

CITY OF MARCO ISLAND
ORDINANCE NO. 99- 24

AN ORDINANCE AMENDING ORDINANCE NO. 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, AND ORDINANCE NO. 81-25, AS AMENDED, THE POINT MARCO PLANNED UNIT DEVELOPMENT ORDINANCE, WHICH IS LOCATED IN SECTIONS 19 AND 20, TOWNSHIP 52 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED HEREIN, WHICH IS INCORPORATED BY REFERENCE IN THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT ON AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND; SECTION ONE, AMENDING THE PERMITTED USES SECTION OF ORDINANCE NO. 81-25, AS AMENDED, BY DESIGNATING NEW SUBPARAGRAPHS A AND B FOR PARCELS I AND II OF THE PUD RESPECTIVELY, AND ADDING LANGUAGE RECOGNIZING THE EXISTING SALES FACILITY PREVIOUSLY PERMITTED BY COLLIER COUNTY, AND TO CHANGE THE REFERENCES FROM THE COUNTY ZONING AND SIGN ORDINANCES TO THE CITY ZONING AND SIGN ORDINANCES, AND TO CORRECT A SCRIVENER'S ERROR IN THE REFERENCE TO THE MARCO ISLAND CIVIC ASSOCIATION; SECTION TWO, AMENDING THE MAXIMUM PROJECT DENSITY SECTION OF ORDINANCE NO. 81-25, AS AMENDED, TO REDUCE THE MAXIMUM NUMBER OF DWELLING UNITS ON PARCEL I FROM 734 TO 709 DWELLING UNITS, AND TO DELETE THE REFERENCES TO ANY DWELLING UNITS BEING ASSIGNED TO BUILDING AREA 3(a); SECTION THREE, AMENDING THE PARCEL I DEVELOPMENT STANDARDS SECTION OF ORDINANCE NO. 81-25, AS AMENDED, BY DESIGNATING NEW SUBPARAGRAPHS A, B, C, D, E, F, G, H, I, J, AND K TO SEPARATELY DESIGNATE THE VARIOUS DIFFERENT TYPES OF DEVELOPMENT STANDARDS SET FORTH THEREIN, ADDING LANGUAGE RECOGNIZING THAT BUILDING AREA 3(a) IS IMPROVED WITH THE SALES CENTER AND MAY CONTINUE TO BE UTILIZED UNTIL THE INITIAL SALES OF ALL DWELLING UNITS IN THE PROJECT ARE COMPLETED AND PROVIDING THAT AFTER WHICH THE SALES CENTER WILL BE DEMOLISHED AND REMOVED AND BUILDING AREA 3(a) WILL BE LANDSCAPED AND

BECOME COMMON PROPERTY FOR THE COMMON USE AND ENJOYMENT OF UNIT OWNERS, DELETING THE REFERENCE TO BUILDING AREA 5 AS A SITE FOR AN ALTERNATIVE TO THE BUILDING HEIGHTS PERMITTED THEREIN, AND SUBSTITUTING BUILDING AREA 4 IN PLACE THEREOF, PROVIDING THAT STORIES MAY BE USED FOR PARKING OR FOR UNITS SO LONG AS THE MAXIMUM NUMBER OF STORIES PLUS ALLOWED PARKING IS NOT EXCEEDED, CORRECTING SCRIVENER'S ERRORS, INCREASING THE MAXIMUM BUILDING HEIGHT IN PRIMARY BUILDING AREA 4 FROM EIGHTEEN TO TWENTY-TWO STORIES, ELIMINATING THE REFERENCE TO THE MAXIMUM BUILDING HEIGHT FOR PRIMARY BUILDING AREA 3(a), BY EXCLUDING COVERED PARKING FACILITIES AND PRIVATE CLUB AND RECREATIONAL BUILDINGS FROM THE DEFINITION OF FLOOR AREA RATIO, AND CHANGING THE REFERENCE FROM COLLIER COUNTY TO THE CITY OF MARCO ISLAND FOR PURPOSES OF OBTAINING VARIANCES FROM THE 1974 COASTAL SETBACK LINE; SECTION FOUR, AMENDING THE PARCEL II DEVELOPMENT STANDARDS SECTION OF ORDINANCE NO. 81-25, AS AMENDED, BY DESIGNATING NEW SUBPARAGRAPHS A, B, C, D AND E, BY ADDING REFERENCE TO THE O.R. BOOK AND PAGES WHERE THE DEED RESTRICTIONS APPLICABLE TO PARCEL II ARE RECORDED, AND CORRECTING SCRIVENERS' ERRORS; SECTION FIVE, THE MASTER PLAN SECTION OF ORDINANCE NO. 81-25, AS AMENDED, IS SET FORTH, BUT NOT AMENDED; SECTION SIX, THE STREETS SECTION OF ORDINANCE NO. 81-25, AS AMENDED, IS AMENDED TO CHANGE REFERENCES FROM COUNTY TO CITY STREETS, DELETING THE REFERENCE TO INTERNAL STREETS FOR PARCEL II BEING PRIVATE AND RESTRICTED TO USE BY RESIDENTS OF MARCO ISLAND, TO ADD THE REQUIREMENT THE DIRECT ROAD ACCESS BE PROVIDED FOR FIRE AND OTHER EMERGENCY VEHICLES TO INCLUDE BUILDINGS CONTAINING RECREATIONAL FACILITIES, DELETING REFERENCES TO COUNTY DEPARTMENTS FOR REVIEW OF PROJECT PLANS AND ADDING THE CITY COMMUNITY DEVELOPMENT DEPARTMENT, RECOGNIZING THAT TURN LANES HAVE BEEN PROVIDED AND PREVIOUSLY APPROVED BY THE COUNTY ENGINEER, AND PROVIDING THAT A TRAFFIC

