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4 **ORDINANCE 14-05**

5 **AN ORDINANCE AMENDING ORDINANCE NO. 01-14**
6 **WHICH AMENDED THE OFFICIAL ZONING**
7 **CLASSIFICATION OF THE THEREIN DESCRIBED REAL**
8 **PROPERTY TO "PUD" PLANNED UNIT DEVELOPMENT**
9 **KNOWN AS THE MARCO BEACH RESORT PUD;**
10 **AMENDING THE TABLE OF CONTENTS TO INCLUDE**
11 **EXHIBIT B-1 ENTITLED "RESORT HOTEL**
12 **REDEVELOPMENT PLAN"; AMENDING SECTION 3-**
13 **GENERAL DEVELOPMENT REGULATIONS; AMENDING**
14 **SECTION FOUR-DEVELOPMENT STANDARDS-RESORT**
15 **HOTEL PARCEL; AMENDING SECTION SIX-**
16 **DEVELOPMENT COMMITMENTS; AND PROVIDING AN**
17 **EFFECTIVE DATE.**

18 WHEREAS, Ordinance 01-14 was adopted by the City Council on September 5, 2001
19 and changed the zoning classification of the property described therein to "PUD" that is
20 the site of the Marriott Marco Beach Hotel; and

21
22 WHEREAS, Marco Hotel, LLC (the "Resort Hotel Parcel Owner" and the Petitioner),
23 whose sole member is Massachusetts Mutual Life Insurance Company, is a Delaware
24 limited liability company, and is the fee simple owner of the PUD property identified as
25 the Resort Hotel Parcel in Ordinance 01-14, and is the successor in title to City National
26 Bank of Florida, a national banking association (successor by merger to City National
27 Bank of Miami) under Trust Number 2900- 3950-00 (previously numbers as Trust
28 Number 5003950), whose beneficiary was Massachusetts Mutual Life Insurance
29 Company; and

30
31 WHEREAS, the Resort Hotel Parcel Owner desires to substantially change the PUD
32 by providing for the expansion and redevelopment of the Resort Hotel Parcel; and

33
34 WHEREAS, the City Council has held public hearings on the Petition and has
35 considered the Petition, the evidence presented by the Resort Hotel Parcel Owner at
36 the public hearings, the report by city staff and the report and recommendations of
37 the Marco Island Planning Board; and

38
39 WHEREAS, the City and applicant desire to amend the PUD to provide for
40 expansion and redevelopment of the project in a manner that promotes the health, safety
41 and welfare of the citizens of Marco Island and replace Exhibits A-1 to A-3 of
42 Ordinance 08-02 with Exhibit B-1 attached hereto;

43
44 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MARCO
45 ISLAND CITY, FLORIDA:

46 Section One:

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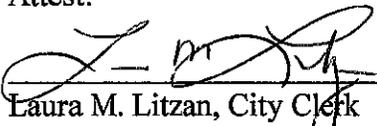
The zoning classifications of the herein described real property located in Section 17 and 18, Township 52 South, Range 26 East, City of Marco Island, Florida, is changed from "RT-MIZO" to "PUD" Planned Unit Development in accordance with the Marco Beach Resort PUD Document, attached hereto as Exhibit "A" and incorporated by reference herein. The Official Zoning Atlas Numbers MB6B & MB7B, as described in Ordinance 91-102, of the Collier County Land Development Code, is hereby amended accordingly. Ordinance 01-14 is hereby amended by amending the Marco Beach Resort PUD document attached hereto as Exhibit A.

Section Two:

The ordinance shall become effective upon adoption.

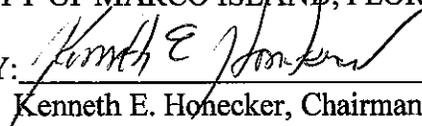
ADOPTED BY THE CITY COUNCIL of the City of Marco Island this 16th day of June, 2014.

Attest:



Laura M. Litzan, City Clerk

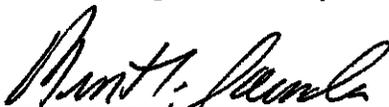
CITY OF MARCO ISLAND, FLORIDA

BY: 

Kenneth E. Honecker, Chairman

(SEAL)

Reviewed for legal sufficiency:

By: 

Burt L. Saunders, City Attorney

EXHIBIT A

MARCO BEACH RESORT

A

PLANNED UNIT DEVELOPMENT

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AND
LIST OF EXHIBITS

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LIST OF EXHIBITS

EXHIBIT A	LEGAL DESCRIPTIONS
EXHIBIT B	PUD MASTER PLAN
<u>EXHIBIT B-1</u>	<u>RESORT HOTEL REDEVELOPMENT PLAN</u>
EXHIBIT C	ARCHITECTURAL RENDERING OF RESIDENTIAL CONDOMINIUM

139 **STATEMENT OF COMPREHENSIVE PLAN CONSISTENCY AND SHORT**
140 **TITLE**

141
142 The Marco Beach Resort Planned Unit Development (the PUD) sets forth the
143 development regulations to be applicable to the lands and improvements described herein
144 (the Property), consisting of approximately 39.32 acres of land located on South Collier
145 Boulevard in the City of Marco Island, Florida.

146
147 By the adoption of this PUD the City specifically finds and determines that all future
148 development and/or redevelopment of the Property in accordance with this PUD (the
149 Project) is consistent and in conformance with the City of Marco Island Comprehensive
150 Plan (hereinafter the City Comprehensive Plan). The factors upon which this consistency
151 determination is made includes, but is not limited to, the following:

- 152
153 1. The Project is consistent with Objective 1.1. of the Future Land Use Element
154 (FLUE) of the City Comprehensive Plan requiring all new land uses to be consistent
155 with the Future Land Use Map (FLUM).
156
157 2. The Property is located within the Resort Residential District as described on the
158 FLUM, which allows for hotel and residential uses, including the resort hotel and
159 residential uses authorized by this PUD.
160
161 3. The Project, as proposed, is compatible with adjacent land uses and includes
162 adequate buffering where dissimilar land uses are located adjacent to each other.
163
164 4. The Florida Department of Community Affairs issued Binding Letter of Vested
165 Rights (BLIVR) No. 900-06 and Binding Letter of Interpretation (BLID) No. 0900-
166 010 on October 24, 2000 (the Binding Letters). The Binding Letters determined that the
167 project is not required to be reviewed as a Development of Regional Impact (DRI).
168
169 5. The Project is not anticipated to cause or result in the Levels of Service (LOS) for
170 any public facility to drop below the LOS adopted for such facility.
171
172 6. The Project is consistent with Policy 1.1.1 of the FLUE of the City's
173 Comprehensive Plan in that the maximum anticipated residential density and hotel
174 units is less than that which is authorized in the City's Comprehensive Plan and Land
175 Development Code for the subject site.
176
177 7. The Project is consistent with Policy 1.3.1 of the FLUE in that the PUD requires
178 the Resort Operator to provide meeting space for an annual Hurricane Awareness
179 Seminar in order to educate residents regarding hurricane preparedness and hurricane
180 evacuation procedures, thus enhancing hurricane evacuation plans.
181
182 8. The Project is consistent with Policy 1.8.1 of the FLUE in that it provides for the
183 development of improvements to South Collier Boulevard that are intended to
184 enhance pedestrian and bicycle facilities.

