ORDINANCE 98-8275

AN ORDINANCE APPROVING REZONE PETITION 98-R4, REZONING THE PROPERTY DESCRIBED HEREIN, FROM "PD" PLANNED DEVELOPMENT TO "PD" PLANNED DEVELOPMENT TO ALLOW EIGHTEEN (18) SINGLE-FAMILY HOMES AND ACCESSORY USES AND STRUCTURES AT KEWAYDIN ISLAND SOUTH OF GORDON PASS, AND DEVELOPMENT OF THE ASSOCIATED SHORE STATION AT 260 BAY ROAD, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

WHEREAS, Section 102-717 of the Code of Ordinances requires that any changes to an approved development plan be processed through a rezone petition; and

WHEREAS, Shannon Development, owner of property at Keewaydin Island south of Gordon Pass and Shore Station at 260 Bay Road, has petitioned to rezone certain property as described herein to allow eighteen (18) single-family homes and accessory uses and structures at Keewaydin Island south of Gordon Pass and development of the associated shore station; and

WHEREAS, following a public hearing, the Planning Advisory Board has considered the recommendation of the staff and the public input and has recommended by a vote of 4 to 0 that Rezone Petition 98-R4 be approved; and

WHEREAS, After considering the recommendation of the Planning Advisory Board and City staff, following a public hearing on the subject, and providing the petitioner an opportunity to speak, the City Council has determined that the petition should be granted;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Rezone Petition 98-R4 is hereby granted and the property more particularly described in attached Exhibit "A" is hereby zoned to "PD" Planned Development in accordance with the following documents:

a. A set of drawings by Team Plan, Inc. and Hole Montes & Associates dated April 1998, consisting of 5 sheets identified as follows: 3585-1, 3585-2, 3585-3, 3585-4, 3585-5, attached hereto and made a part hereof.

b. A set of drawings by Humiston & Moore dated April 21, 1998 consisting of 3 sheets identified as follows: 7040-D1, 7040F2, 7040F3, attached hereto and made a part hereof.

c. Typical architectural elevations of the arrival station as prepared by Dyehouse & Geshay, Inc., attached hereto and made a part hereof.

d. The Keewaydin Island Planned Development Narrative prepared by J. Dudley Goodlette, Esq. dated April 23, 1998, attached hereto and made a part hereof.

Section 2. That the Keewaydin Island Planned Development Narrative prepared by J. Dudley Goodlette, Esq. dated April 23, 1998 shall be amended to include the following language:
Page 5 Section A2 add the following: All guest units shall meet the requirements of section 110-90 of the Code of Ordinances.

Page 10, Section B2, add the following: The Keewaydin Island Community Association, Inc. shall be responsible for maintenance of the dune and reconstruction to approved specifications in the event the dune is destroyed.

Page 13, Section B6, add the following: Appropriate fixed fire protection shall be provided at the helipad.

Page 13, Section B6, add the following: City Manager approval shall require an operating agreement with the Naples Airport Authority and certification that all State and FAA requirements have been met.

Page 7, Section C1 add the following: The mangroves along the western edge of the cove fringe shall be preserved. Pruning shall be permitted consistent with applicable State regulations.

Page 7, Section C2a add the following: and approval by the City Natural Resources Manager.

Page 8, Section C2b add the following: and approval by the City Natural Resources Manager.

Page 13, Section B6 add the following: All helicopter flights must take off to the south until reaching an altitude of 500 feet and follow a flight pattern westward 1/4 mile, northward to 5th Avenue South and eastward to the Naples Airport. Non-emergency helicopter flights are limited to five arrivals per 24-hour period between the hours of 7:00 a.m. and 10:00 p.m.

Page 15, Section D add the following: All trash and solid waste must be containerized for transport. The transporting of solid waste and workers shall be only permitted between the hours of 7 a.m. and 7 p.m. The use of pontoon vessels when transporting workers or solid waste shall appear as pleasure boats. The developer agrees that every effort will be made to utilize the Naples transfer site for the transfer of solid waste.

Add the following language adjacent to the COBRA boundary on the site plan: No residences, utilities, or infrastructure supporting residential development may be constructed south of the COBRA Boundary Line.

Section 3. If any word, phrase, clause, subsection, or section of this ordinance for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4. This ordinance shall supersede in its entirety any and all previous PD zoning that may be applicable to the property.

Section 5. This ordinance shall take effect immediately upon adoption at second reading.
Ordinance 98-8275

APPROVED AT FIRST READING THIS 3rd DAY OF JUNE, 1998.


Bill Barnett, Mayor

Attest:

Tara A. Norman, City Clerk

Approved as to form and legality:

Kenneth B. Cuyler, City Attorney

For the diagrams listed as attached, see Supplemental Map Drawer 3.
Amendment to

KEEWAYDIN ISLAND

Planned Development Narrative

Prepared by:
J. Dudley Goodlette, Esquire
Goodlette, Coleman & Johnson, P.A.
4001 Tamiami Trail North
Suite 300
Naples, FL 34103
April 1998

April 23, 1998
I. INTRODUCTION

The Planned Development Narrative, as amended, is a part of City of Naples Ordinance No. 96-7606 (the Ordinance) adopted January 3, 1996, titled “Keewaydin Island Planned Development” which re-zones the lands within the City of Naples described herein from their existing zoning designations on the City Zoning Atlas to “PD” Planned Development. The Keewaydin Island Planned Development describes the proposed redevelopment of the Property from the existing transient lodging facility to a single family residential development. The purpose of this narrative is to provide certain information required by the City of Naples Comprehensive Development Code that will govern the redevelopment of the Property.

Keewaydin Island is located within the City of Naples, south of Gordon's Pass. Its immediate boundaries are Gordon Pass to the north, Dollar Bay on the east, the Gulf of Mexico on the west and state-owned lands which are part of the Rookery Bay National Estuarine Research Reserve on the south.

II. DEFINITIONS

“Alternate Shore Station” shall mean parcel E as described in Exhibit PDN-1.

“Association” shall mean the homeowners’ association to be formed as a non-profit corporation to perform certain functions on behalf of the Residential Owners.

“Bayview Cottage Property” shall mean parcel B as described in Exhibit PDN-1.

“Building Compound Envelope” shall mean a parcel of land which shall be conveyed to a Residential Owner, and upon which a residence can be constructed.

“Caretakers Quarters” shall mean a residential unit to house a caretaker for the project. There shall be no more than two caretakers quarters permitted in conjunction with the project located on the Island Property.

“City” shall mean the City of Naples acting through its City Council or staff members as appropriate.

“Code” shall mean the City of Naples Comprehensive Development Code (Ordinance 89-5981, as amended through the date of adoption of this Ordinance). References to Code sections follow the chapter sections, and page numbering system contained in the “Code of Ordinances, City of Naples, Florida” published by Municipal Code Corporation.

“Common Areas” shall mean all lands and structures thereon which are conveyed to the Association.
"Declaration" shall mean the development standards and restrictions which will be incorporated into the Declaration of Covenants, Easements, and Restrictions which shall be recorded and be binding upon all owners of the Island Property and in Association documents and rules. The Declaration shall include such matters as architecture, landscaping, siting, and view orientation. The Declaration will provide specific regulations for each Building Compound Envelope, and will create an architectural review committee.

"Developer" shall mean Shannon Development, a Florida corporation [Key Island Partners, a Florida general partnership having a contractual right to purchase the Property (except the Bayview Cottage Property) or such successor entity as may be entitled to exercise development control over the Property. Developer is the Petitioner in this application pursuant to written authorization from the Owner.

"Existing Development" shall mean the existing transient lodging facility consisting of the Club Lodge and 180-seat restaurant; a 44 unit/86 bed transient lodging facility housed in 13 cottages; and 2 staff housing structures; a club office; maintenance building; fire house and cart garage; and several recreational amenities and structures, including the swimming pool, deck, a 2,500 square foot outdoor dining area with 80-seat capacity, screen shelter and tennis courts and other facilities and structures. Existing Development shall also include the Shore Station, which contains parking structures, parking lots, fuel sales facilities and a caretaker's cottage.