SIGNAL SHALL BE INSTALLED AT THE ENTRANCE IF DEEMED WARRANTED, PROVIDING THAT WITHIN PARCEL I SIDEWALKS MUST BE PROVIDED ALONG COLLIER BOULEVARD, DELETING THE REQUIREMENT THAT THE DEVELOPER MUST MAINTAIN THE MEDIAN STRIP OF COLLIER BOULEVARD, PROVIDING THAT THE DEVELOPER SHALL IMPROVE THE COLLIER COUNTY BEACH ACCESS ALONG THE NORTH PROPERTY LINE WITH A BOARDWALK OR PAVERS, IRRIGATED LANDSCAPING, BENCHES, AND BIKE RACKS, WHICH ARE CONTINGENT UPON COLLIER COUNTY APPROVAL, AND APPROVAL OF ALL PERMITS WITHOUT INCREASING THE IMPERVIOUS SURFACE ON THE POINT MARCO PUD; SECTION SEVEN, THE BEACH ACCESS SECTION OF ORDINANCE NO. 81-25, AS AMENDED, IS AMENDED TO ADD A REFERENCE TO REFERENCE THAT COLLIER COUNTY ORDINANCE 81-98 CONTAINED THE BEACH ACCESS DEDICATION REQUIREMENT; SECTION EIGHT, THE FIRE PROTECTION SECTION OF ORDINANCE NO. 81-25, AS AMENDED, IS SET FORTH, BUT NOT AMENDED; SECTION NINE, THE SUBDIVISION REGULATION SECTION OF ORDINANCE NO. 81-25, AS AMENDED, IS AMENDED TO CORRECT SCRIVENER'S ERRORS AND TO ADD REFERENCES TO THE CITY OF MARCO ISLAND ZONING ORDINANCE, BUILDING CODES, AND LIFE SAFETY CODES; SECTION TEN, THE DEVELOPMENT COMMITMENTS SECTION OF ORDINANCE NO. 81-25, AS AMENDED, IS AMENDED BY DESIGNATING NEW SUBPARAGRAPHS A, B, C AND D, ADDING GENERAL REFERENCES TO SUCCESSOR CITY ORDINANCES AND SUCCESSOR CITY DEPARTMENTS, DELETING THE REFERENCE TO MARCO ISLAND UTILITIES AND SUBSTITUTING FLORIDA WATER SERVICES; SECTION ELEVEN, THE PUD MASTER PLAN AND LEGAL DESCRIPTION SECTION OF ORDINANCE NO. 81-25, AS AMENDED, IS AMENDED TO DELETE THE OUTDATED REFERENCE TO THE FACT THAT THE PROJECT WAS BEING AMENDED TO ADD PARCEL II; SECTION TWELVE, PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, THAT:

SECTION ONE: THE PERMITTED USES SECTION OF ORDINANCE NO. 81-25, AS AMENDED, THE POINT MARCO PLANNED UNIT DEVELOPMENT ORDINANCE, AS INCORPORATED BY REFERENCE IN ORDINANCE 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, IS HEREBY AMENDED TO READ AS FOLLOWS:

A. PARCEL I:

Residential apartment complex including on-site recreation and club facilities, docks, and necessary administrative, sales, and support facilities and functions to provide for the effective operation of the complex.

Structures necessary to control and administer the operation of the recreation and club facilities, docks, and elevated parking structures ~~and signs~~ as permitted by the ~~County~~ City Zoning Ordinance and ~~the County~~ any new signs shall be as permitted by the City Sign Ordinance.

B. PARCEL II:

On-grade facilities to provide two parking areas as identified and depicted on the Site Sketch attached hereto and incorporated by reference herein as Exhibit C: an approximate 1.0 acre parcel to be known as the "County Parking Facility" (Parcel IIA) to provide parking for the general public; and an approximate 2.1 acre parcel to be known as the "Marco Island ~~Civil~~ Civic Association (MICA) Park Facility" (Parcel IIB) to provide parking for Marco Island residents; both in conjunction with the public beach access, together with passive recreational and park facilities and signs as permitted by the ~~County~~ City Zoning Ordinance and ~~the County~~ Sign Ordinance.

SECTION TWO: THE MAXIMUM PROJECT DENSITY (PARCEL I) SECTION OF ORDINANCE NO. 81-25, AS AMENDED, THE POINT MARCO PLANNED UNIT DEVELOPMENT ORDINANCE, AS INCORPORATED BY REFERENCE IN ORDINANCE 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT

AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, IS HEREBY AMENDED TO READ AS FOLLOWS:

Gross development site density

$$734 \text{ 709 Residential Dwelling Units} = \frac{22.21 \text{ 21.45 Units/Acre}}{33.04 \text{ Acres}}$$

Total **dwelling** units not to exceed ~~734~~ 709, however each Building Area may have up to the number of units specified below, provided the total number of units does not exceed ~~734~~ 709.

