

ORDINANCE NO. 01- 05

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF MARCO ISLAND, FLORIDA BY AMENDING THE OFFICIAL ZONING ATLAS MAP NUMBERS MB3B AND MB4B; BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM "C-4-MIZO" TO "PUD" PLANNED UNIT DEVELOPMENT KNOWN AS ELKCAM CIRCLE PUD FOR A COMMERCIAL MIXED USE DEVELOPMENT CONTAINING A HOTEL, RESTAURANT, RETAIL USES, OFFICES, MULTI-FAMILY UNITS, PUBLIC USE AREAS, AND A PEDESTRIAN WATERFRONT BOARDWALK; CUSTOMARY AND ACCESSORY USES TO THE COMMERCIAL USES; INCLUDING SWIMMING POOLS, CLUBHOUSE AND FOURTEEN WET SLIPS; FOR PROPERTY LOCATED WITHIN THE TOWN CENTER/MIXED USE DISTRICT, FURTHER DESCRIBED AS EXHIBIT "B", IN SECTION 8, TOWNSHIP 52 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 6.85 ACRES; AND BY PROVIDING AN EFFECTIVE DATE.

Whereas, Anthony Pires, Esquire, of Woodward, Piers and Lombardo, P.A., representing Caxambas Development, Inc. petitioned the Marco Island City Council to change the zoning classification of the herein described real property;

Now, therefore be it ordained by the City Council of Marco Island, Florida;

Section One:

The zoning classifications of the herein described real property located in Section 8, Township 52 South, Range 26 East, Marco Island, Florida, is changed from "C-4- MIZO" to "PUD" Planned Unit Development in accordance with the Elkcam Circle PUD Document, attached hereto as Exhibit "A" and incorporated by reference herein. The Official Zoning Atlas Numbers MB3B and MB4B, as described in Ordinance 91-102, of the Collier County Land Development Code, is hereby amended accordingly.

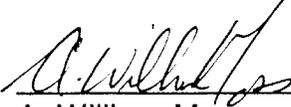
Section Two:

The ordinance shall become effective upon adoption.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 19th day of March, 2001.

CITY OF MARCO ISLAND, FLORIDA

Attest:


A. William Moss
City Manager/City Clerk

BY:


Harry Cowin, Chairman

Approved as to form and
legal sufficiency:

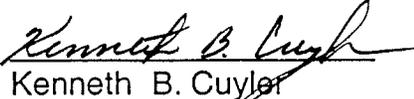

Kenneth B. Cuyler
City Attorney

TABLE OF CONTENTS

Page

List of Exhibits and Tables	Page 3
Statement of Compliance & Short Title	Page 4
Section I: Property ownership and description.	Pages 5-6
Section II: Project Development.	Pages 7-8
Section III: Commercial areas plan.	Pages 9-12
Section IV: General development commitments.	Pages 13-16

LIST OF EXHIBITS AND TABLES

EXHIBIT A:	PUD Master Plan
EXHIBIT B:	Master Concept Plan
EXHIBIT C:	Conceptual Water Management Plan
EXHIBIT D:	Legal Description

STATEMENT OF COMPLIANCE AND SHORT TITLE

The Elkcarn Circle Planned Unit Development (PUD) consists of +/- 6.85 acres of land located on both sides of Elkcarn Circle at the intersection of Lambert Drive in Marco Island, Florida.

The development of this Project will be in compliance with the planning goals and objectives of Marco Island as set forth in the Marco Island Master Plan. This compliance includes:

1. The Project is consistent with Objective II.1. of the Marco Island Master Plan (the Master Plan) requiring all new land uses to be consistent with the Future Land Use Map.
2. The Property is located within the Mixed Use Town Center District, which allows for a full range of commercial uses including an allowable density for hotel units at 26 units per acre.
3. The property is currently zoned C-4 and enjoys a wide range of commercial uses including those requested in this PUD document.
4. The Project is consistent with the purpose of the Mixed-Use Town Center District as stated in the Master Plan which reads:

"The purpose of this district is to create a major activity center that serves the community of Marco Island. The Mixed-Use District shall function as a center of residential, commercial and entertainment activities on the Island. Uses permitted within this district shall include commercial (as specified by the Mixed Use Town Center Overlay ranging from C-1 to C-5), offices, governmental, institutions, and residential."
5. The Project results in a comprehensive development plan for 12 separate parcels of land, providing for a unified plan of development, not otherwise achievable should the parcels be developed individually.
6. The project will improve pedestrian flow in the Town Center area through the provision of sidewalks and crosswalks where appropriate. In addition, the Project will incorporate and design a public use walkway along the waterfront that will allow for the interaction of the public at the waters edge, which does not exist today.
7. The Project, as proposed, is compatible with adjacent land uses and includes adequate buffering where dissimilar land uses are located adjacent to each other.
8. All final local development orders for this Project are subject to the Collier County Adequate Public Facilities Ordinance as adopted by the City of Marco Island.

