

ORDINANCE 2019-14420

AN ORDINANCE DETERMINING REZONE PETITION 19-R6, REZONING FROM PD PLANNED DEVELOPMENT TO AN AMENDED AND RESTATED PD PLANNED DEVELOPMENT TO AMEND THE NAPLES BEACH CLUB RESIDENCES AND GOLF COURSE PLANNED DEVELOPMENT (ORDINANCE #2019-14330) TO REDUCE THE MAXIMUM ALLOWABLE DENSITY, TO ALLOW FOR GATE HOUSES TO ENCROACH INTO THE REQUIRED FRONT YARDS, TO ALLOW FOR REQUIRED VISITOR PARKING TO BE LOCATED INSIDE THE SECURITY GATES, TO ALLOW FOR DRIVEWAY WIDTHS EXCEEDING THE 54-FOOT ALLOWABLE DIMENSION, AND TO ALLOW FOR MONUMENTS EXCEEDING 30 INCHES IN HEIGHT WITHIN THE REQUIRED FRONT YARDS ABUTTING GULF SHORE BOULEVARD NORTH, AND TO AMEND 'EXHIBIT D' AND SECTION V, RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS, MAXIMUM BUILDING DIMENSIONS, ON THE PROPERTY OWNED BY NAPLES GOLF AND BEACH CLUB, INC., A FLORIDA FOR PROFIT CORPORATION, LOCATED AT 851 AND 852 GULF SHORE BOULEVARD NORTH, 1090 CRAYTON ROAD, AND 485, 825, AND 801 SOUTH GOLF DRIVE; ADOPTING THE PLANNED DEVELOPMENT DOCUMENT AS AMENDED HEREIN; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

WHEREAS, Naples Golf and Beach Club, Inc., a Florida for profit corporation, owner of the property located at 851 and 852 Gulf Shore Boulevard North, 1090 Crayton Road, and 485, 801, and 825 South Golf Drive, has petitioned to rezone approximately 109.3 acres from PD Planned Development to an amended and restated PD Planned Development; and

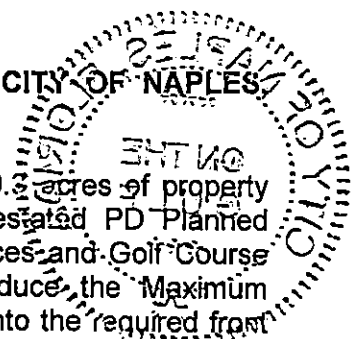
WHEREAS, John M. Passidomo, Esq., Cheffy Passidomo, P.A.; Richard D. Yovanovich, Coleman, Yovanovich, & Koester; and Alan D. Reynolds, AICP, Stantec, have been authorized by the petitioner and owner as agents for this petition; and

WHEREAS, following an advertised public hearing on October 11, 2019 the Planning Advisory Board considered the public input, staff recommendations, and criteria in the Code of Ordinances and has recommended by a vote of 6 to 1 that Rezone Petition 19-R6 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 granted;

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

Section 1. That Rezone Petition 19-R6, rezoning approximately 109.3 acres of property from PD Planned Development to an amended and restated PD Planned Development to amend the Naples Beach Club Residences and Golf Course Planned Development (Ordinance #2019-14330) to reduce the Maximum Allowable Density, to allow for gate houses to encroach into the required front yards, to allow for required visitor parking to be located inside the security gates, to allow for driveway widths exceeding the 54-foot allowable dimension, and to allow for monuments exceeding 30 inches in height within the required front yards abutting Gulf Shore Boulevard North, and to amend 'Exhibit D' and Section V, Residential District Development Standards, Maximum Building Dimensions,



on the property owned by Naples Golf and Beach Club, Inc., a Florida for profit corporation, located at 851 and 852 Gulf Shore Boulevard North, 1090 Crayton Road, and 485, 825, and 801 South Golf Drive, said property more particularly described as follows:

See Exhibit "A"

in accordance with the revised Planned Development Document, named Naples Beach Club Residences and Golf Course, attached hereto as Exhibit "B" and incorporated herein; and that the Zoning Atlas of the City of Naples will be amended to reflect said zoning (with underlining indicating additions and ~~strikethrough~~ indicating deletions).

Section 2. Disclaimer & Permit Condition (Applicable only if federal or state permits are required): Issuance of a development permit by the City does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law. If applicable, all other State or Federal permits must be obtained before commencement of the project.

Section 3. That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof will not affect the validity of any remaining portions of this ordinance. However, if any word, phrase, clause, subsection, or section is determined to be an unreasonable condition affecting the overall development plan contained herein, it will not be severed.

Section 4. Repealer. This PD Ordinance adopting this Planned Development Document will supersede and take priority over Planned Development Ordinance 95-7515, the repeal of which is hereby ratified and confirmed, and any portions of the Naples Land Development Code that conflict with this PD Ordinance.

Section 5. That this ordinance will take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING AND PUBLIC HEARING THIS 20TH DAY OF NOVEMBER 2019.

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 4TH DAY OF DECEMBER 2019.




Attest:


Patricia L. Rambosk, City Clerk


Bill Barnett, Mayor

Approved as to form and legality:


James D. Fox, City Attorney

Date filed with City Clerk: 12-6-19

Exhibit A of Ordinance

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A PORTION OF LOT 1 AND A PORTION OF REPLATTED BLOCK 31, GULF-NAPLES-DEVELOPMENT, PLAT NO 2, PLAT BOOK 2, PAGE 93, AND ALSO A PORTION OF THE SOUTH 140 FEET OF LOT 10, UNIT NUMBER 1, COQUINA SANDS, PLAT BOOK 3, PAGES 21 AND 22, ALL OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF REPLATTED BLOCK 31, GULF-NAPLES-DEVELOPMENT, PLAT NO 2, PLAT BOOK 2, PAGE 93, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, THE SAME BEING A POINT ON THE WEST RIGHT-OF-WAY OF GULF SHORE BOULEVARD NORTH (FIRST STREET) (60 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE RUN ALONG SAID RIGHT-OF-WAY FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES, 1) SOUTH 09°46'53" EAST, A DISTANCE OF 238.35 FEET; 2) THENCE SOUTH 06°38'33" EAST, A DISTANCE OF 71.80 FEET; THENCE SOUTH 80°13'07" WEST, A DISTANCE OF 198.55 FEET; THENCE NORTH 09°46'53" WEST, A DISTANCE OF 34.65 FEET; THENCE SOUTH 80°13'07" WEST, A DISTANCE OF 68.60 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; THENCE WESTERLY 194.15 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 78.48 FEET, A CENTRAL ANGLE OF 141°44'49", (CHORD BEARING NORTH 80°39'18" WEST, A DISTANCE OF 148.29 FEET); THENCE SOUTH 80°13'07" WEST, A DISTANCE OF 29.96 FEET TO A POINT ON THE EROSION CONTROL LINE PER THE MEAN HIGH WATER LINE SURVEY AND EROSION CONTROL LINE MAP FOR NAPLES BEACH PREPARED BY COASTAL ENGINEERING CONSULTANTS, INC. C.E.C. FILE NUMBER 4001NCVR, DATED 6/15/95 WITH A FDEP FILE # OF 1310 (COASTAL SETBACK LINE BOOK 1, PAGES 54 THROUGH 64, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA); THENCE RUN ALONG SAID LINE FOR THE FOLLOWING TEN (10) COURSES AND DISTANCES, 1) NORTH 02°34'34" WEST, A DISTANCE OF 38.57 FEET; 2) THENCE NORTH 04°28'09" WEST, A DISTANCE OF 52.33 FEET; 3) THENCE NORTH 06°12'01" WEST, A DISTANCE OF 44.95 FEET; 4) THENCE NORTH 05°15'21" WEST, A DISTANCE OF 95.37 FEET; 5) THENCE NORTH 07°46'36" WEST, A DISTANCE OF 55.27 FEET; 6) THENCE NORTH 21°41'37" WEST, A DISTANCE OF 57.40 FEET; 7) THENCE NORTH 40°38'54" WEST, A DISTANCE OF 29.32 FEET; 8) THENCE NORTH 10°41'45" WEST, A DISTANCE OF 52.54 FEET; 9) THENCE NORTH 07°52'14" WEST, A DISTANCE OF 47.93 FEET; 10) THENCE NORTH 16°28'46" WEST, A DISTANCE OF 9.54 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 140 FEET OF LOT 10, UNIT NUMBER 1, COQUINA SANDS, PLAT BOOK 3, PAGES 21 AND 22, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE RUN ALONG SAID NORTH LINE, NORTH 80°13'07" EAST, A DISTANCE OF 457.14 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THE AFOREMENTIONED GULF SHORE BOULEVARD NORTH, THE SAME BEING A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; THENCE RUN ALONG SAID RIGHT-OF-WAY FOR ALL OF THE REMAINING COURSES AND DISTANCES BACK TO THE POINT OF BEGINNING; SOUTHERLY 46.68 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 26°44'37", (CHORD BEARING SOUTH 03°35'25" WEST, A DISTANCE OF 46.25 FEET); THENCE SOUTH 09°46'53" EAST, A DISTANCE OF 205.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.2 ACRES, MORE OR LESS.

BEING A PORTION OF PARCEL 4, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4726, PAGE 322, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF PARCEL 4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 4726, PAGE 322, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, THE SAME BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF OLEANDER DRIVE (60 FOOT PUBLIC RIGHT-OF-WAY), THENCE RUN ALONG SAID RIGHT-OF-WAY FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES, 1) NORTH 46°53'07" EAST, A DISTANCE

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OF 33.88 FEET TO A POINT ON A CURVE TO THE LEFT; 2) THENCE NORTHEASTERLY 309.51 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 625.30 FEET, A CENTRAL ANGLE OF 28°21'37", (CHORD BEARING NORTH 32°42'19" EAST, A DISTANCE OF 306.36 FEET) TO A POINT ON THE RIGHT-OF WAY OF CRAYTON ROAD (JASMINE ROAD); THENCE RUN ALONG SAID RIGHT-OF-WAY AND THE EXTENSION THEREOF, SOUTH 69°35'55" EAST, A DISTANCE OF 613.52 FEET; THENCE SOUTH 17°31'45" EAST, A DISTANCE OF 303.56 FEET; THENCE SOUTH 80°13'07" WEST, A DISTANCE OF 612.46 FEET; THENCE NORTH 09°46'53" WEST, A DISTANCE OF 167.19 FEET; THENCE SOUTH 80°13'07" WEST, A DISTANCE OF 194.03 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF GULF SHORE BOULEVARD NORTH (FIRST STREET) (60 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE RUN ALONG SAID RIGHT-OF-WAY, NORTH 09°46'53" WEST, A DISTANCE OF 197.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.4 ACRES, MORE OR LESS.