Density Distribution:

Building Area 1	90 Residential Dwelling Units
Building Area 2	140 Residential Dwelling Units
Building Area 3 & 3(a)	320 Residential Dwelling Units
Building Area 4	140 Residential Dwelling Units
Building Area 5	90 Residential Dwelling Units

~~734~~ 709 Units Maximum

SECTION THREE: THE PARCEL I DEVELOPMENT STANDARDS SECTION OF ORDINANCE NO. 81-25, AS AMENDED, THE POINT MARCO PLANNED UNIT DEVELOPMENT ORDINANCE, AS INCORPORATED BY REFERENCE IN ORDINANCE 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, IS HEREBY AMENDED TO READ AS FOLLOWS:

A. See Planned Unit Development Master Plan for specific setback information.

Primary Buildings are those structures containing dwelling units, provided that parking and other accessory uses are permitted in Primary Building Areas. Secondary Buildings are those structures containing parking and other accessory uses. **Building Area 3(a) is improved with a sales center**

for the project and may continue to be utilized for said use until the initial sales of all dwelling units in the project are completed. Within nine (9) months after the completion of the initial sales of all dwelling units, the sales center shall be demolished and removed, and Building Area 3(a) will be landscaped and added to the lands subject to the Declaration of Restrictive Covenants and Easements for Cape Marco, as recorded in Official Records Book 1708 at Page 590 of the Public Records of Collier County, Florida, as supplemented from time to time. Such addition shall provide that the property shall be "Common Property" as defined in the Declaration, which shall be for the common use and enjoyment of the owners of units within Cape Marco. As an alternative to the heights permitted herein, Building Areas ~~4 and 5~~, or either, Area 4 may be developed with residential units that do not exceed four (4) stories. In that event, residential structures (Primary Buildings) shall be allowed in the Secondary Building Area immediately adjacent to the Primary Building Area being developed with said restricted heights, provided that said residential structures in the Secondary Building Area do not exceed the heights permitted in said Secondary Building Area. If Building Area ~~5~~ 4 is developed for residential structures that do not exceed four (4) stories, Building Area ~~5~~ 4 may be relocated up to a maximum of fifty feet (50') to the south, provided that the separation between Building Areas 4 and 5 shall not be less than one hundred thirty feet (130'). For purposes of this Section, "stories" may be used for parking or units, provided the maximum number of stories plus allowed parking is not exceeded.

B. MINIMUM BUILDING SETBACK FROM SOUTH COLLIER BOULEVARD:

Primary Buildings	175'
Secondary Buildings	50'

Entrance Security Building 15'

C. MINIMUM SETBACK FROM SITE BOUNDARIES:

Adjacent to north and east project boundaries:

Primary ~~Building~~ **Buildings** 75'

Secondary ~~Building~~ **Buildings** 50'

Adjacent to ~~Existing Seawall:~~ **existing seawall:**

Primary ~~Building~~ **Buildings** 75'

Secondary ~~Building~~ **Buildings** 50'

Adjacent to beach:

Except as provided by Florida Department of Natural Resources Agreement No. AGR-CO 003 (as amended), there shall be no construction seaward of the 1989 Coastal Construction Setback Line.

D. MAXIMUM BUILDING HEIGHT:

Primary Building Areas 1 and 5: 12 Stories*

Primary Building Area 2: **18 Stories***

Primary Building Areas ~~2~~ **3** and 4: ~~18~~ **22** Stories*

~~Primary Building Area 3: 22 Stories*~~

~~Primary Building Area 3(a): 4 Stories*~~

Secondary Building ~~Area~~ **Areas:** 4 Stories*

Recreation / Open Space: 1 Story

* Above required Flood Plain Elevation or two (2) levels of parking.

E. MINIMUM DWELLING UNIT FLOOR AREA:

Dwelling Units: 750 Square Feet

F. MINIMUM BUILDING SEPARATION:

Between Primary Buildings over 4 stories: 100 Feet

Between Primary Buildings 4 stories **and or** under: 15 Feet

Between Primary Buildings over 4 stories **and &**
Primary Buildings under 4 stories: 30 Feet

Between Secondary Buildings: 30 Feet

Between Primary and Secondary Buildings: 0 Feet

G. MINIMUM OFF-STREET PARKING AREAS:

Each Residential Apartment Dwelling Unit: 2 Spaces

Other permitted uses such as restaurants and recreation and club facilities shall require 60% of the parking spaces required by the Zoning Ordinance. Minimum size of off-street parking spaces shall be as required by the Zoning Ordinance at the time of issuance of the permits therefor.

H. FLOOR AREA RATIO (FAR):

Maximum FAR: 4.0

Floor Area Ratio (FAR) shall be defined as gross square footage under roof, including residential structures, **but excluding** covered parking facilities, and private club and recreational buildings.

I. RECREATION AND ACCESSORY BUILDINGS:

Maximum Building Height 1 Story

Minimum separation of Building from Primary

or Secondary Building

35 Ft Feet

J. SETBACKS - CCCL

Beach - No structures shall be constructed seaward of the 1974 Coastal Setback ~~line~~ Line, unless any required variance is obtained from ~~Collier County~~ the City of Marco Island and the same is constructed in accordance with the Florida Department of Natural Resources Agreement No. AGR-CO 003, as amended.

K. DOCKS

Docks - The length of the docks from the property line shall be limited to 30 feet. Docks are permitted in the location indicated on the Master Plan. The dock setbacks are as indicated on the Master Plan. Docks are not to be used for overnight accommodations. No gas or other fuel sales to the public is permitted.

SECTION FOUR: THE PARCEL II DEVELOPMENT STANDARDS SECTION OF ORDINANCE NO. 81-25, AS AMENDED, THE POINT MARCO PLANNED UNIT DEVELOPMENT ORDINANCE, AS INCORPORATED BY REFERENCE IN ORDINANCE 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, IS HEREBY AMENDED TO READ AS FOLLOWS:

A. There will be allowed two on-grade parking facilities: an approximately 1.0 acre parcel to be known as the "County Parking Facility" to provide parking for the general public; and a 2.1 acre parcel to be known as the "MICA Park Facilities" which will provide parking for Marco Island residents; and both parking facilities allow passive recreational facilities, such as a park, picnic tables, landscaping, decorative walls, and the like. There are deed restrictions applicable to

Parcel II which are recorded at O.R. Book , 1984, Pages 1379 - 1389, inclusive.