"Island Property" shall mean parcel A as described in Exhibit PDN-1.

"Lot(s)" shall mean a platted lot on the Island Property which shall be conveyed to a Residential Owner. Building Compound Envelopes will be contained within the Lots.

"Owner" shall mean, collectively or individually as the context requires, Keewaydin Island Limited Partnership (KILP), a Delaware limited partnership, Lucille M. Dreckert and Barrett C. Ott as Successor Co-Trustees of that certain Land Trust dated June 19, 1989, joined by Keewaydin Club Marina, Inc.

"Property" shall mean those lands described as Parcels A, B, C, and E on Exhibit PDN-1.

"Residential Owner" shall mean the owner or long-term lessee of a residence. Where the owner or long-term lessee is not a natural person, the Residential Owner for purposes of this PD shall be the natural person designated by the owner or long-term lessee.

"Shore Station" shall mean parcel C as described on Exhibit PDN-1.

"Shore Station Residential Strip" shall mean Parcel D as described in Exhibit PDN-1.
III. DESCRIPTION AND CONCEPT OF DEVELOPMENT

The Property consists of the Island Property, the Bayview Cottage Property, the Shore Station, and the Alternate Shore Station. The Island Property and Bayview Cottage Property consist of 60.61 acres located at the northern end of Keewaydin Island and represent the lands that remain in private ownership on Keewaydin Island within the City having been sold to the State of Florida in 1993 and are now incorporated into the Rookery Bay National Estuarine Research Reserve. The Shore Station is located on Bay Road, at the southern end of Gordon Drive, and is one-half acre in size. The Alternate Shore Station consists of two parcels located on Bayshore Drive, which is outside the City limits. These parcels are waterfront parcels which have direct access to the Island Property through Naples Bay.

The development concept described in this Planned Development is the redevelopment of the Island Property from its current use as a transient lodging facility to a single family residential development consisting of no more than eighteen (18) twenty (20) home sites. The existing cottages will be removed, except for Bayview Cottage and Cove House. The Lodge or a portion thereof will be retained. The development standards as established by this PD and the Declaration will shape the nature and character of the development. The homes will be substantial in size and a full range of amenities and services appropriate to a development of this type will be provided. Individual architectural expression will be encouraged within parameters established by the Declaration to ensure compatibility and consistency throughout the development.

With regard to the land-based facilities, the development concept is to severely restrict the use of the Shore Station to those uses which directly support the transportation of Residential Owners, their families and guests, Permitted Users, and the Bayview Cottage Users to the Island Property. All other residential support uses which require a land base will take place from the Alternate Shore Station or such appropriate commercial land base sites as may be necessary. Because the Shore Station is located within a residential neighborhood it is intended to have a very low intensity use. The Alternate Shore Station, on the other hand, is located on a major road, and is zoned "commercial" under the County Land Development Code. Accordingly, the Alternate Shore Station is the site from which employees, service and delivery personnel, and similar activities will park and be transported to the island by ferry.

The Shore Station Residential Strip shall be used only for residential uses compatible and in conjunction with the surrounding R1-15 zone.

The Bayview Cottage Property is included in this PD so that it will carry a PD zoning designation, since it is below the minimum size under the Code to support a separate zoning classification and application therefore. The Developer is not purchasing the Bayview Cottage Property, which will remain in the ownership of the Owner, its heirs, successors, or assigns. Bayview Cottage does not constitute one of the residential units.
authorized by this PD for the Island Property. Except as this PD Narrative may specifically provide for the Bayview Cottage Property, such property, and the structure thereon, shall not be subject to the terms and conditions of this PD.

IV. LEGAL DESCRIPTIONS

The property is legally described in Exhibit PDN-1.

V. OWNERSHIP, CONTROL, and AUTHORIZATIONS

A. The names and addresses of the parties having fee simples title in the Property are as follows:

Keewaydin Island Limited Partnership (KILP)
c/o Beechwood Company
Suite 718, Bigelow Corporate Center
Bigelow Square
Pittsburgh, PA 15219-1945
1-412-471-6420 (telephone)
1-412-471-9011 (facsimile)

Lucille M. Drackett and
Darrel C. Ott, as Successor Co-Trustees
c/o Keewaydin Club, Inc.
260 Bay Road
Naples, Florida 33940

Keewaydin Club Marina, Inc.
c/o Keewaydin Club, Inc.
260 Bay Road
Naples, Florida 33940

B. The Developer is: Shannon Development
1262 Third Street South
Suite F
Naples, FL 34102

Key Island Partners
c/o Florida Real Estate Consultants, Inc.
4336 Gulfshore Blvd., North
Naples, Florida 33940
(941) 434-0602

The Developer has a contractual right to purchase the Property (except Bayview Cottage) and is authorized and required thereunder to apply for and prosecute certain Development Permits, including an application for PD zoning for the Property and is authorized to exercise control over the Development of the Property.
VI. DEVELOPMENT STANDARDS

A. Residential development on the Island Property

1. General: Residential development shall be limited to no more than eighteen (18) twenty (20) single family residences located on the Island Property within the Building Compound Envelopes. A residence may be constructed on more than one Building Compound Envelope if multiple Building Compound Envelopes are combined, so long as the number of residences does not exceed eighteen. The number of combined Building Compound Envelopes Lot lines Building Compound Envelopes shall be generally located as shown on the Site Plan. Minor Adjustments to Lot line Building Compound Envelope boundaries may be made; provided however, residences may not be constructed seaward of the 35 year erosion protection line established by FDEP prior to commencement of construction except to the extent that the Development Agreement with FDEP may permit non-enclosed areas such as gazebos, porches, and decks seaward of such line but in no event shall such structure extend more than 30’ forward of such line. No residences, utilities, or infrastructure supporting residential development may be constructed south of the COBRA Boundary Line. The Declaration will establish specific development standards including specific standards for specified individual Building Compound Envelopes, which in many instances will be more restrictive than the development shall conform to in this PD; however all residential development shall conform to the standards set forth herein, unless the Declaration establishes a more restrictive standard for that particular Building Compound Envelope.

2. Permitted accessory uses and structures within the Building Compound Envelopes: Structures and amenities consistent with single family residential dwellings, including but not limited to swimming pools and other recreational facilities, servants’ or detached guest quarters (attached only), golf cart garages, and other accessory uses customary in residential areas and consistent with the development concept. Servants’ or guest quarters may have kitchen facilities. Servants’ or guest quarters may not be leased. Utility buildings shall conform to the location and design requirements of Section 110-92 of the Code.

3. Maximum Height: Thirty-five feet. Height of structures shall be defined as the vertical distance measured from the established one-hundred-year flood elevation as measured by FDEP, to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and the ridge of gable, hip, or gambrel roofs. This limit shall not apply to non-habitable architectural enhancements, however, in no event shall the height of such enhancements exceed thirty-five feet, measured as set forth above.

4. Setbacks and building-separation.
a. No residence or accessory structure may be constructed less than 10 feet from a common line between Building Compound Envelopes. If more than one Building Compound Envelope is utilized, the setback shall be measured from the revised boundary.

b. Where a Building Compound Envelope does not border on another Building Compound Envelope, the setback shall be 0' (zero).

c. The minimum separation between residential buildings shall be 20 feet.

d. The front setback shall be fifteen feet from the landscape/retaining wall for residences and zero (0') for accessory structures. The front shall be the side opposite the side that faces the water.

5. Maximum development footprint.

The development footprint on the Island Property will not exceed 102,462 square feet of habitable, air conditioned first floor space. Ancillary unheated or non-air conditioned structures such as, but not limited to, gazebos, chichee huts, and boat houses, as well as storage areas shall not be included in this computation.

