) which states that a 20-foot wide easement for maintenance purposes must be provided; to allow a 20-foot wide LME in areas as shown on the MCP and no LME where bulkhead and 0-foot setbacks are provided.

JUSTIFICATION: This deviation is requested to accommodate the proposed site design which integrates the open space and vehicular network on site to maximize lake views and aesthetics for the proposed development. There are accessways adjacent to the proposed LME that provide access to the lake maintenance easement. LDC Section 10-328(a) further states, "...a 20-foot wide easement for maintenance purposes must be provided, unless a lesser dimension is approved by the Development Services Director after consultation with appropriate staff." The RPD and CPD will remain under unified control and adequate access will be provided for lake maintenance. This deviation is internal to the site and has no impact to surrounding properties. This proposed alternative is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.