Development of Parcel II shall occur in accordance with the following standards:

B. MINIMUM BUILDING SETBACK FROM SOUTH COLLIER BOULEVARD:

Parking Area	20'
Structures (Chickee <u>(chickee, etc.)</u>)	30'
Decorative Wall	5'

C. MINIMUM SETBACK FROM SWALLOW AVENUE:

Parking Area	20' <u>20 Feet</u>
Structures	30' <u>30 Feet</u>
Maximum Building Height	1 Story
Minimum Separation of Structures	5 Feet
Decorative Wall	5' <u>5 Feet</u>

D. The County Parking Facility parcel shall be improved by the County, at a time determined by the County, and shall be subject to the following conditions:

a 1. The use thereof shall be restricted to a parking lot with a maximum of seventy (70) parking spaces for use by the general public and passive recreation facilities.

b 2. The parking facility shall be fenced with a four foot (4') chain link fence.

e 3. Pedestrian and vehicular access to the parking facility shall only be via Swallow Avenue as more particularly set forth in Exhibit C attached hereto and incorporated herein by reference.

d 4. County shall provide a twenty foot (20') landscape buffer on the north and east sides of the parking facility in accordance with the landscaping requirements set forth in Division

2.4 of the County Land Development Code.

e 5. The development of the parking facility is subject to all provisions of the County Land Development Code, and all other applicable Ordinances, including providing all water management required on the County Parking Facility, and the Point Marco PUD, as amended.

f 6. The hours of operation shall not commence prior to sunrise or extend beyond one-half hour after sunset, unless specifically approved in writing by the Developer.

E. The MICA Park Facilities shall be improved by the Developer and shall be subject to the following conditions:

a 1. The use of the park facilities shall be restricted to a one acre parking area with a maximum of seventy (70) parking spaces for use in the same manner as the existing MICA residents beach parking lot. The remainder of the park facilities shall be used solely as a passive recreation area and open space area as depicted on the Site Sketch attached hereto as Exhibit C.

b 2. Pedestrian and vehicular access shall be limited as depicted upon the Site Sketch attached hereto as Exhibit C.

e 3. The hours of operation shall not commence prior to sunrise or extend beyond one-half hour after sunset.

SECTION FIVE: THE MASTER PLAN SECTION OF ORDINANCE NO. 81-25, AS AMENDED, THE POINT MARCO PLANNED UNIT DEVELOPMENT ORDINANCE, AS INCORPORATED BY REFERENCE IN ORDINANCE 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, IS HEREBY AMENDED TO READ AS FOLLOWS:

The approved Point Marco PUD Master Plan shall be the controlling document for the development of the project. The project will be developed in increments and each increment shall be developed in compliance with the PUD Master Plan. The project will have a security entrance

and a single traffic connection to on each side of Collier Boulevard. The general public will continue to have traditional use of the beach and development of this project shall not reduce or impede that right. Public beach access is provided along the north property line of the project.

The docks proposed are intended for the temporary use of residents and their guests. Periodic use by charter fishing boats to serve guests is permitted. Docking facilities for shuttle boats to transport residents and their guests to the primitive beach to the south for brief daytime outings is permitted.

The recreation and club facilities may include swimming, tennis, exercise, and other recreation facilities, in addition to meeting and food service facilities. These facilities shall be private facilities, intended solely for the use of residents and their guests.

SECTION SIX: THE STREETS SECTION OF ORDINANCE NO. 81-25, AS AMENDED, THE POINT MARCO PLANNED UNIT DEVELOPMENT ORDINANCE, AS INCORPORATED BY REFERENCE IN ORDINANCE 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, IS HEREBY AMENDED TO READ AS FOLLOWS:

A. INTERNAL IMPROVEMENTS:

Internal streets within Parcel I will be designed to specifically provide access to the various primary buildings and the parking facilities. No general public use of these streets will be allowed due to the limited security entrance to be provided on the one connection to Collier Boulevard. No maintenance will be requested or required of the ~~County~~ City for the streets or any of the facilities on the site nor will the streets be dedicated to the public.

~~Internal streets for Parcel II will be restricted to use by residents of Marco Island. These streets will be private and no maintenance will be requested or required of the County.~~

Direct road access shall be provided for fire and other emergency vehicles to all buildings including

the Beach Club Restaurant buildings containing recreational facilities and guest docks.

Detailed paving, grading, site drainage and utility plans shall be submitted to Project Review Services the City Community Development Department for review. No ~~Construction~~ construction permits shall be issued unless and until approval of the proposed construction in accordance with the submitted plans is granted by Project Review Services the City Community Development Department.

B. EXTERNAL IMPROVEMENTS:

~~A 1.~~ A southbound right-turn lane and northbound left-turn lane ~~shall be~~ has been provided at the complex entrance to Parcel I. The design of these lanes, including length, ~~shall be~~ was submitted to and approved by the County Engineer.

~~B 2.~~ A traffic signal shall be installed at the complex entrance when, and if, deemed warranted ~~by the County Engineer~~. The signal shall then be owned, operated and maintained by ~~Collier County~~: the City.

~~C. Sidewalks within~~

~~3.~~ Within Parcel I, sidewalks shall be provided along the entire length of the property fronting on Collier Boulevard.

~~D 4.~~ The developer shall landscape ~~and maintain~~ the median strip of Collier Boulevard along the length of this property.

~~5.~~ As set forth in Section VII hereof, Developer has previously deeded to Collier County a twenty foot (20') wide public beach access along the north property line. Developer agrees to improve the beach access by providing, at its sole expense, an "improved" pedestrian pathway to the beach, irrigated landscaping, benches, and bike racks, contingent upon the following:

- Collier County's written approval of said improvements as owner of the access, which is to be obtained by City.
- City or Collier County obtaining all permits, including permits from the Florida Department of Environmental Protection to improve the access, without increasing the impervious surface on the Point Marco PUD, which would impair Developer's ability to develop the Point Marco project under its existing agreement with the Florida Department of Environmental Protection. This will entail utilization of a wooden boardwalk or DEP approved "pavers" for the "improved" pedestrian pathway.