185 9. The project is consistent with Policy 1.1.3 of the Transportation Element of the
186 City's Comprehensive Plan in that it is intended to promote improved pedestrian and
187 bicycle facilities, which are ADA compliant.
188

189 10. The project is consistent with Policy 1.2.3 of the Transportation Element of the
190 City's Comprehensive Plan in that it mitigates for traffic impacts, both on and off- site.
191

192 11. The project is consistent with Policy 1.3.4 of the Potable Water Sub-Element of
193 the Infrastructure Element of the City's Comprehensive Plan in that the PUD
194 requires the property owner to install the necessary infrastructure to utilize
195 reclaimed (gray) water for irrigation and to negotiate with ~~Florida Water Service~~ **Marco**
196 **Island Utilities** to develop an agreement for such usage.
197

198 12. The project is consistent with the Stormwater Management Sub-Element of the
199 Infrastructure Element of the City's Comprehensive Plan in that the Project will be
200 designed to meet current stormwater management regulations for quantity discharge and
201 water quality.
202

203 13. The project is consistent with Objective 1.2 and Policy 1.2.1 of the Stormwater
204 Management Sub-Element of the Infrastructure Element of the City's
205 Comprehensive Plan in that the property owner has agreed to fund and to construct
206 drainage improvements within and adjacent to the South Collier Boulevard right- of-
207 way, as more particularly described on Section 6.1 of this ordinance.
208

209 14. The project is consistent with Policy 1.5.2. of the Conservation Element of the
210 City's Comprehensive Plan in that the PUD requires the Resort Hotel Parcel Owner
211 to develop a Sea Turtle Nesting Awareness and Educational Program in order to make
212 Employees and Guests fully aware of Sea Turtle Nesting concerns and protection
213 measures.
214

215 15. The project is consistent with Objective 2.3 of the Conservation Element of the
216 City's Comprehensive Plan in that the project provides for a reservation of land that
217 may be utilized to provide pedestrian beach access in the future.
218

219 **SHORT TITLE**

220 This Ordinance shall be known and cited as the Marco Beach Resort PUD.
221

222 **SECTION ONE: PROPERTY OWNERSHIP AND DESCRIPTION**

223 **1.1 PURPOSE**

224 The purpose of this Section is to set forth the legal description, ownership and location of
225 the Property, and to describe the existing conditions of the Property.
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1.2 PROPERTY DESCRIPTION

The Property is located on South Collier Boulevard, approximately 2,600 feet south of San Marco Drive, and runs for approximately 1,600 lineal feet on both sides of South Collier Boulevard. As shown on the PUD Master Plan, the Property consists of two parcels, identified as the Resort Hotel Parcel and the Residential Parcel respectively. The Resort Hotel Parcel contains an existing resort hotel with related amenities and parking areas. The Residential Parcel currently contains some hotel parking facilities, which will be relocated onto the Resort Hotel Parcel, and some villa-type hotel units, which will be demolished.

1.3 LEGAL DESCRIPTION

- A. The Property: See Exhibit A attached hereto
- B. The Resort Hotel Parcel: See Exhibit A attached hereto
- C. The Residential Parcel: See Exhibit A attached hereto
- D. The descriptions of the Resort Hotel Parcel and Residential Parcel set forth in Exhibit A are the approximate boundaries of the two parcels as of the time of adoption of this PUD, and will be subject to adjustment at the time of site development plan submittal. Adjustments to the common boundary between the Resort Hotel Parcel and the Residential Parcel shall be permitted without requiring an amendment to this PUD, so long as the development standards and density requirements are in compliance with this PUD.

1.4 PROPERTY OWNERSHIP

At the time of adoption of this PUD, beneficial title to the Property is vested in: Massachusetts Mutual Life Insurance Company, as the Beneficiary under a certain Trust Agreement dated April 27, 1979 and known as Trust No. 5003950, in which City National Bank of Miami, a United States National Banking Corporation, is Trustee.

SECTION TWO: LEGISLATIVE INTENT

In adopting this PUD, the City recognizes that the existing resort hotel located on the Property is a substantial economic and social asset to the City, and also recognizes that the development of the property in conformance with this PUD will result in the following benefits to the community:

1. A commitment to limit density and intensity below that which is currently authorized under the existing RT zoning as a result of the construction of high-end residential units in lieu of hotel rooms.
2. An architectural statement that is consistent with the character of Marco Island will be achieved through an increased height, stepped-back building design, and architectural excellence.

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3. A front set back from South Collier Boulevard for the residential tower that is, at a minimum, 260 feet or 280% greater than code-required minimums, resulting in increased opens space, view corridors, and landscape design elements.

4. Many of the objectives of the City's Right-of-Way Master Plan will be advanced through the reconstruction and upgrade of South Collier Boulevard.

5. The carrying capacity of South Collier Boulevard is expected to be increased, and traffic flow and vehicular safety enhanced by the installation of turn lanes and pedestrian crossings.

6. Significant aesthetic improvements are anticipated along a portion of South Collier Boulevard pursuant to the provisions of this PUD through streetscape and landscape improvements.

7. Public safety will be significantly enhanced in the South Collier Boulevard right-of-way through improvements designed to maximize drainage capacity and control, thereby reducing ponding and stormwater inundation on South Collier Boulevard between San Marco Road and Spruce Street.

8. A significantly higher percentage of open space will be provided above and beyond the 30% minimum required by the LDC.

9. Enhanced landscaping and buffering, as required by the LDC, will be provided along the boundary between the parking areas and the residential parcels to the east. This landscape buffer will conform to the minimum 15-foot required width. Additionally, an architecturally designed wall, coupled with significantly larger than code minimum plantings, will be installed within the buffer area to maximize functionality and assure an aesthetically pleasing design.

10. The Resort Hotel Parcel Owner has committed to construct or fund roadway and drainage improvements to South Collier Boulevard. The improvements to South Collier Boulevard are more particularly described in Section 6.1, Transportation. **The Resort Hotel Property Owner has committed to partially fund the reconstruction of Smokehouse Bay Bridge in accordance with Section 6.7 of this document.**

It is the express legislative intent, in adopting this PUD ordinance, to authorize and ensure that the hotel facilities located on the Resort Hotel Parcel can continue to develop, redevelop, and renovate. This ordinance will be liberally construed to effectuate this intent, and nothing in this ordinance shall be construed so as to make the existing resort hotel a non-conforming use.

323 SECTION THREE: GENERAL DEVELOPMENT REGULATIONS

324
325 3.1 PURPOSE

326
327 The purpose of this Section is to establish the general development regulations applicable
328 to the development of the Property, and the relationship of these regulations to other
329 applicable City Ordinances.

330
331 3.2 GENERAL

332
333 A. From and after the adoption of this PUD Ordinance, all development on the
334 Property shall be in accordance with the development regulations set forth in this
335 document and any other applicable provisions of the City of Marco Island Land
336 Development Code (the LDC), the City Comprehensive Plan and other ordinances of the
337 City. The PUD document is the prevailing ordinance governing the zoning, development
338 and redevelopment of the Property. In the event of a conflict between the development
339 regulations contained in this PUD, any amendments thereto, and other ordinances of
340 general application, including the LDC, the provisions of this PUD ordinance shall
341 prevail. Should the PUD be silent on a particular matter, the LDC or other ordinances of
342 general application shall apply. Unless otherwise noted, the definitions of all terms shall
343 be the same as the definitions set forth in the LDC in effect at the time of building permit
344 application.

345
346 B. The Property is located outside an area of historic/archaeological probability as
347 designated on the official Collier County Probability Map. Therefore, no
348 historic/archaeological survey and assessment is required. Pursuant to Section 2.2.25.8.1
349 of the LDC, if during the course of site clearing, excavation or other construction activity,
350 an historic or archaeological artifact is found, all development within the minimum area
351 necessary to protect the discovery shall be immediately stopped and the ~~City of Marco
352 Island Community Development Department~~ City Manager or his/her designee
353 contacted.