BEING A PORTION OF PARCEL 4, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4726, PAGE 322, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF PARCEL 4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 4726, PAGE 322, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, THE SAME BEING A POINT ON THE WEST RIGHT-OF-WAY OF US 41 (TAMIAMI TRAIL) SR 45, THENCE RUN ALONG SAID RIGHT-OF-WAY SOUTH 09°46'53" EAST, A DISTANCE OF 1,182.62 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SOUTH GOLF DRIVEWAY AS SHOWN IN PLAT BOOK 4, PAGE 37, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, THE SAME BEING A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; THENCE RUN ALONG SAID RIGHT-OF-WAY FOR THE FOLLOWING NINE (9) COURSES AND DISTANCES, 1) SOUTHWESTERLY 181.30 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 103°52'38", (CHORD BEARING SOUTH 42°09'22" WEST, A DISTANCE OF 157.47 FEET); 2) THENCE NORTH 85°54'23" WEST, A DISTANCE OF 19.39 FEET TO A POINT ON A CURVE TO THE LEFT; 3) THENCE WESTERLY 317.48 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 655.51 FEET, A CENTRAL ANGLE OF 27°45'01", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 314.39 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; 4) THENCE WESTERLY 288.42 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 595.51 FEET, A CENTRAL ANGLE OF 27°44'59", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 285.61 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 5) THENCE WESTERLY 620.44 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,281.02 FEET, A CENTRAL ANGLE OF 27°45'00", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 614.39 FEET) TO A POINT ON A REVERSE CURVE TO THE RIGHT; 6) THENCE WESTERLY 288.42 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 595.51 FEET, A CENTRAL ANGLE OF 27°44'59", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 285.61 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 7) THENCE WESTERLY 317.48 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 655.51 FEET, A CENTRAL ANGLE OF 27°45'01", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 314.39 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; 8) THENCE WESTERLY 591.38 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,221.02 FEET, A CENTRAL ANGLE OF 27°45'00", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 585.61 FEET) TO A POINT ON A REVERSE CURVE TO THE LEFT; 9) THENCE WESTERLY 193.57 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,281.02 FEET, A CENTRAL ANGLE OF 08°39'27", (CHORD BEARING SOUTH 89°45'53" WEST, A DISTANCE OF 193.38 FEET); THENCE NORTH 09°46'53" WEST, A DISTANCE OF 520.71 FEET; THENCE NORTH 17°31'45" WEST, A DISTANCE OF 303.56 FEET; THENCE NORTH 69°35'55" WEST, A DISTANCE OF 233.62 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT THE SAME BEING A POINT ON THE RIGHT-OF-WAY OF CRAYTON

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ROAD (JASMINE ROAD); THENCE RUN ALONG SAID RIGHT-OF-WAY FOR THE FOLLOWING FOUR (4) COURSES AND DISTANCES, 1) NORTHERLY 44.69 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,005.50 FEET, A CENTRAL ANGLE OF 02°32'48", (CHORD BEARING NORTH 18°00'28" EAST, A DISTANCE OF 44.69 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 2) THENCE NORTHERLY 507.94 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2,567.92 FEET, A CENTRAL ANGLE OF 11°20'00", (CHORD BEARING NORTH 11°04'03" EAST, A DISTANCE OF 507.12 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; 3) THENCE NORTHERLY 45.00 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 142.18 FEET, A CENTRAL ANGLE OF 18°07'59", (CHORD BEARING NORTH 14°28'06" EAST, A DISTANCE OF 44.81 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 4) THENCE NORTHERLY 94.41 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 298.11 FEET, A CENTRAL ANGLE OF 18°08'39", (CHORD BEARING NORTH 14°27'49" EAST, A DISTANCE OF 94.01 FEET) TO A POINT ON THE BOUNDARY OF COQUINA SANDS UNIT NO 1, PLAT BOOK 3, PAGES 21 AND 22, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE RUN ALONG SAID BOUNDARY FOR ALL OF THE REMAINING COURSES AND DISTANCES BACK TO THE POINT OF BEGINNING, NORTH 80°13'07" EAST, A DISTANCE OF 1,027.61 FEET; THENCE SOUTH 78°38'53" EAST, A DISTANCE OF 374.41 FEET; THENCE NORTH 80°13'07" EAST, A DISTANCE OF 950.00 FEET; THENCE SOUTH 29°46'56" EAST, A DISTANCE OF 207.52 FEET; THENCE NORTH 81°17'34" EAST, A DISTANCE OF 320.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 96.7 ACRES, MORE OR LESS.

AMENDED AND RESTATED

PLANNED DEVELOPMENT DOCUMENT

FOR

NAPLES BEACH CLUB RESIDENCES

AND GOLF COURSE

Date of Submittal: September 10, 2019
Date of Last Revision: November 25, 2019
Prepared by: John M. Passidomo
Cheffy Passidomo, P.A.

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LIST OF EXHIBITS

Sketch depicting Residential District and Recreation and Open Space District Boundaries (the "District Boundaries Sketch" attached and incorporated herein by reference as Exhibit "A").

Sketch depicting Minimum Yards and Minimum Distance Between Principal Buildings (the "Minimum Yards Sketch" attached and incorporated herein by reference as Exhibit "B").

Sketch depicting Maximum Height (the "Maximum Height Sketch" attached and incorporated herein by reference as Exhibit "C").

Sketch depicting Building Envelopes (the "Building Envelopes Sketch" attached and incorporated herein by reference as Exhibit "D").

Form of Perpetual Easement (the "Perpetual Easement" attached and incorporated herein by reference as Exhibit "E").

Sketch depicting property encumbered by the Perpetual Easement (the "Property Encumbered by the Perpetual Easement Sketch" attached and incorporated herein by reference as Exhibit "F").

Sketch depicting Entry Monument Maximum Dimensions and General Locations attached and incorporated herein by reference as Exhibit "G".

Sketch depicting Driveway Entrances attached and incorporated herein by reference as Exhibit "H".

SECTION I**LEGAL DESCRIPTION**

A PORTION OF LOT 1 AND A PORTION OF REPLATTED BLOCK 31, GULF-NAPLES-DEVELOPMENT, PLAT NO 2, PLAT BOOK 2, PAGE 93, AND ALSO A PORTION OF THE SOUTH 140 FEET OF LOT 10, UNIT NUMBER 1, COQUINA SANDS, PLAT BOOK 3, PAGES 21 AND 22, ALL OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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TO THE POINT OF BEGINNING, SOUTHERLY 46.68 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 26°44'37", (CHORD BEARING SOUTH 03°35'25" WEST, A DISTANCE OF 46.25 FEET); THENCE SOUTH 09°46'53" EAST, A DISTANCE OF 205.00 FEET TO THE POINT OF BEGINNING.

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CONTAINING 7.4 ACRES, MORE OR LESS.

BEING A PORTION OF PARCEL 4, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4726, PAGE 322, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF PARCEL 4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 4726, PAGE 322, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, THE SAME BEING A POINT ON THE WEST RIGHT-OF-WAY OF US 41 (TAMIAMI TRAIL) SR 45, THENCE RUN ALONG SAID RIGHT-OF-WAY SOUTH 09°46'53" EAST, A DISTANCE OF 1,182.62 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SOUTH GOLF DRIVEWAY AS SHOWN IN PLAT BOOK 4, PAGE 37, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, THE SAME BEING A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; THENCE RUN ALONG SAID RIGHT-OF-WAY FOR THE FOLLOWING NINE (9) COURSES AND DISTANCES, 1) SOUTHWESTERLY 181.30 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 103°52'38", (CHORD BEARING SOUTH 42°09'22" WEST, A DISTANCE OF 157.47 FEET); 2)

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THENCE NORTH 85°54'23" WEST, A DISTANCE OF 19.39 FEET TO A POINT ON A CURVE TO THE LEFT; 3) THENCE WESTERLY 317.48 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 655.51 FEET, A CENTRAL ANGLE OF 27°45'01", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 314.39 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; 4) THENCE WESTERLY 288.42 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 595.51 FEET, A CENTRAL ANGLE OF 27°44'59", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 285.61 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 5) THENCE WESTERLY 620.44 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,281.02 FEET, A CENTRAL ANGLE OF 27°45'00", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 614.39 FEET) TO A POINT ON A REVERSE CURVE TO THE RIGHT; 6) THENCE WESTERLY 288.42 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 595.51 FEET, A CENTRAL ANGLE OF 27°44'59", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 285.61 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 7) THENCE WESTERLY 317.48 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 655.51 FEET, A CENTRAL ANGLE OF 27°45'01", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 314.39 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; 8) THENCE WESTERLY 591.38 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,221.02 FEET, A CENTRAL ANGLE OF 27°45'00", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 585.61 FEET) TO A POINT ON A REVERSE CURVE TO THE LEFT; 9) THENCE WESTERLY 193.57 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,281.02 FEET, A CENTRAL ANGLE OF 08°39'27", (CHORD BEARING SOUTH 89°45'53" WEST, A DISTANCE OF 193.38 FEET); THENCE NORTH 09°46'53" WEST, A DISTANCE OF 520.71 FEET; THENCE NORTH 17°31'45" WEST, A DISTANCE OF 303.56 FEET; THENCE NORTH 69°35'55" WEST, A DISTANCE OF 233.62 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT THE SAME BEING A POINT ON THE RIGHT-OF-WAY OF CRAYTON ROAD (JASMINE ROAD); THENCE RUN ALONG SAID RIGHT-OF-WAY FOR THE FOLLOWING FOUR (4) COURSES AND DISTANCES, 1) NORTHERLY 44.69 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,005.50 FEET, A CENTRAL ANGLE OF 02°32'48", (CHORD BEARING NORTH 18°00'28" EAST, A DISTANCE OF 44.69 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 2) THENCE NORTHERLY 507.94 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2,567.92 FEET, A CENTRAL ANGLE OF 11°20'00", (CHORD BEARING NORTH 11°04'03" EAST, A DISTANCE OF 507.12 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; 3) THENCE NORTHERLY 45.00 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 142.18 FEET, A CENTRAL ANGLE OF 18°07'59", (CHORD BEARING NORTH 14°28'06" EAST, A DISTANCE OF 44.81 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 4) THENCE NORTHERLY 94.41 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 298.11 FEET, A CENTRAL ANGLE OF 18°08'39", (CHORD BEARING NORTH 14°27'49" EAST, A DISTANCE OF 94.01 FEET) TO A POINT ON THE BOUNDARY OF COQUINA SANDS UNIT NO 1, PLAT BOOK 3, PAGES 21 AND 22, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE RUN ALONG SAID BOUNDARY FOR ALL OF THE REMAINING COURSES AND DISTANCES BACK TO THE POINT OF BEGINNING, NORTH 80°13'07" EAST, A DISTANCE OF 1,027.61 FEET; THENCE SOUTH 78°38'53" EAST,

A DISTANCE OF 374.41 FEET; THENCE NORTH 80°13'07" EAST, A DISTANCE OF 950.00 FEET; THENCE SOUTH 29°46'56" EAST, A DISTANCE OF 207.52 FEET; THENCE NORTH 81°17'34" EAST, A DISTANCE OF 320.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 96.7 ACRES, MORE OR LESS.

(collectively, the "Property").

SECTION II
THE DEVELOPER

Naples Property Holding Company, LLC, a Delaware limited liability company ("NPHC") holds a unilateral option to purchase the Property from Naples Golf Beach Club, Inc., a Florida corporation. Subject to Section XI of this Planned Development Document, the owner of the Property at the time the Certificate of Occupancy is issued for the first principal building on the Property and its successors and assigns (the "Developer") retains the exclusive right to apply to amend this Planned Development Document and the Planned Development Ordinance which adopts this Planned Development Document for so long as the Developer holds fee simple title to some or all of the Property.

SECTION III

DISTRICT BOUNDARIES

The Property is divided into a Residential District and a Recreation and Open Space District as illustrated on the "District Boundaries Sketch". This Planned Development Document promulgates development standards for the Property, the Residential District and the Recreation and Open Space District. The Property Development Standards apply to the Property as a whole; the Residential District Development Standards apply to the Residential District part of the Property; and the Recreation and Open Space District Standards apply to the Recreation and Open Space District part of the Property.

SECTION IV
PROPERTY DEVELOPMENT STANDARDS

Scope; conflict resolution.

Development standards contained in this Section pertain to the entire Property as a whole and supersede and take priority over any conflicting standard contained in or deduced from the Residential District Development Standards, the Recreation and Open Space District Development Standards, or the Naples Code of Ordinances.

Maximum lot coverage by all buildings.

The combined area of the Property occupied by all principal and accessory buildings and roofed structures, except for covered motor vehicle structures, shall not exceed five percent (5%) of the Property. In order to encourage storm water management and water quality, all of the Property comprised of "Open Space" as that term is defined in Section VI of this Planned Development Document, including lakes, storm water management areas and water features, shall be included as open space in the calculation of maximum lot coverage by all buildings on the Property. There is no maximum lot coverage requirement for individual parcels on the Property, the Residential District, or the Recreational and Open Space District, and lot coverage may be clustered on individual parcels as long as the maximum lot coverage on the Property as a whole does not exceed five percent (5%).

Encroachments into required yards.

Structures less than 30 inches in height, other than swimming pools, are not considered encroachments upon minimum required yards. Every part of every required yard shall be open and unobstructed from 30 inches above the ground, as measured from the average elevation of the crown of road along the property frontage, except as provided in this section or section 56-45, Pools of the Naples Code of Ordinances, except as hereafter provided. Bermed earth, plant materials and driveways that follow the contours of the grade are not considered encroachments.

- (1) Cornices, overhangs, decorative awnings with no ground support installed over windows and at entrances, eaves and gutters, chimneys, bay windows, balconies and means of egress may project at a maximum of 36 inches into required yards. Larger awnings, such as porte cocheres, requiring pole supports to be placed in a setback area, or those without pole supports which encroach more than 36 inches into required yards, may be approved at the discretion of the city manager. Such awnings must function as decorative architectural elements as opposed to garage, carport or other similar storage facilities.
- (2) Flagpoles, play equipment, wires, lights, mailboxes, and outdoor furniture are not considered yard encroachments.