SHORT TITLE

This Ordinance shall be known and cited as the "Elkcarn Circle Planned Unit Development Ordinance."

SECTION I

PROPERTY OWNERSHIP AND DESCRIPTION

1.1 PURPOSE

The purpose of this Section is to set forth the location and ownership of the property, and to describe the existing conditions of the property to be developed under the project name of "Elkcam Circle PUD."

1.2 LEGAL DESCRIPTION

The subject property being +/- 6.85 acres is described fully on Exhibit 'D'.

1.3 PROPERTY OWNERSHIP

The subject property is currently under the ownership of or under contract for purchase by:

Caxambas Development, Inc.

930 Cape Marco Drive

PH3

Marco Island, FL 34145

1.4 GENERAL DESCRIPTION OF PROPERTY AREA

- a. The Project site is located in Section 8 Township 52 South, Range 28 East, more commonly known as the intersection of Elkcam Circle and Lambert Street, Marco Island, Florida.
- b. The zoning classification of the subject property prior to the date of this approved PUD Document was C-4 - MIZO, General Commercial District.

1.5 PHYSICAL DESCRIPTION

The Project is physically located in the Miscellaneous Coastal Basin. Water management facilities for the proposed project are planned to utilize sheet flow to direct storm water runoff into a system of catch basins, storm sewer pipes, and dry detention areas. Upon satisfying the pre-treatment within the detention systems, storm water will enter into the adjacent system, located within the right-of-way, via control structures. The water will then outfall into waterways and ultimately into the Gulf of Mexico. Elevations within the project site generally range from five (5) to seven (7) feet above mean sea level. The entire site is in Flood Zone AE 10 according to Firm Panel 120067 0803 E.

The soil types on the site include Urban land – Aqents complex, organic substratum, per the Natural Resource Conservation Service Soils Data.

1.6 PROJECT DESCRIPTION

The project will consist of +/- 6.85 acres of general commercial and/or professional office development. The plan proposes to allow for hotel and associated retail commercial uses including but not limited to restaurants, conference space, general offices, a business center and accessory uses traditionally associated with hotel projects. The project will also provide public space both adjacent to the waterfront and at the intersection of Elkcam and Lambert for the enjoyment of the community.

SECTION II

PROJECT DEVELOPMENT

2.1 PURPOSE

The purpose of this Section is to delineate and generally describe the Project plan of development, relationships to applicable City ordinances, the respective land uses of the tracts included in the Project, as well as other Project relationships.

2.2 GENERAL

- a. Regulations for development of the Elkcam Circle PUD shall be in accordance with the contents of this document, PUD-Planned Unit Development District and other applicable sections and parts of the City of Marco Island Land Development Code and Marco Island Master Plan in effect at the time of building permit application. Where these regulations fail to provide developmental standards, then the provisions of the most similar district in the Land Development Code shall apply.
- b. Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the Land Development Code in effect at the time of building permit application.
- c. All conditions imposed and all graphic material presented depicting restrictions for the development of the Elkcam Circle PUD shall become part of the regulations, which govern the manner in which the PUD site may be developed.
- d. Unless modified, waived or excepted by this PUD the provisions of other sections of the Land Development Code where applicable, remain in full force and effect with respect to the development of the land, which comprises this PUD.
- e. Development permitted by the approval of this Petition will be subject to a concurrency review under the provisions of Division 3.15 of the Land Development Code, Adequate Public Facilities, at the earliest or next to occur of either final SDP approval, final plat approval, or building permit issuance applicable to this Development.
- f. The petitioner's property is located outside an area of historic/archaeological probability as designated on the official Collier County Probability Map. Therefore, no historic/archaeological survey and assessment is required. Pursuant to Section 2.2.25.8.1 of the Land Development Code, if during the course of site clearing, excavation or other construction activity, an historic or archaeological artifact is found, all development within the minimum area necessary to protect the discovery shall be immediately stopped and the City of Marco Island Community Development Department contacted.