B. The Lodge

1. General: The Lodge is one of the most interesting of the existing buildings making up the Keewaydin Club. The main Lodge was constructed in approximately 1935. The development concept includes retention of the original Lodge building. The original Lodge building may not be removed; however, the additions constructed for a restaurant in recent years may be removed if the Developer so desires.

2. Permitted uses: The use of the Lodge will of necessity be evolutionary. However, certain use parameters can be stated as follows:

   - The Lodge will be available only for the private non-commercial use of the Developer and its assigns, which may include only family members of officers and owners of Developer, their guests, and Residential Owners, their family members and guests (Permitted Users).

   - The Lodge may contain non-commercial food preparation facilities; however, such facilities will only be for the use of Developer/Permitted Users in hosting private social gatherings.

   - The Lodge may contain up to three guest suites or caretakers quarters, and office or administrative facilities, only for the private use of Permitted Users.
Such use shall be temporary only, and shall in no event exceed three (3) consecutive days.

C. Docking facility

1. General: Located on an island, the development must depend on water transportation, and therefore the adequacy and convenience of the water transportation system is crucial to the success of the development. The docking facility must service the needs of a residential community in much the same way that a system of streets, driveways, and garages must service a land-based residential development. Among the requirements of such a facility are:

   o To provide a boat slip for each residence and the Shore Station Residential Strip, with the ability to provide a second slip for some residences, which may be reconfigured from time to time within the overall footprint identified on the Master Plan Sheet 3585-3.

   o Provide space where Permitted Users and guests of Residential Owners may tie up on a temporary basis.

   o Provide facilities for receiving passengers from the Shore Station and Alternate Shore Station.

   o Provide facilities for receiving materials during construction, and for receiving construction employees, trades persons, employees of owners, service personnel, and the delivery of goods to the island.

   o Provide facilities for berthing police, fire, and EMS vessels in the performance of their functions.

   o Provide facilities for docking boats of environmental agencies and organizations such as the Rookery Bay National Estuarine Research Reserve, The Conservancy, Florida Audubon Society, and other agencies with an interest in the adjoining state owned lands which have been incorporated into the Rookery Bay National Estuarine Research Reserve. Such use will be only for research purposes. Educational programs by these groups or agencies will access the Reserve from other docking points.

2. Permitted Uses:

   a. Open boat slips that may be constructed in accordance with plans approved by the State of Florida, Department of Environmental Protection (DEP),—maximum of 15 finger piers no more than 15 feet in length, with associated mooring pilings.
b. A maximum of 11 boat houses in compliance with DEP permits no more than 30 feet in length.

c.Parallel docking along the boardwalk.

d. Facilities consistent with the description of the docking facility requirements set forth above and such other and/or accessory facilities as may be consistent with servicing the water transportation needs of the development.

3. Prohibited Uses:

a. Commercial facilities of any kind including sales of fuel and marine supplies.

b. Repair or haul-out facilities; however, this does not prohibit personnel of mobile marine service-type businesses from performing minor repairs or services on an owner's boat at his dock. This shall be limited to minor work comparable to "road-side assistance" work performed on automobiles.

c. Docking of commercial vessels such as fishing vessels.

d. Live aboards.

e. Docking of vessels exceeding forty (40) feet in length (except temporary docking of vessels such as barges delivering materials).

4. Additional Standards

a. A spill containment and clean up contingency plan will be developed and approved by the Natural Resources Director. Such plan will address petroleum and other hazardous material spills and discharges from vessels sinking, vessel fires, fuel tank spillage or leaks, and similar events.

b. The Developer will apply to FDEP for Environmental Resource Permits for the construction of the docking facility, including dredging of the cove. Copies of all applications and supporting materials will be furnished to the Natural Resources Manager. The Building Official and Natural Resources Manager will process applications for pier and boat shelter construction, dredging, and similar marine construction and shall issue permits if the application is in compliance with Section 114 - 133 of the Code and City Council approval of such permits shall not be required so long as such permit does not permit or allow for construction exceeding the following limits:

(1) The lateral expansion of the area of the cove.
KEEWAYDIN ISLAND

Planned Development Narrative

APPROVED
City Council 1/3/96
Ordinance No. 96-7606

Prepared By:
Donald A. Pickworth, P.A.
5811 Pelican Bay Boulevard
Suite 210
Naples, Florida 33963
November 13, 1995
ORDINANCE 96-7606

AN ORDINANCE APPROVING REZONE PETITION 95-R14, REZONING THE PROPERTY DESCRIBED HEREIN, FROM "R3T-12" MULTI-FAMILY AND "PD" PLANNED DEVELOPMENT TO "PD" PLANNED DEVELOPMENT, PROVIDING FOR REDEVELOPMENT OF PROPERTY COMMONLY KNOWN AS KEEWAYDIN CLUB FROM A TRANSIENT LODGING FACILITY TO A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT; PROVIDING FOR THE SUPERSESSION OF ALL PREVIOUS PD ZONING REGULATIONS APPLICABLE TO THE PROPERTY; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Key Island Partners, a Florida partnership, joined with Lucille Drackett and Barret C. Ott as successor Co-Trustees and Keewaydin Club Marina, Inc., and an application to rezone certain property as described herein (the "Property") to "PD" Planned Development in accordance with the drawings and PD narrative referenced herein; and

WHEREAS, the Planning Advisory Board, having heard the petitioner and all interested parties at a public hearing, has recommended approval of this rezoning;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That the property more particularly described in attached Exhibit "A" is hereby zoned "PD" Planned Development in conformance with the following documents:


b. The Keewaydin Island Planned Development Narrative by Donald A. Pickworth, P.A., dated November 13, 1995 (identified as "pddoc6"), attached hereto and made a part hereof.

Section 2. That the Zoning Atlas of the City of Naples shall be amended to reflect said rezoning.

Section 3. If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4. This ordinance shall supersede in its entirety any and all previous PD zoning that may be applicable to the property.

Section 5. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 20TH DAY OF DECEMBER, 1995.


Paul W. Muenzer, Mayor

Attest: Tara A. Norman, Deputy City Clerk

Approved as to form and legality: Maria J. Chiaro, City Attorney

For the drawings noted as attached, please see Supplemental Map Book 2 contained in the records of the City Clerk's Office.
PARCEL A

All that part of Sections 27 and 28, Township 50 South, Range 25 East, Collier County, Florida, being more particularly described as follows:

Commencing at the East 1/4 corner of said Section 27 thence along the easterly line of said Section 27 South 00°23'05" West 2689.05 feet to the Southeast corner of said Section 27;
  thence North 60°39'35" West 5694.63 feet to the Point of Beginning;
  thence North 13°04'46" West 218.72 feet;
  thence North 17°17'23" West 140.29 feet;
  thence North 21°30'20" East 144.00 feet;
  thence North 04°24'28" East 304.84 feet;
  thence North 26°08'55" West 40.21 feet;
  thence South 51°09'49" West 127.69 feet;
  thence South 69°11'18" West 86.80 feet;
  thence North 55°15'26" West 38.54 feet;
  thence North 16°11'33" West 41.05 feet;
  thence North 27°44'13" East 86.20 feet;
  thence North 03°23'43" West 302.39 feet;
  thence North 21°45'46" West 28.07 feet;
  thence North 03°43'38" West 26.20 feet;
  thence North 03°41'43" West 115.27 feet;
  thence North 21°31'31" East 97.65 feet;
  thence North 02°32'50" West 66.12 feet;
  thence North 17°14'41" West 67.36 feet
  thence North 00°21'29" West 154.84 feet;
  thence North 07°02'45" West 858.28 feet to a point on the Bulkhead Line of Keewaydin Island as recorded in Bulkhead Line Plat Book 1, Pages 1 through 3 inclusive, of the Public Records of Collier County, Florida;
  thence along said Bulkhead Line in the following five (5) described courses;
  1) South 22°18'14" West 390.20 feet;
  2) Southwesterly 243.46 feet along the arc of a tangential circular curve concave to the northwest, having a radius of 250.00 feet, through a central angle of 55°47'45" and being subtended by a chord which bears South 50°12'06" West 233.95 feet;
  3) South 78°05'59" West 916.06 feet;
  4) Southwesterly, Southerly and Southeasterly 971.25 feet along the arc of a tangential circular curve concave to the southeast, having a radius of 500.00 feet, through a central angle of 111°17'50" and being subtended by a chord which bears South 22°27'03" West 825.59 feet;
  5) South 33°11'52" East 1998.21 feet;
   thence leaving said Bulkhead Line North 64°05'19" East 926.70 feet;
   thence North 13°04'46" West 189.99 feet to the Point of Beginning;

Including all the sovereignty, tidal and submerged bottom lands lying within the said described property.

