

Agenda Item 11-a
Meeting of 10/3/12

ORDINANCE 12-13181

AN ORDINANCE RELATING TO THE KEEWAYDIN ISLAND PLANNED DEVELOPMENT; DETERMINING REZONE PETITION 12-R1 FOR THE SOUTHERN 55 FEET OF THE KEEWAYDIN ISLAND PLANNED DEVELOPMENT, KNOWN AS THE KEEWAYDIN DOCK PD, MORE FULLY DESCRIBED HEREIN, TO PERMIT REZONING FROM "PD" PLANNED DEVELOPMENT, TO A NEW "PD" PLANNED DEVELOPMENT, TO AMEND THE KEEWAYDIN ISLAND PLANNED DEVELOPMENT TO REMOVE A 55 FOOT PARCEL OWNED BY COMAX PARTNERS LIMITED PARTNERSHIP; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, Comax Partners Limited Partnership, owner of the southern 55 feet of the Keewaydin Island Planned Development, known as the Keewaydin Dock PD, has petitioned to change the zoning from "PD" to "PD" in order to amend the Keewaydin Island Planned Development to remove a 55 foot parcel; and

WHEREAS, Tara Duhy and Robert Diffenderfer, Attorneys with Lewis, Longman and Walker, PA, have been authorized by the owner as agents for this petition; and

WHEREAS, following an advertised public hearing, the Planning Advisory Board considered the public input, staff recommendations and criteria in the Code and has recommended by a vote of 6 to 0 that Rezone Petition 12-R1 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, staff and the public an opportunity to present testimony and evidence, the City Council has determined that the petition should be approved;

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

Section 1. That Rezone Petition 12-R1 is hereby approved to amend the Keewaydin Island Planned Development to remove the southern 55 feet of the Keewaydin Island Planned Development, known as the Keewaydin Dock PD, said property more fully described as follows:

See Exhibit "A"

Section 2. That the amended Planned Development Document for Keewaydin Island, approved under Ordinance 98-8275 is hereby repealed and replaced by the Keewaydin Island Planned Development Narrative dated July 9, 2012 prepared by Lewis, Longman & Walker, PA, a copy of which is on file in the City Clerk's Office, is hereby approved.

Section 3. That the Zoning Atlas of the City of Naples shall be amended to reflect said rezoning.

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Section 4. 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 5. That all sections or parts of sections of the Code of Municipal Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6. This ordinance shall take effect immediately upon adoption at second reading.

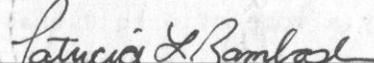
APPROVED AT FIRST READING THIS 19TH DAY OF SEPTEMBER, 2012.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 3RD DAY OF OCTOBER, 2012.


John F. Sorey III, Mayor

Attest:

Approved as to form and legality:


Patricia L Rambosk, City Clerk


Robert D. Pritt, City Attorney

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Date filed with City Clerk: 10-17-12

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EXHIBIT "A"

LEGAL DESCRIPTION: KEEWAYDIN DOCK PORTION OF KEEWAYDIN ISLAND PD:

A PARCEL OF LAND LYING IN SECTION 21, TOWNSHIP 50 SOUTH, RANGE 25 EAST, CITY OF NAPLES, COLLIER COUNTY, FLORIDA, BEING ALL OF KEEWAYDIN DOCK AS PER THE RECORD PLAT THEREOF RECORDED IN PLAT BOOK 20, PAGE 39, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, LESS THE SOUTH 55 FEET THEREOF; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "C" OF SAID GORDON POINTE PER THE RECORD PLAT THEREOF RECORDED IN PLAT BOOK 20, PAGE 38 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE NORTH 89°25'17" EAST 15.00 FEET; THENCE NORTH 00°34'43" WEST 110.00 FEET; THENCE NORTH 89°25'17" EAST 230.00 FEET; THENCE SOUTH 00°34'43" EAST 119.00 FEET; THENCE SOUTH 89°25'17" WEST 28.89 FEET TO THE MEAN HIGH WATER LINE OF GORDON PASS; THENCE SOUTH 12°47'14" EAST, ALONG SAID MEAN HIGH WATER LINE, 1.02 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE SOUTH 89°25'17" WEST 216.31 FEET; THENCE NORTH 00°38'35" WEST 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.636 ACRES (27,721 SQ FT) MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS ARE BASED UPON SAID PLAT OF KEEWAYDIN DOCK.

KEEWAYDIN ISLAND

PLANNED DEVELOPMENT NARRATIVE

Prepared By:

Comax Partners Limited Partnership
1001 Liberty Avenue, Suite 850
Pittsburgh, PA 15222

And

Lewis, Longman & Walker, P.A.
515 North Flagler Drive, Suite 1500
West Palm Beach, FL 33401

July 9, 2012

I. INTRODUCTION

Keewaydin Island PD and Gordon Pointe PD - Background

In June 1989, the City of Naples approved by Ordinance 89-5841, a Planned Development (PD) for property located at the southernmost terminus of Gordon Drive and Bay Road. This approval consisted of two distinctly different developments, described briefly as: (1) the Shore Station for the Keewaydin Club on Key Island, and; (2) the residential single family portion, containing four lots. These developments were submitted together to comply with the City's Comprehensive Plan, and as a matter of administrative ease.