6. Work within City E. ~~Work within Collier County~~ right-of-way shall meet the applicable requirements of ~~Collier County right-of-way Ordinance No. 82-91.~~

the City.

SECTION SEVEN: THE BEACH ACCESS SECTION OF ORDINANCE NO. 81-25, AS AMENDED, THE POINT MARCO PLANNED UNIT DEVELOPMENT ORDINANCE, AS INCORPORATED BY REFERENCE IN ORDINANCE 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, IS HEREBY AMENDED TO READ AS FOLLOWS:

A twenty-foot wide strip has been provided along the north property line for public beach access. This strip has been deeded to Collier County; - said deed having been recorded at O.R. Book 1163, Page 1358 and the release of the reverter clause in said deed having been recorded at O.R. Book 1970, Page 766. This dedication was a requirement and condition of the PUD approval granted by Collier County Ordinance No. 81-98.

SECTION EIGHT: THE FIRE PROTECTION SECTION OF ORDINANCE NO. 81-25, AS

AMENDED, THE POINT MARCO PLANNED UNIT DEVELOPMENT ORDINANCE, AS INCORPORATED BY REFERENCE IN ORDINANCE 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, IS HEREBY AMENDED TO READ AS FOLLOWS:

A minimum of seven (7) fire hydrants shall be installed in the complex on Parcel I.

SECTION NINE: THE SUBDIVISION REGULATIONS SECTION OF ORDINANCE NO. 81-25, AS AMENDED, THE POINT MARCO PLANNED UNIT DEVELOPMENT ORDINANCE, AS INCORPORATED BY REFERENCE IN ORDINANCE 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, IS HEREBY AMENDED TO READ AS FOLLOWS:

No obstruction to the traditional public use of the beach will be impaired by any activity on this site.

Except as provided herein, the requirements of the Subdivision Ordinance must be met. Platting shall be required only if the project is not developed in accordance with the stipulations contained herein, provided the platting of the project would be required at that time under the applicable ordinances.

Parcel I is intended to be developed as a single integrated project, with each "building area" constituting a separate condominium entity under a master/umbrella association.

A. Prior to sale, transfer or development of any portion of the property in Parcel I, the master/umbrella association shall be formed and restrictive covenants imposed on the land to be sold, transferred or developed subjecting the land to covenants which will provide that the master association will:

1. Own and maintain the common areas of the project including, but not limited

to the following:

- i) a) Water distribution system;
- ii) b) Sewer collection system;
- iii) c) Storm water management facilities;
- iv) d) Vehicular and pedestrian internal circulation facilities;
- v) e) Common recreational facilities;
- vi) f) Landscaping;
- vii) g) Security features; and
- viii) h) Site lighting features.

2. Have the authority and responsibility to assess the individual condominiums or condominium units to maintain said facilities and have maintenance responsibility for said facilities.

B. All construction in Parcel I shall conform to SDP No. 89-182, as provided the same may be amended pursuant to the PUD Documents Document and Master Plan and Section 10.5 of the Collier County Zoning Ordinance or successor provision of the City of Marco Island Zoning Ordinance. However, the technical specifications for the infrastructure related items more particularly described in Section A.1. hereof shall not be subject to the Subdivision Regulations except as otherwise provided herein.

C. All construction shall conform to current ~~Collier County~~ City of Marco Island building codes and fire and life safety codes.

SECTION TEN: THE DEVELOPMENT COMMITMENTS SECTION OF ORDINANCE NO. 81-25, AS AMENDED, THE POINT MARCO PLANNED UNIT DEVELOPMENT ORDINANCE, AS INCORPORATED BY REFERENCE

IN ORDINANCE 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, IS HEREBY AMENDED TO READ AS FOLLOWS:

A. OPERATION, MAINTENANCE, AND MANAGEMENT:

It is intended that Parcel I be operated primarily as a residential complex. The managers of the complex will be responsible for the operation, maintenance and management of all of the common open space facilities and recreational activities. An entry security gate will be utilized 24 hours a day to control entrance to the development.

B. DESIGN AND DEVELOPMENT:

1. Outdoor lighting associated with such construction and development, within 300 feet of the high tide line, shall be in compliance with Section 3 of the Collier County Ordinance No. 88-52 or its successor ordinance of the City of Marco Island.

2. ~~B.~~ Petitioner shall not construct any structure, add any fill, mechanically clean any beach, or grade any dirt within 100 feet of the nesting zone of a beach where turtles nest or may nest during the nesting season (period between May 1 ~~and~~ October 31) without first obtaining a Construction in Sea Turtle Nesting Area Permit pursuant to Collier County Ordinance No. 88-52 or successor City ordinance.

3. ~~C.~~ If it is necessary for vehicles to be on the beach for construction of the walkovers or dune enhancement, petitioner shall apply for a Vehicle on the Beach Permit, subject to review and approval by the ~~Planning Services Environmental Review Staff~~ City Community Development Department, prior to any construction activity.

C. STORM WATER MANAGEMENT ~~PLAN~~:

~~A 1.~~ There will be independent storm water management systems for ~~Parcels~~
Parcel I and Parcel II.

~~B 2.~~ In accordance with the Rules of the South Florida Water Management District, (SFWMD) Chapters 40E4 and 40E-40, Parcel I shall be designed for a storm event of 3-day duration and 25-year return frequency.

~~C 3.~~ Parcel II may be designed solely for quality treatment of the first inch of runoff if the criteria of Section 40E-4.053 (Conditions for Exemption) are met. Otherwise, this parcel shall be designed for a 25-year, 3-day storm event.

