

**AMENDED AND RESTATED  
PLANNED DEVELOPMENT DOCUMENT  
FOR  
NAPLES SQUARE  
AMENDING AND RESTATING  
CITY OF NAPLES ORDINANCE 2021-14658**

Date of Submittal: March 1, 2021

Prepared by:  
Coleman, Yovanovich & Koester, P.A.

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## SECTION I

### LEGAL DESCRIPTION OF THE PROPERTY

The legal description of the Property subject to this Planned Development Document is:

Parcel in  
Section 3, Township 50 South, Range 25 East  
City of Naples, Collier County, Florida

A tract or parcel of land lying in Section 3, Township 50 South, Range 25 East, City of Naples, Collier County, Florida, said tract or parcel of land being more particularly described as follows:

#### PARCEL 1:

Commencing at the intersection of North right of way line of Fifth Avenue South and the East right of way line of Tenth Street, as shown on the amended plat of a portion of the Town of Naples, as recorded in Plat Book 1, Page 59, Collier County Records, thence run N06°58'18"W along the East right of way line of Tenth Street for 425.00 feet to the POINT OF BEGINNING. From said Point of Beginning continue N06°58'18"W along the East right of way line of Tenth Street for 309.89 feet to a point designated as POINT "A" and an intersection with the Southerly right of way line of Third Avenue South, Tract "A", as shown on the record plat of "NAPLES SQUARE", as recorded in Plat Book 58, Page 84, of the Public Records of Collier County, Florida; thence run along said Southerly right of way line the following Sixteen (16) courses: N82°59'15"E for 271.65 feet; S58°03'17"E for 17.75 feet; S26°06'36"E for 11.72 feet; N82°59'15"E for 59.00 feet; N12°05'05"E for 11.72 feet; N40°00'18"E for 23.70 feet; N82°59'15"E for 245.31 feet; S54°01'49"E for 23.70 feet; S26°06'36"E for 11.72 feet; N82°59'15"E for 59.00 feet; N07°03'38"E for 7.72 feet to a point of curvature; Northeasterly along an arc of a curve to the right of radius 9.50 feet (delta 39°16'29") (chord bearing N26°41'52"E) (chord 6.39 feet) for 6.51 feet to a point of reverse curvature; Northeasterly along an arc of a curve to the left of radius 58.50 feet (delta 12°18'33") (chord bearing N40°10'50"E) (chord 12.54 feet) for 12.57 feet to a point of reverse curvature; Northeasterly along an arc of a curve to the right of radius 40.50 feet (delta 48°57'41") (chord bearing N58°30'24"E) (chord 33.57 feet) for 34.61 feet to a point of tangency; N82°59'15"E for 110.02 feet to a point of curvature and Easterly along an arc of a curve to the right of radius 30.50 feet (delta 53°31'28") (chord bearing S70°15'01"E) (chord 27.47 feet) for 28.49 feet to an intersection with the West right of way line of Goodlette-Frank Road; thence run S00°25'08"E along said West right of way line for 740.99 feet to an intersection with the Northerly right of way line of U.S. 41, (State Road 90); thence run S83°01'42"W along said Northerly right of way line for 153.65 feet to a point on a non-tangent curve and an intersection with said Northerly right of way line, also being the Northerly line of Area "B" parcel, as described in the order of taking recorded in Official Records Book 2129, page 280, Collier County Records; thence run along the Northerly line of said Area "B" parcel the following three (3) courses: Westerly along an arc of a curve to the left of radius 1,279.86 feet (delta 02°19'07") (chord bearing S89°26'22"W) (chord 51.79 feet) for 51.79 feet; N07°11'38"W for 10.00 feet and S88°04'31"W for 10.00 feet to an intersection with the East line of those lands described in Deed Book 15, at page 234, Collier County Records; thence run N06°58'18"W along the East line of said lands for 133.34 feet; thence run S83°01'42" W along North line of said lands and continuing along the North line of those lands as described in Deed Book 14, at page 572, Collier County Records for 95.00 feet; thence run S06°58'18" E along the West line of said lands for 138.90 feet to a point on a non-tangent curve and an intersection with the Northerly right of way line of U.S. 41, (State Road 90); thence run Westerly along said Northerly right of way line along an arc of a curve to the left of radius 1,279.86 feet (delta 00°53'43") (chord bearing S83°07'28" W) (chord 20.00 feet) for 20.00 feet to an intersection with the East line of lands described in Official Records Book 570, at page 597, Collier County Records; thence run N06°58'18" W along said East line of said

lands for 138.87 feet; thence run S83°01'42"W along said North line of said lands for 60.00 feet; to the Southeast corner of those lands described in Official Records Book 2244, at page 555, Collier County Records; thence run N06°58'18"W along the East line of said lands for 250.00 feet to the Northeast corner of said lands; thence run S83°01'42"W for along the North line of said lands 175.00 feet to the Northwest corner of those lands; thence run N06°58'18"W for 25.00 feet; thence run S83°01'42"W for 225.00 feet to the POINT OF BEGINNING. Containing 9.70 acres, more or less.

AND


PARCEL 2:

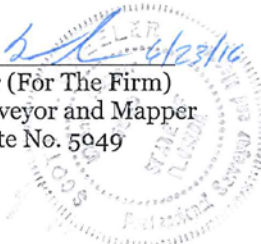
Commencing at POINT "A" run N06°58'18"W along said East right of way line of Tenth Street for 75.00 feet to an intersection with said Northerly right of way line of said Third Avenue South, Tract "A", and the POINT OF BEGINNING.

From said Point of Beginning continue N06°58'18"W along the East right of way line of said Tenth Street for 310.07 feet to an intersection with the South right of way line of Second Avenue South, 80 feet wide right of way, as shown on said amended plat; thence run N83°02'22"E along said South right of way line and continuing along its Easterly prolongation for 667.09 feet to the Southeasterly corner of lands described in a deed recorded in Official Records Book 5070, at Page 2502, of the Public Record of Collier County, Florida; thence run N00°25'08"W along the Easterly line of said lands for 80.52 feet; thence run S83°02'22"W along the Easterly line of said lands for 147.73 feet to the Southeast corner of lands described in a deed recorded in Official Records Book 3357, at Page 368, of the Public Records of Collier County; thence run N04°26'06"W along the East line of said lands for 320.32 feet to an intersection with the South right of way line of First Avenue South, 80 feet wide right of way, as shown on said amended plat; thence run N83°02'22"E along said South right of way line for 421.96 feet to an intersection with the West right of way line of Goodlette-Frank Road; thence run S00°25'08"E along said West right of way line for 687.86 feet to an intersection with said Northerly right of way line of Third Avenue South, Tract "A"; thence run along said Northerly right of way line the following fourteen (14) courses: S89°34'52"W for 5.37 feet to a point on a non-tangent curve; Southwesterly along an arc of a curve to the right of radius 30.50 feet (delta 58°22'17") (chord bearing S53°48'06"W) (chord 29.75 feet) for 31.07 feet to a point of tangency; S82°59'15"W for 143.51 feet to a point of curvature; Northwesterly along an arc of a curve to the right of radius 16.50 feet (delta 67°41'31") (chord bearing N63°10'00"W) (chord 18.38 feet) for 19.49 feet; S82°59'15"W for 60.23 feet; S12°05'05"W for 11.72 feet; S40°00'18"W for 23.70 feet; S82°59'15"W for 245.31 feet; N54°01'49"W for 23.70 feet; N26°06'36"W for 11.72 feet; S82°59'15"W for 59.00 feet; S12°05'05"W for 11.72 feet; S44°01'46"W for 17.75 feet and S82°59'15"W for 271.59 feet to the POINT OF BEGINNING.

