



ORDINANCE NO. 04- 59

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS AMENDING ORDINANCE NUMBER 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE, OR SUCCESSOR PROVISION, WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, TO AMEND THE APPROPRIATE OFFICIAL ZONING ATLAS MAPS BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM "PUD" TO "PUD" PLANNED UNIT DEVELOPMENT KNOWN AS THE PELICAN BAY PUD FOR THE PURPOSE OF AMENDING THE PUD DOCUMENT TO REALLOCATE 121,000 SQUARE FEET OF APPROVED BUT AS YET UNCONSTRUCTED AND UNCOMMITTED COMMERCIAL USES FROM THE NORTH COMMERCIAL AREA KNOWN AS THE MARKETPLACE TO THE SOUTH COMMERCIAL AREA KNOWN AS THE WATERSIDE SHOPS; TO REDUCE THE NUMBER OF APPROVED BUT YET UNCONSTRUCTED AND UNCOMMITTED RESIDENTIAL DWELLING UNITS FROM 8600 TO 7800, A REDUCTION OF 800 DWELLING UNITS; AND TO PROVIDE FOR ADDITIONAL TRANSPORTATION COMMITMENTS ALL FOR PROPERTY LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF U.S. 41 AND SEAGATE DRIVE (C.R. 896) IN SECTIONS 32 AND 33, TOWNSHIP 48 SOUTH, RANGE 25 EAST, AND SECTIONS 4, 5, 8 AND 9, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 2,104 ACRES, MORE OR LESS; PROVIDING FOR A PARTIAL REPEAL OF ORDINANCE NUMBER 77-18, AS AMENDED, THE EXISTING PELICAN BAY PUD ORDINANCE; AND BY PROVIDING FOR AN EFFECTIVE DATE.

FILED
2004 SEP 29 AM 11:46
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

WHEREAS, C. Laurence Keesey, Esq., representing the Waterside Shops at Pelican Bay Trust and WCI Communities, Inc., petitioned the Board of County Commissioners to change the zoning classification of the herein described real property.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE:

The zoning classification of the herein described real property located in Sections 32 and 33, Township 48, South, Range 25 East and Sections 4, 5, 8 and 9, Township 49 South, Range 25 East, Collier County, Florida, is changed from "PUD" to "PUD" Planned Unit Development in accordance with the additions and deletions to Ordinance Number 77-18, as amended, the Pelican Bay PUD as reflected in

Words ~~struck through~~ are deleted; words underlined are added.

the PUD Document, attached hereto as Exhibit "A", which is incorporated herein and by reference made a part hereof. The appropriate zoning atlas maps as described in Ordinance Number 91-102, the Collier County Land Development Code, or successor provision, are hereby amended accordingly.

SECTION TWO:

Ordinance Number 77-18, known as the Pelican Bay PUD, adopted on April 19, 1977, by the Board of County Commissioners of Collier County, Florida, together with any amendments thereto, is hereby repealed only to the extent that the Ordinance, as amended, is inconsistent with the additions and deletions set forth in the Pelican Bay PUD Document attached hereto as Exhibit "A". All other provisions of Ordinance Number 77-18, as amended, shall remain in full force and effect.

SECTION THREE:

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 21st day of September, 2004.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: Linda C. Williams
Attest as to Chairman's
signature only,
Approved as to Form and
Legal Sufficiency
for Patricia Williams
Marjorie M. Student
Assistant County Attorney

BY: Donna Fiala
DONNA FIALA, CHAIRMAN

PUDA-2003-AR-4008/RB/lo/sp

This ordinance filed with the
Secretary of State's Office the
~~21st~~ day of September 2004
and acknowledgement of that
filing received this 4th
day of October 2004
By: Dwight Brock
Deputy Clerk

Words ~~struck through~~ are deleted; words underlined are added.

Planned Unit Development

For

PELICAN BAY PUD

BY

WCI Communities, Inc.
(Formerly Westinghouse Communities of Naples, Inc.;
Formerly Coral Ridge-Collier Properties, Inc.)

Original PUD: Approval April 8, 1977
PUD Ordinance 77-18

As Amended by:	Ord. 80-61 ✓	Ord. 83-48 ✓
	Ord. 80-109 ✓	Ord. 86-42 ✓
	Ord. 81-16 ✓	Ord. 88-62 ✓
	Ord. 81-50 ✓	Ord. 89-35 (Sub. dev.) ✓
	Ord. 82-96 ✓	Ord. 90-66 ✓
	Ord. 83-4 ✓	Ord. 93-63 ✓
		Ord. 04 <u>59</u>

Exhibit "A"

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LIST OF EXHIBITS

EXHIBIT A	Evidence of Control of Property
EXHIBIT B	Vicinity Map
EXHIBIT C	Site Map
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EXHIBIT H	Pelican Bay Improvement District Act
EXHIBIT I	Estimated Unit Absorption Schedule and Population Projection
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EXHIBIT K	Traffic Signal Locations
EXHIBIT L	Hotel Location Restrictions
EXHIBIT M	Height Restriction for Portions of Group 4
EXHIBIT N	Agreement between Collier County Planning Commission and Westinghouse Communities of Naples, Inc.

STATEMENT OF COMPLIANCE

The development of approximately 2104 acres of property in Sections 32 and 33, Township 48 South, Range 25 East and Sections 4, 5, 8, and 9, Township 49 South, Range 25 East, Collier County, Florida, as a Planned Unit Development to be known as PELICAN BAY will comply with the planning and development objectives of Collier County. These objectives are set forth in the Comprehensive Plan which includes the Growth Policy and Official Land Use Guide, all of which were adopted by the Board of County Commissioners on October 14, 1974. PELICAN BAY will meet the planning and development objectives for the following reasons:

- 1) This property is surrounded by developed property on three adjacent landward sides.
- 2) An arterial roadway is in existence along the project's eastern boundary. There are also roadways along the north and south boundaries of the proposed project.
- 3) The property is entirely within the boundaries of the Pelican Bay Improvement District which was created by the Florida Legislature for the purpose of providing water management, potable water and wastewater treatment facilities for the proposed development.
- 4) The proposed land use mix is compatible with the surrounding uses.
- 5) The project rates points in excess of the 31 points necessary to determine it to have existing community facilities and services for the residential density and permitted uses of the proposed plan and therefore is not leapfrog growth.
- 6) The project shall comply with the applicable zoning and subdivision regulations and all other County and State laws dealing with platting and subdividing of property at the time improvements and plat approvals are sought.