- (3) Arbors, trellises or pergolas
 - a. Shall not be enclosed, must be a minimum of 50 percent open to the sky above, and may be used only to provide shade or serve as a decorative architectural or horticultural support element and may not be used as a carport, storage shed, boat shelter or the like.
 - b. Shall maintain the following setbacks:
 1. Side yard; same as primary structure.
 2. Front yard; five feet or minimum required to maintain visibility for ingress and egress to neighboring properties, whichever is more restrictive.
- (4) The height of a retaining wall is measured from the average elevation of the crown of road along the property frontage to the top of the finished grade. Retaining walls exceeding 30 inches in height are not permitted in required yards unless otherwise allowed as part of a pool deck.
- (5) Gate houses may encroach on the front yard required of a principal structure, but shall have a minimum front yard requirement of 13 feet on the west side of Gulf Shore Boulevard North and 15.33 feet on Crayton Road and shall meet the normal minimum side yard requirements for the district in which the gate house is located.
- (6) Monuments without signage and with maximum dimensions depicted on the attached Exhibit "G" are allowed in front yard setbacks at private property locations generally depicted on the attached Exhibit "G". City Council reserves jurisdiction to approve or deny subsequent requests, if any, for signage on the monuments or locations of monuments in the public right of way adjacent to the Property or the Hotel Parcel.

Fences and walls.

Definitions. As used in this section:

Building envelope means the buildable area of a parcel as determined by the applicable setbacks.

Fence and wall mean a vertical structure placed on a property to serve as an enclosure, barrier, boundary, screen, or ornamental feature. Walls are typically solid, opaque structures constructed of stone or masonry. Fence types include solid, split rail, picket, and chain link and are typically constructed of wood, vinyl, aluminum, or wrought iron.

Finished grade means the contours of a land area altered by human intervention.

Natural grade means the natural contours of a land area generally unaltered by human intervention.

Standards.

- (1) Height. The maximum permitted fence or wall heights are as follows:
 - a. Side, rear yards, and adjacent building envelope: 6 feet.

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- b. Front yard within building envelope: 6 feet including appurtenances, gateposts, gates, and other architectural embellishments except that fence posts are permitted to be 6 feet 6 inches with a minimum spacing of 6 feet between posts except for gates.
 - c. Front yard outside building envelope: 3 feet maximum fence or wall height. Fence or wall height shall not exceed 3 feet except as follows:
 - 1. Fence posts shall not exceed 6 inches above the fence they are supporting. Fence posts that extend above the allowable fence height must maintain a minimum spacing of 6 feet between posts except for gates.
 - 2. In addition to the 3 feet, decorative metalwork, or materials providing a similar appearance, not to exceed 18 inches is permitted.
 - 3. Gates shall not exceed a height of 6 feet including architectural embellishments. Gateposts shall not exceed a width of 2 feet 4 inches and may extend 6 inches taller than the gate they are supporting.
 - 4. On properties with more than one front yard, a fence meeting the minimum requirements necessary to comply with the Florida Building Code for pool safety may extend into the required front yard.
 - 5. Pool safety fences may be built to the minimum height necessary to meet Florida Building Code requirements in required side and rear yards.
 - d. Barbed wire fences shall not be permitted in the front, rear or side yards, excluding city-owned property.
 - e. The height of a retaining wall is measured from the average elevation of the crown of road along the property frontage to the top of the finished grade and shall be governed by this Planned Development Document. The total height of walls extending above finished grade shall be governed by this section.
- (2) Maximum opening. Maximum fence or wall opening width shall not apply if a gate is not installed.
- (3) [Deleted].
- (4) Openings without a driveway. Fences or walls that do not accommodate a driveway shall be permitted a maximum of 2 wall openings per single fence or wall. Fence or wall openings shall be limited to 10 feet in width and shall be spaced at a minimum of 30 feet.
- (5) Base point for measurement. The base point for measurement of fence or wall height shall be determined as follows:
- a. Within building envelope: Finished grade at the fence or wall location.

- b. Outside building envelope: The lower of: (a) the natural grade at the fence or wall location; or (b) the crown of the road. Ground level may not be altered for purposes of allowing a higher fence or wall.
 - c. For residential properties abutting non-residential uses or zoning, including mixed use, the base point of measurement for fences and walls along the abutting side and rear property lines may be the higher finished grade either inside or outside the fence or wall. Measurement is taken one foot from the fence or wall.
- (6) Determination of base point. The city manager is hereby authorized to determine the base point for the fence or wall height measurement based on-site conditions and site elevations provided on a certified survey.
 - (7) Exceeding height of adjacent fence or wall. New fences or walls along property lines shall not exceed the tallest point of an existing adjacent fence or wall by more than 6 inches.
 - (8) Landscaping. Property owners are encouraged to screen walls and fences from street view and adjacent properties with landscaping.
 - (9) Chainlink fences. Chainlink fences are prohibited in front yards except on a temporary basis as elsewhere expressly permitted in this Code.
 - (10) Exceptions. For those properties located west of Gulf Shore Boulevard which abut a platted public beach access, the city manager may approve a fence or wall up to 6 feet in height in the required front yard setback along such platted public beach access. In such circumstances, unless special conditions do not permit, the fence or wall shall be set back a minimum of 18 inches from the property line abutting the street right-of-way or beach access, and planted with sufficient landscaping material to buffer the fence or wall. The landscaping material shall be planted on the street side of the wall or fence, entirely within the private property. If the fence or wall provides openings so that visibility through the fence or wall is unobstructed by less than 50 percent density, such as a picket fence, the landscaping requirement may be waived. In addition, the city manager may approve a fence or wall up to 4 feet in height in the required front yard along Gulf Shore Boulevard, upon determination that such fence or wall does not interfere with the required corner visibility and that it provides openings so that visibility through the fence or wall is unobstructed by less than 50 percent density.

Driveways.

Driveways may exceed 54 feet in width at their intersection with a street travelway at driveway locations depicted on the attached Exhibit "H".

Parking Facilities.

The exterior surfaces of any parking facility will be obscured by landscaping.

SECTION V

RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

District purpose.

The Residential District is a multifamily residential district intended to accommodate an integrated and well designed development in accordance with an approved development plan. The district offers flexibility of design and encourages imaginative, functional, and high quality land planning.

Uses permitted.

In the Residential District, no building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

- (1) Multifamily residences.
- (2) Recreational and other amenities, gyms and fitness facilities, movie theaters, cabanas, bars, lounges, and other uses and structures which serve the multifamily residences.
- (3) On the portion of the Residential District depicted in crosshatch design on the District Boundaries Sketch, all uses permitted in Section VI Recreation and Open Space District Standards at a maximum building height of 42' as measured to the peak of the roof are permitted uses.
- (4) Stormwater pump stations and back up generators.
- (5) Accessory uses and structures which are incidental to and customarily associated with the permitted uses in this district.

Conditional uses.

There are no conditional uses in the Residential District.

Minimum lot area.

Minimum lot area in the Residential District is 25,000 square feet.

Minimum lot width.

Minimum lot width in the Residential District is 150 feet.

Minimum yards.

Minimum yards and minimum distance between principal buildings requirements in the Residential District are depicted on the "Minimum Yards Sketch". Neither minimum yards nor minimum distance between principal buildings will be affected by the subdivision of land within the Residential District.

Minimum floor area.

Minimum floor area in the Residential District is as follows:

- (1) Multifamily dwelling units: 1,000 square feet
- (2) All other structures: no minimum requirement

Maximum building height.

Maximum building height and maximum number of stories requirements in the Residential District are depicted on the "Maximum Height Sketch". Building height means the vertical distance measured from the greatest of:

- (1) The FEMA 1st habitable floor height requirement;
- (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;
- (4) The average natural grade (the natural contours of a land area generally unaltered by human intervention); or
- (5) Design Flood Elevation

to the highest point of a flat roof, the deck line of a mansard roof, or the mean height between the eaves and ridge of a gable, hip or gambrel roof.

Provided, however, that 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, as defined in the Naples Code of Ordinances, may extend 7 feet above the peak of the building roof. For any building, the aggregate area of the bases of architectural embellishments and ornamental screening shall not exceed 10 percent of the building's roof area.

Minimum off-street parking.

Minimum off-street parking in the Residential District is two spaces per dwelling unit plus one visitor parking space per dwelling unit for the first 12 dwelling units and one visitor parking space per two dwelling units thereafter.

Visitor parking, whether located on grade or in a parking structure, which serves multiple buildings that share a common parking garage is, for purposes of calculating visitor parking requirements, consolidated and parked as one building at the rate of one visitor parking space per dwelling unit for the first 12 dwelling units and one visitor parking space per two dwelling units thereafter.

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Garage and tandem driveway spaces may be counted toward the parking requirement for each dwelling unit but may not be counted toward the visitor parking requirement. Visitor parking spaces must be parked as visitor parking. If the development provides gated or restricted access to required parking, visitor spaces shall be located on the private property either inside or outside the entrance restriction and landscaped in accordance with Chapter 50 of the Naples Code of Ordinances.

Minimum off-street loading may be provided on land to be acquired by NPHC under an existing agreement in the adjacent R3T-18 Multifamily District (the "Hotel Parcel") in accordance with standards for off-street loading prescribed under Sec. 50-102(b) of the Naples Code of Ordinances or otherwise approved by Naples City Council.

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 175 dwelling units. Of the maximum 175 dwelling units, no more than 94 dwelling units shall be located in the portion of the Residential District located on the west side of Gulf Shore Boulevard. There is no maximum residential density for individual parcels within the Residential District and density may be clustered on individual parcels as long as the maximum residential density of 175 dwelling units for the Residential District is not exceeded and as long as no more than 94 of the 175 dwelling units are located in the portion of the Residential District located on the west side of Gulf Shore Boulevard. The Developer will allocate residential density to individual parcels in the Residential District.

Maximum building dimensions.

- (1) There are no maximum building dimensions in the Residential District. Permitted building envelopes are depicted on the 'Building Envelopes Sketch'. Changes of building location within the permitted building envelopes depicted on the 'Building Envelopes Sketch' will not require City Council approval.
- (2) Single building: Any multifamily building equal to or exceeding 200 feet in width or length shall, at a maximum length of individual building segment façade equal to or less than 200 feet, move the adjacent segment of the parallel façade a minimum of 6 feet with respect to the plan location of the adjacent façade which adjacent segment shall be not less than 12 feet across. No such building shall extend beyond the boundaries of the building envelopes depicted on the 'Building Envelopes Sketch'.

- (3) Attached buildings. The maximum dimension of any group of attached structures shall not extend beyond the boundaries of the building envelopes depicted on the 'Building Envelopes Sketch'. Within any such group of attached buildings equal to or exceeding 200 feet in overall width or overall length, no one individual segment of a building shall have a maximum length or width of individual building segment façade greater than 200 feet. At any resulting transition from one individual structure to an adjacent individual structure within the group, the adjacent building shall move its parallel façade a minimum dimension of 6 feet with respect to the plan location of the adjacent building's façade which adjacent segment shall be not less than 12 feet across.

SECTION VI

RECREATION AND OPEN SPACE DISTRICT DEVELOPMENT STANDARDS

District purpose.

The Recreation and Open Space District is designed to accommodate recreational uses and open space.

Uses permitted.

In the Recreation and Open Space District, no building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

- (1) Golf courses and uses and amenities ancillary thereto, such as putting and practice greens and facilities, clubhouses, "comfort stations" for mid-round refreshments, driving ranges, a golf academy, golf cart charging stations, rest stations, pro shops, snack bars and similar uses. No structures associated with the foregoing uses may exceed 30 feet in zoned height.
- (2) Open space and green space, including passive parks, landscape and vegetable gardens, and orchid houses.
- (3) Lakes and water features.
- (4) Pools and pool decks.
- (5) Sports courts, such as tennis courts, pickle ball courts, paddle ball courts, basketball courts, volleyball courts, racquetball courts, with lighting of such sports courts which projects (as opposed to simply being seen) outside the boundaries of the Property shielded, related pro shops and clubhouses, including the existing Mary C. Watkins Tennis Center, and parking lots to accommodate such uses. No structures associated with the foregoing uses may exceed 30 feet in zoned height.
- (6) Stormwater management and irrigation water distribution facilities, including pump stations, serving the Residential District, the Recreation and Open Space District, and the Hotel Parcel.
- (7) Other recreation and open space uses and facilities similar in nature to the foregoing uses.
- (8) On the portion of the Recreation and Open Space District depicted in crosshatch design (the "Maintenance Area") on the District Boundaries Sketch, the following uses which serve principal uses in the Residential District, the Recreation and Open Space District, and the Hotel Parcel are permitted uses provided no such structure shall exceed 30' in zoned height: golf maintenance facilities, mechanical, electrical, garbage, recycling and composting facilities including, by way of example, but without limitation, central chilled water plant, solid waste compaction and transfer facilities; internet and signal boosters, power and emergency power, and transformers; maintenance buildings, landscaping maintenance and repair; utilities; laundry facilities; parking lots and parking

structures; provided, however, that a landscape buffer shall be installed and maintained ensuring that permitted uses within the Maintenance Area are substantially screened from view from outside the Property.