Containing 9.79 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida East Zone (1983/NSRS 2007) and are based on the East line Tenth Avenue to bear N06°58'18"W.

  
Scott A. Wheeler (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5949



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And

AN UNPLATTED PARCEL OF LAND SITUATED IN SECTION 3, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA LYING WESTERLY AND CONTIGUOUS TO SAID TRACT C-3, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT C-3, OF NAPLES SQUARE COMMERCIAL NORTH AS RECORDED IN PLAT BOOK 63, PAGES 16 AND 17 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, RUN S83°02'22"W ALONG THE NORTHERLY LINE OF SAID TRACT C-3 FOR 142.26 FEET TO THE NORTHWEST CORNER OF SAID TRACT C-3; THENCE CONTINUE

S83°02'22"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF 1ST/ AVENUE SOUTH FOR A DISTANCE OF 175.45 FEET TO POINT THAT IS N83°02'22"E A DISTANCE OF 373.00 FEET FROM THE NORTHWEST CORNER OF BLOCK 149, TIER 11, REPLAT BY NAPLES SEABOARD AND GULF RAILWAY CO. AS RECORDED IN PLAT BOOK 1, PAGE 59 OF SAID PUBLIC RECORDS; THENCE LEAVING SAID RIGHT-OF-WAY LINE S06°58'20"E FOR A DISTANCE OF 320.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF VACATED SECOND AVENUE SOUTH; THENCE ALONG SAID RIGHT-OF-WAY LINE N83°02'22"E FOR A DISTANCE OF 161.28 FEET TO THE SOUTHWEST CORNER OF SAID TRACT C-3; THENCE CONTINUE ALONG THE SOUTH LINE OF SAID TRACT C-3 N83°02'22"E FOR A DISTANCE OF 141.99 FEET TO THE SOUTHEAST CORNER OF SAID TRACT C-3; THENCE ALONG THE EASTERLY LINE OF SAID TRACT C-3 N00°25'08"W FOR A DISTANCE OF 4.39 FEET; THENCE N04°26'34"W FOR A DISTANCE OF 315.95 FEET TO THE POINT OF BEGINNING.

(collectively, the "Property").

## SECTION II

### **LEGAL DESCRIPTION OF THE RESIDENTIAL DISTRICT**

The legal description of the Residential District within the Property is:

Tracts 1, 2, 3, 4, A, B, C, D, and E according to the Plat of Naples Square as recorded in Plat Book 58 at Pages 84 and 85 of the Public Records of Collier County, Florida (the "Residential District").

a/k/a the "Property" less and except the "Public Service District" and less and except the "Downtown District" and less and except the Wynn District.

### SECTION III

#### LEGAL DESCRIPTION OF THE PUBLIC SERVICE DISTRICT

The legal description of the Public Service District within the Property is:

Tract C-1, NAPLES SQUARE COMMERCIAL NORTH, according to the map or plat thereof, as recorded in Plat Book 63, Pages 16 and 17, inclusive, of the Public Records of Collier County, Florida ("Tract C-1") and

A PORTION OF TRACT C-3 OF NAPLES SQUARE COMMERCIAL NORTH AS RECORDED IN PLAT BOOK 63, PAGES 16 AND 17 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA AND A PORTION OF AN UNPLATTED PARCEL OF LAND SITUATED IN SECTION 3, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT C-3, RUN S04°26'34"E ALONG THE EASTERLY LINE OF SAID TRACT C-3 FOR 146.29 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S04°26'34"E ALONG SAID EASTERLY LINE FOR A DISTANCE OF 169.66 FEET;

THENCE S00°25'08"E FOR A DISTANCE OF 4.39 FEET TO THE SOUTHEAST CORNER OF SAID TRACT C-3;

THENCE ALONG THE SOUTH LINE OF SAID TRACT C-3 S83°02'22"W FOR A DISTANCE OF 142.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT C-3;

THENCE CONTINUE S83°02'22"W FOR A DISTANCE OF 161.28 FEET;

THENCE N06°58'20"W FOR A DISTANCE OF 320.01 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF FIRST AVENUE SOUTH;

THENCE ALONG SAID RIGHT-OF-WAY LINE N83°02'22"E FOR A DISTANCE OF 45.00 FEET;

THENCE LEAVING SAID LINE S06°58'20"E FOR A DISTANCE OF 146.15 FEET;

THENCE N83°02'22"E FOR A DISTANCE OF 266.26 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBES APPROXIMATELY 60,024 SQUARE FEET OR 1.38 ACRES OF LAND ("Parking Garage Parcel") (the Parking Garage Parcel and Tract C-1 collectively referred to herein as the "Public Service District")..

## SECTION IV

### LEGAL DESCRIPTION OF THE DOWNTOWN DISTRICT

The legal description of the Downtown District within the Property is:

A tract or parcel of land lying in Section 3, Township 50 South, Range 25 East, City of Naples, Collier County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the intersection of North right of way line of Fifth Avenue South and the East right of way line of Tenth Street, as shown on the amended plat of a portion of the Town of Naples, as recorded in Plat Book 1, Page 59, Collier County Records run N06°58'18"W along the East right of way line of Tenth Street for 425.00 feet; thence run N83°01'42"E for 225.00 feet; thence run S06°58'18"E for 25.00 feet to the Northwest corner of those lands described in Official Records Book 2244, at page 555, Collier County Records; thence run N83°01'42"E along the North line of said lands for 175.00 feet to the Northeast corner of said lands and the POINT OF BEGINNING.

From said Point of Beginning run N82°11'36"E for 144.83 feet; thence run N06°46'28"W for 3.11 feet; thence run N82°59'15"E for 87.86 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the left of radius 47.00 feet (delta 90°00'00") (chord bearing N37°59'15"E) (chord 66.47 feet) for 73.83 feet to a point of tangency; thence run N07°00'45"W for 1.16 feet; thence run N50°58'55"E for 9.43 feet; thence run N07°00'45"W for 254.66 feet; thence run N82°59'15"E for 7.50 feet; thence run N07°03'38"E for 7.72 feet to a point of curvature thence run Northeasterly along an arc of a curve to the right of radius 9.50 feet (delta 39°16'29") (chord bearing N26°41'52"E) (chord 6.39 feet) for 6.51 feet to a point of reverse curvature; thence run Northeasterly along an arc of a curve to the left of radius 58.50 feet (delta 12°18'33") (chord bearing N40°10'50"E) (chord 12.54 feet) for 12.57 feet to a point of reverse curvature; thence run Northeasterly along an arc of a curve to the right of radius 40.50 feet (delta 48°57'41") (chord bearing N58°30'24"E) (chord 33.57 feet) for 34.61 feet to a point of tangency; thence run N82°59'15"E for 110.02 feet to a point of curvature; thence run Easterly along an arc of a curve to the right of radius 30.50 feet (delta 53°31'28") (chord bearing S70°15'01"E) (chord 27.47 feet) for 28.49 feet to an intersection with the West right of way line of Goodlette-Frank Road; thence run S00°25'08"E along said West right of way line for 740.99 feet to an intersection with the Northerly right of way line of U.S. 41, (State Road 90); thence run S83°01'42"W along said Northerly right of way line for 153.65 feet to a point on a non-tangent curve and an intersection with said Northerly right of way line, also being the Northerly line of Area "B" parcel, as described in the order of taking recorded in Official Records Book 2129, page 280, Collier County Records; thence run along the Northerly line of said Area "B" parcel the following three (3) courses: Westerly along an arc of a curve to the left of radius 1,279.86 feet (delta 02°19'07") (chord bearing S89°26'22"W) (chord 51.79 feet) for 51.79 feet;



N07°11'38"W for 10.00 feet and S88°04'31"W for 10.00 feet to an intersection with the East line of those lands described in Deed Book 15, at page 234, Collier County Records; thence run N06°58'18"W along the East line of said lands for 133.34 feet; thence run S83°01'42"W along North line of said lands and continuing along the North line of those lands as described in Deed Book 14, at page 572, and the North line of those lands described in Official Records Book 1797, at page 1702, of the Public Records of Collier County for 175.00 feet to the Southeast corner of those lands described in Official Records Book 2244, at page 555, Collier County Records; thence run N06°58'18"W along the East line of said lands for 250.00 feet to the POINT OF BEGINNING.