SECTION I

PROPERTY OWNERSHIP & GENERAL DESCRIPTION

1.01 INTRODUCTION AND PURPOSE

It is the intent of Coral Ridge-Collier Properties, Inc. (hereinafter called "applicant" or "developer") to establish and develop a planned unit development on approximately 2,104 acres of property located in Collier County, Florida, just north of the City limits of Naples. It is bordered on the west by the Gulf of Mexico and on the east by U.S. Highway 41 (Tamiami Trail). The northern boundary of the property is Vanderbilt Beach Road. The southern edge of the property is bounded by Seagate Drive. It is the purpose of this document to provide the required detail and data concerning the development of the property.

1.02 NAME

The development will be known as PELICAN BAY.

1.03 LEGAL DESCRIPTION

All that fractional part of Section 32, lying South of Vanderbilt Beach Road; and all of Section 33, lying South of Vanderbilt Beach Road and West of State Road 45 (U.S. 41); all in Township 48 South, Range 25 East, Collier County, Florida.

AND ALSO, all of Section 4, lying West of State Road 45 (U.S. 41); all fractional parts of Government Lots 1 and 2, Section 5; all fractional parts of Section 8; and all of Section 9, lying West of State Road 45 (U.S. 41), excepting therefrom the South 70 feet of the Southeast 1/4, and the South 70 feet of the East 158.25 feet of the Southwest 1/4; all in Township 49 South, Range 25 East, Collier County, Florida.

1.04 TITLE TO PROPERTY

The southern 500 acres of the proposed development are owned by Coral Ridge-Collier Properties, Inc. The northern 1,604 acres are under option as described in Exhibit "A", Evidence of Control of Property.

1.05 GENERAL DESCRIPTION OF PROPERTY AREA

The general location of PELICAN BAY, the current zoning classifications of surrounding properties, and nearby land developments are illustrated by Exhibit "B", Vicinity Map.

The project site contains approximately 2,104 acres of property with approximately three miles of frontage along the Gulf of Mexico. At the time of

this application the property was zoned GRC, RM-1 and RS-4. Certain portions along the western edge of the property were designated "Special Treatment (ST)" as shown on Exhibit "B", Vicinity Map.

1.06 PHYSICAL DESCRIPTION

Elevations within the project site range from sea level to approximately nineteen (19) feet above sea level as shown on Exhibit "E", Topography Map.

The soil types of the site are shown on Exhibit "F" Soils Map and are discussed in detail in Section 20.B.6 of the Application for Development Approval of a Development of Regional Impact.

The vegetation on the site is shown on Exhibit "G", Vegetation Map and is discussed in detail in Section 20.B.2 of the Application for Development Approval of a Development of Regional Impact.

SECTION II

PROJECT DEVELOPMENT

2.01 PURPOSE

The purpose of this Section is to generally describe the project plan of the development and delineate the general conditions that will apply to the entire project.

2.02 GENERAL PLAN OF DEVELOPMENT

The general plan of development of PELICAN BAY is for a planned residential community including a mixture of single and multi-family dwelling units with commercial areas, golf course, school sites, governmental facilities sites, neighborhood and community parks and protected beaches and wetlands.

2.03 GULF-FRONT LAND

The applicant recognizes the importance of the availability of Gulf-front land for the use of those persons residing within the PELICAN BAY development and for use by the general population of Collier County. The applicant also recognizes the importance of setting aside large areas which are environmentally sensitive. When the applicant receives all local, state, federal or other regulatory agency development permits, and complete development is permitted in accordance with this ordinance as adopted, the applicant shall satisfy the requirements for Gulf-front land use for the residents of PELICAN BAY and the general Collier County population in the following ways:

- a. The residents of PELICAN BAY: When the above condition is met, the applicant shall file covenants on approximately 530 acres of uplands, wetlands, and open water areas, which are environmentally sensitive, including approximately one and one-quarter miles of beachfront immediately north of Clam Pass. The use of this land will be restricted by covenants for preservation, conservation and limited recreational use and this area is identified on the project development map as the area labeled "Conservation".
- b. General Collier County population: When the above condition is met, the applicant shall convey approximately 36 acres, which includes three-quarters of a mile of beachfront immediately south of Clam Pass to Collier County. This conveyance will contain a covenant restricting its use for a public beach with related recreational activities and in the event that development or fill permits are modified or withdrawn at anytime during the development process without written consent agreement between the applicant and Collier County or in the event that Collier County violates

the provisions of the covenant restricting the use of the beach for a public beach with related recreational activities, then and in either one of those events the ownership of the property shall revert to the applicant.

The applicant shall reserve a minimum of two (2) acres within the southern portion of Group 4 upon which Collier County may construct a parking lot in connection with any county constructed accessway to the 36 acres of Gulf-front land. The applicant will convey two (2) acres of Group 4 properties to Collier County at the time Collier County constructs a beach accessway.

- c. When the above condition is met, the applicant shall develop, on approximately five (5) acres located at the northwest corner of PELICAN BAY adjacent to Vanderbilt Beach Road and the Gulf of Mexico, approximately 120 parking spaces and then convey the same to Collier County for public beach access purposes.

The accomplishment of 2.03(a), (b) and (c) above being contingent upon the conditions of 2.03 being met, and the transfer of dwelling units from the ST areas and the placing of conservation zoning thereon being in contemplation of the conditions of 2.03 being met and the applicant being allowed to develop 98 acres of wetlands in the northwest corner of Group 4; it is specifically understood that, in the event said conditions are not met and the applicant is not allowed to develop the 98 acres or any part thereof, then to the extent that the applicant is not allowed to develop any part of the 98 acres heretofore described, it is the intent of the applicant to apply for a modification to this PUD document to allow the applicant to develop an equal amount of the Conservation area as Group 4 property.

2.04 SPECIAL TREATMENT (ST) REGULATIONS

The adoption of this document shall constitute satisfaction of the "SPECIAL REGULATIONS FOR (ST) AREAS OF ENVIRONMENTAL SENSITIVITY" and the transfer of the applicant's development rights from "ST" lands to "non-ST" lands, in compliance with the applicable sections of the Zoning Ordinance of Collier County to permit development as herein described.