- (9) Accessory uses and structures which are incidental to and customarily associated with the permitted uses in this district.
- (10) Signage that complies with the Naples Code of Ordinances or is otherwise approved by Naples City Council.
- (11) Construction access and staging during the first phase of construction on the Residential District, the Recreation and Open Space District or the Hotel Parcel.

Provided, however, that in the case of all such permitted uses and associated structures, Developer shall at all times undertake appropriate buffering and additional reasonable steps to (i) prevent any such permitted uses and associated structures from having a materially adverse impact, with particular attention to light at night and noise, on the nearby property owners and their rights of quiet enjoyment of their property and (ii) assure that all such permitted uses and associated structure are appropriate to, consistent with and proportionate to the neighborhood; and

Provided further that no structures in excess of 1,000 square feet other than golf course comfort stations may be located within 200 feet of any residential property outside the PD or separated from the Property by a public street; and

Provided further, that a minimum of seventy (70) acres of the Recreation and Open Space District shall remain in open space. Open space shall include landscaping, trees, lakes, grassed areas, golf course areas (such as greens, tees, sand traps, fairways, roughs, shelled or sand waste areas, practice areas, driving ranges), passive parks, stormwater management areas, water features, natural open space and outdoor vegetable gardens, and other open space uses and facilities similar in nature to the foregoing uses and facilities; except, no building or structure with an impervious roof shall be permitted within the seventy (70) acres open space area.

Conditional uses.

There are no conditional uses in the Recreation and Open Space District.

Minimum lot area.

Minimum lot area in the Recreation and Open Space District is 15,000 square feet.

Minimum lot width.

Minimum lot width in the Recreation and Open Space District is 150 feet.

Minimum yards.

Minimum yards in the Recreation and Open Space District are 50 feet from the north, east and south boundaries of the Recreation and Open Space District. There is no minimum yard from the west boundary of the Recreation and Open Space District, no

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minimum distance between principal buildings in the Recreation and Open Space District, and no minimum interior yards in the Recreation and Open Space District.

Minimum floor area.

There is no minimum floor area for buildings in the Recreation and Open Space District.

Maximum height.

Maximum height of structures in the Recreation and Open Space District is 30' zoned height.

Minimum off-street parking and loading.

Minimum off-street parking and loading shall be provided on the Hotel Parcel in accordance with standards for offsite parking and loading prescribed under Sec. 50-102(b) of the Naples Code of Ordinances with whatever number of parking and loading spaces Naples City Council determines are required to accommodate the proposed uses in the Recreation and Open Space District.

SECTION VII

INTERIM PROPERTY DEVELOPMENT STANDARDS

All uses and structures existing on the Property on the effective date of the Planned Development Ordinance which adopts this Planned Development Document shall be considered permitted uses and structures until a demolition permit is issued for the demolition of those uses and structures, those uses and structures are demolished, a building permit is issued for uses and structures authorized under this Planned Development Document, and construction of the uses and structures authorized under this Planned Development Document is commenced.

Until a building permit is issued for development of dwelling units in the portion of the Residential District located east of Gulf Shore Boulevard, the portions of the Residential District located east of Gulf Shore Boulevard for which a building permit has not been issued may be used for parking for transient lodging and ancillary uses on the Hotel Parcel.

SECTION VIII

DEVELOPER COMMITMENTS

Prior to issuance of a Certificate of Occupancy from the City of Naples for the first principal building on the Property, the Developer shall:

- (i) execute the "Perpetual Easement" to the City of Naples and deliver it to the Mayor and City Council for acceptance and recordation to restrict the use of the "Property Encumbered by the Perpetual Easement" to the uses prescribed in the "Perpetual Easement", and
- (ii) execute an Easement to the City of Naples and deliver it to the Mayor and City Council for acceptance and recordation to accommodate a stormwater pump station on no less than 5,000 square feet of land (the "Easement Area"), and an accompanying generator and conveyancing within the Easement Area.

SECTION IX

COMMENCEMENT OF CONSTRUCTION

- (1) Upon the effective date of the Planned Development Ordinance authorizing the PD district, construction shall commence within 120 months.
- (2) Upon failure to commence construction within the specified time,
 - a. The ordinance creating the PD district shall stand repealed;
 - b. The zoning for the PD district shall revert to the zoning that existed for the PD district prior to approval thereof; and
 - c. No further development shall occur and no building permit or development order shall be issued thereafter under the terms of the PD district.
- (3) After the commencement date described in subsection (1) of this section, no building permit or development order for a new or expanded structure shall be issued under the terms of the PD district without city council approval. Authorization of the PD district shall not create a right to such issuance.
- (4) "Construction," for purposes of this section, shall mean obtaining a building permit for a structure or structures authorized in the PD district and initiating substantial site and structural improvements, not including land clearing, land filling and soil compaction.

SECTION X
CONFLICTING REGULATIONS

The regulations contained in this Planned Development Document take priority over any minimum yard, maximum height, parking, lot coverage, density, intensity, commencement of construction or other regulations contained in the Naples Code of Ordinances. To the extent that this Planned Development Document does not stipulate a regulation, the regulations of the Naples Code of Ordinances on the effective date of the Planned Development Ordinance which adopts this Planned Development Document shall apply. A change to the development plan approved with the Planned Development Ordinance which adopts this Planned Development Document which does not consist of an increase of total floor area of greater than ten percent above that approved by City Council, an increase in residential density, an addition of permitted or conditional uses or a substantial change to traffic circulation, landscaping or parking shall not require review and approval by City Council in the same manner as an original application for establishment of a PD District. Changes that do not meet the foregoing thresholds may require design review and site plan review. Notwithstanding anything in the foregoing to the contrary, the initial site plan for the Property will require City Council review and approval, and any substantial change to the initial site plan for the Property approved by City Council may at the discretion of the City Manager require City Council review and approval, under standards prescribed in Sec. 46-33 of the Naples Code of Ordinances.

SECTION XI

ZONING RUNS WITH THE LAND

The Planned Development Ordinance which adopts this Planned Development Document runs with fee simple title to the Property. The development rights and privileges created, and restrictions and obligations imposed, by the Planned Development Ordinance therefore benefit and burden the Property irrespective of its fee simple ownership.

12913-0001 #3365679

[12913-0001/3365679/1]

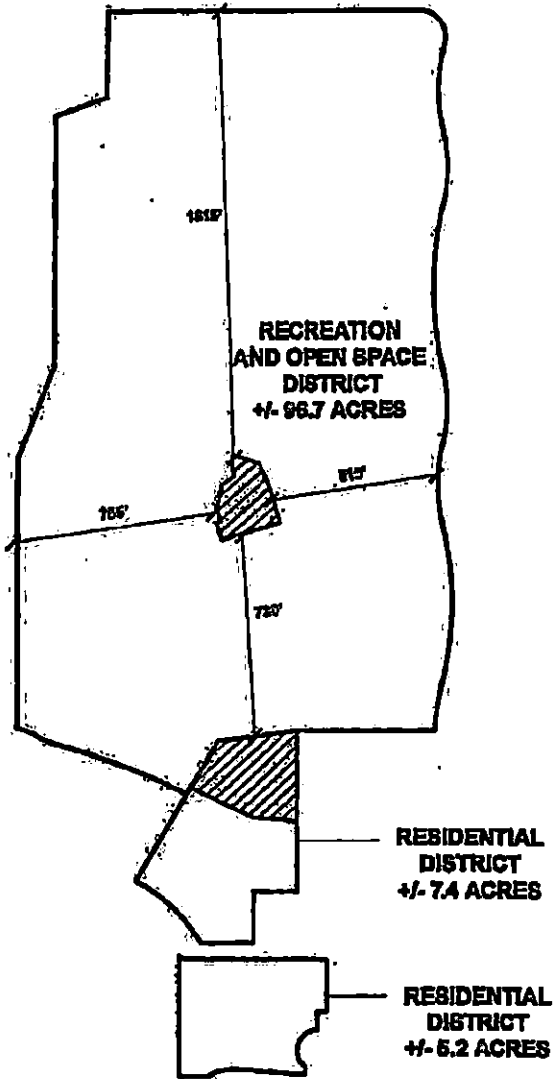


EXHIBIT A
DISTRICT BOUNDARIES SKETCH

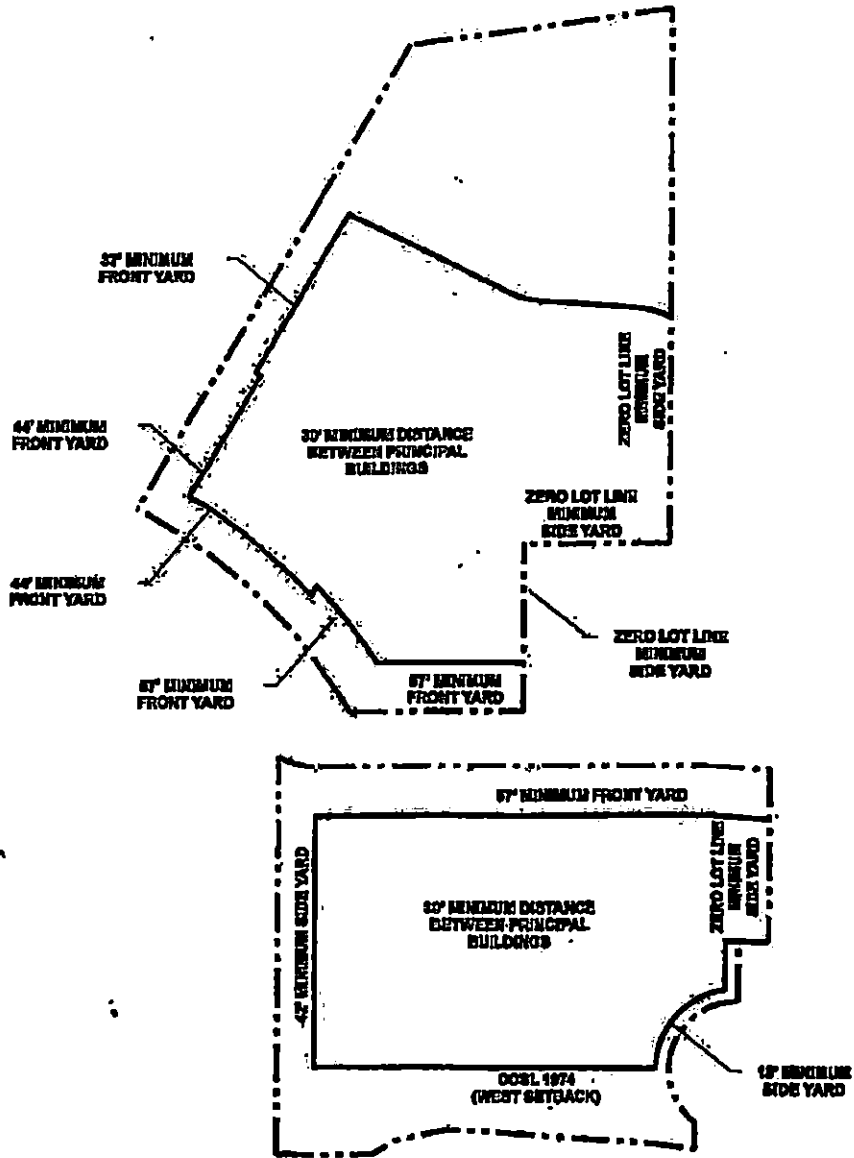
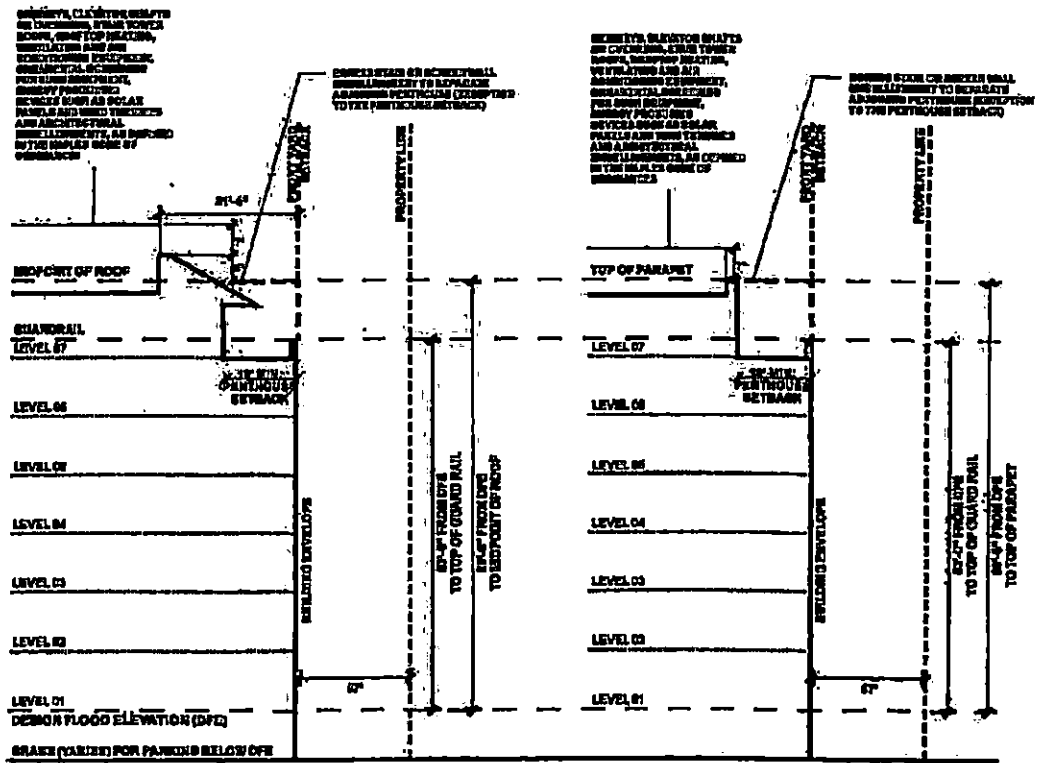