Containing 4.55 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida East Zone (1983/NSRS 2007) and are based on the East line Tenth Avenue to bear N06°58'18"W.

AND

Tract A and Tract C-2, NAPLES SQUARE COMMERCIAL NORTH, according to the map or plat thereof, as recorded in Plat Book 63, Pages 16 and 17, inclusive, of the Public Records of Collier County, Florida

(collectively, the "Downtown District").

## SECTION V

### LEGAL DESCRIPTION OF THE WYNN DISTRICT

A PORTION OF TRACT C-3 OF NAPLES SQUARE COMMERCIAL NORTH AS RECORDED IN PLAT BOOK 63, PAGES 16 AND 17 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA AND A PORTION OF AN UNPLATTED PARCEL OF LAND SITUATED IN SECTION 3, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT C-3, RUN  $S83^{\circ}02'22''W$  ALONG THE NORTHERLY LINE OF SAID TRACT C-3 FOR 142.26 FEET TO THE NORTHWEST CORNER OF SAID TRACT C-3;  
THENCE CONTINUE  $S83^{\circ}02'22''W$  ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FIRST AVENUE SOUTH FOR A DISTANCE OF 130.45 FEET TO POINT THAT IS  $N83^{\circ}02'22''E$  A DISTANCE OF 418.00 FEET FROM THE NORTHWEST CORNER OF BLOCK 149, TIER 11, REPLAT BY NAPLES SEABOARD AND GULF RAILWAY CO. AS RECORDED IN PLAT BOOK 1, PAGE 59 OF SAID PUBLIC RECORDS;  
THENCE LEAVING SAID RIGHT-OF-WAY LINE  $S06^{\circ}58'20''E$  FOR A DISTANCE OF 146.15 FEET;  
THENCE  $N83^{\circ}02'22''E$  FOR A DISTANCE OF 266.26 FEET TO THE EAST LINE OF SAID TRACT C-3;  
THENCE ALONG SAID EAST LINE  $N04^{\circ}26'34''W$  FOR A DISTANCE OF 146.29 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBES APPROXIMATELY 39,385 SQUARE FEET OR 0.90 ACRES OF LAND.

## **SECTION VI**

### **DISTRICT BOUNDARIES**

The Property is divided into a Residential District, a Downtown District, a Public Service District, and the Wynn District, as depicted on the attached "District Boundaries Sketch" which is incorporated herein by reference (Exhibit A).

This Planned Development Document promulgates development standards for the Residential District, the Downtown District, the Public Service District, and the Wynn District. The Residential District Development Standards apply to the Residential District; the Downtown District Development Standards apply to the Downtown District; the Public Service District Development Standards apply to the Public Service District; and the Wynn District Development Standards apply to the Wynn District.

The owner of fee simple title to what is designated on the District Boundaries Sketch as the Public Service District, its successors and assigns, reserves the right to develop what is designated on the District Boundaries Sketch as the Public Service District under either the Public Service District Development Standards or the Downtown District Development Standards.

## SECTION VII

### RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

#### **District purpose.**

The residential district is principally designed to accommodate residential dwelling units.

#### **Uses permitted.**

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

- (1) Single-family residences.
- (2) Multifamily residences.
- (3) Accessory structures which are incidental to and customarily associated with the permitted uses in this district listed in subsections (1) and (2) of this section.

#### **Conditional uses.**

Conditional uses in the residential district are as follows:

- (1) Child care centers.
- (2) Nursing or rest homes (up to 12 units per net acre).
- (3) Parking lots, noncommercial, with no meters or on-site parking fee collection.
- (4) Recreation areas or facilities that are part of one of the permitted uses listed in subsections (1) through (3) of this section.

#### **Minimum lot area.**

Minimum lot area in the residential district is 6,000 square feet.

#### **Minimum lot width.**

Minimum lot width in the residential district is 40 feet.

#### **Minimum yards.**

Minimum yards in the residential district are as follows:

- (1) 10<sup>th</sup> Street South: 10 feet, all of which shall be landscaped in accordance with the landscaping requirements of chapter 50 of the Naples Code. The sidewalk shall be placed within the public right-of-way along 10<sup>th</sup> Street South.
- (2) Side yards along the northern and southern perimeters of the residential district: 10 feet, all of which shall be landscaped per the requirements of chapter 50 of the Naples Code.

- (3) Side yards along the eastern perimeter of the residential district:

10 feet from edge of pavement, all of which shall be landscaped per the requirements of chapter 50 of the Naples Code. The landscaped area shall include the sidewalk.

- (4) Front yards along Third Avenue South in the residential district:

40 feet measured from the centerline of the Third Avenue South right of way.

There is no minimum yard for separation between principal structures, and the length and width of structures permitted in the residential district may extend to the setback lines.

### **Minimum floor area.**

Minimum floor area in the residential district is as follows:

- (1) 1-family dwellings:
  - a. 1-story buildings: 1,000 square feet.
  - b. 2-story buildings: 1,250 square feet.
- (2) 2-family dwellings: 1,000 square feet per dwelling unit.
- (3) 3- or more family dwellings: 600 square feet per dwelling unit.
- (4) Manager's apartment: 600 square feet per dwelling unit.

### **Maximum height.**

Maximum height in the residential district is 58' 9" to the peak of the roof limited to four (4) habitable floors or three (3) habitable floors over one (1) floor of parking for residential buildings located within (i) one hundred five (105') feet of the centerline of the Third Avenue South right of way and (ii) eighty (80') feet of the centerline of the 10<sup>th</sup> Street South right of way and five (5) habitable floors or four (4) habitable floors over one (1) floor of parking for residential buildings located outside (i) one hundred five (105') feet of the centerline of the Third Avenue South right of way and (ii) eighty (80') feet of the centerline of the 10<sup>th</sup> Street South right of way, measured from the greatest of the following:

- (1) The FEMA requirement for 1st habitable floor height;
- (2) 18 inches above the state department of environmental protection requirement for the 1st habitable floor structural support;
- (3) 18 inches above the elevation of the average crown of the adjacent roads;

provided, however, that (i) chimneys, elevator shafts or overruns, stair tower roofs, rooftop heating, ventilating and air conditioning equipment, ornamental screening for such equipment, energy producing devices such as solar panels and wind turbines and architectural embellishments may extend 7 feet above the peak of the building roof over an area which does not exceed 10% of the building's roof area and (ii) stair and elevator lobbies may extend to a height of five (5) stories along 10<sup>th</sup> Street South as and to the extent illustrated on Drawing SK2.2 dated October 22, 2013 which accompanies this Planned Development Document.