~~D 4.~~ Landscaping shall not be placed within the water management areas unless specifically approved by ~~Project-Review-Services:~~ **the City Community Development Department.**

D. POTABLE WATER SUPPLY AND WASTE WATER COLLECTION:

~~A 1.~~ This project is in the franchise area of ~~Mareo-Island-Utilities~~ **Florida Water Services.** This utility company has guaranteed sufficient service for potable drinking water and waste water collection for this site at its total developed density.

~~B 2.~~ Verification from ~~the Mareo-Island-Utilities~~ **Florida Water Services** stating that they have reviewed and approved the water and sewer facilities construction document to serve this project is required and must accompany the final site development plan.

~~C 3.~~ Verification of sewage treatment capacity pursuant to Ordinance No. 80-12 ~~to services~~ **or the successor ordinance of the City to service** this project is required and must accompany the final site development plan.

SECTION ELEVEN: THE PUD MASTER PLAN AND LEGAL DESCRIPTION SECTION OF

ORDINANCE NO. 81-25, AS AMENDED, THE POINT MARCO PLANNED UNIT DEVELOPMENT ORDINANCE, AS INCORPORATED BY REFERENCE IN ORDINANCE 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE IN EFFECT AUGUST 28, 1997, WHICH IS THE LAND DEVELOPMENT CODE FOR THE CITY OF MARCO ISLAND, IS HEREBY AMENDED TO READ AS FOLLOWS:

~~The Project is being amended to add Parcel II to the Point Marco PUD.~~

Attached as Exhibit "A" is the legal description for Point Marco PUD, Parcels I and II.

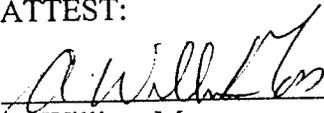
Attached as Exhibit "B" is the new PUD Master Plan, ~~which shows the inclusion of Parcel II into the Point Marco PUD.~~

SECTION TWELVE: EFFECTIVE DATE

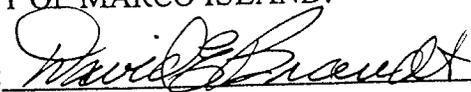
This Ordinance shall become effective immediately upon adoption.

PASSED IN OPEN REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, THIS 1st DAY OF November, 1999.

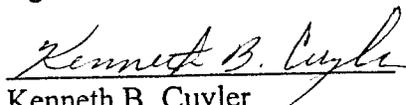
ATTEST:


A. William Moss
City Manager

CITY OF MARCO ISLAND:

BY: 
David E. Brandt, Chairman

Approved as to form and
legal sufficiency:


Kenneth B. Cuyler
City Attorney

PARCEL I

A parcel of land lying in Sections 19 and 20, Township 52 South, Range 26 East, Collier County, Florida, more particularly described as follows;