Less and except Parcel B.
PARCEL B

A PORTION OF LAND LYING IN SECTION 28, TOWNSHIP 50 SOUTH, RANGE 25 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 27, TOWNSHIP 50 SOUTH, RANGE 25 EAST THEN RUN S. 00°23'05" W., ALONG THE EASTERLY LINE OF SAID SECTION 27 FOR A DISTANCE OF 2689.05 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 27; THEN RUN N. 60°39'35" W. FOR A DISTANCE OF 5694.63 FEET; THEN RUN N. 13°04'46" W. FOR A DISTANCE OF 218.72 FEET; THEN RUN N. 17°17'23" W. FOR A DISTANCE OF 140.29 FEET; THEN RUN N. 21°30'20" E. FOR A DISTANCE OF 144.00 FEET; THEN RUN N. 04°24'28" E. FOR A DISTANCE OF 304.84 FEET; THEN RUN N. 26°08'55" W. FOR A DISTANCE OF 40.21 FEET; THEN RUN S. 51°09'49" W. FOR A DISTANCE OF 127.69 FEET; THEN RUN S. 69°11'18" W. FOR A DISTANCE OF 86.80 FEET; THEN RUN N. 55°15'26" W. FOR A DISTANCE OF 38.54 FEET; THEN RUN N. 16°11'33" W. FOR A DISTANCE OF 41.05 FEET; THEN RUN N. 27°44'13" E. FOR A DISTANCE OF 86.20 FEET;

THEN RUN N. 03°23'43" W. FOR A DISTANCE OF 302.39 FEET; THEN RUN S. 89°43'56" W. FOR A DISTANCE OF 195.74 FEET TO THE POINT OF BEGINNING OF THE HEREO DESCRIBED PARCEL; THEN RUN N. 88°56'24" W. FOR A DISTANCE OF 120.12 FEET; THEN RUN N. 10°50'28" E. FOR A DISTANCE OF 87.10 FEET; THEN RUN N. 42°23'37" E. FOR A DISTANCE OF 74.22 FEET; THEN RUN N. 88°48'16" E. FOR A DISTANCE OF 84.43 FEET; THEN RUN S. 00°45'13" E. FOR A DISTANCE OF 130.15 FEET; THEN RUN S. 66°20'39" W. FOR A DISTANCE OF 35.43 FEET TO THE POINT OF BEGINNING.

Exhibit "A"
Page 2
PARCEL C

That certain Real Property described in the Plat of Keewaydin Dock which Plat is recorded in Plat Book 20, Page 39, Public Records of Collier County, Florida, less and except the Southerly 55 feet thereof.

PARCEL D

The Southerly 55 feet of that certain Real Property described as Plat of Keewaydin Dock which Plat is recorded in Plat Book 20, Page 39, Public Records of Collier County, Florida.
I. INTRODUCTION

This Planned Development Narrative is a part of City of Naples Ordinance No. 96-7606 (the Ordinance) adopted January 3, 1996 titled "Keewaydin Island Planned Development" which re-zones the lands within the City of Naples described herein from their existing zoning designations on the City Zoning Atlas to "PD" Planned Development. The Keewaydin Island Planned Development describes the proposed redevelopment of the Property from the existing transient lodging facility to a single family residential development. The purpose of this narrative is to provide certain information required by the City of Naples Comprehensive Development Code that will govern the redevelopment of the Property.

Keewaydin Island is located within the City of Naples, south of Gordon’s Pass. Its immediate boundaries are Gordon Pass to the north, Dollar Bay on the east, the Gulf of Mexico on the west and state-owned lands which are part of the Rookery Bay National Estuarine Research Reserve on the south.

II. DEFINITIONS

"Alternate Shore Station" shall mean parcel E as described in Exhibit PDN-1.

"Association" shall mean the homeowners’ association to be formed as a non-profit corporation to perform certain functions on behalf of the Residential Owners.

"Bayview Cottage Property" shall mean parcel B as described in Exhibit PDN-1.

"Building Compound Envelope" shall mean a parcel of land which shall be conveyed to a Residential Owner, and upon which a residence can be constructed.

"City" shall mean the City of Naples acting through its City Council or staff members as appropriate.

"Code" shall mean the City of Naples Comprehensive Development Code (Ordinance 89-5981, as amended through the date of adoption of this Ordinance). References to Code sections follow the chapter sections, and page numbering system contained in the "Code of Ordinances, City of Naples, Florida" published by Municipal Code Corporation.

"Common Areas" shall mean all lands and structures thereon which are conveyed to the Association.
"Declaration" shall mean the development standards and restrictions which will be incorporated into the Declaration of Covenants, Easements, and Restrictions which shall be recorded and be binding upon all owners of the Island Property and in Association documents and rules. The Declaration shall include such matters as architecture, landscaping, siting, and view orientation. The Declaration will provide specific regulations for each Building Compound Envelope, and will create an architectural review committee.

"Developer" shall mean Key Island Partners, a Florida general partnership having a contractual right to purchase the Property (except the Bayview Cottage Property) or such successor entity as may be entitled to exercise development control over the Property. Developer is the Petitioner in this application pursuant to written authorization from the Owner.

"Existing Development" shall mean the existing transient lodging facility consisting of the Club Lodge and 180-seat restaurant; a 44 unit/86 bed transient lodging facility housed in 13 cottages; and 2 staff housing structures; a club office; maintenance building; fire house and cart garage; and several recreational amenities and structures, including the swimming pool, deck, a 2,500 square foot outdoor dining area with 80-seat capacity, screen shelter and tennis courts and other facilities and structures. Existing Development shall also include the Shore Station, which contains parking structures, parking lots, fuel sales facilities and a caretaker's cottage.

"Island Property" shall mean parcel A as described in Exhibit PDN-1.

"Lot(s)" shall mean a platted lot on the Island Property which shall be conveyed to a Residential Owner. Building compound Envelopes will be contained within the Lots.

"Owner" shall mean, collectively or individually as the context requires, Lucille M. Drackett and Barret C. Ott as Successor Co-Trustees of that certain Land Trust dated June 19, 1989, joined by Keewaydin Club Marina, Inc.

"Property" shall mean those lands described as Parcels A, B, C, and E on Exhibit PDN-1.

"Residential Owner" shall mean the owner or long-term lessee of a residence. Where the owner or long-term lessee is not a natural person, the Residential Owner for purposes of this PD shall be the natural person designated by the owner or long-term lessee.
"Shore Station" shall mean parcel C as described on Exhibit PDN-1.

"Shore Station Residential Strip" shall mean Parcel D as described in Exhibit PDN-1.

III. DESCRIPTION AND CONCEPT OF DEVELOPMENT

The Property consists of the Island Property, the Bayview Cottage Property, the Shore Station, and the Alternate Shore Station. The Island Property and Bayview Cottage Property consist of 60.61 acres located at the northern end of Keewaydin Island and represent the lands that remain in private ownership on Keewaydin Island within the City, the remainder of the Keewaydin Island lands within the City having been sold to the State of Florida in 1993 and are now incorporated into the Rookery Bay National Estuarine Research Reserve. The Shore Station is located on Bay Road, at the southern end of Gordon Drive, and is one-half acre in size. The Alternate Shore Station consists of two parcels located on Bayshore Drive, which is outside the City limits. These parcels are waterfront parcels which have direct access to the Island Property through Naples Bay.