**Minimum off-street parking.**

The minimum off-street parking requirement in the residential district is two spaces per unit except that, for every parking space provided by a commercial use in the heretofore described downtown district, the commercial parking space shall also count equally as a residential parking space for 50 percent of the required parking for the residential use; provided, however, that restaurants that serve dinner are excluded from the credit.

**Maximum lot coverage by all buildings.**

There is no maximum lot coverage requirement in the residential district.

**Maximum allowable density.**

The maximum allowable density in the residential district is 300 dwelling units; provided, however, that for every dwelling unit located within the downtown district the maximum allowable density in the residential district shall be reduced by one dwelling unit.

## SECTION VIII

### **PUBLIC SERVICE DISTRICT DEVELOPMENT STANDARDS**

#### **District purpose.**

The Public Service District is intended to accommodate a variety of public, semipublic and private not for profit cultural, institutional, recreational and service facilities.

#### **Uses permitted.**

The following uses are permitted in the Public Service District:

- (1) Cultural facilities, including, without limitation, theaters, playhouses, performing arts halls, libraries and museums, and publicly owned buildings.
- (2) Parking structures\*.
- (3) Off-street parking and loading facilities under Sec. 50-102(b)(2) of the Naples Code of Ordinances.
- (4) Accessory uses and structures which are incidental to and customarily associated with the permitted uses in this district.

\*As to the Parking Garage Parcel exclusively, which shall be identified on the Master Plan. A minimum 123 spaces in the parking garage shall be allocated to Tract C-1 for the use and benefit of Gulfshore Playhouse, Inc. and/or its assigns with the final number established at site plan approval, and 65 spaces (pursuant to the Public Parking Garage Agreement of even date) on the Parking Garage Parcel shall be allocated to the Wynn District for the use and benefit of Downtown Naples, LLC and/or its assigns, in perpetuity. In addition, 12 parking spaces shall be allocated and reserved to the development and redevelopment of "Grantee's Property" as described in that certain Parking Easement recorded in Official Records Book 3695, Page 1383, Public Records of Collier County, Florida, as amended by that certain First Amendment to Parking Easement recorded in Official Records Book 5442, Page 1807, Public Records of Collier County, Florida, as may be further amended from time to time. The foregoing parking space allocations shall be applied, respectively, as a credit against each's parking requirements, without limitation on the right to alternatives to providing the number of required parking spaces.

#### **Conditional uses.**

The City Council may, through the review and approval of a conditional use petition, permit other uses which are similar to and no more intense than those permitted in the Public Service District.

#### **Minimum lot area.**

Minimum lot area in the Public Service District is 30,000 square feet.

**Minimum lot width.**

Minimum lot width in the Public Service District is 150 feet, provided there is no minimum lot width for the Parking Garage Parcel.

**Minimum yards.**

Minimum yard requirements in the Public Service District are as follows: (1) the yard abutting First Avenue South shall be 10 feet minimum; (2) the yard abutting Goodlette-Frank Road shall be 27 feet minimum and shall average no more than 35 feet maximum per building, measured from property line, and provided further that the minimum setback area shall contain landscaping and hardscaping substantially similar to the landscaping and hardscaping in the area along the west side of Goodlette Road at Naples Square already encumbered by a Linear Public Park Easement previously dedicated by the developer of Naples Square; (3) the yards abutting Tract "A" of the Plat of NAPLES SQUARE COMMERCIAL NORTH, according to the map or plat thereof, as recorded in Plat Book 63, Pages 16 and 17, inclusive, of the Public Records of Collier County, Florida, shall be 10 feet minimum or 0 feet minimum for a parking garage; and (4) all other yards shall be 0 feet minimum. Minimum yards will not be affected by the subdivision of land within the Public Service District. There are no maximum yards or build-to line requirements for cultural facilities along First Avenue South in the Public Service District. There is no minimum yard for separation between principal structures and the length and width of structures in the Public Service District may extend to the setback lines.

**Minimum floor area.**

Minimum floor area in the Public Service District is 1,000 square feet per principal building on the ground floor.

**Maximum height.**

Maximum height of structures in the Public Service District other than the parking structure is 40 feet for the part of the structure that does not contain the main stage theater and technical supporting spaces, including a parapet and a fly tower, measured from 1<sup>st</sup> floor FEMA and 55 feet 6 inches for the part of the structure that does contain the main stage theater and technical supporting spaces, including a parapet and a fly tower, measured from 1<sup>st</sup> floor FEMA elevation to the peak of the roof. Maximum height for a parking structure in the Public Service District is 50 feet, measured from 1<sup>st</sup> floor FEMA elevation to the top of the platform.

**Minimum off-street parking.**

Parking requirements for the Public Service District will be determined by a Parking Needs Analysis in accordance with Sec. 50-107 and/or Valet Parking Plan under Sec. 50-103(e) of the Naples Code of Ordinances, provided up to all the required parking spaces may be located on the Parking Garage Parcel.



### **Maximum lot coverage by all buildings.**

There is no maximum lot coverage in the Public Service District.

### **Maximum allowable density.**

The land located in the Public Service District supports residential density located on the Property outside the Public Service District and there is therefore no allowable density in the Public Service District.

### **Site Plan Approval.**

City Council approval Site Plan will be required for the Public Service District.

The final adoption of the operating Valet Parking Plan and the Parking Needs Analysis will occur at site plan approval.

Uniform Sign Plan. During site plan or amended site plan review, City Council is authorized to approve a uniform sign plan for signage on a building outside the designated sign band prescribed in the "D" Downtown District Regulations, including, without limitation, donor plaques, when the aggregate square footage of tenant signage depicted on the unified sign plan is, in the aggregate, less than 50% of the aggregate square footage of tenant signage permitted under Sec. 58-914(2) of the Naples Code of Ordinances and City Council determines that the uniform sign plan substantially:

- (i) limits visual clutter that may result from a proliferation of signs;
- (ii) promotes signage that is compatible with its surroundings in terms of land use, architecture, and with the branding, or business climate, of the district and the city;
- (iii) ensures that signage as an integral component of a building, is appropriately scaled and consistent in character with the building's overall design;
- (iv) assures proper placement of signage for traffic and pedestrian safety, and for public convenience;
- (v) allows reasonable exposure to the public by consistent and rational administration of sign regulations; and
- (vi) accommodates occupant branding in a way that fits into its surroundings.

Vias. When a section of a single user building is less than 300 linear feet in continuous street wall, no via is required for that section of the single user building if City Council determines during site plan or amended site plan review that the site plan includes a via or vias which invite convenient pedestrian access into the site, its facilities, or facilities located outside the site.

Conflicts. Development standards contained in this section supersede and take priority over any setback, signage, via, corridor management overlay, landscaping or other regulation contained in or deduced from the "D" Downtown District Regulations, the Downtown District Development Standards, or the Naples Code of Ordinances.