354
355 C. The PUD Master Plan depicts (i) the existing development on the Resort Hotel
356 Parcel, (ii) the currently authorized redevelopment of a portion of the Resort Hotel
357 Parcel, (iii) the general future location of additional hotel rooms; (iv) the currently
358 authorized residential development area on the Residential Parcel, (v) the proposed
359 redevelopment of a portion of South Collier Boulevard, and (vi) the re-configuration and
360 expansion of the parking areas, landscape buffers, and tennis facilities on the east side of
361 South Collier Boulevard. The Resort Hotel Parcel may be further developed or
362 redeveloped as deemed necessary or desirable for resort hotel operations in accordance
363 with the development standards contained in this PUD or, as may be applicable, with the
364 LDC. Redevelopment of the Resort Hotel Parcel shall not constitute a substantial change
365 from the approved PUD Master Plan and may be reviewed and approved ~~administratively
366 through a~~ through the applicable LDC process, including the site development plan ~~or
367 other applicable administrative process,~~ provided it is in compliance with the
368 development standards set forth in this PUD. Any future development or redevelopment

369 of the Resort Hotel parcel that does not conform to the development standards and
370 limitations set forth in this PUD, including but not limited to density, room count
371 limitations and restrictions on the type and location of parking facilities shall be deemed
372 substantial changes to the PUD and shall be processed as set forth in the LDC.
373

374 With respect to the Residential Parcel, the PUD Master Plan is intended to provide a
375 well-defined and detailed concept for the future development of this parcel. Nevertheless,
376 it is understood that during site plan review or construction, minor revisions to building
377 layout, turn lane lengths, access point locations, architectural design and other site design
378 and site improvement matters may become necessary. Such revisions, whether requested
379 by staff or at the request of the property owner, shall not be considered a substantial
380 deviation from the approved PUD Master Plan provided such revisions or changes do not
381 differs substantially from the approved master plan and conforms to the development
382 standards set forth in this PUD. Such minor deviations from the PUD Master plan may be
383 reviewed and approved administratively by the ~~Community Development Director~~ City
384 Manager or his/her designee.
385

386 D. The plan for development and potential redevelopment of the Project, including
387 access points, right-of-way improvements, and developable tracts, is illustrated
388 graphically by the PUD Master Plan labeled Exhibit "B" and the Resort Hotel
389 Redevelopment Plan labeled Exhibit "B-1". In the event of a language conflict,
390 Exhibit B-1 shall govern. Minor deviations from, or revisions to, the depictions
391 represented on the attached exhibits and renderings may become necessary during site
392 planning, site development and construction. It is recognized that minor revisions to the
393 proposed median opening locations, turn lane lengths, and other proposed right-of-way
394 improvements may be may be necessary during the site plan review or construction
395 process. Such minor variations may be reviewed and approved administratively by the
396 ~~Community Development Director~~ City Manager or his/her designee and/or the ~~Public~~
397 ~~Works Director as may be applicable~~, provided such minor revisions do not include
398 increased height or density and are otherwise in compliance with the development
399 standards set forth in this PUD.
400

401 E. Changes to the PUD that are deemed to be substantial, as set forth paragraph 3.2
402 (C) above, shall be reviewed in accordance with the policies and procedures set forth in
403 the LDC.
404

405 3.3 PROJECT DENSITY

406

407 The aggregate density within the PUD shall not be in excess of the density permitted by
408 the City Comprehensive Plan. The maximum number of residential units on the
409 Residential Parcel shall not exceed 103 units or 167 hotel rooms. The maximum number
410 of hotel rooms on the Resort Hotel Parcel shall not exceed 810 rooms.
411

415 **3.4 SUBDIVISION PLAT NOT REQUIRED**

416
417 The division of the Property into the Resort Hotel Parcel and the Residential Parcel does
418 not constitute a subdivision of the Property under the LDC, and therefore, site
419 development as depicted on the PUD Master Plan will not require submission of a
420 subdivision plat.

421
422 **SECTION FOUR: DEVELOPMENT STANDARDS – RESORT HOTEL PARCEL**

423
424 **4.1 USES PERMITTED**

425
426 No building or structures or part thereof, shall be erected, altered or used, or land used, in
427 whole or part, for other than the following:

428
429 A. Permitted Uses.

430
431 The following uses are permitted as of right on the Resort Hotel Parcel.

- 432
433 1. Hotels, motels, and timeshare facilities
434 2. Multiple-family dwellings

435
436 B. Accessory Uses.

437
438 1. Uses and structures that are accessory and incidental to the uses permitted as of
439 right on the Resort Hotel Parcel, **and developed in accordance with Exhibit B-1** which
440 shall include, but not be limited to: ~~emergency generators, stand-by water chillers,~~
441 ~~and structures and facilities related thereto, but only when located and constructed~~
442 ~~substantially in conformance with the “Emergency Generator/Stand By Water Chiller~~
443 ~~Development Plan” attached [to Ordinance 08-02] as Exhibit A, Sheets 1 through 3; at~~
444 grade parking and other existing facilities on the east side of Collier Boulevard; limited to
445 the locations depicted on the PUD Master Plan; health spa; tennis facilities; swimming
446 pools; parking facilities on the west side of Collier Boulevard; and other similar
447 recreational facilities. **The Resort Hotel Redevelopment Plan shall be developed on**
448 **the west and east side of South Collier Boulevard in accordance with Exhibit B-1.**
449 Other than elevated tennis courts located on the northwest quadrant of the parking area
450 on the east side of Collier Boulevard as depicted in the PUD Master Plan, no
451 building or elevated structures, including but not limited to generators and elevated
452 parking structures are permitted on the east side of Collier Boulevard. **In the event of a**
453 **language conflict, Exhibit B-1 shall govern.**

454
455 Notwithstanding the foregoing, the existing cooling towers may be repaired or replaced,
456 limited to the existing footprint as depicted on the Master Plan **Exhibit B-1**. The cooling
457 towers may be relocated, **as shown in Exhibit B-1** but shall not be moved any farther
458 to the east (closer to the single-family development) of the existing location. **The height**
459 **of the cooling towers shall not exceed twenty-five (25) feet.**
460

461 2. Retail shops, personal service establishments, eating or drinking establishments,
462 dancing and staged entertainment facilities, meeting rooms and auditoriums, and other
463 amenities where such uses are an integral part of a hotel and are used wholly or partially
464 by the patrons of the hotel.

465
466 **4.2 DIMENSIONAL STANDARDS**

467
468 A. Minimum Yard Requirements for structures:

- 469
470 1. Front Yard: One half the building height as measured from each exterior wall or
471 wing of a structure with a minimum of 30 feet.
472
473 2. Side Yard: One half the building height as measured from each exterior wall with
474 a minimum of 15 feet.
475
476 3. Rear yard: One half the building height as measured from each exterior wall with
477 a minimum of 30 feet
478
479 4. Common yard between Resort Hotel Parcel and Residential Parcel: 5 feet,
480 provided however, that structures shall be no closer together than 15 feet, or the
481 separation required by applicable life safety codes, whichever is more restrictive.
482

483 ~~D.~~ **B.** Maximum height:

- 484
485 1. For all new development: Ten stories not to exceed 100 feet; ~~or~~, **providing that**
486 **the redeveloped Lanai Building as shown in Exhibit B-1 may be 111 feet, as**
487 **measured from the required flood elevation to the top of the flat roof; or,**
488
489 2. For redevelopment of existing structures which currently exceed 100 feet in
490 height: 100 feet or the height of said structure existing at the date of adoption of
491 this PUD.
492

493 ~~E.~~ **C.** Minimum floor area of hotel rooms: 300 square feet.