EXHIBIT B
MINIMUM YARDS SKETCH



KEY PLAN

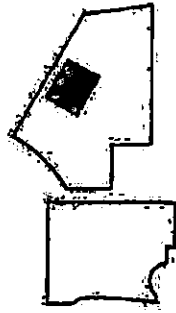
THE ABSOLUTE MAXIMUM HEIGHT OF STRUCTURES IN THE SHADED AREA OF THE KEY PLAN IS SEVEN (7) HABITABLE STORIES OVER ONE (1) STORY OF PARKING AT AN ABSOLUTE MAXIMUM HEIGHT ILLUSTRATED ON THIS BUILDING HEIGHT SKETCH



FRONT YARD

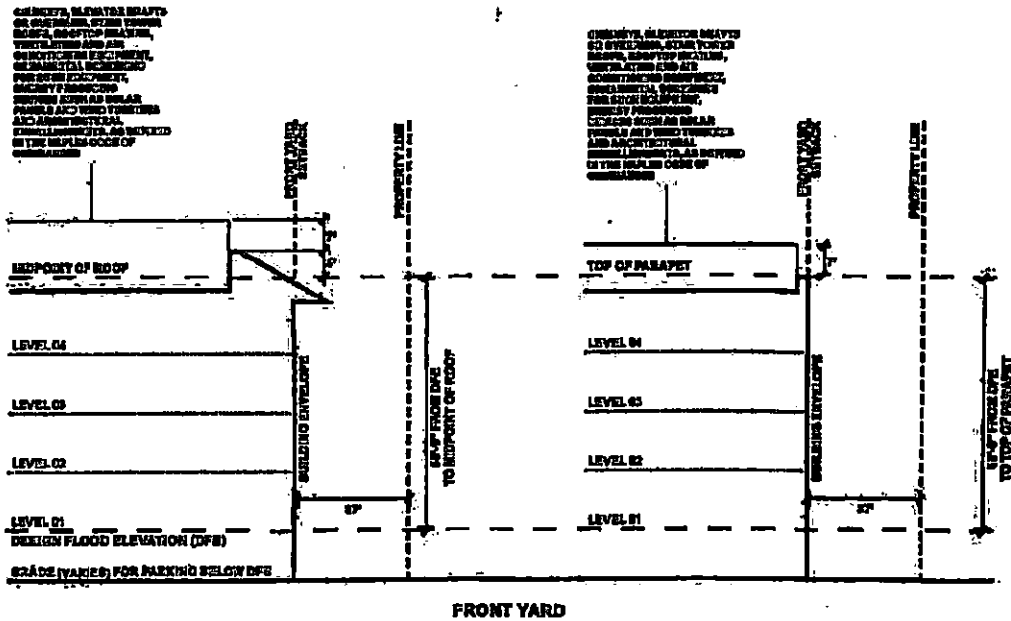
EXHIBIT C

ABSOLUTE MAXIMUM HEIGHT SKETCH - 7-STORY FRONT YARD



KEY PLAN

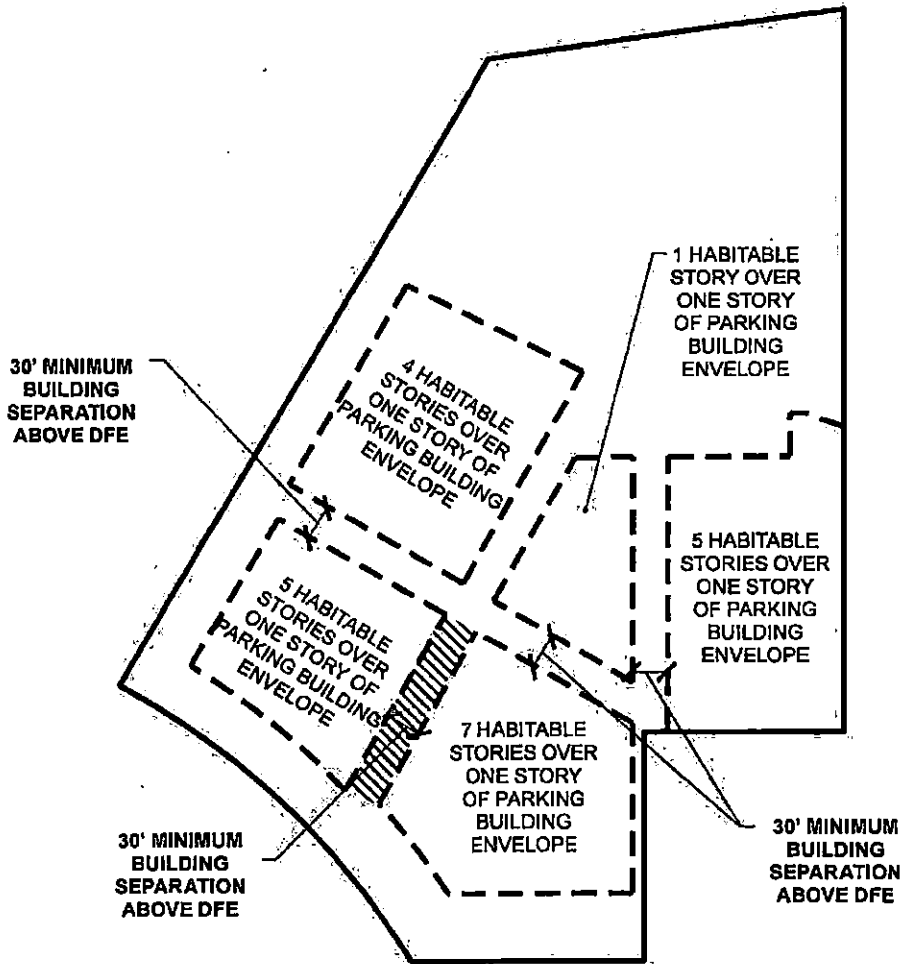
THE ABSOLUTE MAXIMUM HEIGHT OF STRUCTURES IN THE SHADED AREA OF THE KEY PLAN IS FOUR (4) HABITABLE STORIES OVER ONE (1) STORY OF PARKING AT AN ABSOLUTE MAXIMUM HEIGHT ILLUSTRATED ON THIS BUILDING HEIGHT SKETCH



FRONT YARD

EXHIBIT C

ABSOLUTE MAXIMUM HEIGHT SKETCH - 4-STORY FRONT YARD



HATCH AREA INDICATES PLACES WHERE COVERED MOTOR VEHICLE STRUCTURE MAY BE LOCATED BELOW DESIGN FLOOD ELEVATION (DFE). IN HATCH AREAS, MOTOR VEHICLE STRUCTURE SHALL BE COVERED AT ITS UPPER SURFACE BY OPEN SPACE, GREEN SPACE, LANDSCAPE, PLANTING BEDS OR POTTED PLANTS, HARD SCAPE TERRACES, OR POOLS AND WATER FEATURES. HABITABLE STORIES SHALL NOT EXTEND IN TO THE HATCH AREA EXCEPT THAT BUILDING ENCLOSURES FOR EMERGENCY GENERATOR(S), FIRE PUMP ROOMS, AND FIRE CONTROL ROOMS MAY EXTEND INTO THE PART OF THE HATCH AREA LOCATED WITHIN THE PERMISSIBLE BUILDING ENVELOPE IN THE 21' WIDE AREA ON THE EAST SIDE OF THE MOST NORTHERLY BUILDING ON THE WEST SIDE OF GULF SHORE BOULEVARD NORTH

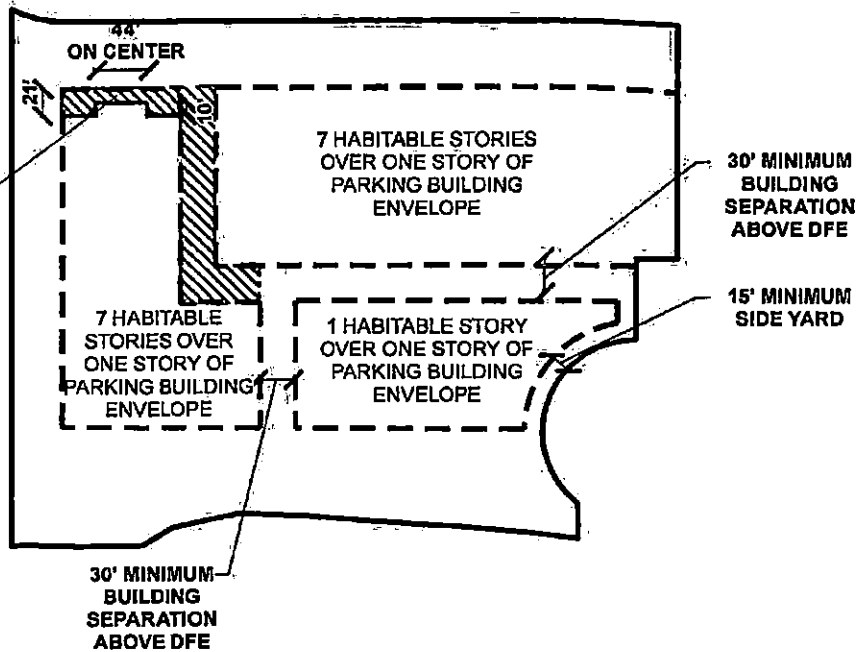


EXHIBIT D

BUILDING ENVELOPES SKETCH

This instrument was prepared by:
John M. Pasidomo
Cecily Pasidomo
531 Fifth Avenue South
Naples, Florida 34102
(239) 261-9300

PERPETUAL EASEMENT

THIS PERPETUAL EASEMENT (the "Easement") is made this _____ day of _____, by **NAPLES PROPERTY HOLDING COMPANY, LLC**, a Delaware limited liability company (hereinafter "Grantor") in favor of **THE CITY OF NAPLES**, a political subdivision of the State of Florida (the "Grantee" or "City"). Grantor and Grantee are collectively referred to in this Easement as the "Parties".