## SECTION IX

### DOWNTOWN DISTRICT DEVELOPMENT STANDARDS

The uses, heights, densities, intensities, and development standards for the Downtown District are prescribed in Division 30. D Downtown District contained in Sec. 58-901 through 58-920, inclusive, (the “D’ Downtown District Regulations”) including designating the front yard along U.S. 41 as prescribed in Sec. 58-909; provided, however, that a hotel is a permitted use in the approximately 4.55 acre part of the Downtown District located between Third Avenue South and Fifth Avenue South; and provided, however, that the maximum height of all structures shall be limited to 42 feet measured from the 1<sup>st</sup>-floor FEMA elevation to the peak of the roof. Chimneys, elevator shafts, stair towers, rooftop heating, ventilating and air conditioning equipment, ornamental screening for such equipment, and architectural embellishments not for habitation may extend 7 feet above the peak of the building roof over an area which does not exceed 10% of the building’s roof area. City Council approval of the site plan shall be required for the Downtown District per the following standards:

- (1) Uniform Sign Plan. During site plan or amended site plan review, City Council is authorized to approve a uniform sign plan for signage on a building outside the designated sign band prescribed in the “D” Downtown District Regulations when the aggregate square footage of tenant signage depicted on the unified sign plan is, in the aggregate, less than 50% of the aggregate square footage of tenant signage permitted under Sec. 58-914(2) of the Naples Code of Ordinances and City Council determines that the uniform sign plan substantially:
  - (i) limits visual clutter that may result from a proliferation of signs;
  - (ii) promotes signage that is compatible with its surroundings in terms of land use, architecture, and with the branding, or business climate, of the district and the city;
  - (iii) ensures that signage as an integral component of a building, is appropriately scaled and consistent in character with the building's overall design;
  - (iv) assures proper placement of signage for traffic and pedestrian safety, and for public convenience;
  - (v) allows reasonable exposure to the public by consistent and rational administration of sign regulations; and
  - (vi) accommodates occupant branding in a way that fits into its surroundings.

Signs approved within the uniform sign plan shall not be translucent but may be externally lit or backlit. Exposed neon tubes are prohibited.

- (2) Vias. When a section of a single user building is less than 300 linear feet in continuous street wall, no via is required for that section of the single user building if City Council determines during site plan or amended site plan review

that the site plan includes a via or vias which invite convenient pedestrian access into the site, its facilities, or facilities located outside the site.

Downtown District Development Standards include the following:

- (1) Minimum yards. The front yard along Goodlette Road shall be 25 feet minimum and shall average no more than 35 feet maximum per building, measured from property line. The minimum setback zone shall contain landscaping and hardscaping substantially similar to the landscaping and hardscaping in the area along the west side of Goodlette Road at Naples Square already encumbered by a Linear Public Park Easement previously dedicated by the developer of Naples Square. The front yard along 3<sup>rd</sup> Avenue South shall be 10 feet minimum. There is no minimum yard for separation between principal structures and the length and width of structures in the Downtown District may extend to the setback lines.
- (2) Dedication of Linear Public Park Easement. At or prior to issuance of a certificate of occupancy from the City of Naples for any of the buildings located within the Downtown District, the owner of the fee simple title to the land within the Downtown District shall execute and deliver a non-exclusive linear public park easement to the City of Naples for green space, open space, landscaping, and pathways over and across the portion of the Property designated as (the "Expanded Linear Public Park Easement Area") on the attached Exhibit C. The land owner shall retain the right to (i) use the Expanded Linear Public Park Easement Area for any purpose which does not unreasonably interfere with the intended purpose of the Expanded Linear Public Park Easement, including, without limitation, vehicular and pedestrian access to and from the Property, pathways, signage, utilities, sculpture, art, water features, benches, drainage, water management, lot coverage calculations, density calculations, open space, and landscaping for the benefit the Property; and (ii) suspend the right to use the Expanded Linear Public Park Easement during any period of construction or maintenance in, or in reasonable proximity to, the Expanded Linear Public Park Easement Area. The owner of fee simple title to the land within the Downtown District shall design, permit, construct and maintain the Expanded Linear Public Park Easement Area, and pay for same. The Expanded Linear Public Park Easement Area shall be maintained to a standard which equals or exceeds the prevailing level of maintenance of city parks and parkways.
- (3) Conflicts. Development standards contained in this section supersede and take priority over any setback, signage, via, corridor management overlay, landscaping or other regulation contained in or deduced from the "D" Downtown District Regulations, or the Naples Code of Ordinances.

## SECTION X

### **WYNN DISTRICT DEVELOPMENT STANDARDS**

The uses, heights, parking requirements, densities, intensities, and development standards for the Wynn District are exclusively prescribed in Division 30. D Downtown District contained in Sec. 58-901 through 58-920, inclusive, as codified on the date hereof, including the allocation of no less than 12 dwelling units per acre to the Wynn District and, through review and approval of a conditional use petition, permit transient lodging in the Wynn District; provided, however, that the minimum first floor ceiling height shall be 12 feet, that 65 parking spaces (pursuant to the Public Parking Garage Agreement of even date) shall be credited against the minimum parking space requirement for all uses in the Wynn District, and that the developer of the Wynn District shall have the option to pay into the City payment-in-lieu-of-parking trust fund for up to but not to exceed an additional 25 parking spaces to satisfy the Wynn District parking requirements, each notwithstanding anything to the contrary in Sec. 58-920. As is the case with land designated D Downtown District on the City of Naples Zoning Map, there are no maximum lot coverage, maximum building length, or minimum open space requirements in the Wynn District. When a building or series of buildings form a continuous street wall that exceeds 150 feet in length, no via is required if City Council determines during Site Plan review that the Site Plan includes alternative pedestrian linkages which invite convenient pedestrian access into the site, its facilities, or facilities located outside the site. City Council approval of the Site Plan shall be required for the Wynn District.

## **SECTION XI**

### **DEDICATION OF THIRD AVENUE SOUTH**

The following dedication of land for public purposes shall occur: At or prior to issuance of a certificate of occupancy from the City of Naples for any improvements located adjacent to the Third Avenue South Extension Right of Way Dedication Area depicted on Typical Sections 1 through 5, inclusive, prepared by Barraco and Associates, Inc., dated July 29, 2013 which is incorporated herein by reference and the site plan prepared by MHK Architecture and Planning dated July 29, 2013 (the "Site Plan"), the Land Owner shall construct the improvements for the Third Avenue South Extension Dedication Area as illustrated on the Site Plan and execute, deliver and record a non-exclusive dedication to the City of Naples for right of way purposes on, over and across the Third Avenue South Extension Right of Way Easement Area. The Land Owner shall retain the right to use the Third Avenue South Extension Right of Way Dedication Area for any purpose which does not unreasonably interfere with the intended purpose of the Third Avenue South Extension Right of Way Dedication, including, without limitation, vehicular and pedestrian access to and from the Land, pathways, signage, parking, utilities, sculpture, art, water features, benches, drainage, water management, lot coverage calculations, setback areas, density calculations, open space, and landscaping for the benefit of the Land. The Land Owner shall design, permit and construct the Third Avenue South Extension Right of Way Dedication Area, and, as and to the extent hereafter provided, maintain same. The City finds that the Third Avenue South Extension Right of Way Dedication as illustrated on the Site Plan complies and is consistent with all requirements of the Naples Code and any other laws, ordinances, rules and regulations of the City of Naples. The City shall cooperate with the Land Owner in the foregoing undertaking. The Third Avenue South Extension Right of Way Dedication Area shall be maintained to a standard which equals or exceeds the prevailing level of maintenance of city streets and parkways. Upon no less than one (1) year written notice to the City, at Land Owner's election at any time after three (3) years after (i) completion of improvements to the Third Avenue South Extension Right of Way Dedication Area, and (ii) recordation of the Third Avenue South Extension Right of Way Dedication to the City, the Land Owner may delegate responsibility to maintain the Third Avenue South Extension Right of Way Dedication Area to the City; provided, however, that (i) the foregoing shall be subject to prevailing city acceptance policies and procedures, and (ii) the City will have no responsibility to maintain the fountains installed by Land Owner in the Third Avenue South Extension Right of Way Dedication Area. The City shall thereafter pay for such maintenance and the Land Owner shall be released of any and all liability to pay for maintenance thereof or any other cost or expense related thereto. "On street" parking in the Third Avenue South Right of Way will occur on what has historically been private property. It therefore shall be counted in determining compliance with parking requirements, and shall not be considered an allocation from the city's "on street" parking pool for the "D" Downtown District.