2.3 DESCRIPTION OF PROJECT PLAN AND PROPOSED LAND USES

The Project Development Plan, including identifying access points and developable tracts, is illustrated graphically by Exhibit "A," PUD Master Plan.

COMMERCIAL AND RETAIL AREAS (Roof)	+/- 1.43 acres
COMMON AREAS (includes usable open space and water management within landscape buffers)	+/- 2.01 acres
ROADS / ALLEY / PARKING	+/- 3.41 acres

Total: +/- 6.85 acres

*These numbers are conceptual and will be further refined at time of application for Site Development Plan Approval.

2.4 RELATED PROJECT PLAN APPROVAL REQUIREMENTS

- a. Prior to the recording of a Record Plat, and/or Condominium Plat for all or part of the PUD, final plans of all required improvements shall receive approval by the appropriate Marco Island governmental agency to ensure compliance with the PUD Master Plan, the Subdivision Code, and the platting laws of the State of Florida.
- b. Exhibit "A", PUD Master Plan, constitutes the required PUD Development Plan. Subsequent to or concurrent with PUD approval, a Preliminary Subdivision Plat, if applicable, shall be submitted for the entire area covered by the PUD Master Plan. Any division of property and the development of the land shall be in compliance with Division 3.2 of the Land Development Code, and the platting laws of the State of Florida.
- c. The provisions of Division 3.3 of the Land Development Code, when applicable, shall apply to the development of all platted tracts or parcels of land, as provided in said Division, prior to the issuance of a building permit or other development order.
- d. Appropriate instruments will be provided at the time of infrastructure improvements regarding any dedications and methods for providing perpetual maintenance of common facilities.

2.5 AMENDMENTS TO PUD DOCUMENT OR PUD MASTER PLAN

Amendments may be made to the PUD in accordance with Section 2.7.3.5 of the City of Marco Island Land Development Code.

2.6 ASSOCIATION OF PROPERTY OWNERS FOR COMMON AREA MAINTENANCE

Whenever the developer elects to create land area and/or recreation amenities where ownership and maintenance responsibility is of common interest to all of the subsequent purchasers of property within said Development in which the common interest is located, that developer entity shall provide appropriate legal instruments for the establishment of a Property Owners' Association whose function shall include provisions for the perpetual care and maintenance of all common facilities and open spaces. This may be extended to landscape improvements located within the adjacent rights-of-way, subject to the execution of a developer agreement with the City of Marco Island.

SECTION III

COMMERCIAL AREAS PLAN

3.1 PURPOSE

The purpose of this Section is to identify the type of Commercial Uses and development standards that will be applied to the areas identified on the PUD Master Plan (Exhibit "A".) "Waterfront" parcels include lots 1, 2, 3 and 4, Block 796, located adjacent to Elkcam Circle and East Joy Circle. "Inland" parcels include lots 1, 2, 3, 4, 5, 9, 10, and 11, Block 798, located between Elkcam Circle and Lambert Drive.

3.2 DEVELOPMENT EMPHASIS

The subject property is wholly contained within the Mixed-Use Town Center District, as identified in the Marco Island Master Plan. The property is surrounded on three sides by both developed and undeveloped C-4 - MIZO zoning and uses. The Southern and Western property line is adjacent to a canal that serves to separate the district from residential uses. The subject property is permitted the full array of commercial uses as indicated in Section 3.3 of the PUD Document, and as such, this document and the uses contained herein are consistent with the Marco Island Master Plan.

3.3 USES PERMITTED

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

a. Permitted Uses

1. Amusements and recreation services (groups 7911-7941, 7991-7993, 7997, 7999), except no boat rentals, boat fuel sales, dock master or live-aboard boats will be permitted. Charter boats and site seeing excursions are permitted.
2. Apparel and accessory stores (groups 5611-5699).
3. Business Services (groups 7311-7338, 7352, 7382 – 7384, and 7389 except Apparel pressing service, Auto recovery or repossession service, Batik work, Bondspersons, Bottle exchanges, Bronzing, Cloth cutting or bolting, Cosmetic kits – assembly, Cotton inspection or sampling, Coupon redemption service, Commercial Divers, Drawback service, Drive-away auto service, Engrossing, Exhibits – building, Field Warehousing, Filling of pressure containers, Fire extinguisher service, Firefighting service, Flagging service, Float decoration, Folding and refolding of textiles, Gas systems, Hand tool design, Hosiery pairing, ID engraving, Inspection of commodities, Labeling bottles, Lettering service, Metal slitting, Meter readers, Mounting merchandise, Packaging and labeling, Patrol of transmission lines, Pipeline and power line service, Process serving, Produce weighing, Product sterilization, Racetrack cleaning, Radio broadcast checking, Recording studios, Rug binding, Salvaging operations, Scrap steel cutting, Show card painting, Shrinking textiles, Sign painting, Solvents recovery, Sponging textiles, Swimming pool cleaning, Tape slitting, Tobacco sheeting, Water softener services, and Yacht brokers.)
4. Communications (groups 4812-4841) except communication towers.
5. Eating and drinking establishments (5812, 5813) excluding bottle clubs. All establishments engaged in the retail sale of alcoholic beverages for on-