RECITALS

WHEREAS, as a condition of the City's approval of Grantor's Application to Rezone to Planned Development (the "Rezoning Application"), Grantor has agreed to grant, convey and impose this Easement in order to restrict in perpetuity the use of the land as more particularly described on the attached Schedule A and depicted on the attached Schedule A-1 which are incorporated herein by reference (the "Property"); and

WHEREAS, the Rezoning Application was approved on _____, 201____, pursuant to City of Naples Ordinance _____ (the "Ordinance"); and

WHEREAS, the Property encumbered under this Easement constitutes part and not all of the land rezoned under the Ordinance; and

WHEREAS, the Planned Development Document adopted under the Ordinance, and the Development Agreement adopted in conjunction with the Ordinance, require that as a "Developer Commitment" constituting a condition of approval of the Ordinance the Grantor is obligated to execute and deliver this Easement to the Mayor and City Council prior to issuance of a Certificate of Occupancy from the City of Naples for the first principal building on the Property; and

WHEREAS, this Easement is executed and delivered pursuant to a government imposed condition of a land use approval; and

WHEREAS, in connection with the use restrictions on the Property as set forth in the Ordinance, Grantor has agreed to impose an easement on the Property in favor of the City prohibiting Grantor, its successors and assigns from using the Property, or permitting others to use the Property, for any use other than what are described as permitted uses for the Property herein and in the Ordinance; and

(12913-0001/3222256/1)

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Book 145 Page _____
Ordinance 2019-14330

WHEREAS, this Easement accordingly declares a negative easement on the Property prohibiting in perpetuity all but the previously described permitted uses on the Property; and

WHEREAS, this Easement creates no rights, title, or interest in the City or anyone else to any ownership, use, operation, maintenance or control rights to, or affirmative easement on, over, under or through, the Property; and

WHEREAS, the Grantor and the Grantee intend that the easements, rights and obligations created hereby run in perpetuity and forever bind the Property, the Grantor and its successors and assigns; and

WHEREAS, Grantor represents and warrants that (i) it is lawfully seized and in possession of the Property; (ii) it has good and lawful full simple title and right to declare the easement created hereby free and clear of any and all unencumbered mortgages, liens or encumbrances that are prior in right and dignity to the Easement created hereby; and (iii) it has all necessary legal authority, and all other necessary approvals, to create the Easement; and

WHEREAS, it is intended that this Easement shall run with the land.

NOW, THEREFORE, for good and valuable consideration received, the receipt and sufficiency whereof is hereby acknowledged, Grantor hereby grants, conveys, imposes, agrees, covenants and declares this Easement upon the Grantee forever, as follows:

1. **RECITALS.** The foregoing recitals are true and correct and incorporated herein as though fully set forth.
2. **PERMITTED USES.** Grantor hereby declares that in perpetuity the Property shall be occupied, used and improved only for the following:
 - (a) Golf courses and uses and amenities ancillary thereto, such as putting and practice greens and facilities, clubhouses, "comfort stations" for mid-round refreshments, driving ranges, a golf academy, golf cart charging stations, rest stations, pro shops, snack bars and similar uses. No structures associated with the foregoing uses may exceed 30 feet in zoned height.
 - (b) Open space and green space, including passive parks, landscape and vegetable gardens, and orchid houses.
 - (c) Lakes and water features.
 - (d) Pools and pool decks.
 - (e) Sports courts, such as tennis courts, pickle ball courts, paddle ball courts, basketball courts, volleyball courts, racquetball courts, with lighting of such sports courts which projects (as opposed to simply being seen) outside the boundaries of the Property shielded, related pro shops and clubhouses, including the existing Mary C. Watkins Tennis Center, and parking lots to accommodate such uses. No structures associated with the foregoing uses may exceed 30 feet in zoned height.
 - (f) Stormwater management and irrigation water distribution facilities, including pump stations, serving what is described in the Planned Development Document adopted under the Ordinance as the Residential District, the Recreation and Open Space District and the Hotel Parcel.
 - (g) Other recreation and open space uses and facilities similar in nature to the foregoing uses.

(2019-0001/322256/1)

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- (h) On the portion of the Property depicted in crosshatch design on the District Boundaries Sketch attached hereto as Schedule B and incorporated herein by reference (the "Maintenance Area"), the following uses serving the Residential District, the Recreation and Open Space District, and the Hotel Parcel are permitted uses, provided no such structure shall exceed 30' in zoned height: golf maintenance facilities, mechanical, electrical, garbage, recycling and composting facilities including, by way of example, but without limitation, central chilled water plant, solid waste compaction and transfer facilities; internet and signal boosters, power and emergency power, and transformers; maintenance buildings, landscaping maintenance and repair, utilities; laundry facilities; parking lots and parking structures; provided, however, that a landscape buffer shall be installed and maintained ensuring that permitted uses within the Maintenance Area are substantially screened from view from outside the Property.
- (i) Accessory uses and structures which are incidental to and customarily associated with the foregoing uses.
- (j) Signage that complies with the Naples Code of Ordinances or is otherwise approved by Naples City Council.
- (k) Construction access and staging during the first phase of construction on the Residential District, the Recreation and Open Space District or the Hotel Parcel.

Provided, however, that in the case of all such permitted uses and associated structures, Grantor shall at all times undertake appropriate buffering and additional reasonable steps to (i) prevent any such permitted uses and associated structures from having a materially adverse impact, with particular attention to light at night and noise, on the nearby property owners and their rights of quiet enjoyment of their property and (ii) assure that all such permitted uses and associated structure are appropriate to, consistent with and proportionate to the neighborhood; and

Provided further that no structures in excess of 1,000 square feet other than golf course comfort stations may be located within 200 feet of any residential property outside the Property or separated from the Property by a public street; and

Provided further, that a minimum of seventy (70) acres of the Property shall remain in open space. Open space shall include landscaping, trees, lakes, grassed areas, golf course areas (such as greens, tees, sand traps, fairways, roughs, shelled or sand waste areas, practice areas, driving ranges), passive parks, stormwater management areas, water features, natural open space and outdoor vegetable gardens, and other open space uses and facilities similar in nature to the foregoing uses and facilities; except, no building or structure with an impervious roof shall be permitted within the seventy (70) acres open space area.

By the foregoing, Grantor intends to declare, convey and thereby impose a negative easement restricting in perpetuity the use of the Property to the uses enumerated in the foregoing Paragraphs 2. (a) through (k), inclusive (the "Negative Easement"), and to grant the City the exclusive right to enforce the Negative Easement (subject to the terms and conditions set forth in this Easement); provided, however, that: i. Nothing contained in this Easement shall prevent or otherwise impede the Property from being used to meet residential density, lot coverage, or minimum yard calculations, or other development standards, for Grantor's development plan for the Residential District, the Recreation and Open Space District or the Hotel Parcel; and ii. Nothing contained in this Easement shall be construed as granting the City or any person the right to enter upon the Property for any purpose, including without limitation the right to remove or eliminate any use, facility, or structure that does not comply with the terms of this Negative Easement, unless such

[12915-0001/322225671]

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right of entry shall have been granted by virtue of an order or judgment issued by a court of competent jurisdiction. The foregoing notwithstanding, the City shall retain its police power in connection with the Property.

3. **PERPETUAL EASEMENT.** The Negative Easement is binding upon Grantor, its successors and assigns, and the Property in perpetuity. The Negative Easement shall inure to the benefit of the City. However, neither this Easement nor the Negative Easement declared and conveyed hereunder shall be interpreted to provide the City, or anyone else any ownership, use, operation, maintenance or control rights to, or affirmative easement on, over, under, or through, the Property.
4. **SAVINGS CLAUSE.** Although it is the express intent of the Parties that this Easement be perpetual, nonetheless in the event a court of competent jurisdiction by final judgment declares or otherwise finds the duration hereof to be voidable, unenforceable or otherwise an unreasonable or unlawful restraint then, and in such event the words "perpetual", "perpetuity", "forever" and the like shall be limited to mean a duration of 99 years from and after the execution, delivery and recording of this Easement.
5. **ENFORCEMENT BY CITY.** The City may at any time seek enforcement of the Easement in accordance with Paragraph 6, Notice of Default.
6. **NOTICE OF DEFAULT.** If the City determines a breach of the Negative Easement has occurred, then, prior to seeking any legal enforcement or remedy, it shall deliver to the Grantor, its successors or assigns, written notice and description of the alleged breach, together with the opportunity to either (i) cure such default within thirty (30) days thereafter, or (ii) respond in writing to the City's written notice indicating why Grantor believes there has been no such breach. In the event Grantor elects to cure, and such default by its nature cannot reasonably be cured within 30 days, Grantor shall notify the City in writing within ten (10) days following receipt of the notice of default and shall thereafter promptly commence and diligently pursue the cure without delay or interruption, and in any event shall complete the cure within a period not to exceed 365 days (subject to extension for force majeure). In the event Grantor disputes the City's written notice, Grantor and the City shall meet and confer in an effort to resolve the disagreement to their mutual satisfaction. If the Grantor and the City are unable to resolve the disagreement to their mutual satisfaction within sixty (60) days, the dispute shall be referred to mandatory mediation as provided in Paragraph 10. In no event shall any party seek any legal recourse prior to the outcome of the mediation process. Any such enforcement shall be subject to the provision of Paragraph 10.
7. **NO AMENDMENT OR TERMINATION.** This Easement may not be amended or terminated nor may the Negative Easement created by this Easement be released or reconveyed to the owner of the servient estate or to any other person or entity without the written consent of the City and Grantor.
8. **WAIVER.** Any waiver of any provisions of this Easement by the City must be in writing and shall not operate or be construed as a waiver of any other provision or subsequent breach.
9. **NO ASSIGNMENT.** This Easement and the rights, title and interests created hereby are not assignable.
10. **DISPUTE RESOLUTION AND REMEDIES.** All claims and disputes arising out of or relating to this Easement, or the breach thereof, shall be submitted to mediation as a condition precedent to any other legal action. The mediation shall take place in accordance with the American Arbitration Association, with the following exceptions: the mediation conference shall take place in Collier

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County, Florida. The parties to the dispute must attend the mediation conference. The parties to the dispute shall split the cost of the mediator's fees and any filing fees equally. The jurisdiction and venue of any and all claims, controversies, or disputes arising out of or relating to this Easement, or any breach thereof, which are not resolved by the mediation, shall be in the State of Florida Twentieth Judicial Circuit, in Collier County, Florida or in Federal District Court, Middle District of Florida, Fort Myers Division. Any legal action not filed within 90 days of official impasse of the mediation shall finally, completely, and forever resolve the issue(s) upon which notice was provided and no further legal action or appeals are authorized regarding the noticed action. The prevailing party or parties in any litigation as determined by the court having jurisdiction thereof, shall be entitled to recover, in addition to all other relief, an amount equal to all costs and expenses incurred in connection therewith, including, without limitation, reasonable attorneys' fees at trial level and in connection with all appellate proceedings.

- 11. **NOTICES.** All notices, requests, demands and other communications (each, a "Notice") provided in connection with this Easement shall be in writing and shall be delivered (i) in person with written verification of receipt, (ii) by overnight courier service with written verification of receipt, or (iii) by certified mail, return receipt request, at the following address, or to such other address as the Parties may designate from time to time pursuant to this Easement:

As to Grantor:

Naples Property Holding Company, LLC
Attention: Mr. Robert McIver
Chief Financial Officer
The Athens Group
2200 E. Camelback Road, Suite 220
Phoenix, Arizona 85016-3450

As to the City:

Office of the City Manager
City of Naples
735 Eighth Street South
Naples, Florida 34102

With a copy to:

Naples Property Holding Company, LLC
c/o MSD Capital, L.P.
645 Fifth Avenue, 21st Floor
New York, New York 10022
Attn: Marcello Liguori, Chief Corporate
Counsel

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, Grantor has executed this Escrowment effective as of the day and year first above written.

Signed, sealed and delivered
in our presence:

GRANTOR:

**NAPLES PROPERTY HOLDING COMPANY,
LLC, a Delaware limited liability company**

Witness
Name: _____

By: _____
Printed Name: _____
Title: _____

Witness
Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, as _____ of Naples Property Holding Company, LLC, a Delaware limited liability company, who is () personally known to me or () has produced _____, as identification and did take an oath.