2.05 SITE PLAN APPROVAL

When site plan approval is required by this document the following procedure shall be followed:

- a. A written request for site plan approval shall be submitted to the Director for approval. The request shall include materials necessary to demonstrate that the approval of the site plan will be in harmony with the general intent and purpose of this document, will not be injurious to the neighborhood or

to adjoining properties, or otherwise detrimental to the public welfare. Such material may include, but is not limited to the following, where applicable:

- 1) Site plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas; and required yards and other open spaces.
- 2) Plans showing proposed locations for utilities hook-up;
- 3) Plans for screening and buffering with references as to type, dimensions, and character;
- 4) Proposed landscaping and provisions for trees protected by County regulations; and
- 5) Proposed signs and lighting, including type, dimensions and character.

2.06 LAND USE

Table 1 is a schedule of the intended land use types, with approximate acreages and total dwelling units indicated. The arrangement of these land use types is shown on Exhibit "C", Site Plan. Variations in acreages shall be permitted at final design to accommodate topography, vegetation and other site conditions. The specific location and size of individual tracts and the assignment of dwelling units thereto shall be submitted to and approved by the Director at the time of Master Plan approval of each development phase as required by the Collier County Subdivision Regulations.

2.07 FRACTIONALIZATION OF TRACTS

- a) When Coral Ridge-Collier Properties, Inc. sells an entire tract or a building parcel (fraction of a tract) to a subsequent owner, Coral Ridge-Collier Properties, Inc. shall provide to the Director for approval or denial prior to the sale, a boundary drawing showing the tract and the building parcel therein when applicable and in the case of a residential area, the number of dwelling units of each residential group assigned to the property being sold. If approval or denial is not issued by the Director within 10 working days, the submission shall automatically be approved.

- b) In the event any residential tract or building parcel is sold by any subsequent owner, as identified in Section 2.07(a), in fractional parts to other parties for development, the subsequent owner shall provide to the Director for approval or denial, prior to the sale of a fractional part, a boundary drawing showing his originally purchased tract or building parcel and the fractional parts therein and the number of dwelling units assigned to each of the fractional parts. The drawing shall also show the location and size of access to those fractional parts that do not abut a public street. If approval or denial is not issued by the Director within 10 working days, the submission shall automatically be approved.
- c) In the event a commercial tract or building parcel is sold by any subsequent owner, as identified in Section 2.07(a), in fractional parts to other parties for development, the subsequent owner shall provide to the Director for approval or denial prior to the sale of a fractional part, a boundary drawing showing his originally purchased tract or building parcel and the fractional parts therein. The drawing shall also show the location and size of access to those fractional parts that do not abut a public street. If approval or denial is not issued by the Director within 10 working days, the submission shall automatically be approved.
- d) The developer of any tract or building parcel must submit at the time of application for a building permit, a detailed plot plan for this tract or parcel. Such plot plan shall show the proposed location of all buildings, access roads, off-street parking and off-street loading areas, refuse and service areas, required yards and other open spaces, locations for utilities hook-up, screening and buffering, signs, lighting, landscape plan, other accessory uses and structures and in residential areas, the distribution of dwelling units among the proposed structures.

2.08 RESIDENTIAL

The information hereinafter provided identifies each residential group; the total acreage per group and the total dwelling units per group.

- a) Group 1 parcels have a total of 278 acres. A maximum of 600 dwelling units will be placed on Group 1 parcels in accordance with Section 4, except as provided in Section 2.10.
- b) Group 2 parcels include 390 acres. A maximum of 2314 dwelling units will be placed on Group 2 parcels in accordance with Section 5, except as provided in Section 2.10.
- c) Group 3 parcels include 116 acres. A maximum of 1686 dwelling units will be placed on Group 3 parcels in accordance with Section 6, except as provided in Section 2.10.

- d) Group 4 parcels include 343 acres. A maximum of 4000 dwelling units will be placed on Group 4 parcels in accordance with Section 7, except as provided in Section 2.10.

TABLE 1
 PELICAN BAY
 LAND USE SCHEDULE

<u>LAND USE TYPE</u>	<u>APPROXIMATE ACREAGE</u>	<u>MAXIMUM SQUARE FEET GROSS BLDG. AREA</u>	<u>MAXIMUM NO. OF D.U.</u>
<u>RESIDENTIAL</u>			
Group 1	278		600
Group 2	390		2314
Group 3	116		1686
Group 4	343		3200
<u>COMMERCIAL</u>			
Area (South)	48.7	761,400	
Community (North)	50.2	333,600	
Total	98.9*	1,095,000	
*not including public roads and lakes			
<u>PUBLIC FACILITIES</u>			
Utility	19		
Schools	45	(also included in Group 2)	
Major Public Roads	112		
Government Admin. /Community Park	20	(also included in Group 2)	
<u>OPEN SPACE & RECREATION</u>			
Conservation Area	570		
Golf Course, Tennis Club & Golf Club	171		
Neighborhood Parks	20	(also included in Residential areas)	
Philharmonic Hall	6.5		
<hr/>			
TOTAL	2,104 Acres		7800

2.09 PROJECT DENSITY

The total acreage of the PELICAN BAY property is approximately 2,104 acres. The maximum number of dwelling units to be built on the total acreage is 7800. The number of dwelling units per gross acre is approximately 3.7. The density on individual parcels of land throughout the project will vary according to the type of housing placed on each parcel of land.

2.10 PERMITTED VARIATIONS OF DWELLING UNITS

Each tract shall be permitted to be developed with the maximum number of dwelling units as assigned by Sections 2.06 and 2.08 provided that the applicant may increase the maximums by not more than 10%; and provided further that the total dwelling units for the entire project shall not exceed 7800. The Director shall be notified in accordance with Section 2.07 of such an increase and resulting reduction in another tract so that the dwelling units will be balanced at 7800.

2.11 DEVELOPMENT SEQUENCE AND SCHEDULING

The applicant has not set "stages" for the development of the property. Since the property is to be developed over an estimated 28 to 34 year time period, any projection of project development can be no more than an estimate based on current marketing studies. The estimate may of course, change depending upon future economic factors. Exhibit "I" indicates, by year, the estimated absorption of units (by unit type) and the approximate population of the project (assuming full occupancy) for the estimated 28-34 year development period.