The development concept described in this Planned Development is the redevelopment of the Island Property from its current use as a transient lodging facility to a single family residential development consisting of no more than twenty (20) home sites. The existing cottages will be removed, except for Bayview Cottage and Cove House. The Lodge or a portion thereof will be retained. The development standards as established by this PD and the Declaration will shape the nature and character of the development. The homes will be substantial in size and a full range of amenities and services appropriate to a development of this type will be provided. Individual architectural expression will be encouraged within parameters established by the Declaration to ensure compatibility and consistency throughout the development.

With regard to the land-based facilities, the development concept is to severely restrict the use of the Shore Station to those uses which directly support the transportation of Residential Owners, their families and guests, Permitted Users, and the Bayview Cottage Users to the Island Property. All other residential support uses which require a land base will take place from the Alternate Shore Station or such appropriate commercial land base sites as may be necessary. Because the Shore Station is located within a residential neighborhood it is intended to have a very low intensity use. The Alternate Shore Station, on the other hand, is located on a major road, and is zoned "commercial" under the County Land Development Code. Accordingly, the Alternate Shore Station is
the site from which employees, service and delivery personnel, and similar activities will park and be transported to the island by ferry.

The Shore Station Residential Strip shall be used only for residential uses compatible and in conjunction with the surrounding R1-15 zone.

The Bayview Cottage Property is included in this PD so that it will carry a PD zoning designation, since it is below the minimum size under the Code to support a separate zoning classification and application therefore. The Developer is not purchasing the Bayview Cottage Property, which will remain in the ownership of the Owner, its heirs, successors, or assigns. Bayview Cottage does not constitute one of the residential units authorized by this PD for the Island Property. Except as this PD Narrative may specifically provide for the Bayview Cottage Property, such property, and the structure thereon, shall not be subject to the terms and conditions of this PD.

IV. LEGAL DESCRIPTIONS

The Property is legally described in Exhibit PDN-1.

V. OWNERSHIP, CONTROL, and AUTHORIZATIONS

A. The names and addresses of the parties having fee simple title in the Property are as follows:

Lucille M. Drackett and
Barret C. Ott, as Successor Co-Trustees
C/o Keewaydin Club, Inc.
260 Bay Road
Naples, Florida 33939

Keewaydin Club Marina, Inc.
C/o Keewaydin Club, Inc.
260 Bay Road
Naples, Florida 33939

B. The Developer is: Key Island Partners
C/o Florida Real Estate Consultants, Inc.
4380 Gulfshore Blvd. North
Naples, Florida 33940
(941) 434-0002

The Developer has a contractual right to purchase the Property (except Bayview Cottage) and is authorized and required
thereunder to apply for and process certain Development Permits, including an application for PD zoning for the Property and is authorized to exercise control over the Development of the Property.

VI. DEVELOPMENT STANDARDS

A. Residential development on the Island Property

1. General: Residential development shall be limited to no more than twenty (20) single family residences located within the Building Compound Envelopes. A residence may be constructed on more than one Building Compound Envelope if multiple Building Compound Envelopes are combined, so long as the number of residences does not exceed the number of combined Building Compound Envelopes. Building Compound Envelopes shall be generally located as shown on the Site Plan. Minor adjustments to Building Compound Envelope boundaries may be made; provided however, residences may not be constructed seaward of the 35 year erosion protection line established by FDEP prior to commencement of construction except to the extent that the Development Agreement with FDEP may permit non-enclosed areas such as gazebos, porches, and decks seaward of such line but in no event shall such structure extend more than 30’ forward of such line. No residences, utilities, or infrastructure supporting residential development may be constructed south of the COBRA Boundary Line. The Declaration will establish specific development standards including specific standards for specified individual Building Compound Envelopes, which in many instances will be more restrictive than the development standards set forth in this PD; however all residential development shall conform to the standards set forth herein, unless the Declaration establishes a more restrictive standard for that particular Building Compound Envelope.

2. Permitted accessory uses and structures within the Building Compound Envelopes: Structures and amenities consistent with single family residential dwellings, including but not limited to swimming pools and other recreational facilities, servants’ or guest quarters (attached only), golf cart garages, and other accessory uses customary in residential areas and consistent with the development concept. Servants’ or guest quarters may have kitchen facilities. Servants’ or guest quarters may not be leased. Utility buildings shall conform to the location and design requirements of Section 110-92 of the Code.

3. Maximum Height: Thirty feet. Height of structures shall be defined as the vertical distance measured from the established one-hundred-year flood elevation as measured by FDEP, to the highest point of the roof surface of a flat roof, to the
deck line of a mansard roof, or to the mean height between eaves and the ridge of gable, hip, or gambrel roofs. This limit shall not apply to non-habitable architectural enhancements, however, in no event shall the height of such enhancements exceed thirty-five feet, measured as set forth above.

4. Setbacks and building separation.

a. No residence or accessory structure may be constructed less than 10 feet from a common line between Building Compound Envelopes. If more than one Building Compound Envelope is utilized, the setback shall be measured from the revised boundary.

b. Where a Building Compound Envelope does not border on another Building Compound Envelope, the setback shall be 0' (zero).

c. The minimum separation between residential buildings shall be 20 feet.

d. The front setback shall be fifteen feet from the landscape/retaining wall for residences and zero (0') for accessory structures. The front shall be the side opposite the side that faces the water.

5. Maximum development footprint.

The development footprint on the Island Property will not exceed 102,462 square feet of habitable, air conditioned first floor space. Ancillary unheated or non-air conditioned structures such as, but not limited to, gazebos, chickee huts, and boat houses, as well as storage areas shall not be included in this computation.

B. The Lodge

1. General: The Lodge is one of the most interesting of the existing buildings making up the Keewaydin Club. The main Lodge was constructed in approximately 1935. The development concept includes retention of the original Lodge building. The original Lodge building may not be removed; however, the additions constructed for a restaurant in recent years may be removed if the Developer so desires.

2. Permitted uses: The use of the Lodge will of necessity be evolutionary. However, certain use parameters can be stated as follows:

° The Lodge will be available only for the private non-commercial use of the Developer and its assigns, which
may include only family members of officers and owners of Developer, their guests, and Residential Owners, their family members and guests. (Permitted Users).

- The Lodge may contain non-commercial food preparation facilities; however, such facilities will only be for the use of Permitted Users in hosting private social gatherings.

- The Lodge may contain up to three guest suites, only for the private use of Permitted Users. Such use shall be temporary only, and shall in no event exceed three (3) consecutive days.

C. Docking facility

1. General: Located on an island, the development must depend on water transportation, and therefore the adequacy and convenience of the water transportation system is crucial to the success of the development. The docking facility must service the needs of a residential community in much the same way that a system of streets, driveways, and garages must service a land-based residential development. Among the requirements of such a facility are:

- To provide a boat slip for each residence and the Shore Station Residential Strip, with the ability to provide a second slip for some residences.

- Provide space where Permitted Users and guests of Residential Owners may tie up on a temporary basis.

- Provide facilities for receiving passengers from the Shore Station and Alternate Shore Station.

- Provide facilities for receiving materials during construction, and for receiving construction employees, trades persons, employees of owners, service personnel, and the delivery of goods to the island.

- Provide facilities for berthing police, fire, and EMS vessels in the performance of their functions.

- Provide facilities for docking boats of environmental agencies and organizations such as the Rookery Bay National Estuarine Research Reserve, The Conservancy, Florida Audubon Society, and other agencies with an interest in the adjoining state owned lands which have been incorporated into the Rookery Bay National Estuarine Research Reserve. Such use will be only for research purposes. Educational programs by these groups or agencies will access the Reserve from other docking points.
2. Permitted Uses:
   a. Open boat slips, maximum of 13 finger piers no more than 15 feet in length, with associated mooring pilings.
   b. A maximum of 11 boat houses no more than 30 feet in length.
   c. Parallel docking along the boardwalk.
   d. Facilities consistent with the description of the docking facility requirements set forth above and such other and/or accessory facilities as may be consistent with servicing the water transportation needs of the development.