NOTARY PUBLIC
Printed Name: _____
My Commission Expires: _____

SCHEDULE A

LEGAL DESCRIPTION OF PROPERTY

BEING A PORTION OF PARCEL 4, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4726, PAGE 322, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF PARCEL 4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 4726, PAGE 322, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, THE SAME BEING A POINT ON THE WEST RIGHT-OF-WAY OF US 41 (TAMIAMI TRAIL) SR 45, THENCE RUN ALONG SAID RIGHT-OF-WAY SOUTH 09°46'53" EAST, A DISTANCE OF 1,182.62 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SOUTH GOLF DRIVEWAY AS SHOWN IN PLAT BOOK 4, PAGE 37, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, THE SAME BEING A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; THENCE RUN ALONG SAID RIGHT-OF-WAY FOR THE FOLLOWING TEN (10) COURSES AND DISTANCES, 1) SOUTHWESTERLY 181.30 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 103°52'38", (CHORD BEARING SOUTH 42°09'22" WEST, A DISTANCE OF 157.47 FEET); 2) THENCE NORTH 85°54'23" WEST, A DISTANCE OF 19.39 FEET TO A POINT ON A CURVE TO THE LEFT; 3) THENCE WESTERLY 317.48 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 655.51 FEET, A CENTRAL ANGLE OF 27°45'01", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 314.39 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; 4) THENCE WESTERLY 288.42 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 595.51 FEET, A CENTRAL ANGLE OF 27°44'59", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 285.61 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 5) THENCE WESTERLY 620.44 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,281.02 FEET, A CENTRAL ANGLE OF 27°45'00", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 614.39 FEET) TO A POINT ON A REVERSE CURVE TO THE RIGHT; 6) THENCE WESTERLY 288.42 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 595.51 FEET, A CENTRAL ANGLE OF 27°44'59", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 285.61 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 7) THENCE WESTERLY 317.48 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 655.51 FEET, A CENTRAL ANGLE OF 27°45'01", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 314.39 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; 8) THENCE WESTERLY 591.38 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,221.02 FEET, A CENTRAL ANGLE OF 27°45'00", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 585.61 FEET) TO A POINT ON A REVERSE CURVE TO THE LEFT; 9) THENCE WESTERLY 620.44 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,281.02 FEET, A CENTRAL ANGLE OF 27°45'00", (CHORD BEARING SOUTH 80°13'07" WEST, A DISTANCE OF 614.39 FEET) TO A POINT ON A REVERSE CURVE TO THE RIGHT; 10) THENCE WESTERLY 82.84 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 595.51 FEET, A CENTRAL ANGLE OF 07°58'14", (CHORD BEARING SOUTH 70°18'44" WEST, A DISTANCE OF 82.78 FEET); THENCE NORTH 07°39'28" WEST, A DISTANCE OF 148.58 FEET; THENCE NORTH 70°45'50" EAST, A DISTANCE OF 15.60 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE NORTHERLY 74.86 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 107°13'53", (CHORD BEARING NORTH 17°08'59" EAST, A DISTANCE OF 64.40 FEET) TO A POINT ON A REVERSE CURVE TO THE RIGHT; THENCE NORTHWESTERLY 44.88 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 112.13 FEET, A CENTRAL ANGLE OF 22°56'05", (CHORD BEARING NORTH 25°00'00" WEST, A DISTANCE OF 44.59 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; THENCE NORTHERLY 48.45 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 645.53 FEET, A CENTRAL ANGLE OF 04°18'00", (CHORD BEARING NORTH 09°32'05" WEST, A DISTANCE OF 48.44 FEET); THENCE NORTH 06°32'52" WEST, A DISTANCE OF 18.86 FEET TO A POINT ON A NON

[12913-0001/XXXXXX07]

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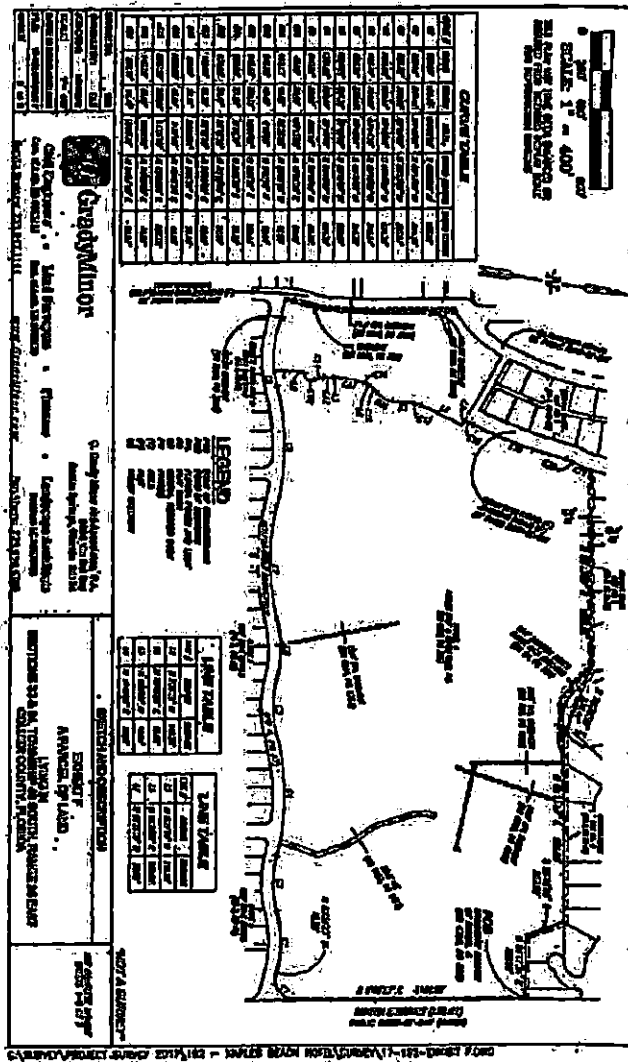
TANGENTIAL CURVE TO THE RIGHT; THENCE NORTHERLY 139.71 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 645.53 FEET, A CENTRAL ANGLE OF 12°24'01", (CHORD BEARING NORTH 00°29'21" EAST, A DISTANCE OF 139.44 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; THENCE NORTHERLY 21.25 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 191.60 FEET, A CENTRAL ANGLE OF 09°15'17", (CHORD BEARING NORTH 09°50'22" EAST, A DISTANCE OF 21.23 FEET); THENCE NORTH 18°40'05" EAST, A DISTANCE OF 19.28 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; THENCE NORTHEASTERLY 54.47 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 131.60 FEET, A CENTRAL ANGLE OF 23°42'59", (CHORD BEARING NORTH 34°43'40" EAST, A DISTANCE OF 54.09 FEET) TO A POINT ON A REVERSE CURVE TO THE LEFT; THENCE NORTHERLY 91.12 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 52°12'20", (CHORD BEARING NORTH 20°29'00" EAST, A DISTANCE OF 88.00 FEET); THENCE NORTH 05°37'10" WEST, A DISTANCE OF 111.22 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; THENCE NORTHERLY 35.65 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 92.00 FEET, A CENTRAL ANGLE OF 22°12'04", (CHORD BEARING NORTH 05°28'51" EAST, A DISTANCE OF 95.43 FEET); THENCE NORTH 16°34'52" EAST, A DISTANCE OF 242.83 FEET; THENCE NORTH 69°35'55" WEST, A DISTANCE OF 30.01 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT THE SAME BEING A POINT ON THE RIGHT-OF-WAY OF CRAYTON ROAD (JASMINE ROAD); THENCE RUN ALONG SAID RIGHT-OF-WAY FOR THE FOLLOWING FOUR (4) COURSES AND DISTANCES, 1) NORTHERLY 44.69 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,085.50 FEET, A CENTRAL ANGLE OF 02°32'48", (CHORD BEARING NORTH 18°00'28" EAST, A DISTANCE OF 44.69 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 2) THENCE NORTHERLY 507.94 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2,567.92 FEET, A CENTRAL ANGLE OF 11°20'00", (CHORD BEARING NORTH 11°04'03" EAST, A DISTANCE OF 507.12 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; 3) THENCE NORTHERLY 45.00 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 142.18 FEET, A CENTRAL ANGLE OF 16°07'59", (CHORD BEARING NORTH 14°28'06" EAST, A DISTANCE OF 44.81 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 4) THENCE NORTHERLY 94.41 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 298.11 FEET, A CENTRAL ANGLE OF 18°08'39", (CHORD BEARING NORTH 14°27'49" EAST, A DISTANCE OF 94.01 FEET) TO A POINT ON THE BOUNDARY OF COQUINA SANDS UNIT NO 3, PLAT BOOK 8, PAGES 21 AND 22, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE RUN ALONG SAID BOUNDARY FOR ALL OF THE REMAINING COURSES AND DISTANCES BACK TO THE POINT OF BEGINNING, NORTH 80°13'07" EAST, A DISTANCE OF 1,027.61 FEET; THENCE SOUTH 78°38'53" EAST, A DISTANCE OF 374.41 FEET; THENCE NORTH 80°13'07" EAST, A DISTANCE OF 950.00 FEET; THENCE SOUTH 29°46'56" EAST, A DISTANCE OF 207.52 FEET; THENCE NORTH 81°17'34" EAST, A DISTANCE OF 320.29 FEET TO THE POINT OF BEGINNING.
CONTAINING 104.6 ACRES, MORE OR LESS.

[2813-0001/222256/1]

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SCHEDULE A-1

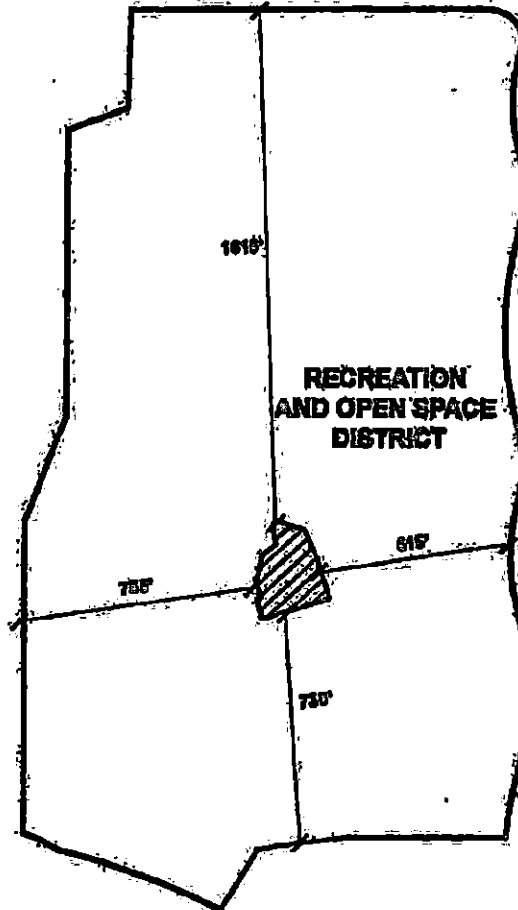


[12913-0001/32222561]

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SCHEDULE B



Note: This Schedule B is intended only to depict the location of what is referred to in the Easement as the "Maintenance Area". The "Property" encumbered by the Easement is comprised of approximately 104.6 acres of land as described in Schedule A and depicted on Schedule A-L. Some of the Property encumbered by the Easement is accordingly located outside the Recreation and Open Space District.

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ORDINANCE 2019-14330 - AMENDING THE ZONING MAP

PROPERTY DESCRIPTION

THE PROPERTY DESCRIBED IN THIS ORDINANCE IS THE PROPERTY OF GRADYMINOR, INC. AND IS LOCATED IN SECTION 33, TOWNSHIP 46 SOUTH, RANGE 18 WEST, COLLIER COUNTY, FLORIDA. THE PROPERTY IS CURRENTLY ZONED R-1 AND IS BEING APPLIED FOR REZONING TO R-10. THE PROPERTY IS A 100 ACRES OF LAND AND IS CURRENTLY USED FOR AGRICULTURE. THE PROPERTY IS SURROUNDED BY OTHER AGRICULTURAL PROPERTY AND IS IN AN AREA WITH A HIGH POTENTIAL FOR AGRICULTURE. THE PROPERTY IS BEING APPLIED FOR REZONING TO R-10 TO ALLOW FOR THE DEVELOPMENT OF AGRICULTURE AND TO PROTECT THE AGRICULTURAL CHARACTER OF THE AREA. THE PROPERTY IS BEING APPLIED FOR REZONING TO R-10 TO ALLOW FOR THE DEVELOPMENT OF AGRICULTURE AND TO PROTECT THE AGRICULTURAL CHARACTER OF THE AREA.

NOTES:

1. THE PROPERTY IS BEING APPLIED FOR REZONING TO R-10 TO ALLOW FOR THE DEVELOPMENT OF AGRICULTURE AND TO PROTECT THE AGRICULTURAL CHARACTER OF THE AREA.

2. THE PROPERTY IS BEING APPLIED FOR REZONING TO R-10 TO ALLOW FOR THE DEVELOPMENT OF AGRICULTURE AND TO PROTECT THE AGRICULTURAL CHARACTER OF THE AREA.