premise consumption are subject to the location requirements referenced in Section 4.13 of this document.

6. Engineering, accounting, research, management and related services (groups 8711-8748).
7. Food stores (groups 5411-5499).
8. General merchandise stores (groups 5311-5399).
9. Hotels and motels (group 7011)
10. Miscellaneous retail (groups 5912-5963, except pawn shops, 5992-5999).
11. Multi-family residential units.
12. Non-depository credit institutions (groups 6111-6163).
13. Personal services (groups 7221-7251, and 7299 except Babysitting bureaus, Buyer's clubs, Checkroom concessions, Coin-operated services, Comfort Station operation, Debt counseling, Diet workshops, Escort services, Marriage bureaus, Porter service, Quilting for individuals, Rest room operation, Tattoo parlors, Turkish baths, and Wedding chapels).
14. Public administration (groups 9111-9199, 9229, 9311, 9411-9451, 9511-9532, 9611-9661).
15. Social services (groups 8322, Marriage and family counseling services only, and 8351).
16. United States Postal Service (4311 except major distribution centers).
17. Any other general commercial use that is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and purpose and intent statement of this PUD.
18. Outdoor entertainment shall comply with the current noise ordinance and amplified music standards.

b. Accessory Uses

1. Uses and structures that are accessory and incidental to the uses permitted as of right in this district.
2. Caretaker's residence, subject to Section 2.6.16 of the Land Development Code.

3.4 DEVELOPMENT STANDARDS

- a. Minimum Lot Area: 10,000 square feet.
- b. Minimum lot width: 100 feet.
- c. Minimum Yard Requirements for structures:
 1. Front: along Elkcam: 25 feet.
along Lambert: 15 or 25 feet.
 2. Rear Yard: 5 feet.
 3. Waterfront: 25 feet.
 4. Side yards: 15 feet (0 feet if physically attached.)
- d. Maximum height:
Inland parcels: 110 feet above FEMA first floor elevation
Waterfront parcels: 35 feet, or three habitable floors above FEMA first floor elevation, whichever is the more restrictive.
- e. Minimum building separation:

Between buildings over 4 stories: $\frac{1}{2}$ the sum of the building heights.

Between buildings where only one is over 4 stories:	25 feet, unless attached
Between buildings 4 stories and under:	15 feet, unless attached
Between permitted and accessory structures:	10 feet, unless attached

- f. Minimum floor area: 700 square feet gross floor area on ground floor.
- g. The Project will meet the minimum parking standard set forth in the Land Development Code for each phase of the project development. Parking spaces located anywhere within the boundary of the PUD or created within the Lambert Drive right-of-way shall be credited toward the total parking requirement (subject to 3.5.1.d). Property owners will provide the city at time of building permit application the necessary cross access easements. In the event the project contains a hotel in excess of 150 guest rooms with restaurant, retail and office uses located throughout the project including the waterfront parcels, parking for the entire project shall be calculated as follows:
 - 11 spaces per 10 guest rooms (this includes the required parking for the hotel office and all accessory recreational facilities that are open to hotel guests only). The following uses shall be computed as follows:
 Restaurants 1 space per 3 seats, or 1 space per 120 square feet, whichever is greater, 1space per 400 sq. ft. for retail and commercial uses, 1 space per 100 sq. ft. for meeting rooms, ballrooms and convention rooms and 1 per 100 square feet for lounges, bars and nightclubs.
- h. The physical location and characteristics of this project closely mirror the Collier Boulevard Pedestrian Tourist Sub district. As such, the Development Services Director may reduce the required parking amount by 15% at the time of MSDP or SDP approval, subject to a parking and traffic analysis, if required by the City.
- i. Landscaping: As required in Division 2.4 of the Land Development Code, and in accordance with Section 4.10 of the PUD Document.
- j. Lighting: Lighting shall be located so that no light is aimed directly toward a property designated residential. Ground level lighting of no more than 12 feet in height shall be used where practical along the waterfront walkway. Lighting shall be subject to City Ordinance 99-7.
- k. Signs: Signage shall be in compliance with the Marco Island Land Development Code and specifically the Marco Island Zoning Overlay in effect at the time of the approval of this document.
- l. Architectural and site design standards. All commercial buildings and projects shall be subject to the provisions of Division 2.8 of the Land Development Code, the Marco Island Zoning Overlay, and the Architectural and Site Design Regulations for new commercial buildings and projects. In addition, the Project shall provide integrated lighting; landscaping, pedestrian crosswalks, ingress/egress signage and similar architectural styles at the time of site development plan approval.
- m. Boat Docks: Subject to State and Federal permitting requirements, boat docks may be constructed along the waterway. A maximum of 14 finger piers extending up to a maximum of 20 ft. from the seawall may be constructed. Boat sales, boat rentals, fuel sales, dock master, live-aboards and marine repair services are prohibited. A minimum four of the finger piers shall be designated as public use and posted as such.