494
495 ~~F.~~ **D.** Distance between structures: Between any two separated principal
496 buildings on the same parcel of land, there shall be provided a distance equal to
497 15 feet. Accessory structure yards shall be in accordance with the LDC.
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499 **4.3 MAXIMUM DENSITY PERMITTED**

500 810 hotel units.
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4.4 OFF-STREET PARKING

A. In order to establish a baseline from which the parking requirements of ~~future development and redevelopment of the Resort Hotel Parcel may be~~ determined, ~~the existing development on the Resort Hotel Parcel (Existing Development) and the existing marked impervious parking spaces are set forth at Table 4.4 (a), based on a certain aerial image of existing parking by RWA, Inc. dated February, 1999, which is hereby approved. This baseline number of parking spaces is hereby declared to constitute the lawful and conforming parking for the Existing Development, as authorized by the LDC.~~

[See Table on Next Page]

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TABLE 4.4 (A)
MARCO MARRIOTT HOTEL
EXISTING DEVELOPMENT

FACILITY	SIZE OR QUANTITY (EXPRESSED IN TERMS OF PARKING REQUIREMENT)
Guest Rooms	735 Rooms
Restaurant No. 1 (Voyager)	9,017 sq. ft
Restaurant No. 2	120 seats
Restaurant No. 3	5,073 sq. ft.
Restaurant No. 4	62 seats
Restaurant No. 5	1,460 sq. ft.
Meeting rooms/Ballrooms	48,375 sq. ft
Retail Shops	10,806 sq. ft
Lounge	320 sq. ft
Swimming Pool No. 1 (@ Voyager)	3,068
Swimming Pool No. 2	3,978 sq. ft.
Swimming Pool No. 3	4722
Tennis Courts	16 Courts
Pro Shop	1,076 sq. ft.
Total existing marked impervious parking spaces (per RWA, Inc. aerial)	897 spaces

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B. — Future development and redevelopment will be required to provide parking for such development in accordance with the requirements of the LDC as of the date of the adoption of this PUD, subject to the following:

1. — ~~There will be a credit for any facilities that are demolished, reduced in size or quantity, or converted from another use. For example, if a restaurant containing 100 seats, which requires 25 parking spaces under the hotel parking regulations of the LDC (one space per two seats, reduced by 50 %) is demolished and a ballroom containing 7,000 square feet, which requires 70 parking spaces (one space per 100 square feet) is constructed, then 45 new spaces would be required (70 less the credit of 25 spaces).~~

2. — In applying the above to future development, the following rules of construction shall apply:

a. — ~~If the proposed development results in the need for additional parking spaces (as in the example above), such development shall provide sufficient new guest parking spaces, calculated in accordance with the LDC, as set forth in Section 4.4 G below.~~

b. — ~~If the proposed development does not generate a need for additional guest spaces (i.e. the parking requirement for the proposed development is equal to the parking requirement for the existing~~

580 development being demolished or converted), then no additional spaces
581 will be required for the proposed development.

582 C. ~~Twenty five (25%) percent of the self parking may be striped to a~~
583 ~~dimension of 8 X 16 feet, with allowable overhang as provided in the LDC and~~
584 ~~designated as compact car spaces, which shall be denoted by pavement markings, in~~
585 ~~recognition of the fact that a large proportion of the hotel guests that arrive by automobile~~
586 ~~drive compact rental cars.~~

587
588 D. ~~Stacking of vehicles is permitted in all areas designated for valet parking.~~

589
590 E. ~~Twenty five (25%) percent of the designated employee parking lot may be striped~~
591 ~~to a dimension of 8 X 16 feet, with allowable overhang as provided in the LDC and~~
592 ~~designated as compact car spaces, which shall be denoted by pavement markings.~~

593
594 F. ~~The hotel has and will continue to explore and encourage methods to decrease~~
595 ~~employee parking needs by such methods as ride sharing and other forms of transit.~~

596
597 G. ~~Construction of additional parking facilities~~ The reconfiguration of the
598 ~~parking areas on the east side of South Collier Boulevard will result in the creation of~~
599 ~~additional surface parking which are required to provide parking displaced by~~
600 ~~construction on the Residential Parcel and additional parking in accordance with the LDC~~
601 ~~for the new health spa and ballroom to be constructed on the Resort Hotel Parcel and the~~
602 ~~renovation of certain restaurant and office facilities. The total number of parking spaces~~
603 ~~needed to provide for the existing uses, the proposed health spa and ballroom, and for up~~
604 ~~to 810 hotel rooms is 1,100. Table 4.4 (b) below provides the LDC required parking for~~
605 ~~the existing and proposed uses. Any additional construction of resort hotel facilities in~~
606 ~~addition to those depicted on the PUD master plan which results in the need for increased~~
607 ~~parking spaces pursuant to the methodology set forth in Section 4.4(B) of this PUD~~
608 ~~document shall require the construction of additional parking facilities in an amount~~
609 ~~required by the LDC for such additional facilities. In no case, however, shall a above~~
610 ~~grade buildings or elevated structures, including parking structures be permitted on the~~
611 ~~east side of Collier Boulevard, other than elevated tennis courts as provided for in Section~~
612 ~~4.1(B)-1 of this PUD.~~

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617 {See Table on Next Page}

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Table 4.4 (B)
MARCO BEACH RESORT PUD
RESORT PARCEL REQUIRED PARKING MATRIX

FACILITY	SIZE OR QUANTITY (EXPRESSED IN TERMS OF PARKING REQUIREMENT)	REQUIRED SPACES
Existing Development	See Table 4.4 (a)	897
New Ballroom	10,009 sq. ft. @ 1 space per 100 sq. ft.	100
New Spa Facilities	20 treatment rooms @ 1.5 spaces/room	30
New Spa Facilities	7 manicure/pedicure stations @ 1.5 spaces/station	11
New Spa Facilities	4 cutting chairs @ 3 spaces per chair	12
New Spa Facilities	2,103 sq. ft. exercise/weight room @ 1 space/100 sq. ft.	21
New Spa Facilities	2,686 sq. ft. retail @ 1 space /400 sq. ft.	7
Additional 75 Hotel Rooms ¹	75 rooms @ 11 spaces per 10 rooms	83
<u>Credits for Deleted Uses</u>		
Demolition of Voyager Restaurant		-75
Demolition of 12 Tennis Courts		-36
Total		1,049
Total Parking provided for Resort Hotel Parcel with at grade Tennis Courts		1,058
Total Parking for Resort Hotel Parcel with elevated tennis courts and for additional 75 Rooms		1,100

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¹ Note: The additional 83 parking spaces, or relative amount thereof, shall only be necessary at such time as the additional 75 rooms or relative amount thereof are constructed.

A. Prior to issuance of a temporary certificate of occupancy for the Lanai Building, the off-street parking requirements for the Resort Hotel Parcel shall be 1,243 spaces, as set forth in the Parking Matrix, Exhibit B-1, Sheet A-4.

B. The Resort Hotel Redevelopment Plan as shown in Exhibit B-1 identifies that 1,243 parking spaces is sufficient on-grade parking on the east side of South Collier Boulevard as described by the Resort Hotel Parcel Owner. However, in the event that a Parking Deficiency, as hereinafter defined, occurs, the Resort Hotel Parcel Owner shall be required to cure such deficiency as follows:

As used herein, "Parking Deficiency" is deemed to occur in the event the City Manager or his/her designee, determines that additional parking spaces are required to provide sufficient parking on site for all hotel visitors, hotel guests, and employees of the Resort Hotel. The City Manager or his/her designee shall provide written notice to the Resort Hotel Parcel Owner that a Parking Deficiency exists, and shall provide the Resort Hotel Parcel Owner with an explanation of the nature of the Parking Deficiency, including an estimate of the number of parking spaces that are required to mitigate the Parking Deficiency. If the Resort Hotel Parcel Owner disagrees with the determination, the Resort Hotel Parcel Owner shall have

653 30 days to provide, at its own expense, a written report from a registered traffic
654 engineer presenting its position. If the City Manager, after reasonably considering
655 the Resort Hotel Parcel Owner's response, and acting in good faith, determines that
656 a Parking Deficiency exists, the decision of the City Manager or his/her
657 designee may be appealed to the City Council, with said appeal being filed no later
658 than 30 days after the City Manager or his/her designee issues his/her decision. The
659 decision of the City Council to uphold, modify, or reject the City Manager's
660 decision regarding the Parking Deficiency shall be considered final action of the
661 City of Marco Island. The Resort Hotel Parcel Owner shall have the opportunity
662 to provide parking studies at the Resort Hotel Parcel Owner's expense as part of the
663 consideration process. A fine in the amount of \$500 per day per vehicle shall be
664 assessed for any unauthorized offsite parking until full compliance is certified
665 by the City upon majority vote of the City Council.
666