The foregoing Dedication of Third Avenue South was effectuated through the Plat of Naples Square recorded in Plat Book 58, at Pages 84 and 85 (Exhibit B). The stipulated improvements to Third Avenue South have been completed and the "Land Owner's" maintenance obligations for Third Avenue South are, as of the date hereof, ongoing.

## **SECTION XII**

### **DEDICATION OF LINEAR PUBLIC PARK EASEMENT**

At or prior to issuance of a certificate of occupancy from the City of Naples for any of the buildings located within the Property, the Land Owner shall execute, deliver and record a non-exclusive linear public park easement to the City of Naples for green space, open space, landscaping, and pathways over and across the portion of the Property designated as "Dedicated Public Open Space" on the Site Plan (the "Linear Public Park Easement Area"). The Land Owner shall retain the right to (i) use the Linear Public Park Easement Area for any purpose which does not unreasonably interfere with the intended purpose of the Linear Public Park Easement, including, without limitation, vehicular and pedestrian access to and from the Property, pathways, signage, utilities, sculpture, art, water features, benches, drainage, water management, lot coverage calculations, density calculations, open space, and landscaping for the benefit the Property; and (ii) suspend the right to use the Linear Public Park Easement during any period of construction or maintenance in, or in reasonable proximity to, the Linear Public Park Easement Area. The Land Owner shall design, permit, construct and maintain the Linear Public Park Easement Area, and pay for same. The City shall cooperate with the Land Owner in the foregoing undertaking. The Linear Public Park Easement Area shall be maintained to a standard which equals or exceeds the prevailing level of maintenance of city parks and parkways.

The foregoing Dedication of Linear Public Park Easement was the basis for the increase in density at Naples Square from base density of 12 units an acre to 14.28 units an acre. The Dedication of Linear Public Park Easement was effectuated through a Linear Public Park Easement dated June 10, 2015 and recorded on June 15, 2015 in Official Records Book 5163, at Page 1626, et. seq., of the Public Records of Collier County, Florida (Exhibit C).

## **SECTION XIII**

### **AIRPORT PROXIMITY NOTICE**

The Land Owner will provide notice to prospective residential purchasers that the Naples Municipal Airport is located less than one mile from the Property and purchasers can expect all the usual and common noises and disturbances created by and incident to the operation of the Airport.

## **SECTION XIV**

### **COMMENCEMENT OF CONSTRUCTION**

Construction of the hotel in the Downtown District shall commence as follows:

- (1) Upon the effective date of the Planned Development Ordinance authorizing this Planned Development Document, construction of the hotel shall commence within 36 months.
- (2) Upon failure to commence construction of the hotel within the specified time, the hotel will cease to be a permitted use in the Downtown District, and will convert to a conditional use for which application may be made for conditional use approval under Sec. 46-34 of the Naples Code of Ordinances.
- (3) "Construction," for purposes of this section, shall mean obtaining a building permit for a hotel and initiating substantial site and structural improvements, not including land clearing, land filling and soil compaction.

The hotel shall open as an AC Marriott.



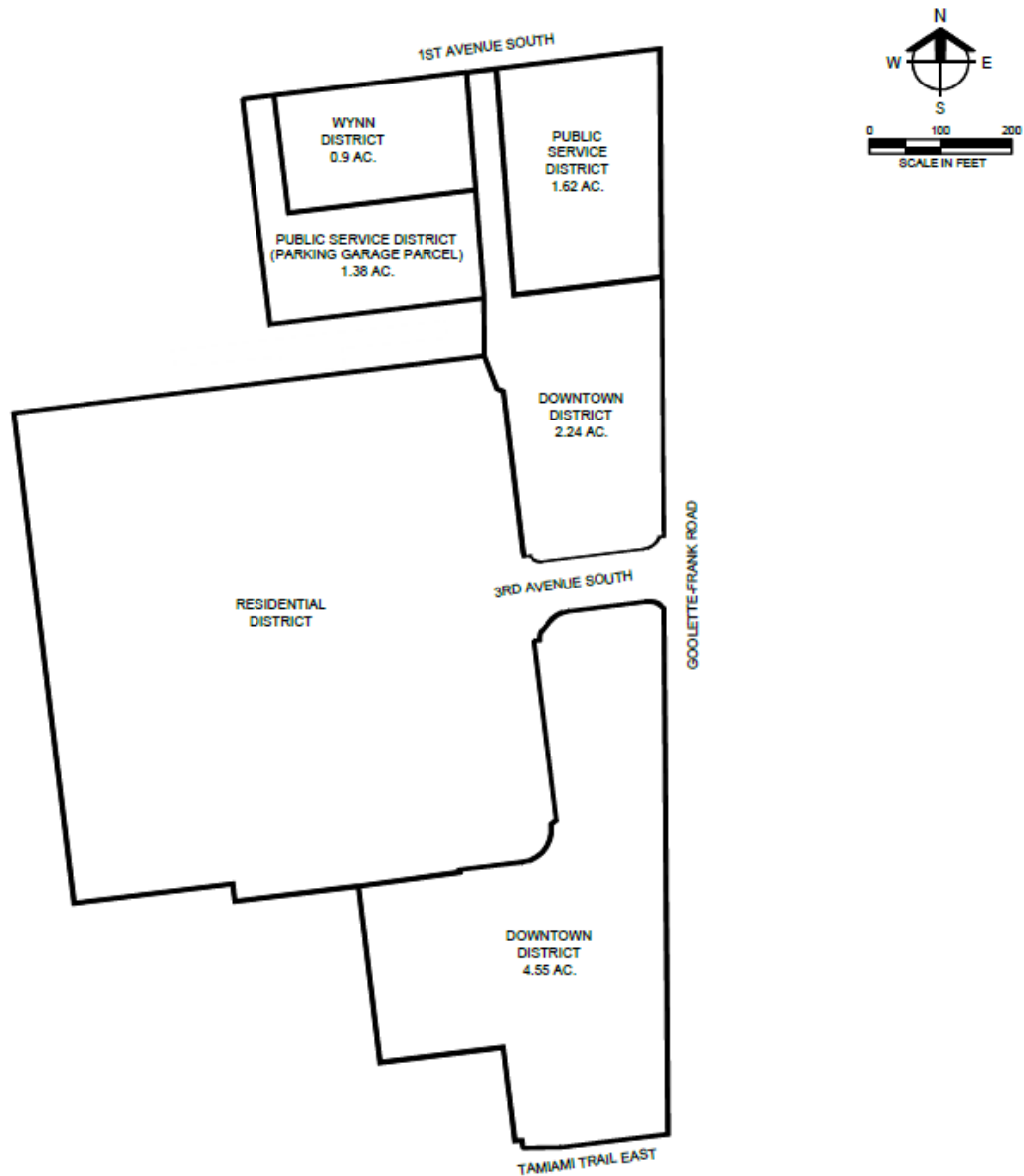
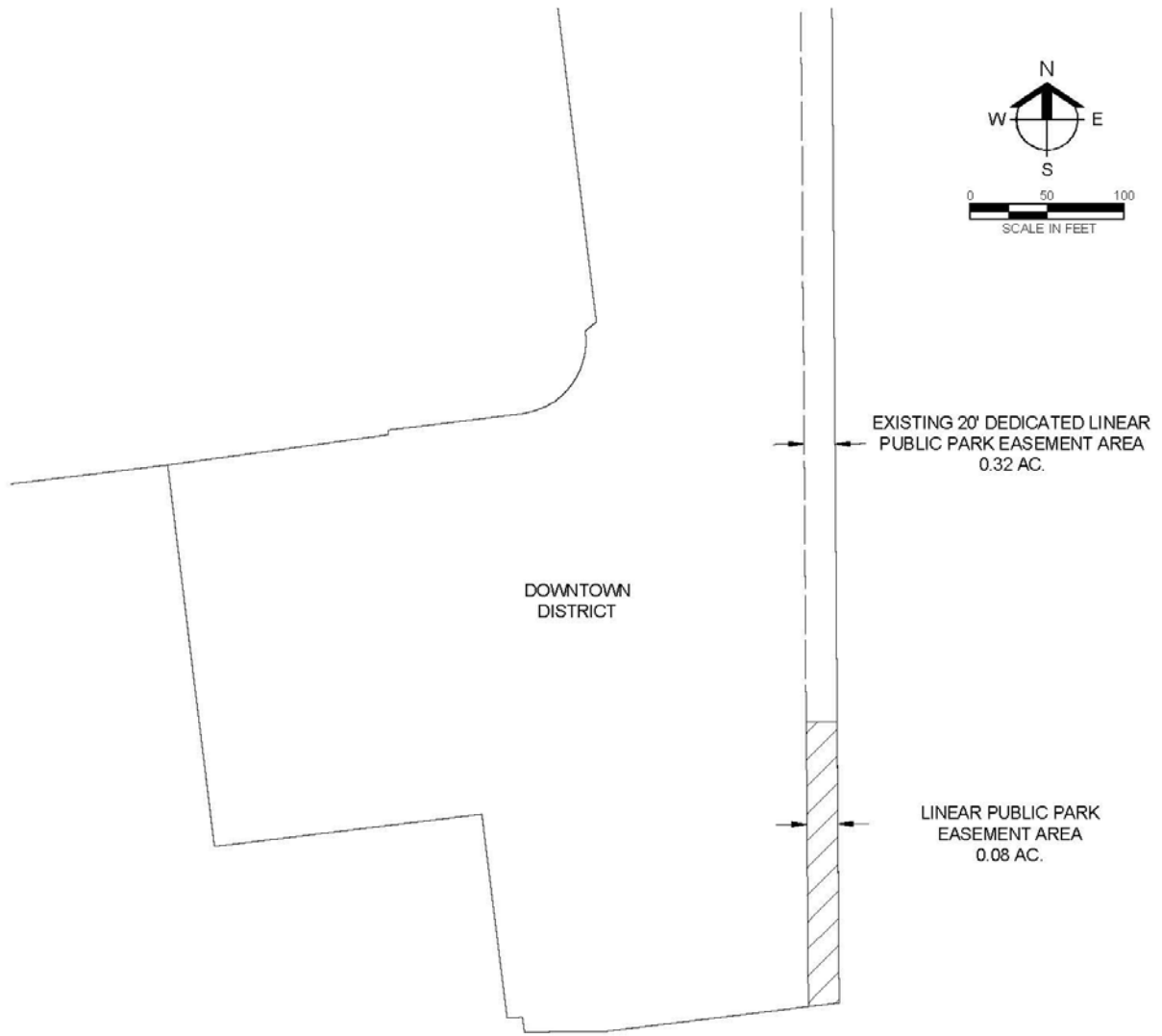