2.12 RECREATIONAL FACILITIES SCHEDULE

The applicant shall cause the following recreational facilities to be constructed subject to obtaining all permits. The schedule for development of these facilities relates to the issuance of building permits according to the following table. Non-compliance with this schedule will result in withholding of additional permits until compliance is achieved.

FACILITY OR SITE	BUILDING PERMITS FOR NOT MORE:		
	400 Units	700 Units	1600 Units
Golf Course	9 holes	9 holes	
Clubhouse*			X
Canoe Launch/Canoe Dock**		X	
Boardwalk		X	
Nature Trail			X
Neighborhood Parks**			
Government Administration Site/Community Park Site***			

* Clubhouse for golf – 5,000 square feet minimum.

- ** Neighborhood parks to be improved, dedicated and conveyed to the Pelican Bay of Naples Foundation, Inc. pursuant to Section 12.05A below. Canoe launch/canoe dock is included as part of the neighborhood parks.
- *** Government administration site/community park site to be improved, dedicated and conveyed to Collier County pursuant to 12.04B below.

2.13 AMENDMENT OF ORDINANCE

Both the County and developer, with knowledge that the long range development plan permitted by the ordinance will not be complete for a period of 28 to 34 years, recognize that exceptions, variances, or amendments to this ordinance may be necessary in the future. Obviously, there may be changes in planning techniques, engineering techniques, transportation methods, and other factors that would warrant this ordinance being amended to meet standards of the time. All petitions or requests for exceptions, variances and amendments shall conform with the procedures existing at the time of the application for the exception or amendments.

2.14 TREE REMOVAL

All clearing, grading, earthwork, and site drainage work shall be performed in accordance with the approved PUD site plan and all applicable codes. Prior to any such removal, a site clearing plan must be submitted to the Director for review and approval to insure that said removal shall be carried out under proper FORESTRY MANAGEMENT PRINCIPALS. Protected trees shall be flagged, clearly marked and/or fenced during periods of construction so as to eliminate or minimize their damage.

2.15 DEFINITIONS

For the purposes of this Planned Unit Development Document:

- (1) "Recreational Club" means an association established to specifically provide for the conduct of leisure activities, sports activities, hobbies, or games, as well as related activities including but not limited to food service, alcoholic and non-alcoholic beverage sales, locker room and shower facilities, workshops and meeting facilities which further the enjoyment, entertainment, relaxation, and comfort of those persons which the club is intended to serve.

- (2) "Hotel or Motel Unit" means a unit designed for transient occupancy and utilized for rental to transients. A hotel or motel unit may have cooking or eating facilities. A hotel or motel unit shall contain bathing and sanitary facilities.

All other definitions shall be as contained in the Zoning Ordinance of Collier County.

2.16 In addition to signage permitted under the provisions of the Pelican Bay Planned Unit Development Document, project identification signage identifying the Pelican Bay community and certain major uses (i.e., hotels, commercial areas, public facilities, recreational facilities and areas) contained within the boundaries of the Pelican Bay Planned Unit Development are permitted to be located at:

- A. The intersection of U.S. 41 and Vanderbilt Beach Road, and
- B. The intersection of U.S. 41 and Seagate Drive, and
- C. Major roadway and street entrances to Pelican Bay from surrounding roads:
 - 1. Along U.S. 41: at no more than three (3) major entrances;
 - 2. Along Seagate Drive: at no more than one (1) major entrance;
 - 3. Along Vanderbilt Beach Road: at no more than one (1) major entrance.
- D. Sign Development Standards:
 - 1. These signs replace any signage permitted by the Zoning Ordinance at these locations.
 - 2. The following locations are not included in the locations referenced in C. above: The southeast corner of the intersection of U.S. 41 and the southernmost part of Pelican Bay Boulevard; Laurel Oak Drive and U.S. 41; the west side of the inter-section of Seagate Drive and West Boulevard.
 - 3. All such signage shall be a principal permitted use in all land use categories within the boundaries of the Pelican Bay Planned Unit Development and shall not be deemed or considered to be off-site signage.

4. Project identification signage at the intersections referenced in A. and B. above herein shall not exceed 250 square feet in the aggregate per intersection, and project identification signage at the entrance locations referenced in C. shall not exceed 100 square feet in the aggregate per entrance. No individual sign shall have height greater than twelve (12) feet.
5. No more than two (2) structures containing signage shall be permitted at each such location, and major uses identified in addition to the Pelican Bay community shall not exceed a total of four (4) in number at each such location. No sign shall be located greater than fifty (50) feet from any other project identification signage at said locations.
6. Project identification signage at the locations referenced in A. and B. above shall be located within an area defined by a triangle, two sides of which shall be 100 feet along adjoining roadways.
7. Every effort shall be made to remove as little as possible of protected plant species. All provisions of the Tree Removal Ordinance (Ordinance 75-21 and any future amendments) shall be met.
8. Should any of the signs be requested to be placed within public right-of-way, a right-of-way permit must be applied for and approved.
9. All signs shall be located so as not to cause sight distance problems.
10. All signs shall require sign permits and other applicable permits prior to construction and/or erection.

SECTION III

UTILITY SERVICES TO PELICAN BAY

3.01 GENERAL

The Pelican Bay Improvement District was created by action of the Florida Legislature in 1974. The specific law creating the district is Chapter 74-462 of the Florida Statutes. The district is a political subdivision of the State of Florida charged with the specific responsibility to design, finance, build, operate, and maintain (1) sewerage system (2) potable water system (3) surface water management and control system. The law provided for a Board of Supervisors of the Pelican Bay Improvement District to carry out the duties delegated to it. The law established the original five members of the Board of Supervisors as appointed by the Collier County Commission. Those individuals will hold office until there is an election among the qualified electors of the District to determine membership on the Board of Supervisors.

The Board of Supervisors, in order to carry out the duties and responsibilities assigned to it, was granted certain powers and authorities by the Legislature. Specifically, the district, through the Board of Supervisors can enter into contracts; borrow money; issue bonds; assess lands for special taxes; provide special user assessments; own and acquire interests in land; employ professionals and other necessary persons to carry out the duties; and, if necessary bring legal actions. The Legislature of the State of Florida specifically expressed that the purpose of the district was to "facilitate development" of utility services.