Shortly after the approval, however, litigation was filed against the City and the Developer concerning the Island development. As a result of the continuing litigation, the City and Developer obtained a ruling from the court which stated that the mainland single family residential portion of the PD could be "disaggregated" from the existing PD approval. In 1992, the PD was amended to disaggregate the mainland single family uses. Two PD ordinances were approved. Ordinance 92-6759 approved the Gordon Pointe PD (approximately 2.7 acres of the former PD), which allowed for the same four (4) single family lots approved in the original PD, with any amenities and infrastructure, separated from the Keewaydin Club Shore Station uses of the prior PD. Ordinance 92-6760 approved the Keewaydin Dock PD (approximately .9 acres of the former PD) which allowed for the continued operation of the Keewaydin Dock to serve the island and Keewaydin Club members and guests with parking, boat docking and other shore-based services and facilities. In 1996 the Shore Station and Island PDs were combined in Ordinance 96-7606 and the same was amended in 1998 by Ordinance 98-8275 (Keewaydin Island).

2012 Changes to Keewaydin Island PD

The 2012 rezone to PD amends the Keewaydin Island PD to remove the southern fifty five feet (55') of the former Keewaydin Dock PD in order that it might be included within the adjacent Gordon Pointe PD. Under prior approvals, the property was intended to be used for residential accessory uses in conjunction with Gordon Pointe and is identified as "Part III, Residential Strip" in the restrictive covenants recorded at OR 2199, PG 0358, Public Records of Collier County, in conjunction with the 1996 PD.

The remaining Keewaydin Shore Station will continue with parking, boat docking and other shore-based services and facilities in accordance with prior approvals. Access to the Keewaydin Shore Station is located west of the parking area, off Bay Road, which has been dedicated as public to the end of the Keewaydin Shore Station property, a requirement of the City of Naples.

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 upon which a residence can be constructed.

“Caretaker’s Quarters” shall mean a residential unit to house a caretaker for the project. There shall be no more than two caretaker’s 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 section 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 Comax Partners Limited Partnership or such any 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 Comax Partners Limited Partnership.

"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.

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 having been sold to the State of Florida in 1993 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 as a single family residential development consisting of no more than eighteen (18) home sites. The existing cottages have been 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 ferry.

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 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:

Comax Partners Limited Partnership
1001 Liberty Avenue, Suite 850
Pittsburgh, PA 15222-3718

(412) 471-6420 (telephone)

- B. The Developer is: Comax Partners Limited Partnership
c/o Continental Construction, Inc.
1150 Central Avenue
Naples, FL 34102
(239) 434-8437

VI. DEVELOPMENT STANDARDS

A. Residential development on the Island Property

1. General: Residential development shall be limited to no more than eighteen (18) single family residences located on the Island Property. 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 do not exceed eighteen. Lot lines shall be generally located as shown on the Site Plan. Adjustments to Lot line 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, 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 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 zero (0) feet.
- 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) feet 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 private non-commercial use of the Developer and its assigns (Permitted Users).
 - The Lodge may contain non-commercial food preparation facilities; however, such facilities will only be for the use of Developer 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:

- To provide a boat slip for each residence with the ability to provide a second slip for residences, which may be reconfigured from time to time within the overall footprint identified on the Master Sheet 3585-3 of the Conceptual Master Plans for Keewaydin Island, dated April, 1998, on file with the City Clerk.
- 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:

- b. Open boat slips that may be constructed in accordance with plans approved by the State of Florida, Department of Environmental Protection (DEP).
- c. A maximum of 11 boat houses in compliance with DEP permits.
- d. Parallel docking along the boardwalk.
- e. 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.
- f. Live aboards.
- f. 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 the Code of Ordinances, 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 MWL; provided however, advance maintenance dredging of an access channel to -7 feet MLW may be permitted.

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 longer than 1000 square feet within Cove House.
 - c. Construction and development administrative offices.
 - d. Uses reasonably connected with the foregoing.

e. Caretaker quarters.

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. The vegetative pallet 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 (Dune). The Dune 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 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 the 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 the Dune creation as shown on the drawings included in this PD shall be and constitute the issuance of a permit pursuant to the Code of Ordinances 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 the Dune in that same area. Upon completion of the Dune, or sections thereof, as-built drawings will be provided. No building permits will be issued in areas for which no as-builts 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. Lawn type of landscaping will be minimal throughout the common areas. The landscaping seaward of the 30 year erosion projection 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 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 pesticide 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.

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 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 State and local law. 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 Developer shall provide for a helicopter landing pad on the common areas for use in the event of a medical emergency or otherwise as desired by the Owner, Developer or Association. Provided, however, helicopters may not remain on the Property other than for the loading and unloading of passengers. The hours of operation and flight patterns for use of the helicopter pad shall be subject to review and approval of the City Manager or the Manager's designee.
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 that is consistent with the City's plan will be provided. 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 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/1 which is less than secondary wastewater treatment standards which allow 10 mg/1 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.

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 Cable television 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 contractors. Solid waste will be transported to the Alternate Shore Station or other approved location, 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 applicable Permits. 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 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 capacity 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 within the general area shown on the Conceptual Site Plan, Sheet 3585-3 of the Conceptual Master Plan of Keewaydin Island, dated April 1998. The City Engineer shall approve the proposed materials and construction methods and the final locations taking into the 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 3585-4 and 3585-5 of the Conceptual Master Plan of Keewaydin Island, dated April 1998 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. A sewer pump-out facility available only to Permitted Users, Bayview Cottage Users, and Residential Users 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 OF SEMI-PUBLIC USE

- A. Notwithstanding ownership, public beach access shall be determined by applicable law.
- B. Developer will assist Rookery 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 THE 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. 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 infrastructure, 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

This development has vested.

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 of construction points, the hours of construction operation, proposed parking provisions, soil containment and clean-up plans, the estimated length of time for construction of the infrastructure, 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.

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