- n. Outside storage or display of merchandise is prohibited.
- o. Pedestrian Node: A Pedestrian Node shall be created in accordance with the Master Concept Plan at the corner of Elkcam Circle and Lambert Street.
- p. Public Use Area: The PUD has been designed to create a public use area at the Southwest corner of Lambert Drive and the alley for the purpose of a community theater or public use building. The developer shall reserve sufficient space to allow for a 10,000 to 15,000 square foot area for a building to house such uses, in accordance with Section 4.12.a.iii of this document. This space shall be deeded to the City at no cost. Additionally, the developer of the hotel shall provide a shared parking agreement with the City for the necessary on-site parking for the public use building, or if deemed warranted, the rights to construct a parking garage on-site at no cost to the developer. Any public use building must be architecturally consistent with the other buildings within the PUD.

3.5 DEVELOPMENT INTENSITY

- a. The Project will contain a maximum number of 26 hotel rooms per acre.
- b. Provided all other commitments of the PUD are met, this project would be eligible to exceed 26 upa for hotel use through transfer of development rights, subject to approval by the City of Marco Island.
- c. Any portion of the project acreage not allocated for hotel units may develop residential units at a density of 12 units per acre.

3.6 LAMBERT DRIVE DEVELOPMENT STANDARDS

- a. These standards shall apply to parcels 1,2,3,4 and 5, Block 798, all of which front on Lambert Drive.
- b. The developer shall construct on-street parking subject to approval by the Marco Island Development Services Director, or his designee. The intent is to create a more urban section on Lambert Drive by establishing on street parking. The developer may provide angled parking spaces along the length of the Lambert Drive right-of-way. These spaces shall be subject to appropriate right-of-way agreements with the City of Marco Island. Any spaces created, but not counted toward the required parking for the development shall be considered for open space credit, acknowledging the public use benefit. Developer and Staff shall work together to provide surplus on-street parking along Lambert Drive adjacent to the project. These parking spaces along Lambert Drive shall be created prior to receiving a Certificate of Occupancy permit for the hotel, and shall not be restricted at any time solely for use by guests of the hotel.
- c. Should the developer successfully negotiate lesser deed restrictions allowing for a reduced setback along Lambert Drive, the lesser setback shall become the new project setback, provided the hotel is oriented towards the waterfront lots and integrated with the waterfront commercial uses in the form of pedestrian crossings, lighting, landscaping, signage, architecture and ingress/egress.
- d. The purpose of these standards is to promote a "downtown streetscape" that emphasizes the pedestrian element and incorporates human scale into development. Areas between the on-street parking and the project boundaries shall be landscaped. Landscaping will include a continuation of existing plantings on Lambert Drive.
- e. Architectural styles shall be similar throughout the project.

SECTION IV

DEVELOPMENT COMMITMENTS

4.1 PURPOSE

The purpose of this Section is to set forth the commitments for the development of the Project.

4.2 GENERAL

All facilities shall be constructed in strict accordance with Final Site Development Plans, Final Subdivision Plans and all applicable State and local laws, codes, and regulations applicable to this PUD. Except where specifically noted or stated otherwise, the standards and specifications of Division 3.2 of the Land Development Code shall apply to this Project even if the land within the PUD is not to be platted. The Developer, his successor and assigns shall be responsible for the commitments outlined in this document.