EXHIBIT A  
 DISTRICT BOUNDARIES SKETCH  
 EXHIBIT B



**EXHIBIT B**  
**EXPANDED LINEAR PUBLIC PARK EASEMENT AREA**



**TRACT ACREAGE**

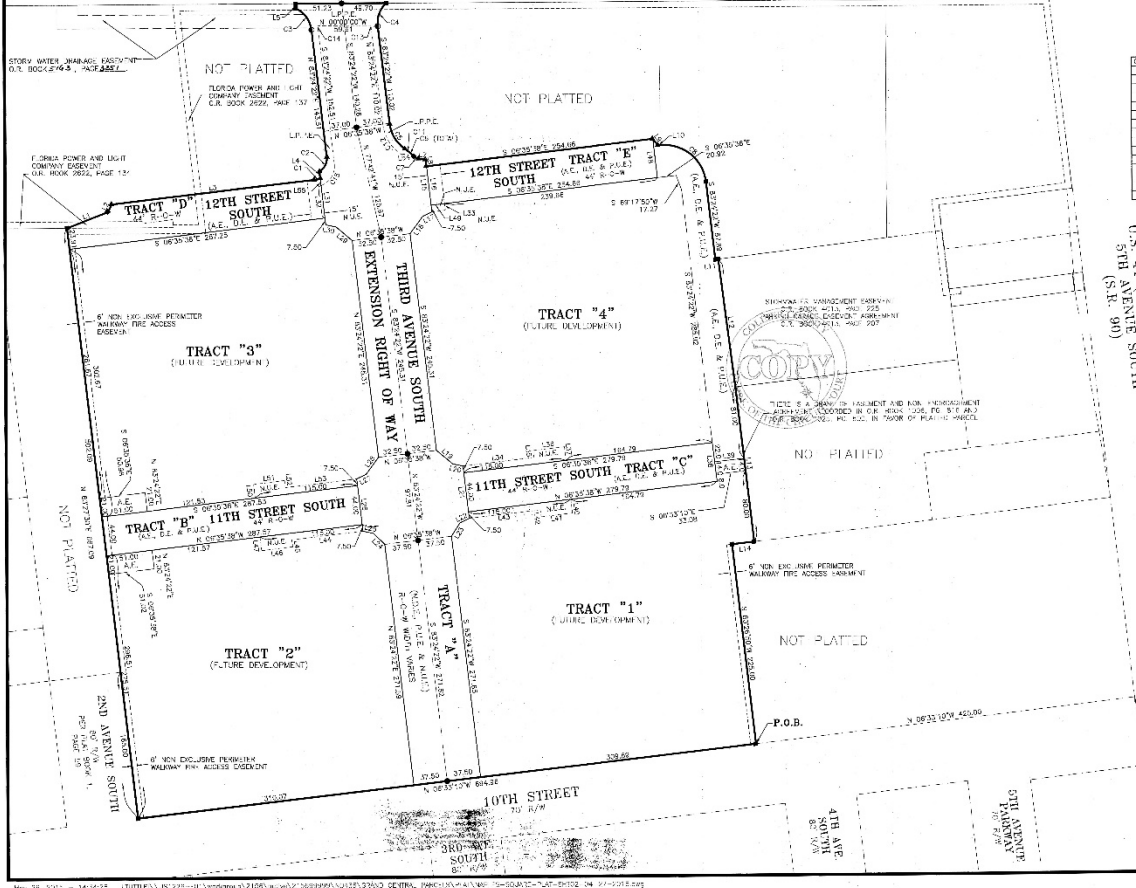
TRACT	ACRES	SQ. FT.
"A"	1.67	73,165
"B"	0.79	34,522
"C"	0.28	12,111
"D"	0.27	11,952
"E"	0.24	10,505
"F"	2.15	94,231
"G"	2.10	91,628
"H"	2.12	94,571
"I"	2.48	107,641

**NAPLES SQUARE**  
 A SUBDIVISION OF PART OF SECTION 3, TOWNSHIP 50 SOUTH,  
 RANGE 25 EAST, CITY OF NAPLES, COLLIER COUNTY, FLORIDA.  
 BEING A PART OF THE REPLAT OF PART OF TOWN OF NAPLES, RECORDED  
 IN PLAT BOOK 1, PAGE 59 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA  
 GOODLETTE-FRANK ROAD (C.R. 851)

THIS INSTRUMENT WAS PREPARED BY  
 JOHN P. MALONEY, P.E., RESIDENT  
 SURVEYING ENGINEER  
 2200 BAY LANE, SUITE 200  
 NAPLES, COLLIER COUNTY, FLORIDA, 34105  
 CERTIFICATE OF AUTHORIZATION #A-7899

**NOTICE:**  
 THIS PLAT AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL  
 VERSION OF THE SUBDIVISION DESCRIBED HEREIN AND WILL IN  
 NO CIRCUMSTANCES BE SUPERSEDED IN AUTHORITY BY ANY OTHER GRAPHIC  
 OR DIGITAL FORM OF THE PLAT, WHETHER GRAPHIC OR DIGITAL.