A copy of the Pelican Bay Improvement District Act, Chapter 74-462 of the Florida Statutes, is attached hereto as Exhibit "H".

a) Water Supply and Treatment Facilities

The Pelican Bay Improvement District is charged with the responsibility of providing a water system for the PELICAN BAY project.

b) Sewerage Treatment Facilities

The Pelican Bay Improvement District is charged with the responsibility of providing a sewerage system for the PELICAN BAY project.

c) Water Management Control Facilities

The Pelican Bay Improvement District is charged with the responsibility of providing water management and control.

3.02 SOLID WASTE COLLECTION

Solid waste collection for the PELICAN BAY project will be handled by the company holding the franchise for solid waste collection for the County.

3.03 ELECTRIC POWER SERVICE

Florida Power and Light Company will provide electric service to the entire project.

3.04 TELEPHONE SERVICE

Telephone service will be supplied to the PELICAN BAY project by United Telephone Company of Florida, or successor company or companies.

3.05 TELEVISION CABLE SERVICE

The PELICAN BAY project falls within the franchise areas of two television cable companies. Those companies are the South Florida Cable Television Corporation of Bonita Springs and the Radio Television Centre of Naples, or successor companies.

3.06 EASEMENTS FOR UNDERGROUND UTILITIES

On-Site utilities such as telephone, electric power, TV cable service, wastewater collection, water distribution, etc. shall be installed underground. Except that electrical feeder lines serving commercial and other high use areas, water pumping stations, lift stations, transformer banks, etc. shall be permitted above ground. Easements shall be provided for all utility purposes in areas that must be cleared for utility construction, a special effort shall be made to protect the maximum number of trees. Said easements and improvements shall be done in accordance with the subdivision regulations.

SECTION IV

GROUP 1

4.01 PURPOSE

The purpose of this Section is to set forth the regulations for the area designated on Exhibit "C", Site Plan, and Table 1 as Group 1 parcels.

4.02 MAXIMUM DWELLING UNITS

A maximum number of 600 dwelling units may be constructed in all of the Group 1 parcels combined except as permitted by Section 2.10.

4.03 PERMITTED USES AND STRUCTURES

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:

A. Permitted Principal Uses and Structures

- 1) Single-family detached dwellings.
- 2) Attached single-family units as combinations of up to and including three (3) single-family attached units per structure.
- 3) Parks, playgrounds, playfields and commonly owned open space.
- 4) Water management facilities.

B. Permitted Principal Uses and Structures Requiring Site Plan Approval

- 1) Non-commercial boat launching facilities, and multiple docking areas not to exceed one per dwelling unit.
- 2) Recreational clubs, golf courses, practice driving range and other customary accessory uses related to golf courses, intended to serve the surrounding residential area.
- 3) Churches, schools, and child care centers when accessory to the church or school.

C. Permitted Accessory Uses and Structures

- 1) Private boat docks with or without boat hoists, on water front lots, not protruding more than five (5) feet into the water, except if such waterbody has a width one hundred (100) feet or more, the dock may protrude not more than twenty (20) feet into such waterbody, providing, however that no boat is used as a residence.
- 2) Customary accessory uses and structures, including private garages.
- 3) Signs as permitted by the Zoning Ordinance of Collier County.
- 4) Model homes shall be permitted in conjunction with the promotion of the development. Such model homes shall be permitted for a period of two (2) years from the initial use as a model. The Director may authorize the extension of such use upon written request and justification.

4.04 REGULATIONS

- 4.04.01 GENERAL: All yards, set-backs, etc. shall be in relation to the individual parcel boundaries.
- 4.04.02 MINIMUM LOT AREA: 10,000 square feet.
- 4.04.03 MINIMUM LOT WIDTH:
- A. Corner Lots – Ninety-five (95) feet as measured at the front yard setback line.
 - B. Interior Lots – Eighty (80) feet as measured at the front yard setback line.
- 4.04.04 MINIMUM YARDS:
- A. Front Yard – 30 feet
 - B. Side Yard – 7 1/2 feet one story, 10 feet for two stories.
 - C. Rear Yard – 25 feet except that for screen enclosures the rear yard may be reduced to 15 feet.

- D. All yards abutting a street shall be front yards. Four-sided corner lots shall have two front and two side yards. Five or more sided corner lots shall have two front, two sides and remaining yards shall be rear yards, with the rear yards being those farthest from the abutting streets.

4.04.05 REDUCTION OF MINIMUM LOT WIDTH, AREA AND YARDS:

In the case of clustered buildings with common architectural theme, the requirements of Sections 4.04.02, 4.04.03 and 4.04.04 may be less provided that a site plan is approved in accordance with Section 2.05.

4.04.06 MINIMUM FLOOR AREA:

- A. One story – 1,000 square feet.
- B. Two story – 1,200 square feet.

4.04.07 OFF-STREET PARKING REQUIREMENTS:

One parking space shall be required for each dwelling unit and such space shall be located within the building setback line. For uses other than dwelling units, parking shall be provided in accordance with the Zoning Ordinance of Collier County.

4.04.08 MAXIMUM HEIGHT:

Thirty (30) feet above finished grade of lot. Accessory buildings limited to twenty (20) feet above finished grade of lot.

SECTION V

GROUP 2

5.01 PURPOSE

The purpose of this Section is to set forth the regulations for areas designated on Exhibit "C", Site Plan, and Table 1 as Group 2 parcels.

5.02 MAXIMUM DWELLING UNITS

A maximum number of 2314 dwelling units may be constructed in all of the Group 2 parcels except as permitted by Section 2.10.

5.03 USES PERMITTED

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

A. Principal Uses:

- 1) Single family units are permitted as individual structures or as combinations up to and including six (6) single family attached units per structure. Such unit types as single family attached, duplex, patio, cluster attached, cluster detached, villa attached, villas detached and zero lot lines are permitted.
- 2) Multi-family residential units including garden apartments.
- 3) Parks, playgrounds, playfields and commonly owned open space.
- 4) Water management facilities.

B. Principal Uses Requiring Site Plan Approval:

- 1) Non-commercial boat launching facilities and multiple docking areas.
- 2) Recreational clubs, golf courses, practice driving range and other customary accessory uses related to golf courses, intended to serve the surrounding residential area.
- 3) Churches, schools, child care center, and governmental administration buildings.