The developer, his successor or assigns, shall follow the Master Plan and the regulations of the PUD, as adopted, and any other conditions or modifications as may be agreed to in the rezoning of the property. In addition, any successor or assignee in title to the developer is bound by commitments within this document.

4.3 PUD MASTER PLAN

- a. Exhibit "A", PUD Master Plan, and Exhibit "B" Master Concept Plan illustrate the proposed development and are to be deemed specific in identifying the project concept. Changes to building location, size and orientation will be permitted by the Development Services Director or his designee, provided the project concept and elements such as pedestrian interconnectivity from the inland portion to the waterfront portion are preserved.
- b. All necessary easements, dedications, or other instruments shall be granted to ensure the continued operation and maintenance of all service utilities and all common areas in the Project.

4.4 SCHEDULE OF DEVELOPMENT / MONITORING REPORT AND SUNSET PROVISION

- a. The Project is proposed although not required to start construction of infrastructure in 2001. The project is designed to be completed in five years. Should the Project not develop in a single phase, the absorption of the entire Project is based upon a mix of commercial uses which shall be integrated as called out in the PUD Document, PUD Master Plan, and Master Concept Plan. Application for SDP approval or building permits for the waterfront parcels shall be submitted prior to receiving a Certificate of Occupancy permit for the hotel. The project will be subject to the Sunset Provisions as provided for in Section 2.7.3.4 of the LDC after a period of five years.
- b. Common areas, including areas devoted to water management facilities will be dedicated to a common property owners' association, if applicable, for purposes of maintenance and care.
- c. All monitoring reports shall be submitted as required by the Marco Island Planning Staff.

4.5 TRANSPORTATION

- a. All accesses and roadways not located within City right-of-way will be privately maintained by an entity created by the project developer or his assigns.
- b. Access will be directly from Elkcam Circle, Lambert Street, and E. Joy Circle and will comply with access management requirements of the City of Marco Island.
- c. Road Impact Fees shall be paid at the time building permits are issued unless otherwise required by the City Council.
- d. The developer will provide warranted turn lanes and street lighting at all project entrances.
- e. At the time of Site Development Plan approval, a site specific Traffic Impact Statement may be required in the event the proposed land uses vary from the prototypical mixed use approved as part of the submitted Traffic Impact Statement. A future Traffic Impact Statement will likewise need to document sufficient roadway capacity for the applicable proposed development mix.
- f. The Developer agrees to pay the City of Marco Island \$55,000.00 for the installation of a mast arm traffic signal to be installed by the City at the intersection of Bald Eagle Drive and Elkcam Circle. The Developer shall transmit the funds to the City either: (1) at the time of building permit for any structure within the PUD or (2) within thirty (30) days of contract authorization by the City for the installation of the traffic signal; whichever occurs first.

4.6 WATER MANAGEMENT

Water management improvements shall be made in accordance with the City of Marco Island requirements identified in the attached Conceptual Water Management Report.

4.7 UTILITIES

- a. Water service is available via Florida Water Services. The developer is responsible to tap the main to provide both potable water and fire fighting capability to the site.
- b. Sewer service is available via Florida Water Services. The Developer is responsible for providing the necessary connections to supply the site with central sewer service.
- c. All facilities extended to the site and which lie in platted rights-of-ways shall be owned and maintained by Florida Water Services. The facilities, whether owned by Florida Water Services or privately owned, shall be reviewed and installed in accordance with established Florida Water Services requirements.

4.8 ENGINEERING

Work within City rights-of-way shall obtain appropriate approvals through the City of Marco Island.

4.9 ENVIRONMENTAL

- a. An exotic vegetation, monitoring, and maintenance (exotic-free) plan for the site, shall be submitted to City Planning Staff if required, for review and approval prior to final site plan/construction plan approval.
- b. All necessary state permits for dock facilities will be obtained and proof shall be provided to the City of Marco Island and state permitting agencies before building permit issuance for any dock facilities.

4.10 LANDSCAPING

- a. Unless otherwise stated in this document, all landscaping for off-street parking areas shall be in accordance with the Division 2.4 of the City of Marco Island's Land Development Code in effect at the time of building permit application.
- b. Landscape requirements for canopy trees along Lambert Drive or adjacent to the waterfront walkway shall be planted with permitted species that are 12 to 14 feet in height at the time of planting. All other canopy trees will be planted at minimum heights of 8 to 10 feet.
- c. Buffer areas that lie between the hotel parking area East of the building and between Lambert Drive and Elkcarn Circle shall be enhanced with berming and/or additional landscaping where possible to achieve a visual buffer that will effectively screen the larger parking area.