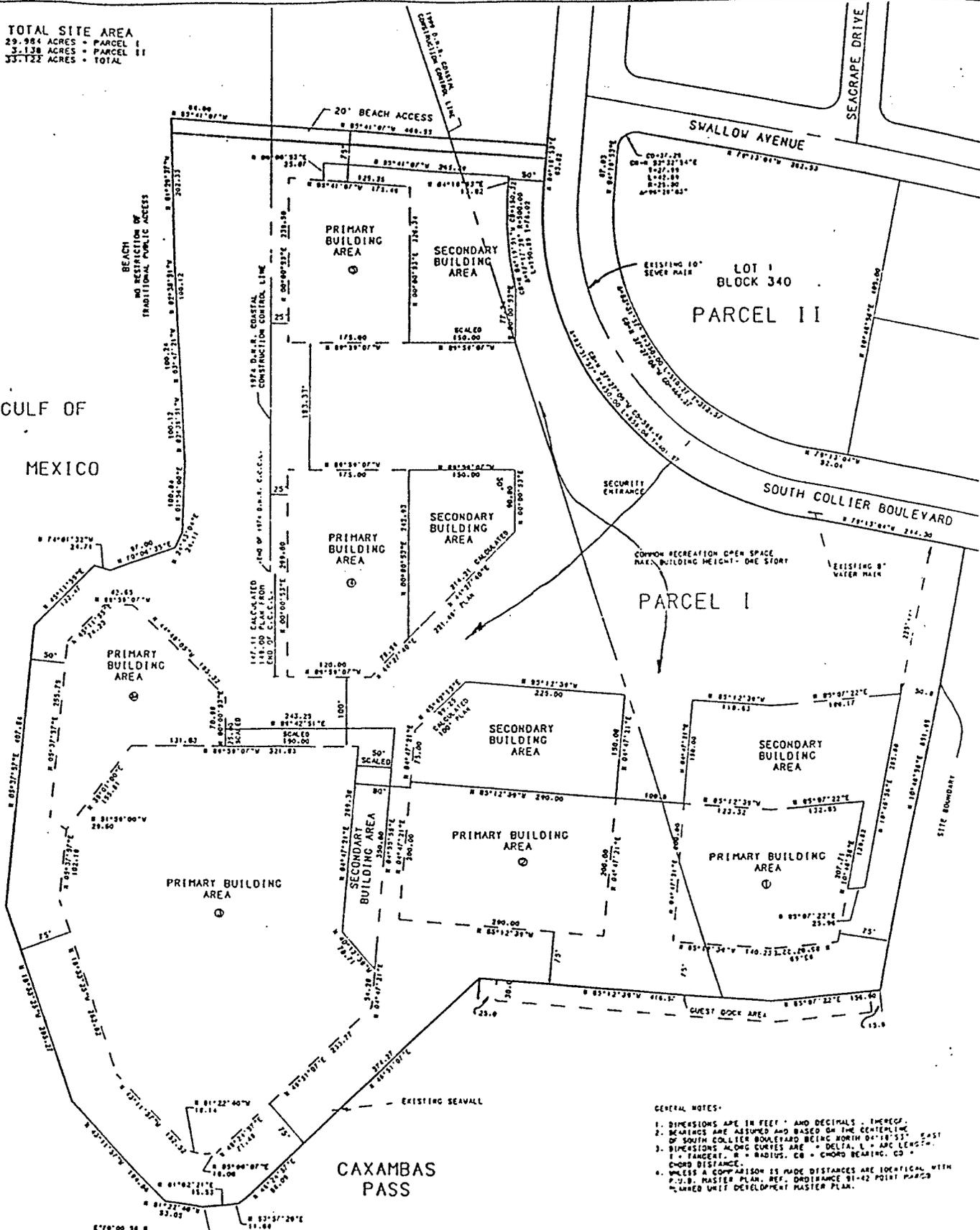
Commencing at the intersection of the centerline of South Collier Boulevard and Swallow Avenue as shown on the plat of Marco Beach, Unit Ten, according to plat in Plat Book 6, Pages 74 to 79 inclusive, Public Records of Collier County, Florida; thence run South $04^{\circ}18'53''$ West along the centerline of said South Collier Boulevard a distance of 77.12 feet; thence North $85^{\circ}41'07''$ West a distance of 50.0 feet to an iron pin, said iron pin being on the Westerly Right-of-Way line of said South Collier Boulevard and the Point of Beginning of the herein described parcel; thence North $85^{\circ}41'07''$ West a distance of 469.55 feet to an iron pin; thence continue North $85^{\circ}41'07''$ West a distance of $68 \pm$ feet to the mean high water line (elevation +1.5 contour) of the Gulf of Mexico as it existed on January 5, 1979; thence along the mean high water line South $01^{\circ}29'37''$ East a distance of 202.33 feet; thence South $02^{\circ}38'51''$ East a distance of 100.12 feet; thence South $03^{\circ}47'21''$ East a distance of 100.24 feet; thence South $02^{\circ}38'51''$ East a distance of 100.12 feet; thence South $01^{\circ}56'00''$ West a distance of 100.04 feet; thence South $24^{\circ}43'04''$ West a distance of 24.11 feet; thence South $70^{\circ}06'35''$ West a distance of 97.00 feet to a point on the centerline of a seawall cap; thence along said seawall North $74^{\circ}01'32''$ West a distance of 24.71 feet; thence South $45^{\circ}11'55''$ West a distance of 122.47 feet; thence South $05^{\circ}37'57''$ West a distance of 407.84 feet; thence South $18^{\circ}33'25''$ East a distance of 295.27 feet; thence South $43^{\circ}11'57''$ East a distance of 194.86 feet; thence South $81^{\circ}22'40''$ East a distance of 53.05 feet; thence North $85^{\circ}00'07''$ East a distance of 36.69 feet; thence North $81^{\circ}02'21''$ East a distance of 15.53 feet; thence North $53^{\circ}57'20''$ East a distance of 11.66 feet; thence North $46^{\circ}24'57''$ East a distance of 86.09 feet; thence North $46^{\circ}51'07''$ East a distance of 374.27 feet; thence South $85^{\circ}12'39''$ East a distance of 416.57 feet; thence leaving said seawall cap North $85^{\circ}07'22''$ East along the mean high water line of Caxambas Pass as it existed June 2, 1980, a distance of 156.90 feet to an iron pin on the Westerly property line of Lot 1, Block 587, Marco Beach, Unit Twenty-One, according to plat in Plat Book 6A, Pages 21A and 22A, Public Records of Collier County, Florida; thence along the Westerly property line of said Lot 1, North $10^{\circ}46'56''$ East a distance of 651.95 feet to a concrete monument on the Southerly Right-of-Way line of South Collier Boulevard; thence along said Southerly Right-of-Way North $79^{\circ}13'04''$ West a distance of 244.31 feet to a point of curvature of a curve being concave to the Northeast having a radius of 450.00 feet; thence along said curve curving to the right through a central angle of $83^{\circ}31'57''$ and an arc length of 656.03 feet to the point of tangency lying on the Westerly Right-of-Way line of South Collier Boulevard; thence along said Westerly Right-of-Way line North $04^{\circ}18'53''$ East a distance of 63.83 feet to the Point of Beginning.

PARCEL II

Lot 1, Block 340, Unit 10, Marco Beach Subdivision, Marco Island, Florida.

TOTAL SITE AREA
 29.984 ACRES = PARCEL I
 3.138 ACRES = PARCEL II
 33.122 ACRES = TOTAL

GULF OF MEXICO



- GENERAL NOTES:
1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. BEARINGS ARE ASSUMED AND BASED ON THE CENTERLINE OF SOUTH COLLIER BOULEVARD BEING NORTH 0°18'53" EAST.
 3. DIMENSIONS ALONG CURVES ARE = DELTA, L = ARC LENGTH, R = RADIUS, CB = CHORD BEARING, CD = CHORD DISTANCE.
 4. UNLESS A COMPARISON IS MADE DISTANCES ARE IDENTICAL WITH P.U.D. MASTER PLAN, REF. ORDINANCE 91-42 POINT MARCO PLANNED UNIT DEVELOPMENT MASTER PLAN.

CAXAMBAS PASS

POINT MARCO
 PLANNED UNIT DEVELOPMENT
 MASTER PLAN



WILSONMILLER, INC.
 ENGINEERS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS
 LANDSCAPE ARCHITECTS • CONSTRUCTION MANAGERS

EXHIBIT "B"
 REV. 7/22/95
 REV. 4/25/96
 REV. 3/27/98
 REV. 3/1/99
 REV. 8/18/99

**CAPE MARCO
BEACH PARKING FACILITY**
Conceptual Site Plan A

WILSON
XILLER
BARTON
A FLX
INC.