- 4) Convalescent homes, rest homes, homes for the aged, adult foster homes, children's homes, rehabilitation centers and licensed skilled nursing facilities; each unit shall count as one-third (1/3) of a dwelling unit in accounting for the dwelling units assigned in 5.02 above.

C. Permitted Accessory Uses and Structures:

- 1) Private boat docks with or without boat hoists, on waterfront lots, not protruding more than five (5) feet into the water; except if such waterbody has a width of one hundred (100) feet or more, the dock may protrude not more than twenty (20) feet into such waterbody, providing, however, that no boat is used as a residence.
- 2) Customary accessory uses and structures, including private garages.
- 3) Signs as permitted by the Zoning Ordinance of Collier County.
- 4) Model homes shall be permitted in conjunction with the promotion of the development. Such model homes shall be permitted for a period of two (2) years from the initial use as a model. The Director may authorize the extension of such use upon written request and justification.

5.04 REGULATIONS

5.04.01 MINIMUM LOT AREA: A minimum area of 2600 square feet per dwelling unit shall be provided in some combination of individual lots and contiguous common open space, excluding private and public roads.

5.04.02 MINIMUM LOT WIDTH:

- A. Minimum individual lot (envelope) width for each dwelling unit related to a structure containing at least two (2), but not more than six (6) dwelling units shall not be less than twenty (20) feet measured between the side lot lines at the required front setback.
- B. Minimum individual lot width for a single detached unit structure shall not be less than forty-five (45) feet measured between the side lot lines at the required front setback line.

5.04.03 MINIMUM YARDS:

- A. From tract boundary lines, right-of-way lines and/or the edge of the gutter of a private road, twenty-five (25) feet.
- B. Distance between structures:
 - 1) Between any two principal structures there shall be a combined minimum yard of 1/2 the sum of their heights but not less than twenty (20) feet.
 - 2) Between any two accessory uses there shall be a combined minimum yard of twenty (20) feet.
- C. In the case of clustered buildings with a common architectural theme, these distances may be less, provided that a site plan is approved in accordance with Section 2.05.

5.04.04 MAXIMUM HEIGHT OF PRINCIPAL AND ACCESSORY STRUCTURES:

- A. Three (3) stores above the finished grade of lot.

In order to comply with the minimum flood elevation requirements, the maximum height of a structure shall be measured from the minimum base flood elevation required by the Flood Elevation Ordinance.
- B. Accessory structures shall be no higher than twenty (20) feet above the finished grade of the lot.

5.04.05 MINIMUM FLOOR AREA:

Those principal use structures which are identified in Section 5.03.A. shall be as follows: One (1) story structures shall not contain less than eight hundred (800) square feet and two (2) story structures shall not contain less than twelve hundred (1200) square feet.

5.04.06 OFF-STREET PARKING:

Those principal use structures which are identified in Section 5.03.A. shall contain a minimum of two (2) spaces per dwelling unit. The Director may permit a lesser number of parking spaces to be paved when circumstances indicate infrequent use. However, those unpaved spaces shall be grassed and reserved for future paving. For uses other than dwelling units, parking shall be provided in accordance with the Zoning Ordinance of Collier County.

5.04.07 OFF-STREET PARKING LANDSCAPING:

Landscaping shall be provided as required by the Zoning Ordinance of Collier County.

5.04.08 REZONED NEIGHBORHOOD COMMERCIAL:

Additional stipulations in regard to those Group 2 lands rezoned from Neighborhood Commercial are contained in Exhibit "N".

SECTION VI

GROUP 3

6.01 PURPOSE

The purpose of this Section is to set forth the regulations for the area designated on Exhibit "C", Site Plan and Table 1 as Group 3 parcels.

6.02 MAXIMUM DWELLING UNITS

A maximum number of 1686 dwelling units may be constructed in all of the Group 3 parcels combined except as permitted by Section 2.10.

6.03 USES PERMITTED

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

A. Principal Uses:

- 1) Multi-family residential units including garden apartments.
- 2) Those uses permitted in Group 2 when developed in accordance with Section 5.04.
- 3) Parks, playgrounds, playfields and commonly owned open space.
- 4) Water management facilities.

B. Principal Uses Requiring Site Plan Approval:

- 1) Non-commercial boat launching facilities and multiple docking areas.
- 2) Recreational clubs, golf courses, practice driving range and other customary accessory uses related to golf courses, intended to serve the surrounding residential area.
- 3) Churches, schools, and child care centers.
- 4) Convalescent homes, rest homes, homes for the aged, adult foster homes, children's homes, rehabilitation centers and licensed skilled nursing facilities; each unit shall count as one-third (1/3) of a dwelling unit in accounting for the dwelling units assigned in 6.02 above.

C. Permitted Accessory Uses and Structures:

- 1) Private boat docks with or without boat hoists, on waterfront lots, not protruding more than five (5) feet into the water; except is such waterbody has a width of one hundred (100) feet or more, the dock may protrude not more than twenty (20) feet into such waterbody, providing, however, that no boat is used as a residence.
- 2) Customary accessory uses and structures, including private garages.
- 3) Signs as permitted by the Zoning Ordinance of Collier County.
- 4) Model homes shall be permitted in conjunction with the promotion of the development. Such model homes shall be permitted for a period of two (2) years from the initial use as a model. The Director may authorize the extension of such use upon written request and justification.

6.04 REGULATIONS

6.04.01 MINIMUM LOT AREA:

One (1) net acre.

6.04.02 MINIMUM LOT WIDTH:

150 feet as measured at the front yard setback line.

6.04.03 MINIMUM YARDS:

A. From tract boundary lines, right-of-way lines and/or from the edge of the gutter of a private road, thirty-five (35) feet or one-half (1/2) the height of the structures, whichever is greater.

B. Distance Between Structures

1) Between any two principal structures – one-half (1/2) the sum of their heights but not less than thirty (30) feet.

2) Between any two accessory uses – one-half (1/2) the sum of their heights but not less than twenty (20) feet.

- C. In the case of clustered buildings with a common architectural theme, these distances may be less, provided that a site plan is approved in accordance with Section 2.05.

6.04.04 MAXIMUM HEIGHT OF PRINCIPAL AND ACCESSORY STRUCTURES:

- A. Four (4) stories above the finished grade with option of having one (1) floor of parking beneath the allowable four (4) stories.
- B. Accessory structures shall be limited to a maximum of twenty (20) feet above finished grade of the lot.