4.11 PEDESTRIAN IMPROVEMENTS

- a. Sidewalks within the Elkcarn Circle and Lambert Drive right-of-way as shown on the PUD Master Plan shall be constructed prior to the issuance of a certificate of occupancy for the first completed building within the adjacent parcels. These sidewalks shall be installed at the developer's expense and subject to a right-of-way agreement, or applicable permit approval with the City of Marco Island.
- b. For parcels fronting on Lambert Drive, should development not commence within 5 years from the approval date of this document, the developer agrees to install shade trees at 30 foot intervals adjacent to the public sidewalk within the Lambert Drive right-of-way previously constructed under 4.11.a. above. Such trees shall be a minimum of 12 feet in height at time of installation.
- c. Prior to issuing a certificate of occupancy for any hotel building, the developer shall submit to the City of Marco Island a pedestrian crossing plan. The developer will provide pedestrian crossing(s) across Elkcarn and Lambert with applicable signage, markings, and signalization as warranted. All pedestrian crossings are planned to be at grade, and not elevated overhead, or as an underpass, and shall be integrated with the waterfront lots and commercial development on site.
- d. The developer shall provide a landscaped 15-foot wide pedestrian walkway along the entire seawall of the waterfront lots within the project. The walkway shall be connected to East Joy Circle and Elkcarn Circle with a minimum 5-foot sidewalk. The walkway shall be completed prior to receiving a Certificate of Occupancy permit for the hotel.

4.12 USABLE OPEN SPACE REQUIREMENT

- a. The Project must incorporate an amount of usable open space equal to 30% of the total size of the project. Usable open space shall include landscaped areas, public walkways, buffers (including water management swales), perimeter landscaping and spaces designed within the project boundaries to be accessible for use or enjoyment by the general public. In order to encourage innovative design and promote pedestrian related design elements within the Town Center, the following shall be counted toward the usable open space requirement:
 - i. Landscaping within the Elkcarn Circle, Lambert Drive and E. Joy Circle rights of way for the purpose of roadway corridor enhancement. A strip, ten feet in width that runs parallel to the property line shall be counted toward this requirement, subject to appropriate right-of-way permits.

- ii. Landscaped areas between parking provided along Lambert Drive and the project property, also subject to appropriate right-of way permits.
- iii. Public use facilities such as community theatre buildings, public meeting rooms, government offices or other public use spaces agreed upon by the City Manager may be counted toward the usable open space requirement for the project.
- iv. Parking spaces created for public use and not counted toward the parking requirement for the Project.

4.13 SUPPLEMENTAL REGULATIONS

The sale of alcoholic beverages shall not be located within 500' of any established school, child care center, public library, church, public park or playground, unless a waiver of said distance is granted by the City of Marco Island, pursuant to section 2.6.10.3 of the Marco Island Land Development Code (LDC). The distance shall be measured as the shortest distance between the lot on which the aforementioned use is located and the lot on which the alcoholic beverages will be sold, except that establishments located in shopping centers shall be measured to the outer walls of the establishment. Sale of alcoholic beverages at any restaurant deriving at least 51% of its gross revenue from the sale of food and non-alcoholic beverages, any motel or hotel with at least 100 guest rooms, and any private club are exempt from the distance limitations of sections 2.6.10.1.2 but shall comply with all other sections.

Exhibit "B"

Section
8

Township
52 South

Range
26 East

Property Description

BEING LOTS 1, 2, 3, 4, 5, 9, 10, AND 11, BLOCK 798, "A REPLAT OF TRACT A, MARCO BEACH UNIT SIX," AS RECORDED IN PLAT BOOK 12, PAGE 54 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA. CONTAINING 163,692 SQ. FT. (3.76 ACRES), MORE OR LESS.

TOGETHER AND WITH:

BEING LOTS 1, 2, 3, AND 4, BLOCK 796, " SECOND REPLAT OF A PORTION OF MARCO BEACH UNIT SIX," AS RECORDED IN PLAT BOOK 12, PAGE 38 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, CONTAINING 119,818 SQ. FT., (2.75 ACRES) MORE OR LESS.