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON  
 THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.



**CURVE DATA**

LINE	NO.	BEG. STA.	END STA.	ANGLE	CHORD BEARING	CHORD DIST.
11	1	0+00.00	24.00	0.00	3.75	24.00
11	2	24.00	16.50	135.00	1.04	16.50
11	3	16.50	31.07	17.34	1.42	24.73
11	4	31.07	45.00	51.87	5.44	31.87
11	5	45.00	56.60	72.57	8.39	36.60
11	6	56.60	73.83	77.00	9.97	42.23
11	7	73.83	87.00	90.00	12.00	48.00
11	8	87.00	97.50	90.00	13.50	52.50
11	9	97.50	105.00	90.00	15.00	56.25
11	10	105.00	110.00	90.00	16.50	58.75
11	11	110.00	113.00	90.00	17.50	60.50
11	12	113.00	114.00	90.00	18.00	61.50
11	13	114.00	114.00	90.00	18.00	61.50
11	14	114.00	113.00	90.00	17.50	60.50
11	15	113.00	110.00	90.00	16.50	58.75
11	16	110.00	97.50	90.00	15.00	56.25
11	17	97.50	87.00	90.00	13.50	52.50
11	18	87.00	73.83	90.00	12.00	48.00
11	19	73.83	56.60	90.00	10.00	40.00
11	20	56.60	45.00	90.00	8.00	32.00
11	21	45.00	24.00	90.00	6.00	24.00
11	22	24.00	0+00.00	90.00	4.00	16.00

**LINE DATA**

LINE	BEARING	DISTANCE
11	S00°00'00"W	24.00
11	S135°00'00"W	16.50
11	S17.34°00'00"W	24.73
11	S51.87°00'00"W	31.87
11	S72.57°00'00"W	36.60
11	S77.00°00'00"W	42.23
11	S90°00'00"W	48.00
11	S90°00'00"W	52.50
11	S90°00'00"W	56.25
11	S90°00'00"W	60.50
11	S90°00'00"W	61.50
11	S90°00'00"W	61.50
11	S90°00'00"W	60.50
11	S90°00'00"W	58.75
11	S90°00'00"W	56.25
11	S90°00'00"W	52.50
11	S90°00'00"W	48.00
11	S90°00'00"W	40.00
11	S90°00'00"W	32.00
11	S90°00'00"W	24.00
11	S90°00'00"W	16.00
11	S90°00'00"W	8.00
11	S90°00'00"W	0.00

P.O.C. INTERSECTION OF THE NORTH-BOUND ONE-WAY LINE OF 3RD AVENUE SOUTH AND THE EAST RIGHT-OF-WAY LINE OF 11TH STREET AS SHOWN ON THE AMENDED PLAT OF A PORTION OF THE TOWN OF NAPLES PLAT BOOK 1, PAGE 59.

SCALE: 1" = 50'

**EXHIBIT C**

**PLAT OF NAPLES SQUARE**

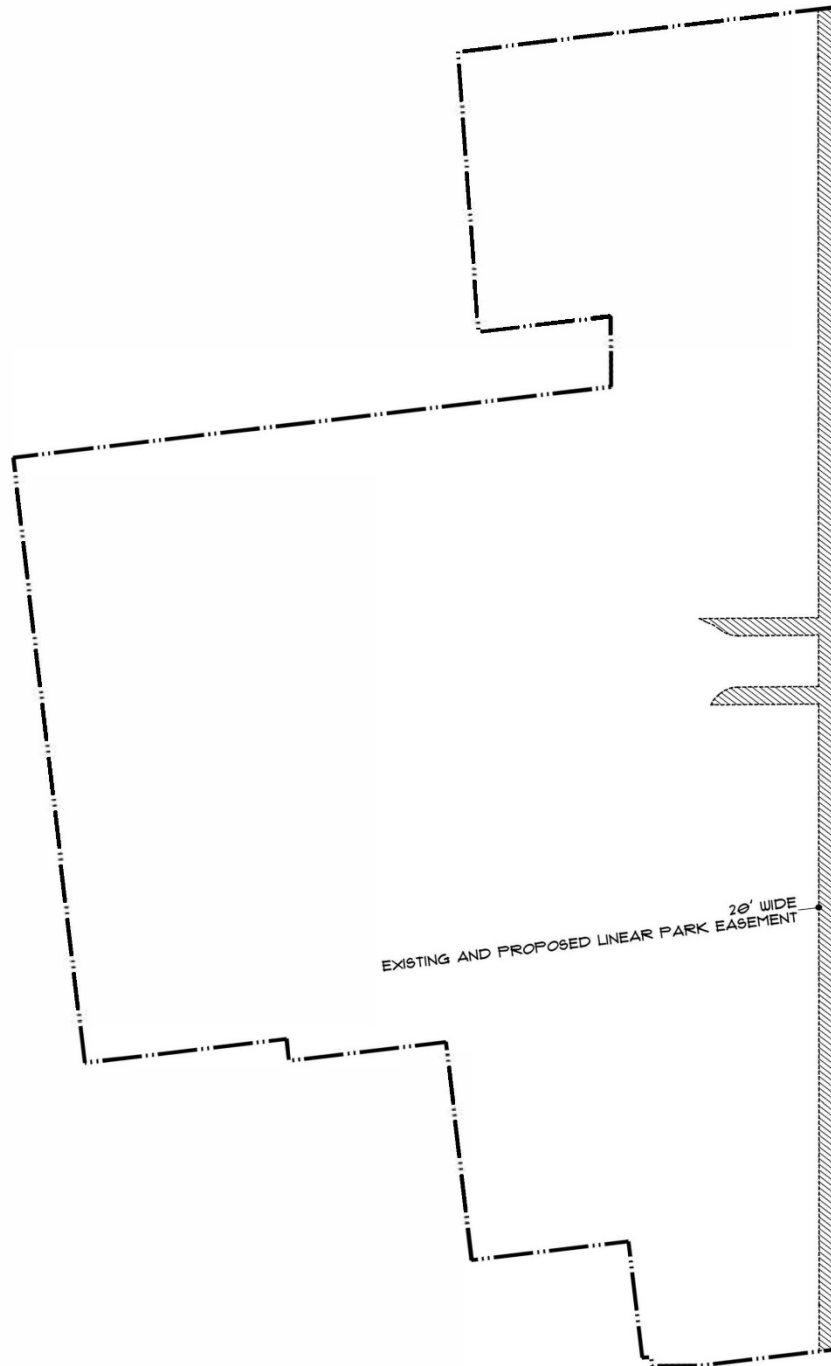


EXHIBIT D  
LINEAR PUBLIC PARK EASEMENT AREA