6.04.05 MINIMUM LIVING AREA OF PRINCIPAL STRUCTURES:

Those principal use structures which are identified in Section 6.03.A. shall contain a minimum of seven hundred and fifty (750) gross square feet of living area per dwelling unit within principal structure.

6.04.06 OFF-STREET PARKING:

Those principal use structures which are identified in Section 6.03.A shall contain a minimum 1.5 parking spaces per dwelling unit. The Director may permit a lesser number of parking spaces to be paved when circumstances indicate infrequent use. However, those unpaved spaces shall be grassed and reserved for future paving. For uses other than dwelling units, parking shall be provided in accordance with the Zoning Ordinance of Collier County.

6.04.07 OFF-STREET PARKING LANDSCAPING:

Landscaping shall be provided as required by the Zoning Ordinance of Collier County.

SECTION VII

GROUP 4

7.01 PURPOSE

The purpose of this Section is to set forth the regulations for the areas designated on Exhibit "C", Site Plan, and Table 1 as Group 4.

7.02 MAXIMUM DWELLING UNITS

A maximum number of 3200 dwelling units may be constructed in all of the Group 4 parcels combined except as permitted by Section 2.10.

7.03 USES PERMITTED

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

A. Principal Uses:

- 1) Multi-family residential buildings.
- 2) Those uses permitted in Group 2 when developed in accordance with Section 5.04.
- 3) Those uses permitted in Group 3 when developed in accordance with Section 6.04.
- 4) Parks, playgrounds, playfields and commonly owned open space.
- 5) Water management facilities.
- 6) Existing non-commercial plant nursery.

Principal Uses Requiring Site Plan Approval:

- 1) Recreational clubs, golf courses, practice driving range and other customary accessory uses related to golf courses, intended to serve the surrounding residential area.
- 2) Churches, schools and child care centers.
- 3) Civic and cultural facilities.

- 4) Hotels and motels, except in those areas identified as "no hotels permitted" on Exhibit "L", maximum of 1336 units. Each hotel or motel unit shall count as one-third (1/3) of a dwelling unit in accounting for the dwelling units assigned in 7.02 above.
- 5) Private clubs intended to serve the residents of PELICAN BAY.
- 6) Convalescent homes, rest homes, homes for the aged, adult foster homes, children's homes, rehabilitation centers and licensed skilled nursing facilities; each unit shall count as one-third (1/3) of a dwelling unit in accounting for the dwelling units assigned in 7.02 above.

B. Permitted Accessory Uses and Structures:

- 1) Private boat docks, with or without boat hoists, on waterfront lots, not protruding more than five (5) feet into the water; except if such waterbody has a width of one hundred (100) feet or more, the dock may protrude not more than twenty (20) feet into such waterbody, providing, however, that no boat is used as a residence.
- 2) Non-commercial boat launching facilities and multiple docking areas.
- 3) Customary accessory uses and structures, including private garages.
- 4) Signs as permitted by the Zoning Ordinance of Collier County.
- 5) Model dwelling units shall be permitted in conjunction with the promotion of the development. Such model units shall be permitted for a period of two (2) years from the initial use as a model. The Director may authorize the extension of such use upon written request and justification.
- 6) For a one (1) year period beginning with the effective approval date of the August 21, 1990 amendments, tents shall be permitted in conjunction with hotels or motels, providing the following standards shall be met:
 - (a) The tent shall be on the same site as the hotel or motel.
 - (b) Tents permitted under this section shall be used only for meetings, banquets, and similar "event type" social functions.

- (c) Site plan approval shall be obtained in accordance with Section 10.5 of the Zoning Ordinance.
- (d) Tents shall be located so that they are not visible from a public street. A landscape screen which has the effect of totally blocking the view of said tent from a public street shall be deemed acceptable.
- (e) Where a tent is to be erected under this section so that it could be viewed from an adjacent residential area then said view vista shall be in accordance with Section 8.37 b of the Zoning Ordinance and as a function of a Section 10.5 review and approval.
- (f) No tent erected under this section shall be located closer than 100 feet to any public street and 200 feet to any residentially zoned or used property.
- (g) No noise transmission from said tent permitted under this section shall exceed the specifications set forth in the Collier County Noise Control Ordinance 90-17, as amended.
- (h) Any existing tents will be removed at the owner's expense prior to the expiration of the one (1) year period defined in paragraph C(6).
- (i) The minimum size tent structure that may be erected under this section is 3,000 square feet.
- (j) Tent structures erected under this section shall pay all applicable impact fees as prescribed by the appropriate County ordinance at the time of an approval of a final Site Development Plan as provided by Subparagraph (c) above. Said impact fees are non-refundable upon the removal of the tent following the one year period of authorization, however if building permits are issued for a permanent building to replace said tent structure within one year following the removal of the tent, a credit against the impact fees and/or system development charges payable for the permanent building, up to the amount of the charges paid for the tent shall be given.

- (k) Tent erected from this section shall be clear-span frame structures and not traditional pole tents, designed and engineered for long-term installation. Tents shall be designed for wind loads of 70 mph wind speed, exposure B, UBC 1985. Appropriate specifications and technical information to demonstrate compliance with these standards shall be submitted with the application for site plan review.

7.04 REGULATIONS

7.04.01 MINIMUM LOT AREA:

One (1) net acre.

7.04.02 MINIMUM LOT WIDTH:

150 feet as measured at the front yard set back line.

7.04.03 MINIMUM YARDS:

- A. From tract or development parcel lines, right-of-way lines and/or the edge of the gutter of a private road, fifty (50) feet or one-half (1/2) the height of the structure, whichever is greater except that detached accessory structures shall be set back twenty (20) feet or one-half (1/2) of the height, whichever is greater.
- B. Distance between structures –
 - 1) Between any principal structures – one-half (1/2) the sum of their heights but not less than fifty (50) feet.
 - 2) Between any two accessory uses – one-half (1/2) the sum of their heights but not less than thirty (30) feet.
- C. In the case of clustered buildings with a common architectural theme, these distances may be less provided that a site plan is approved in accordance with Section 2.05.