TOGETHER AND WITH:

BEING A 30 FOOT WIDE STRIP OF LAND THAT IS USED FOR ALLEY PURPOSES AND IS LYING WITHIN BLOCK 798, PLAT OF "A REPLAT OF TRACT "A" MARCO BEACH UNIT SIX", AS RECORDED IN PLAT BOOK 12 PAGE 54 OF THE PUBLIC RECORDS, COLLIER COUNTY, FLORIDA, AND WHICH STRIP OF LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 9, WHICH IS LOCATED WITHIN SAID BLOCK 798 AND BEING THE POINT OF BEGINNING; THENCE SOUTH 69 DEGREES 25 MINUTES 23 SECONDS WEST, DISTANCE OF 325.34 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 60.00 FEET AND A CENTRAL ANGLE OF 63 DEGREES 41 MINUTES 23 SECONDS; THENCE SOUTHWESTERLY ALONG SAID CURVE, A DISTANCE OF 66.70 FEET; THENCE SOUTH 5 DEGREES 44 MINUTES 00 SECONDS WEST, A DISTANCE OF 91.62 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF ELKCAM CIRCLE (A 80 FOOT WIDE ROADWAY) AND BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 560.00 FEET, A CENTRAL ANGLE OF 3 DEGREES 04 MINUTES 15 SECONDS, AND A CHORD OF 30.01 FEET BEARING NORTH 85 DEGREES 48 MINUTES 08 SECONDS WEST; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY CURVE, A DISTANCE OF 30.01 FEET THENCE NORTH 5 DEGREES 44 MINUTES 00 SECONDS EAST, A DISTANCE OF 92.42 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 63 DEGREES 41 MINUTES 23 SECONDS; THENCE NORTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 100.04 FEET; THENCE NORTH 69 DEGREES 25 MINUTES 23 SECONDS EAST, A DISTANCE OF 325.34 FEET; THENCE SOUTH 20 DEGREES 34 MINUTES 37 SECONDS EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 0.34 ACRE, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND/OR ENCUMBRANCES OF RECORD.

THE BEARINGS USED FOR THIS DESCRIPTION ARE BASED UPON AN ASSUMED BEARING OF THE SOUTH 69 DEGREES 25 MINUTES 23 SECONDS WEST FOR THE NORTH LINE OF THE AFORESAID LOT 9.

TOTAL AREA: 271.237 SQ. FT. (6.85 ACRES), MORE OR LESS.

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATTN: ROBIN NEAD
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
58220249 SECOND READING & PUB

State of Florida
County of Collier

Before the undersigned authority, personally appeared Angela Bryant, oath says that she serves as the Assistant Secretary of the Naples Daily News, a daily newspaper published at Naples in Collier County, Florida: that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 03/08

AD SPACE: 83.000 INCH
FILED ON: 03/08/01

Signature of Affiant *Angela R. Bryant*

Sworn to and Subscribed before me this _____ day of _____ 20__

Personally known by me _____

SECOND READING
& PUBLIC HEARING
ORDINANCE
CITY OF MARCO
ISLAND

The City Council of Marco Island, meeting in regular session at 6:00 p.m. on March 19, 2001, at the Frank E. Mackle, Jr. Community Park, 1361 Andalusia Terrace, Marco Island, Florida will consider:

AN ORDINANCE AMENDING ORDINANCE NUMBER 9-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF MARCO ISLAND, FLORIDA BY AMENDING THE OFFICIAL ZONING ATLAS MAP NUMBERS MB3B AND MB4B; BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM "C-4-MIZO" to "PUD" PLANNED UNIT DEVELOPMENT KNOWN AS ELKCAM CIRCLE PUD FOR A COMMERCIAL MIXED USE DEVELOPMENT CONTAINING A HOTEL, RESTAURANT, RETAIL USES, OFFICES, MULTI-FAMILY UNITS, PUBLIC USE AREAS, AND A PEDESTRIAN WATERFRONT BOARDWALK; CUSTOMARY AND ACCESSORY USES TO THE COMMERCIAL USES; INCLUDING SWIMMING POOLS, CLUBHOUSE AND FOURTEEN WET SLIPS; FOR PROPERTY LOCATED WITHIN THE TOWN CENTER/ MIXED USE DISTRICT, FURTHER DESCRIBED AS EXHIBIT "B" IN SECTION 8, TOWNSHIP 52 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 6.85 ACRES; AND BY PROVIDING AN EFFECTIVE DATE.

This Ordinance is available for inspection by the Public in the Deputy City Clerk's office located at City Hall, 950 North Collier Boulevard, Suite 308, Marco Island. Members of the Public are invited to make oral or written comments in regards to this Ordinance.
Mar. 8 1782387