3. Prohibited Uses:
   a. Commercial facilities of any kind including sales of fuel and marine supplies.
   b. Repair or haul-out facilities; however, this does not prohibit personnel of mobile marine service-type businesses from performing minor repairs or services on an owner's boat at his dock. This shall be limited to minor work comparable to "road-side assistance" work performed on automobiles.
   c. Docking of commercial vessels such as fishing vessels.
   d. Live aboards.
   e. Docking of vessels exceeding forty (40) feet in length (except temporary docking of vessels such as barges delivering materials).

4. Additional Standards
   a. A spill containment and clean up contingency plan will be developed and approved by the Natural Resources Director. Such plan will address petroleum and other hazardous material spills and discharges from vessels sinking, vessel fires, fuel tank spillage or leaks, and similar events.
   b. The Developer will apply to FDEP for Environmental Resource Permits for the construction of the docking facility, including dredging of the cove. Copies of all applications and supporting materials will be furnished to the Natural Resources Manager. The Building Official and Natural Resources Manager will process applications for pier and boat shelter construction, dredging, and similar marine construction and
shall issue permits if the application is in compliance with Section 114-133 of the Code and City Council approval of such permits shall not be required so long as such permit does not permit or allow for construction exceeding the following limits:

(1) The lateral expansion of the area of the cove

(2) The construction of facilities not shown on the site plan included in the PD

(3) Dredging of the cove to a depth greater than -5 feet MLW; provided however, advance maintenance dredging of an access channel to -7 feet MLW may be permitted

In accordance with Section 3.08.0651(3)(e)1e, Florida Statutes (1995), the docking facility will be designed for the mooring of fewer than 49 watercraft of 40 feet or less of any type or purpose. It is the intent of the City that this PD shall not be a development of regional impact and any questions regarding the use, operation, or design of the docking facility shall be decided so as to avoid conflict with the requirements of said Section 380.0651(3)(e)1e, Florida Statutes.

D. Cove House/Maintenance Area

1. General: The existing Cove House and maintenance buildings along with the surrounding area will be used to service the construction, service, administrative, and supply needs of the development. The existing buildings may be retained or may be reconstructed. Any expansion of Cove House must be landward only.

2. Permitted Uses:
   a. Receipt, storage, and distribution of construction materials, supplies, for the development.
   b. Employee check-in, lockers, sleeping accommodations for Association personnel. These quarters shall be no larger than 1000 square feet within Cove House.
   c. Construction and development administrative offices.
   d. Uses reasonably connected with the foregoing.

E. Bayview Cottage:

1. General: Bayview Cottage is an existing cottage. The developer is not purchasing the Bayview Cottage Property which
consists of an approximately 1.0 acre parcel surrounding Bayview Cottage. The Owner will retain the Bayview Cottage Property and the structures thereon. Bayview Cottage may be reconstructed to the existing square footage of 936 square feet; any expansion beyond existing square footage requires the written approval and consent of the Developer. This will not require a PD amendment.

2. Permitted Uses:

The personal private residential use of the Owner, its heirs, successors and assigns, family members and guests. ("Bayview Cottage Users").

3. Prohibited Uses:

Any commercial use including the rental of Bayview Cottage.

VII. LANDSCAPING

A. General description of landscape objectives: The overall landscaping objective is to reflect the natural vegetative habitat that would exist in a coastal barrier island such as Keewaydin Island but for man’s activities, which have altered the vegetation on the Island Property such that it now consists primarily of Australian Pines and other exotics, which must be removed. The vegetative palette will emphasize native, salt-tolerant, low-maintenance, low-irrigation plantings.

B. Land contouring: Dune creation.

1. A significant feature of the development is the creation of an artificial dune system. The dunes will be constructed of sand of a compatible grain size from a source which must be approved by the City Natural Resources Director. The dune system will be stabilized with appropriate materials during dune construction and until the plantings have become established. All construction will be in accordance with FDEP permits.

2. The Developer will apply to FDEP for Environmental Resource Permits for the construction of the dunes described in this PD. Copies of the application and supporting materials will be provided to the City Natural Resources Director. The issuance of an Environmental Resource Permit by FDEP for dune creation as shown on the drawings included in this PD shall be and constitute the issuance of a permit under Section 114-33 of the Code so long as the construction authorized by such permit is consistent with the construction shown on the drawings included in this PD. In addition, Developer shall remove the exotic vegetation in that area
between the COBRA line and the southern boundary of the Island Property, and shall construct that dune referred to as the "primary dune" (i.e. the seaward dune) in that same area. Upon completion of the dune system, or sections thereof as-built drawings will be provided. No building permits will be issued in areas for which no as-buils have been provided.

C. Landscaping-common areas:

1. Sheet DP-5 depicts the planting scheme, which consists of plantings in a pioneer zone, a scrub zone, and a forest zone. Illustrative plantings in each of these zones is shown.

2. Other plants in these zones may be substituted, if approved by the City's Natural Resources Director based upon whether the substitute plants would also be appropriate plantings within these zones in a natural situation. No exotics which could colonize other parts of Key Island shall be permitted.

3. Except for formal lawns such as the Great Lawn in front of the Lodge, lawn type of landscaping will be minimal throughout the common areas. The landscaping seaward of the 35 year erosion protection line established by FDEP at each Building Compound Envelope on such line shall consist of not more than 2,500 square feet of maintainable grasses.

D. Landscaping-Building Compound Envelopes.

The Declaration will contain detailed architectural and landscaping requirements for the Building Compound Envelopes. The objective of these requirements will be to create landscaping within the Building Compound Envelopes compatible with the native vegetation landscaping plan in the common areas. Lawns and high maintenance/high irrigation plantings will be minimized but will not be prohibited within the Building Compound Envelopes.

E. All herbicides and pesticides must conform to City regulations for the use of these substances in Conservation Limited Development lands. Developer will consult with the director of the Rookery Bay National Estuarine Research Reserve on herbicides and pesticides to be used.

F. Developer will prepare and submit to the Natural Resources Manager for approval a Landscape Management Plan which will address the management of the planted environment, including, but not limited to, plant selection, irrigation, herbicides and pesticides, removal of exotics, relocation of existing vegetation to be preserved, and management of specific landscape features such as the Great Lawn, the putting course (if constructed), and the types of maintainable grasses. The plan will also address dune
stabilization methods.

G. Post-Disaster Dune Restoration:

In the event a hurricane or other major storm event overwashes the dunes such that a substantial portion of the dune sand is washed into adjoining waters, or mangrove areas, the Developer shall take the following actions:

a. Immediately following the event, a survey will be prepared which will identify the amount of sand lost and the areas where it was deposited. The survey will be submitted to the Natural Resources Manager.

b. If the Natural Resources Manager determines that the sand from these dunes was deposited in a location or in an amount that constitutes a public danger or an unreasonable harm to City natural resources, the Natural Resources Manager shall direct that a material removal/retrieval plan shall be prepared and submitted. The Natural Resources Manager shall determine the time frame within which the plan must be prepared, and implemented, taking into account the level and immediacy of the danger. However, notwithstanding any other provisions herein, if the Natural Resources Manager determines there is a clear and immediate danger to public safety, the Natural Resources Manager may order immediate removal of the material. In lieu of a material retrieval/removal plan being ordered by the Natural Resources Manager, the Developer may, if it desires to restore the dune(s) by retrieval of deposited sand, prepare and submit a material removal/retrieval plan.

c. The plan shall address the amount of material to be removed and retrieved, and the method by which it will be accomplished. The Natural Resources Manager shall not approve the plan unless it adequately protects natural resources. The plan shall be coordinated with, and be subject to permits required to be issued by the Florida Department of Environmental Protection. Notwithstanding the foregoing, the Natural Resources Manager may deny a material removal/retrieval plan if he determines the possible danger to resources outweighs the benefits from removing and retrieving the material to restore the dune. The Natural Resources Manager shall approve a plan which re-dredges the cove to depths permitted by existing ERP and COE permits.

d. All material removal and retrieval under this section shall be at the Developer's expense.

e. The duties and obligations of Developer under this section shall become the duties and obligations of the Association after turn-over of control of the Association to the Residential Owners. The Association's Declaration shall contain collection and
lien provisions for assessment of Residential Owners for removal/retrieval costs contemplated by this section.