Architect
Landscape Architect
Civil Engineer
Mechanical Engineer
Electrical Engineer
Structural Engineer
Traffic Engineer
Environmental Engineer
Historic Preservation Consultant
Public Works Consultant
Construction Management Consultant
Construction Law Consultant
Construction Safety Consultant
Construction Insurance Consultant
Construction Financing Consultant
Construction Marketing Consultant
Construction Legal Consultant
Construction Risk Consultant
Construction Security Consultant
Construction Sustainability Consultant
Construction Technology Consultant
Construction Training Consultant
Construction Union Consultant
Construction Vendor Consultant
Construction Worker Consultant

Scale: 1" = 100'
North Arrow
Date: 10/1/00
Sheet: 1 of 1

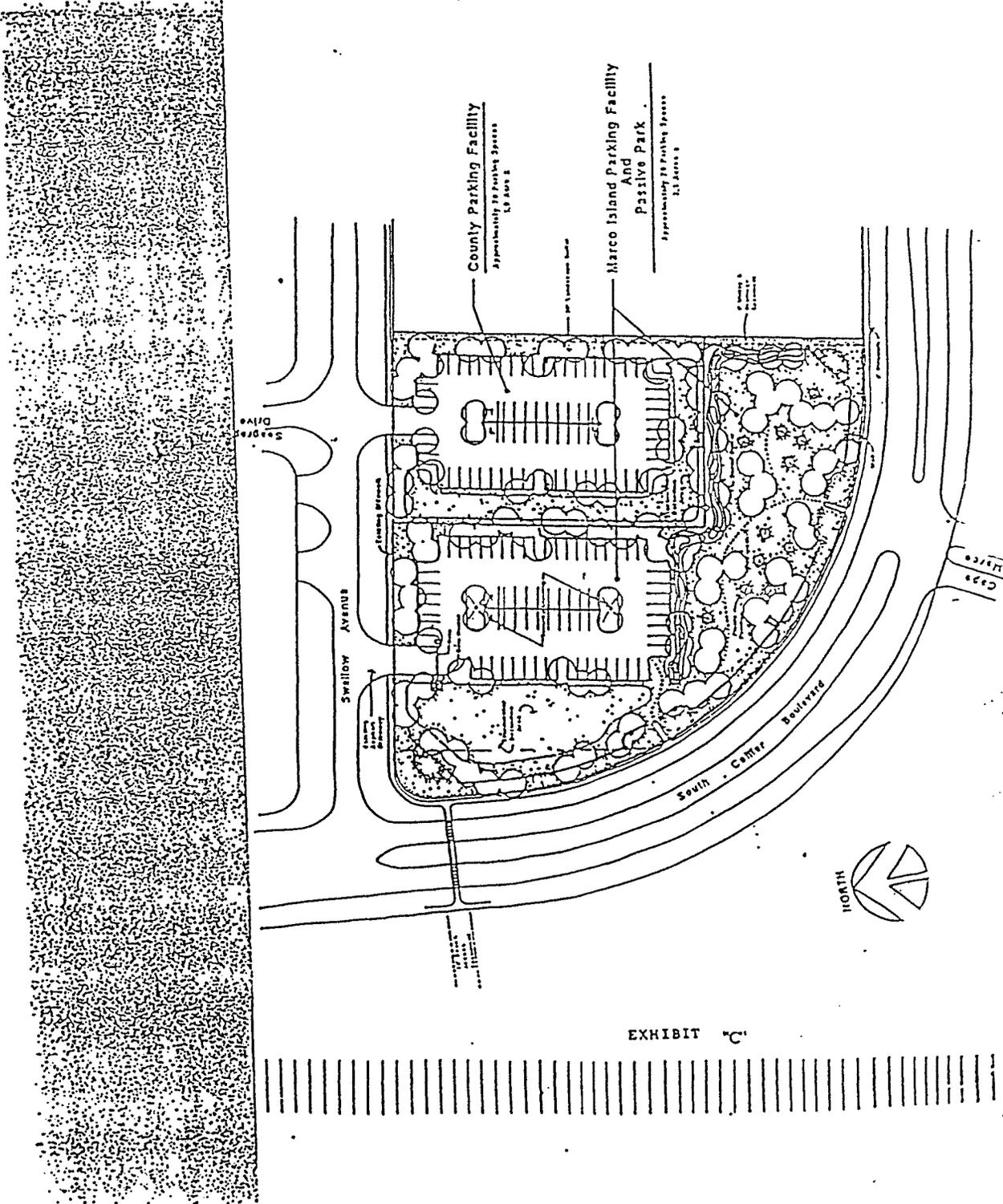


EXHIBIT C

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATT: DEE PHILLIPS
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
57950286 SECOND READING & PUB

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the Assistant Corporate 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 coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 10/22

AD SPACE: 36.000 INCH
FILED ON: 10/22/99

Signature of Affiant _____

Sworn to and Subscribed before me this 22 day of Oct 1999

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 November 1, 1999, at the Marco Island YMCA, 101 Sand Hill Street, Marco Island, Florida, will consider:
Petition PUD-99-01, George L. Varnados, Esquire, of the law firm Young, Van Assenderp and Anderson P.A. is requesting a PUD amendment to the Point Marco Planned Unit Development in order to increase the building height from 18 stories to 22 stories on primary building area 4; to eliminate development on primary building area 3A; and to eliminate the existing sales facility.
Members of the Public are invited to make oral or written comments in regard to this Ordinance.
October 22 No. 1495120



Susan D Flora
My Commission CC581717
Expires Dec. 10, 2000