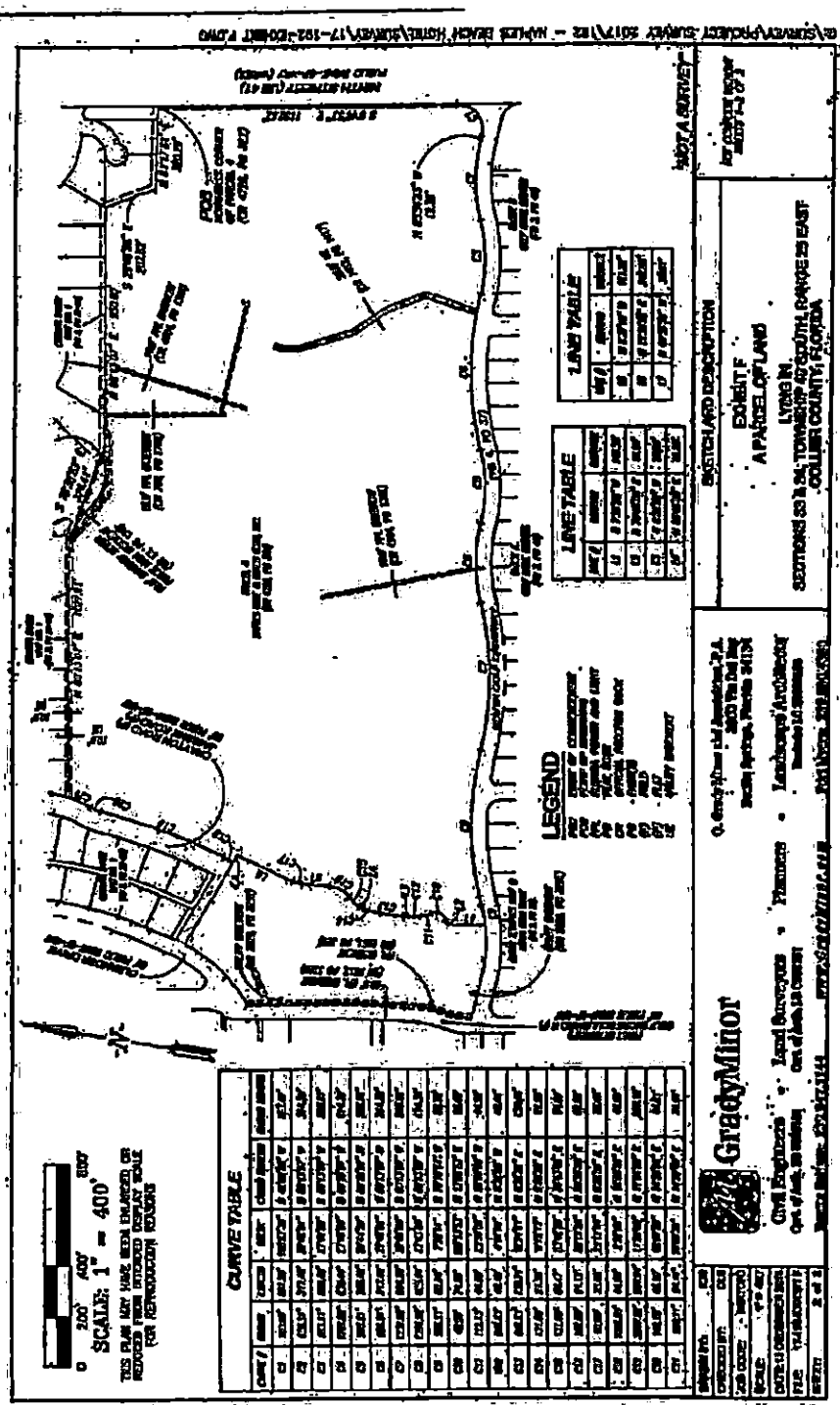
STITCH AND DESCRIPTION

EXHIBIT F
 APPLICANT: GRADYMINOR, INC.
 SECTION 33, TOWNSHIP 46 SOUTH, RANGE 18 WEST, COLLIER COUNTY, FLORIDA

GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects
 One South Main Street, Suite 100, Panama City, Florida 32379
 Phone: 904.763.1111 • Fax: 904.763.1112 • Email: info@gradyminor.com

OUR COUNTY NUMBER IS 12-00-00
 CHECKED BY: []
 DATE: []
 COUNTY: COLLIER
 COUNTY CLERK: []
 COUNTY CLERK: []
 COUNTY CLERK: []



0 200' 400' 800'
SCALE: 1" = 400'
THIS PLAN MAY HAVE BEEN ENLARGED OR REDUCED FROM ORIGINAL DRAWING SCALE FOR REPRODUCTION PURPOSES

CURVE TABLE

CHORD	ARC	ANGLE	CHORD BEARING	ARC BEARING
100.00	100.00	90.00	N 0° 00' 00" E	N 45° 00' 00" E
141.42	150.00	120.00	N 30° 00' 00" E	N 60° 00' 00" E
173.21	200.00	150.00	N 45° 00' 00" E	N 90° 00' 00" E
200.00	250.00	180.00	N 60° 00' 00" E	N 120° 00' 00" E
220.79	300.00	210.00	N 75° 00' 00" E	N 150° 00' 00" E
236.62	350.00	240.00	N 90° 00' 00" E	N 180° 00' 00" E
247.75	400.00	270.00	N 105° 00' 00" E	N 210° 00' 00" E
254.56	450.00	300.00	N 120° 00' 00" E	N 240° 00' 00" E
257.37	500.00	330.00	N 135° 00' 00" E	N 270° 00' 00" E
256.62	550.00	360.00	N 150° 00' 00" E	N 300° 00' 00" E
252.71	600.00	390.00	N 165° 00' 00" E	N 330° 00' 00" E
246.18	650.00	420.00	N 180° 00' 00" E	N 360° 00' 00" E
227.50	700.00	450.00	N 195° 00' 00" E	N 30° 00' 00" E
198.49	750.00	480.00	N 210° 00' 00" E	N 60° 00' 00" E
161.97	800.00	510.00	N 225° 00' 00" E	N 90° 00' 00" E
121.14	850.00	540.00	N 240° 00' 00" E	N 120° 00' 00" E
79.14	900.00	570.00	N 255° 00' 00" E	N 150° 00' 00" E
38.18	950.00	600.00	N 270° 00' 00" E	N 180° 00' 00" E
0.00	1000.00	630.00	N 285° 00' 00" E	N 210° 00' 00" E

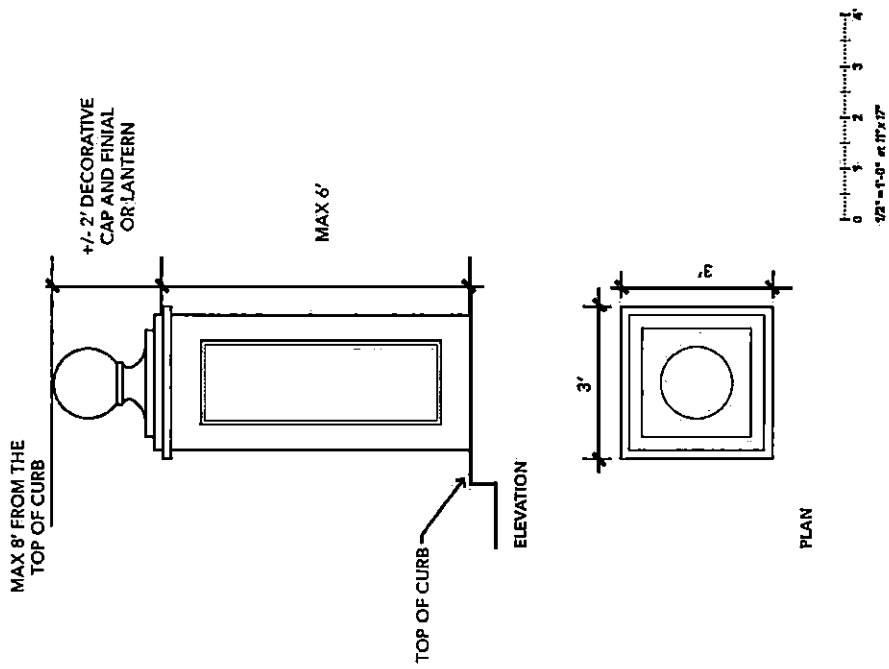
Grady Minor
Civil Engineer
One of South Carolina's
Professional Engineers
No. 12345
1234 Main Street
Columbia, SC 29201
803.555.1234

SECTION AND DESCRIPTION
EXHIBIT F
A PARCEL OF LAND
LIVING IN
SECTION 20, TOWNSHIP 40 SOUTH, RANGE 25 EAST,
COLLEGE COUNTY, SOUTH CAROLINA

NOT A SURVEY
AS SHOWN BY
THIS PLAN

DATE: 11/15/2019
SCALE: 1" = 400'
SHEET: 2 OF 2

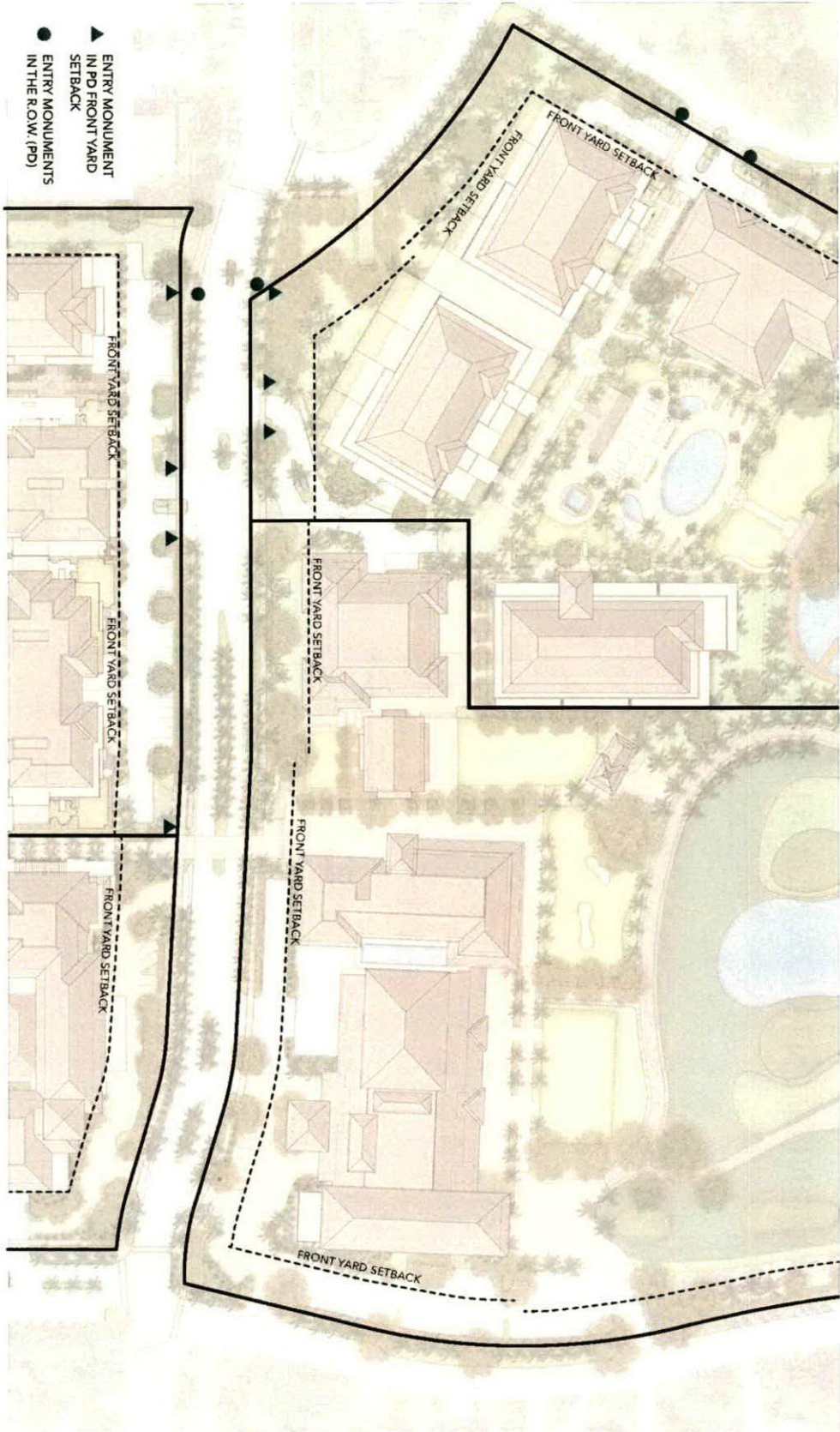
ENTRY MONUMENTS MAXIMUM DIMENSIONS AND GENERAL LOCATIONS



Gulf Shore Garden | Landscape Column

Exhibit "G"

Page 1 of 2



The Naples Beach Hotel & Golf Club | Entry Monuments - Locations

Exhibit "G"
Page 2 of 2

HART HOWERTON