VIII. SAFETY AND SECURITY

A. Police Protection:

A designated boat slip will be provided within the Shore Station for police department use. A boat slip will be provided at the Island Docking Facility for Police, Fire, and EMS. For transportation on the island, all Association owned vehicles will be available on request by police officers and emergency services personnel. The police will have the use of an Association-owned golf cart for routine police investigation or surveillance and may keep an ATV at the island maintenance facility for beach patrol if desired. The on-island security will coordinate its activities and information with the City Police or Collier County Sheriff’s office.

B. Fire Protection:

The following fire protection measures shall be provided:

1. All new structures shall be provided with automatic fire sprinkler systems in accordance with NFPA 13D. In addition, under eave sprinklers shall be provided on all new structures.

2. Developer will provide an adequate water supply system for fire suppression. Fire hose connections shall be provided at intervals so that each structure is no more than 150 feet from the connection. The connection shall be capable of a fire flow of 500 gallons per minute.

3. Developer shall coordinate with Naples Police and Emergency Services Department a plan for the purchase of ancillary fire fighting equipment. The purchase of equipment will be phased according to percentage of build-out of the development.

4. Boats owned by the Association will be available to provide transportation for equipment and fire personnel. Developer will provide space or an area for the Naples Police and Emergency Services Department to store equipment.

5. Type VI construction will be prohibited. All roofs shall be Class A or Class B.

6. The Great Lawn in front of the lodge will be equipped and constructed in consultation with Collier County Emergency Medical Services so that the Great Lawn may act as a an
emergency helicopter landing pad in the event of a medical emergency.

7. Developer shall coordinate with Naples Police and Emergency Services Department to provide an appropriate system of early fire department notification, landscaping to reduce potential impact of wildland fires on structures, and means of access for inspections during development and construction.

C. Hurricane Evacuation:

An initial hurricane evacuation plan is attached as Exhibit PDN-2. This plan may be revised from time to time with the approval of the City Chief of Police and Emergency Services.

IX. UTILITIES

A. Potable Water Service:

The project is within the City of Naples Service area and adequate capacity to serve the project is available. Potable water is currently provided via a subaqueous water main under Gordon Pass. Water is furnished from a master meter. The City water system has the capacity to serve the development.

B. Wastewater Treatment:

Wastewater treatment and disposal will be handled by individual on-site aerobic treatment units with drainfield disposal of treated effluent. Installation of the system described herein will be mandatory for each residential unit. Each system will meet applicable requirements of, and be permitted by, the Collier County Public Health Unit of the Florida Department of Health and Rehabilitative Services. No subaqueous sewer main will be permitted.

The systems proposed are "Multi-Flow," manufactured by Waste Treatment Systems, Inc. (or an equivalent) and utilize the activated sludge process and operate as a complete mix and extended aeration system. The units provide for an aerobic biological treatment and sludge digestion process through mechanical aeration. Filtration provides for final separation of effluent from solids. Typical effluent concentrations of BOD and suspended solids are 5 mg/l which is less than secondary wastewater treatment standards which allow 10 mg/l effluent concentrations.

Treated effluent will be disposed of at each site with drainfields meeting applicable HRS standards.
Adequate safeguards and controls will be implemented to insure proper operation and performance of these systems. Maintenance and operation of all units will be under the control of the Association, which will contract with a licensed wastewater facilities maintenance firm qualified to provide services on these systems. Periodic inspection and maintenance will be performed for each unit which will include filter cleaning, sludge removal and other maintenance as required. Sludge will be removed by a licensed hauler with approved transport equipment and will be hauled to a wastewater treatment facility for treatment.

The Florida Administrative Code Chapter 10D-6 governs the determination of the suitability of a site for the use of an on-site sewage treatment and disposal system (OSTDS). According to 10D-6.041, the Department of Health and Rehabilitative Services may issue permits for the construction of an OSTDS when a sewer system is not available. A sewer system at this site is not available because a sewer main, force main or lift station are not located within 50 feet of the property line (10D-6.042(9)), and a subaqueous sewer line is prohibited.

Additionally, a proposed subdivision must not exceed maximum density requirements, have suitable soil conditions and water table elevations, and meet minimum setback and distance requirements (10D-6.046(7)(b)). As proposed, the development will meet or exceed these requirements. The soils at the site exhibit characteristics that are well-suited for the disposal of effluent. Soil analysis performed for recent installations at the site indicated sandy soils and a relatively low wet season table. These two conditions are necessary for proper operation of the OSTDS disposal field.

Although a standard septic tank system could be permitted for use at the site, it is proposed to use individual aerobic treatment units. These units exceed the treatment capability of septic tanks and produce an effluent that meets or exceeds secondary water quality standards. Because the effluent for these units is more treated, the possibility of clogging of the disposal fields is significantly lessened compared to standard septic tank systems.

C. Electric, Telephone and Cable Service: Florida Power and Light Company, United Telephone System, and the local CATV company currently serve the Island Property by subaqueous conduits. All of these providers have adequate capacity to serve the development. If additional circuits are needed additional wire or cable can be pulled through existing conduits.

D. Solid Waste Collection and Disposal: Solid waste from the Island Development will be collected on the island under contract for such service by the Association. Domestic solid waste will be reduced by required residential compactors. Solid waste will be
transported to the Alternate Shore Station, off-loaded and transported to the County landfill by County-franchised haulers. The Developer will enter into an agreement with the Community Services Division authorizing this.

X. WATER MANAGEMENT

The surface water management system will meet applicable requirements of the South Florida Water Management District (SFWMD) and the City of Naples. For the island portion of the development, the project will be developed as one drainage basin utilizing on-site retention/detention of surface water runoff. The plan will emphasize treatment for water quality for a minimum of one inch of surface runoff. Runoff will be retained with swales and other dry retention areas. These areas will be located within the interior developed portions of the project in addition to the area between the southerly homesites and created dune along the beach. Limited detention of additional surface runoff will occur in these areas for quantities above the minimum one inch. Discharge of surface water will occur through a small bleeder and an overflow structure which will discharge into the cove area.

The water management concept will closely follow that as approved by SFWMD in Permit No. 11-00647-S in 1990. This proposed project occupies what was known as Basins 1 and 2 of the previous plan. That plan provided for water quality treatment of one inch with essentially no detention or control of runoff beyond that point. The reasoning for this concept was that the island contained very permeable soils and the project density was very low with very little impervious coverage. Therefore, most rainfall would naturally percolate into the soil and very little runoff would be experienced. In addition, since the project was to be built with very little infrastructure and extensive storm drainage would not be constructed, large amounts of surface runoff could not be handled within the water management system. This project will provide for a nominal amount of additional detention of waters above the one inch. In addition, the dry retention areas will be elevated several feet above the estimated high water, thus encouraging additional percolation into soils and further limiting any discharge from the project. Finally, what discharge may occur from the project will occur in the cove area which has the potential for increasing the flushing capability of this water body.

The Shore Station property will utilize an on-site total retention system providing for water quality treatment (minimum of one inch runoff). The retention will be accomplished with underground exfiltration trenches.
XI. ON-ISLAND TRANSPORTATION

Transportation on the island will be primarily by electric golf cart type vehicles. The Association may operate one or more shuttle vehicles which may be gas or electric depending on association requirements. Maintenance and service vehicles will be gasoline powered ATV-type vehicles. The cart path system will be constructed of crushed oyster shell or similar stabilized pervious material as shown on the Drawings. The City Engineer shall approve the proposed materials and construction methods taking into account the desire to achieve a primarily pervious surface while achieving sufficient stabilization to support anticipated use, including emergency equipment.