667 The Resort Hotel Parcel Owner shall have 60 days from the decision of the City
668 Council to comply with the order of the City Council to cure the Parking Deficiency
669 for the Resort Hotel.
670

671 **4.5 LANDSCAPING AND BUFFERS**

672

673 Landscape and buffers shall be as provided in the LDC subject to the following:
674

675 A. The eastern boundary of the portion of the Property located east of Collier
676 Boulevard (i.e. the eastern boundary of the parking areas) shall be buffered by the
677 installation of an architecturally designed concrete, masonry, and/or stucco wall. The
678 actual height of the wall will be at the discretion of the adjacent property owner, but shall
679 be a minimum of 6-feet and a maximum of 8-feet, and may be intermittently interrupted
680 with architecturally designed "wrought" iron or decorative treatments to provide for open
681 "breaks" in the wall, also at the discretion of the adjacent property owner. The wall may
682 be increased intermittently to provide for pilasters, gates, or columns in order to ensure
683 design flexibility and to ensure adequate flow of light and air. The wall shall not be
684 placed any closer than 10-feet to the property line allowing for the installation and
685 irrigation of plantings on the east (residential) side of the wall within the required buffer
686 area. The placement of the wall 10 feet back from the property line is at the request of
687 adjacent property owners and the city. It is not intended to confer a license or invitation
688 with regard to use of the 10 foot strip that will be created, nor is it intended to create or
689 confer on adjacent owners any property rights to the 10 foot strip either expressly, by
690 implication, or by prescription. The Resort Hotel Parcel Owner shall be responsible for
691 maintenance and repair of open space and landscape buffer areas.
692

693 B. The buffers adjacent to single-family residential development for all existing and
694 newly constructed parking areas east of Collier Boulevard shall be a minimum of 15 feet
695 in width. Buffers adjacent to South Collier Boulevard shall be a 10-foot wide type "D"
696 buffer as depicted on the PUD Master Plan and may be varied to accommodate right-of-
697 way improvements, except as noted in Section 6.6 (A)(1).
698

699 C. The eastern boundary of the parking areas shall be landscaped as provided in the
700 LDC, with the additional requirement that the required canopy trees shall be spaced no
701 more than 30 feet on center and shall have a minimum caliper thickness at breast height
702 of two and one-half (2.5) inches, a minimum height of 14 feet, and a minimum canopy
703 spread of 6 feet.

704
705 **4.6 SIGNS**

706
707 As provided in the LDC.

708
709 **SECTION FIVE: DEVELOPMENT STANDARDS-RESIDENTIAL PARCEL**

710
711 **5.1 USES PERMITTED**

712
713 No building or structure or part thereof shall be erected altered or used, or land used, in
714 whole or part, for other than the following:

715
716 A. Permitted Uses.

717
718 The following uses are permitted as of right on the Residential Parcel:

- 719
720 1. Multiple-family dwellings
- 721
722 2. Hotel units - If the Residential Parcel is not developed for residential uses,
723 it may be developed for resort hotel uses, in which case the development
724 standards for the Resort Hotel Parcel shall apply. However in no case shall
725 the total number of hotel units on the Residential Parcel exceed 167 units.

726
727 B. Accessory Uses.

- 728
729 1. Uses and structures that are accessory and incidental to the uses permitted
730 as of right on the Residential Parcel.
- 731
732 2. If the Residential Parcel is not developed for residential uses, accessory
733 uses permitted in the Resort Hotel Parcel are permitted and the
734 development standards for the Resort Hotel Parcel shall apply.

735
736 **5.2 DIMENSIONAL STANDARDS**

737
738 A. Minimum Lot Area: 10,000 square feet.

739
740 B. Minimum lot width: 100 feet.

741
742 C. Minimum Yard Requirements for structures:

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1. Front Yard: One half the building height as measured from each exterior wall or wing of a structure with a minimum of 30 feet; provided however, that the residential tower shall be a minimum of 260 feet from South Collier Boulevard
2. Side Yard: One half the building height as measured from each exterior wall with a minimum of 15 feet.
3. Rear yard: One half the building height as measured from each exterior wall with a minimum of 30 feet.
4. Common yard between Resort Hotel Parcel and Residential Parcel: 5 feet, provided however, that structures shall be no closer together than 15 feet, or the separation required by applicable life safety codes, whichever is more restrictive.

D. Maximum Height.

Sixteen residential stories with a maximum height of 180 feet. Building height shall be measured from the top of the parking deck or from an elevation of 22 feet NGVD; whichever is the lesser, to the midpoint of the roof. As set forth in the Land Development Code, rooftop infrastructure, such as mechanical rooms for fire suppression systems, air-conditioning equipment, and elevator shafts and equipment are not included in the determination of building height.

E. Floor area requirements.

1000 square foot minimum per residential unit.

5.3 MAXIMUM RESIDENTIAL DENSITY PERMITTED

103 residential units or, if the residential Parcel is not developed for residential uses, 167 hotel units.

5.4 OFF-STREET PARKING

As set forth for multiple-family dwellings in the Land Development Code.

5.5 LANDSCAPING AND BUFFERS

As provided in the LDC.

5.6 SIGNS

As provided in the LDC.

790 SECTION SIX: DEVELOPMENT COMMITMENTS

791
792 6.1 TRANSPORTATION

793
794 The Resort Hotel Parcel Owner will pay a total amount not-to-exceed \$2,500,000 for the
795 reconstruction and expansion of South Collier Boulevard from a four lane divided rural
796 roadway to a four lane divided urban roadway, hereinafter referred to as the
797 "Improvements Work", from a point immediately south of Spruce Avenue to a point
798 immediately north of San Marco Road, hereinafter referred to as the "Roadway
799 Improvement Area", as more particularly described in paragraphs A. through K. below:
800

801 A. Roadway Improvement Area Construction Management.

802
803 1. The City of Marco Island, at its sole discretion and in the interest and benefit of
804 the public, reserves the right to exclusively and fully manage the engineering, design and
805 construction and all contract bid solicitations, to make contract awards and execute
806 construction agreements, and to manage all construction stage activities of the
807 Improvements Work within the Roadway Improvement Area. A "Joint Project
808 Agreement" shall be executed between the City of Marco Island and the Resort Hotel
809 Parcel Owner for Improvements Work within the Roadway Improvement Area. The joint
810 project agreement shall be executed by the parties within 60 calendar days of approval of
811 the PUD by the City.

812
813 2. Subject to the establishment of the Joint Project Agreement and within 60
814 calendar days of the date of approval of the PUD, the Resort Hotel Parcel Owner shall
815 issue one or more irrevocable letters of credit in amounts totaling \$2,500,000 in a form
816 satisfactory to the ~~City of Marco Island Finance Director~~ **City Manager or his/her**
817 **designee**. During the design and construction of the Improvements Work, the City
818 **Manager or his/her designee** will approve all design and construction work and
819 documents. Within 30 days of the City's notice of approval to the Resort Hotel Parcel
820 Owner of a design or construction contract along with a copy of such executed design
821 or construction contract, the Resort Hotel Parcel Owner shall pay in cash to the City, or
822 as otherwise directed in writing by the City **Manager or his/her designee**, the amount of
823 such design or construction contract. Once payment has been received by the City of
824 Marco Island, the Resort Hotel Parcel Owner may reduce the outstanding letter of credit
825 by such amount. The City **Manager or his/her designee** and the Resort Hotel Parcel
826 Owner shall work together to create an accounting procedure that creates a minimum of
827 time and effort on either party's part to effect the provisions of this paragraph.
828

829 3. In the event that the Resort Hotel Parcel Owner's improvements on the east and/or
830 west side of South Collier Boulevard warrants permanent turn lane improvements, curb
831 cuts, median modifications and other necessary Improvements Work in front of the
832 Resort Hotel Parcel Owner's property prior to the City's schedule for the Improvements
833 Work within the Roadway Improvement Area, so as to preserve public safety and
834 welfare, the Resort Hotel Parcel Owner may proceed with the design and construction of
835 such permanent work, if approved by the ~~appropriate officials~~ **City Manager or his/her**

836 **designee** of the City of Marco Island. The cost of the design and construction of such
837 work will be subtracted from the \$2,500,000 amount. Alternatively, the Resort Hotel
838 Owner Parcel may, at the Resort Hotel Parcel Owner's cost, construct interim traffic
839 access connections to the spa/ballroom and residential condominium projects.