XII. SHORE STATION DEVELOPMENT

A. General: Located at the south end of Gordon Drive, the Shore Station is surrounded by Gulf-front and Bay-front residential development that may be characterized as Naples’ "signature" residential development. The Shore Station must exist in harmony with this development but must be adequate to service the specific needs of the Island Development for which the Shore Station property is dedicated. This is not to say that the Shore Station will service all of the land-based needs of the Island Development. The Shore Station will service the water transportation needs of the Residential Owners, their immediate families and guests, Permitted Users, and Bayview Cottage Users. All other land-based service needs of the development will be serviced by the Alternate Shore Station or such commercial or other embarkation facilities as are available within the Naples community.

1. Permitted Uses:

a. Parking garage. The parking garage shall be designed in accordance with the Shore Station Site Plan and Elevations, Sheets SS-12 and SS-13 or such sheets as may be substituted upon approval of the Shore Station Parking Garage Plan and Landscaping Plan by certain adjoining property owners. The substitution of such sheets may be administratively approved by the City Manager or his designee so long as the substituted site plan does not call for a structure of greater height, width, or length than that which is reflected on Sheets SS-12 and SS-13. The parking garage shall contain no more than fifty-one (51) parking spaces. Parking shall be available only to Permitted Users, Bayview Cottage Users, and Residential Owners, their immediate family and guests. Parking spaces and drive aisles within the parking garage shall not be required to conform to dimensions for such facilities within the Code in that the parking garage will have twenty four-hour valet parking. The parking garage may contain a waiting lounge for
passengers, restrooms, and living quarters for the caretaker of the Shore Station.

b. Boat docks. Boat docks on the north and east sides of the Shore Station may be used for the passenger ferry and any other marine vessel owned and used exclusively by persons who are Residential Owners, members of the immediate families and guests of such owners, Permitted Users, and Bayview Cottage Users. The passenger ferry shall use only the dock on the east side of the Shore Station and shall not use the dock on the north side of the Shore Station except during inclement weather when safety of passengers necessitates such use. Boat docking at the dock on the north side shall be parallel to the dock only. No personal watercraft (e.g. wave runners) may be docked on the north side of the Shore Station. A sewer pump-out facility available only to Permitted Users, Bayview Cottage Users, and Residential Owners will be provided.

2. Prohibited Uses:

a. Any commercial use except the uses in support of residential development on the island as described herein. However, this shall not prohibit the use of the Shore Station, the boat docks and the ferry for the offer for sale and sale of lots or homesites constituting the island development provided that the Shore Station shall not be used for any real estate brokerage or sales office or for any signs advertising such lots for sale or resale.

b. The sale or storage of fuel for marine vessels.

3. Additional restrictions. In addition to the uses either permitted or prohibited as set forth above, the following specific restrictions shall apply:

a. Landscaping shall conform to the Shore Station Landscaping Plan and shall be compatible with the landscaping of surrounding single family residences located in the neighborhood.

b. The use and operation of the parking garage shall be supervised by a caretaker or other employee who shall restrict access to the parking garage to passenger motor vehicles holding no more than nine passengers each occupied solely by persons who shall be permitted to use the ferry.

c. The door of the parking garage shall be closed at all times except when necessary to permit entrance or exit of vehicles.

d. The ferry shall be used exclusively for the
transportation of passengers to and from the Island Property and no other place.

e. Nothing contained herein shall be interpreted to preclude the use and operation of the ferry or the Shore Station in the event of an emergency at any time for the transportation of medical, fire, or police personnel.

f. No lumber, metals, bulk materials, refuse or trash shall be kept stored or allowed to accumulate at the Shore Station except for building materials during the course of construction of the Shore Station. No commercial vehicles shall be kept at the Shore Station.

g. No signs shall be erected on the parking garage or any part of the Shore Station except for signs required by applicable federal state or municipal law.

h. No exterior lighting on any part of the Shore Station shall be placed above the height of the parking garage or directed outward from the boundaries of the property, and neither mercury nor neon lights shall be used for any exterior lighting. No part of the boat dock shall be leased to or reserved for the exclusive use of any person; provided that this shall not be construed to preclude the temporary mooring of a marine vessel for a period of no more than three consecutive days.

XIII. COMMONLY OWNED AND USED AREAS

A. The commonly owned and used areas shall consist of all lands north of the COBRA line except Lots, the Lodge, boat slips, and boat houses.

B. All common areas will be maintained by the Association.

XIV. BEACH ACCESS AND AREAS DEDICATED FOR PUBLIC OR SEMI-PUBLIC USE

A. Notwithstanding ownership, public beach access shall be determined by applicable law.

B. Developer will assist Rockery Bay National Estuarine Research Reserve in erecting appropriate information signs along the beach south of the Island Development advising the public about proper use of beach areas.

C. A boat slip will be dedicated for the use of police, fire, and EMS personnel and shall be open and available for such
use at all times.

D. Dock space will be available for personnel of Rookery Bay National Estuarine Research Reserve, the Collier Mosquito Control District, and environmental organizations and agencies such as FDEP, the Florida Audubon Society, and The Conservancy, Inc. for their use in accessing the Rookery Bay National Estuarine Research Reserve lands adjoining the Island Development.

E. Rookery Bay National Estuarine Research Reserve and The Conservancy, Inc. may keep gasoline powered ATV's in the shelter in which the maintenance vehicles for the Island Development are kept, and shall have the right to access Reserve lands utilizing the cart path system in the Island Development. This access is for these organizations' use. However, group educational programs occasionally conducted by these organizations may not access the Reserve through the Island Development.

XV. CHANGES IN SITE PLAN

The City acknowledges the requirement for flexibility in design and agrees that minor changes in project design will be treated as insubstantial changes which may be approved by the City Manager or his designee on a case by case basis. Insubstantial changes shall include, but not be limited to, the following changes:

1. Minor reconfiguration of Building Compound Envelopes.
2. Changes in routing of cart paths.
3. Changes in location of visual and recreational amenities such as gazebos, boardwalks, etc.
4. Modifications necessitated by governmental requirements or actions.
5. Minor changes in the size of the Bayview Cottage Property.

XVI. CONSTRUCTION MANAGEMENT PLAN

A. The construction of the residences, amenities, and infrastructure on the Island Development will present unique challenges. In order to assure that the receipt, transportation, and staging of construction materials and the conduct of construction activities does not create a substantial adverse
impact to the health, safety or welfare of the City, its residents, or its resources, the Developer will prepare and submit to the City Manager a construction management plan which will address in detail how these activities will be accomplished. The construction management plan will cover all aspects of the construction process which reasonably need to be addressed to enable the City to determine that the process will not create adverse impacts. This will include, but not be limited to, how equipment, machinery, and material will be transported, the estimated number of trips, the location debarkation points, the hours of construction operation, employee parking provisions, spill containment and clean-up plans, the estimated length of time for construction of the infra-structure, and a schedule for the removal of existing buildings and method by which this removal will be accomplished. The construction management plan will be approved by the City Manager or his designee. Not in limitation of the foregoing, Developer shall be allowed to utilize lands within the development, south of the COBRA line, for staging, location of a temporary concrete plant, and similar construction activities, all subject to approval of the City Natural Resources Director and appropriate permitting by state agencies with jurisdiction.

XVII. DEVELOPMENT SCHEDULE

Development will commence within one year of receipt of the last development permit from appropriate state or federal agencies necessary to construct the development infrastructure and common facilities, including all appeal periods, and the resolution of any litigation contesting such development permits if any such litigation is filed. Infrastructure and common facilities will be completed within two years of commencement.