840
841 4. Within 60 calendar days of the date of approval of the PUD, the City **Manager or**
842 **his/her designee**, at its sole discretion, may notify the Resort Hotel Parcel Owner by
843 certified mail, of its election to require the Resort Hotel Parcel Owner to manage the
844 design and construction of a portion of the Improvements Work that is in front of and
845 adjacent to the Resort Hotel Parcel Owner's property as depicted on the PUD Master Plan
846 (Exhibit "B"). If the City **Manager or his/her designee** so elects, the Resort Hotel
847 Parcel Owner will immediately proceed with the design and permitting of that portion of
848 the Roadway Improvement Area in accordance with the scope as directed by the ~~Public~~
849 ~~Works Director~~ **City Manager or his/her designee** and as set forth in this PUD
850 document. Upon approval of the design and related documents by the ~~Public Works~~
851 ~~Director~~ **City Manager and his/her designee** and other jurisdictional authorities, the
852 Resort Hotel Parcel Owner will proceed with the construction of the Improvements
853 Work of that portion of the Roadway Improvement Area in front of the Property. The
854 cost of the design and construction shall be subject to periodic review and approval, as
855 deemed necessary by the ~~City's Public Works Director~~ **City Manager or his/her**
856 **designee** and such approved costs will then be subtracted from the \$2,500,000. amount.
857 The City of Marco Island will not issue a Certificate of Occupancy for the spa/ballroom
858 project until such portion of the Improvement Work is completed and approved by the
859 City of Marco Island ~~Public Works Director~~ **City Manager or his/her designee** pursuant
860 to the permitted construction plans.

861
862 5. Where this Section IV, Paragraph 6.1A, specifies a time for performance of any
863 act by the Resort Hotel Parcel Owner, such time shall be tolled during the pendency
864 (including any appeal periods of any suit, claim, or proceeding of any kind, initiated
865 within the first 60 days of the PUD approval, which in whole or in part, contests the
866 validity of this PUD or any development rights granted hereunder.

867
868 B. The engineering design and construction of all intended roadway and related
869 improvements for the Improvements Work within the Roadway Improvement Area shall
870 be undertaken in accordance with latest edition criteria and specifications promulgated by
871 the State of Florida Department of Transportation and the City of Marco Island.
872 Moreover, the reconstruction and expansion of South Collier Boulevard shall be
873 developed and implemented in accordance with the City of Marco Island Right-of-Way
874 Master Plan document dated 1 December 1999 and revised on 1 April 2000, permitting
875 regulations of the South Florida Water Management District and associated state and
876 federal agencies. The Typical Cross Section for South Collier Boulevard and the side
877 street intersections of San Marco Road and Spruce Street shall also comprise of full urban
878 design features, including but not limited to, concrete subsurface storm sewer systems,
879 relocation and/or upgrade to public utilities, stormwater management facilities,
880 architectural roadway lighting, roadway and driveway access improvements, left and
881 right turn lanes, acceleration / storage lanes, refuge "U-Turn pavement areas, refuge

882 median areas, median and roadside landscape and streetscape improvements, traffic
883 signalization installations, roadway signing, concrete and paver brick pathways, vehicular
884 and pedestrian safety enhancements, and additional right-of-way and/or easements to be
885 dedicated for public use as may be warranted or required by the City of Marco Island.
886 Dimensionally, the preliminary Typical Cross Section for South Collier Boulevard along
887 the Roadway Improvement Area, commencing at the east right-of-way and terminating at
888 the west right-of-way, shall at a minimum consist of the following roadway elements:
889

- 890 • Greenstrip to right-of-way line;
- 891 • 8 foot wide pathway;
- 892 • 4 foot wide green strip;
- 893 • 2 foot wide concrete curb and gutter;
- 894 • 4 foot wide bicycle lane;
- 895 • Two 11 foot wide motor vehicle travel lanes;
- 896 • 19.5 foot wide raised and curbed median;
- 897 • Two 11 foot wide motor vehicle travel lanes;
- 898 • 4 foot wide bicycle lane;
- 899 • 2 foot wide concrete curb and gutter;
- 900 • 4 foot green strip; and
- 901 • 8-foot wide pathway;
- 902 • Greenstrip to right-of-way line.

903
904 It is recognized that revisions may be required to the foregoing preliminary Typical
905 Section for South Collier Boulevard during site development plan activities, and all such
906 revisions shall be conditioned on approvals by the ~~Public Works Director~~ **City Manager**
907 **or his/her designee.**
908

909 C. The PUD master plan drawings (dated 5 September 2001 by RWA, Inc. as may
910 be subsequently updated or revised) shall only serve and will always be limited to
911 application as a conceptual portrayal of the intended general features and schematic
912 layout of the reconstruction and expansion of South Collier Boulevard within the
913 Roadway Improvement Area and adjacent parking facilities and as such, shall not be
914 construed nor interpreted as representing approved final design plans suitable for
915 construction nor as a PUD exhibit which implies or depicts approved roadway access
916 improvements. All final approvals of the Typical Cross Section for South Collier
917 Boulevard within the Roadway Improvement Area and related design features such as,
918 parking facilities, side street intersections, concrete subsurface storm sewer systems,
919 stormwater management facilities, architectural roadway lighting; roadway and driveway
920 access improvements, left and right turn lanes, acceleration / storage lanes, refuge "U-
921 Turn pavement areas, refuge median areas, median and roadside landscape and
922 streetscape improvements, traffic signalization installations, roadway signing, concrete
923 and paver brick pathways, vehicular and pedestrian safety enhancements, and additional
924 right-of-way and/or easements to be dedicated for public use as may be warranted or
925 required by the City of Marco Island, shall be reviewed and approved for construction by
926 the ~~City's Public Works Director~~ **City Manager or his/her designee** during roadway
927 designs and/or the formal Site Development Plan review processes.

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D. The Resort Hotel Parcel Owner shall submit a traffic analysis report for South Collier Boulevard within the Roadway Improvement Area to support the basis for design of various roadway improvements such as access improvements, turn lanes, and pedestrian crosswalks and attendant traffic signalization installations. The traffic analysis report shall be prepared in accordance with criteria and standards in effect by the State of Florida Department of Transportation and signed and sealed by a professional engineer licensed in the State of Florida.

E. The Resort Hotel Parcel. Owner, shall be responsible for a fair share cost of planning, designing, and constructing roadway traffic signals along the Roadway Improvement Area at such time as deemed necessary or warranted by the City **Manager or his/her designee** in consideration of public safety, health and welfare.

F. The Improvements Work includes all costs associated with the acquisition of easements and additional right-of-way necessitated by the reconstruction of South Collier Boulevard within the Roadway Improvement Area and the City shall be responsible for administrative and legal costs associated with right-of-way condemnation proceedings offsite of the Marco Beach Resort PUD. However, the Resort Hotel Parcel Owner shall dedicate and convey any temporary or permanent easements and/or fee simple right-of-way not to exceed 6 feet of additional width of fee simple right-of-way on both sides of the existing right-of-way necessary to construct the Improvements Work in front of and adjacent to the Resort Hotel Parcel Owner Property at no cost to the City of Marco Island.

G. The Improvements Work includes installing landscape and irrigation improvements within the Road Improvement Area.

H. The Improvements Work shall include specialty architectural street lighting along the Roadway Improvement Area in accordance with the City of Marco Island Right-of-Way Master Plan, document dated 1 December 1999 and revised on 1 April 2000 and subject to commenting and approval by the ~~Public Works Director~~ **City Manager or his/her designee.**

I. Work on the project will be phased as follows:

Prior to the issuance of a certificate of occupancy for the spa/ballroom, work on the east side of Collier Boulevard shall be completed, including the reconfiguration of the parking areas, the architecturally designed wall, relocation of the existing above ground power lines underground, and the landscape improvements. Alternatively, a certificate of occupancy for the spa/ballroom may be issued prior to the completion of improvements on the east side of Collier Boulevard provided the Resort Hotel Parcel Owner provides evidence of a performance bond to cover the full cost of said improvements on the east side of Collier Blvd., and providing replacement parking is provided on the site development plan for the residential tower, sufficient to compensate for any parking eliminated on the west side of Collier Boulevard. During the construction period or until

974 all Improvements Work to South Collier Boulevard in front of or adjacent to the Property
975 is completed, the existing four crosswalks shall be retained as determined by the City's
976 ~~Public Works Director~~ **City Manager or his/her designee**.
977

978 J. The existing four pedestrian crossings shall be reduced to either two or three
979 subject to review and approval by the ~~Public Works Director~~ **City Manager or his/her**
980 **designee** during the site development review process, and located generally as depicted
981 on the PUD Master Plan (Exhibit "B"). In addition, street-level lighting shall be installed
982 adjacent to the proposed pedestrian crossing locations to enhance safety during evening
983 and times of reduced visibility. Textured or stamped pavement markings and/or brick
984 pavers shall be installed in conjunction with automated in-pavement lights or similar
985 traffic control systems in order to enhance pedestrian safety and vehicle operator
986 awareness of pedestrian activity.
987

988 K. A news arbor shall be constructed on the east side of South Collier Boulevard
989 within the Roadway Improvement Area. Additionally, a pedestrian node shall also be
990 constructed at a location along South Collier Boulevard within the Roadway
991 Improvement Area. The news arbor and pedestrian node shall be located in area mutually
992 agreeable to both the Resort Hotel Parcel Owner and the City **Manager or his/her**
993 **designee**. The news arbor and pedestrian node will be designed generally as depicted in
994 the Right-of-Way Master Plan.
995

996 6.2 UTILITIES

997
998 A. Water service is available via ~~Florida Water Services~~ **Marco Island Utilities**.
999 The Resort Hotel Parcel Owner is responsible to tap the main to provide both potable
1000 water and fire fighting capability to the Property.
1001

1002 B. Sewer service is available via ~~Florida Water Services~~ **Marco Island Utilities**. The
1003 Resort Hotel Parcel Owner is responsible for providing the necessary connections to
1004 supply the Property with central sewer service.
1005

1006 C. All water/sewer facilities extended to the Property and which lie within City
1007 public rights-of-way and/or easements shall be owned and maintained by ~~Florida Water~~
1008 ~~Services~~ **Marco Island Utilities**. Such facilities, whether owned by ~~Florida Water~~
1009 ~~Services~~ **Marco Island Utilities** or privately owned, shall be reviewed and installed in
1010 accordance with established ~~Florida Water Services~~ **Marco Island Utilities** requirements.
1011

1012 D. The Resort Hotel Parcel Owner shall prepare the Property for conversion to reuse
1013 (gray) water for irrigation and shall work with ~~Florida Water Services~~ **Marco Island**
1014 **Utilities** so that reuse water will be available for on-site irrigation within one year of the
1015 date of approval of the PUD.
1016

1017 E. Subject to approval by Lee County Electric Cooperative, the Resort Hotel Parcel
1018 Owner shall be responsible for relocating the existing above ground electric transmission
1019 lines, located in the utility easement on the eastern property line, under ground and for

1020 removal of power poles. This shall be completed at the time of parking facility
1021 improvements on the east side of Collier Boulevard.

1022 1023 6.3 OPEN SPACE

1024 The Property shall contain no less than 40% open space as defined in the LDC.
1025
1026

1027 1028 6.4 ADDITIONAL COMMITMENTS

1029
1030 A. A 15-foot wide strip of land adjacent to the northern project boundary ~~will be~~
1031 is reserved along the projects northern boundary in perpetuity, ~~for a period of ten years~~
1032 ~~(the "Reservation Period") from the date of approval of this PUD. The Reservation Period~~
1033 ~~may be extended for up to two additional 5-year periods by approval of the City Council.~~
1034 ~~This strip of land may be used to accommodate pedestrian beach access should a majority~~
1035 ~~of the City Council vote to approve such access during the Reservation Period. Should an~~
1036 ~~affirmative vote not occur during Reservation Period, the reservation shall expire and~~
1037 ~~become null and void. In the event City Council votes to approve the use of this strip of~~
1038 ~~land for pedestrian beach access, ~~the~~ City staff will work with the Resort Hotel Parcel~~
1039 ~~Owner to develop appropriate security measures and safety mechanisms to address~~
1040 ~~aesthetic, public nuisance, trespass and illegal vehicular parking issues. Any costs~~
1041 ~~associated with improving the beach access or providing security or safety mechanism~~
1042 ~~shall be the responsibility of the City of Marco Island.~~

1043
1044 B. The Resort Operator (Management) will provide meeting space for an annual
1045 Hurricane Awareness Seminar in order to educated residents regarding hurricane
1046 preparedness and hurricane evacuation procedures.
1047

1048 C. The Resort Operator (Management) shall work with ~~City staff~~ the City Manager
1049 or his/her designee to develop a Sea Turtle Nesting Awareness and Educational Program
1050 to be implemented annual during Sea Turtle Nesting Season in order to educate the
1051 public, guests and employees of Sea Turtle Nesting concerns and protection measures.
1052

1053 6.5 EXHIBITS, RENDERINGS AND PUD MASTER PLAN

1054
1055 The improvements depicted on the master plan, as well as the exhibits and renderings
1056 attached to and made a part of this PUD document, are intended to provide specificity
1057 and definition as to building architecture, massing, colors, location and elevation for the
1058 proposed development. Nevertheless, minor deviations from, or revisions to, the
1059 depictions represented on these exhibits and renderings may become necessary during
1060 site planning, site development and construction. Such minor variations may be reviewed
1061 and approved administratively by the ~~Community Development Director~~ City Manager
1062 or his/her designee provided such minor revisions do not include increased height or
1063 density and are otherwise in compliance with the development standards set forth in this
1064 PUD.
1065

1066 **6.6 RESORT HOTEL REDEVELOPMENT COMMITMENTS**

1067
1068 **Upon issuance of the building permit for the Lanai Building, the following**
1069 **commitments, terms and conditions shall apply to, and be binding upon, the Resort**
1070 **Hotel Parcel Owner, including any successors, assigns, or lessees:**

1071
1072 **A. Landscaping and East Parking Lot Improvements and Obligations**

1073
1074 **1. A Type "C" buffer shall be installed adjacent to the property's South Collier**
1075 **Boulevard frontage and along the northern boundary of the parking lot on the east**
1076 **side of South Collier Boulevard. The width of the landscape buffer on the east side**
1077 **of, and adjacent to, South Collier Boulevard shall be as follows:**

1078
1079 **(a) minimum of 5 feet north of the primary parking lot entrance on South**
1080 **Collier Boulevard;**

1081
1082 **(b) a minimum of 10 feet in width south of the primary entrance; and**

1083
1084 **(c) a minimum of 15 feet along the northern boundary of the parking**
1085 **lot. This buffer shall include an architecturally designed concrete,**
1086 **masonry, or stucco wall eight feet in height. Type "C" required**
1087 **vegetation shall be installed in the landscape buffer on the east side of,**
1088 **and adjacent to, South Collier Boulevard, regardless of the buffer**
1089 **width.**

1090
1091 **2. Landscape buffers and other code-required landscaping areas such as**
1092 **parking lot islands, shall meet applicable landscaping standards, and if deficient in**
1093 **quantity of islands or square footage of buffer area, shall be mitigated by the**
1094 **installation of landscape area in an amount equal to the deficient area on public**
1095 **land within the City of Marco Island at the Resort Hotel Parcel Owner's expense.**
1096 **The location of the landscape area shall be determined by the City Council.**

1097
1098 **3. Along the eastern boundary of the parking lot on the east side of South**
1099 **Collier Boulevard that adjoins single family residences on the Resort Hotel Parcel**
1100 **Owner shall maintain the landscaping on both sides of the wall, no less than four**
1101 **times a year.**

1102
1103 **4. In the event of any damage to landscape buffers, including the landscape**
1104 **buffer with Eagle's Nest, the Resort Hotel Parcel Owner shall repair and restore**
1105 **such buffers to the standards set forth in this PUD.**

1106
1107 **5. The Resort Hotel Parcel Owner shall coordinate landscaping improvements**
1108 **along the corner of South Collier Boulevard and Spruce Avenue with the City**
1109 **Manager or his/her designee to provide an improved seating area on the corner of**
1110 **South Collier Boulevard and Spruce Avenue, with such landscaping to be consistent**

1111 with the landscaping to be installed on Spruce Avenue and South Collier Boulevard
1112 by the Resort Hotel Parcel Owner.

1113
1114 B. Tennis Courts

1115
1116 No artificial lighting shall be allowed on the elevated tennis courts authorized by
1117 this PUD.

1118
1119 C. Site Maintenance, Storage

1120
1121 1. The storage of material, supplies or other equipment of any kind is
1122 prohibited in the parking lot on the east side of South Collier Boulevard at any time
1123 during the Resort Hotel Redevelopment, except as provided in the Staging Plans
1124 approved by the City Manager or his/her designee pursuant to Section D (1) of
1125 this ordinance.

1126
1127 2. Prior to commencement of demolition, the Resort Hotel Parcel Owner will
1128 commission an asbestos survey and will proceed to remove known asbestos. During
1129 demolition, Resort Hotel Parcel Owner will continue to monitor construction debris
1130 for any asbestos and will perform air monitoring for asbestos dust or other
1131 environmental hazards.

1132
1133 3. Demolition debris created by the Resort Hotel Redevelopment project shall
1134 be removed daily and may not be stored within the city limits, unless at the Resort
1135 Hotel Parcel Owner's discretion, demolition debris may be stored in appropriate
1136 containers and removed weekly, at a minimum, from the city limits.

1137
1138 D. Construction Staging, Construction, Operation, and Public Facility Repair
1139 Obligations

1140
1141 1. The Resort Hotel Parcel Owner shall provide a detailed staging plan and
1142 construction work schedule for construction equipment so as to minimize impact to
1143 surrounding neighbors. The staging plan shall be submitted to, and approved by,
1144 the City Manager or his/her designee. The approval by the City Manager or his/her
1145 designee shall not be unreasonably withheld.

1146
1147 2. The Resort Hotel Parcel Owner shall be responsible for the repair and/or
1148 cost of repair as determined by the City Manager or his/her designee of any repairs,
1149 including materials, to public infrastructures including South Collier Boulevard
1150 therein due to damage within the Resort Hotel Redevelopment project area caused
1151 by the construction project or equipment working on the construction project.

1152
1153 3. Construction work may be performed on the Resort Hotel Redevelopment
1154 project only between the hours of 7 a.m. to 7 p.m., Monday through Saturday. No
1155 music shall be played at the Resort Hotel Redevelopment Project construction site
1156 and staging area by employees or agents working for contractors on this project.

1157 E. Traffic
1158

1159 1. During the construction associated with the Resort Hotel Redevelopment,
1160 traffic and safety signage on all public roads, sidewalks, pedestrian paths and
1161 crosswalks shall comply with the FDOT Traffic Control Through Work Zones
1162 Manual Index #600 standards, and approved by the City Manager or his/her
1163 designee.
1164

1165 2. As part of the permanent modifications to South Collier Boulevard, the
1166 Resort Hotel Parcel Owner shall design and install, with City Manager or his/her
1167 designee's approval, such additional traffic warning signs or devices at each of the
1168 pedestrian crosswalks within the limits of the hotel frontage, and the pedestrian
1169 crosswalk immediately to the north serving the Madeira Condominium, to provide a
1170 consistent crosswalk identification and safety theme for pedestrians and vehicles.
1171

1172 F. Stormwater
1173

1174 In connection with the reconstruction of the parking areas on the east side of South
1175 Collier Boulevard, the Resort Hotel Parcel Owner shall maintain all stormwater
1176 systems on the property. The City Manager or his/her designee, may inspect the
1177 stormwater drainage and retention system for compliance with applicable South
1178 Florida Water Management District permits and applicable city codes. If
1179 deficiencies are identified, the Resort Hotel Parcel Owner shall install stormwater
1180 remediation and drainage upgrades to address any deficiencies found.
1181

1182 G. Parking Lot Lighting
1183

1184 The Resort Hotel Parcel Owner shall redesign and modify the existing parking lot
1185 lighting system in the parking areas on the east side of South Collier Boulevard in
1186 compliance with the outdoor lighting regulations of the City code. No light poles
1187 will be closer than 50 feet from the wall.
1188

1189 H. Sea Turtle Nests
1190

1191 The Resort Hotel Redevelopment Project shall be in compliance with all local and
1192 state statutes regarding the protection of threatened and endangered sea turtle nests
1193 as stipulated in the Marco Island Code of Ordinances, Chapter 54, Sections 141-150.
1194

1195 I. Non-Compliance
1196

1197 A violation of any of the conditions set forth in this ordinance by the Resort Hotel
1198 Parcel Owner shall constitute a violation of this ordinance and shall be subject to
1199 the Code Enforcement Procedures set forth in Marco island Code of Ordinances
1200 and Florida Statutes. Upon a finding by a Code Enforcement Board or Special
1201 Magistrate that a violation(s) has occurred, a fine of \$250 a day for a first violation
1202 or \$500 a day for a repeat violation shall be imposed.

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J. Additional Administrative Costs

All reasonable expenses for city staff time spent reviewing or enforcing the conditions set forth in this ordinance which require review and approval by the City Manager or his/her designee, which would not otherwise be reviewed in the initial review and approval process of this project shall be reimbursed by the Resort Hotel Parcel Owner at 150% of the cost of the reviewing city employee's actual rate of pay, including benefits, supplies, equipment and other city costs.

6.7 Resort Hotel Parcel Owner's Financial Commitment to Smokehouse Bay Bridge

1. The Resort Hotel Parcel Owner will contribute a total amount not-to-exceed \$1,000,000 for the reconstruction of the Smokehouse Bay Bridge (the "Bridge Project"). If the Bridge Project is not completed by May 1, 2015, the Resort Hotel Parcel Owner can begin construction using Collier Blvd. except at such times that Collier Blvd. is closed.

2. Within 60 calendar days of the date of approval of this PUDA, the Resort Hotel Parcel Owner shall issue one or more irrevocable Letters of Credit in amounts totaling \$1,000,000 to secure this commitment, in a form satisfactory to the City of Marco Island. The City may draw upon the Letter(s) of Credit if the Resort Hotel Parcel Owner fails to make payments as determined in a separate Agreement approved by City Council.

3. Where this Section 6.7 specifies a time for performance of any act by the Resort Hotel Parcel Owner, such time shall be tolled during the pendency (including any appeal periods) of any suit, claim, or proceeding of any kind, initiated within the first 60 days of the PUD amendment approval, which in whole or in part, contests the validity of this PUD amendment or any development rights granted hereunder.