7.04.04 MAXIMUM HEIGHT OF PRINCIPAL AND ACCESSORY STRUCTURES:

- A. Principal structures: Two hundred (200) feet above finished grade of the lot, except in those areas so identified on Exhibit "M", there shall be a maximum height of five (5) stories above one (1) floor of parking.
- B. Accessory structures shall be limited to a maximum of twenty-five (25) feet above finished grade of lot except for roof top recreation facilities.

7.04.05 MINIMUM LIVING AREA OF PRINCIPAL STRUCTURES:

- A. Those principal use structures which are identified in Section 7.03.A. shall contain a minimum of seven hundred and fifty (750) gross square feet of living area per dwelling unit within principal structure.
- B. The minimum living area of any hotel or motel unit permitted under Section 7.03.B shall be three hundred (300) square feet. There shall be no maximum square footage.

7.04.06 OFF-STREET PARKING:

Those principal use structures which are identified in Section 7.03.A shall contain a minimum of 1.5 parking spaces per dwelling unit. The Director may permit a lesser number of parking spaces to be paved when circumstances indicated infrequent use. However, those unpaved spaces shall be grassed and reserved for future paving. For uses other than dwelling units, parking shall be provided in accordance with the Zoning Ordinance of Collier County.

7.04.07 OFF-STREET PARKING LANDSCAPING:

Landscaping shall be provided as required by the Zoning Ordinance of Collier County.

SECTION VIII

GOLF COURSE

8.01 PURPOSE

The purpose of this Section is to set forth the regulations for the area designated on Exhibit "C", Site Plan, as Golf Course.

8.02 PERMITTED USES AND STRUCTURES

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:

A. Permitted Principal Uses and Structures

- 1) Golf Course
- 2) Golf Clubhouse
- 3) Tennis Courts
- 4) Tennis Clubhouses
- 5) Transient lodging facilities not to exceed 25 units.
- 6) Water management facilities.

B. Permitted Accessory Uses and Structures

- 1) Pro-shop, practice driving range and other customary accessory uses of golf courses, tennis clubs or other recreational facilities.
- 2) Small commercial establishments, including gift shops, golf and tennis equipment sales, restaurants, cocktail lounges, and similar uses, intended to exclusively serve patrons of the golf course or tennis club or other permitted recreational facilities, subject to the provisions of the Zoning Ordinance of Collier County.
- 3) Shuffleboard courts, swimming pools, and other types of facilities intended for recreation.
- 4) Signs as permitted in the Zoning Ordinance of Collier County.
- 5) Maintenance shops and equipment storage.

6) Non-Commercial Plant Nursery.

8.03 PLAN APPROVAL REQUIREMENTS

Plans for all principal and all accessory uses shall be submitted to the Director who will review these plans and approve their construction. All construction shall be in accordance with the approved plans and specifications. The perimeter boundary of the overall golf course tract shall be recorded in the same manner as a subdivision plat.

A. General Requirements:

- 1) Overall site design shall be harmonious in terms of landscaping, enclosure of structures, location of access streets and parking areas and location and treatment of buffer areas.
- 2) Buildings shall be set back a minimum of fifty (50) feet from abutting residential districts and the set-back area shall be landscaped and maintained to act as a buffer zone.
- 3) Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.
- 4) A site plan shall be provided showing pertinent structure locations and landscaping.

8.04 MAXIMUM HEIGHT

Thirty-five (35) feet above the finished grade of the lot within 150 feet of any district restricted to thirty (30) feet or less in height, and forty-five (45) feet elsewhere within the district.

8.05 MINIMUM OFF-STREET PARKING

As required by the Zoning Ordinance of Collier County.

8.06 OFF-STREET PARKING LANDSCAPING

Landscaping shall be provided as required by the Zoning Ordinance of Collier County.

SECTION IX

COMMUNITY AND AREA COMMERCIAL

9.01 PURPOSE

The purpose of this Section is to set forth the plan and regulations for the areas designated on Exhibit "C", Site Plan, as Community Commercial and Area Commercial.

9.02 USES PERMITTED

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

A. Principal Uses

- 1) Antique shops
- 2) Appliance stores
- 3) Art studios
- 4) Art supply shops
- 5) Automobile parts store
- 6) Automobile service stations without repairs in accordance with the applicable zoning regulations.
- 7) Awning shops
- 8) Bakery shops
- 9) Banks and financial institutions
- 10) Barber and beauty shops
- 11) Bath supply stores
- 12) Bicycle sales and services
- 13) Blueprint shops
- 14) Bookbinders
- 15) Book stores
- 16) Business machine service
- 17) Car wash
- 18) Carpet sales – not including storage or installation
- 19) Child care center subject to site plan approval
- 20) Churches and other places of worship subject to site plan approval
- 21) Clothing stores
- 22) Cocktail lounges
- 23) Commercial recreation uses
- 24) Commercial schools
- 25) Confectionery and candy stores
- 26) Delicatessens
- 27) Department Stores

- 28) Drug stores
- 29) Dry cleaning shops
- 30) Dry goods stores
- 31) Electrical supply stores
- 32) Florist shops
- 33) Fraternal and social clubs, alcoholic beverages subject to provisions of the Zoning Ordinance.
- 34) Funeral home
- 35) Furniture stores
- 36) Furrier shops
- 37) Garden supply stores – outside display in rear
- 38) General offices
- 39) Gift shops
- 40) Glass and mirror sales – not including installation
- 41) Gourmet shop
- 42) Hardware stores
- 43) Hat cleaning and blocking
- 44) Health food stores
- 45) Hobby supply stores
- 46) Hospitals
- 47) Hotels
- 48) Ice cream stores
- 49) Interior decorating showrooms and offices
- 50) Jewelry stores
- 51) Laboratories – film, research and testing
- 52) Laundries, self-service only
- 53) Leather goods
- 54) Legitimate theaters
- 55) Liquor stores
- 56) Locksmith
- 57) Market, food
- 58) Market, meat
- 59) Medical clinics
- 60) Millinery Shops
- 61) Motels
- 62) Motion picture theaters not including drive-ins
- 63) Museums
- 64) Music stores
- 65) New car dealerships – outside display permitted
- 66) News stores
- 67) Office supply stores
- 68) Paint and wallpaper stores
- 69) Pet shops
- 70) Pet supply shops
- 71) Photographic equipment stores
- 72) Pottery stores

- 73) Printing, publishing and mimeograph service
- 74) Private club, alcoholic beverages subject to the provisions of the Zoning Ordinance
- 75) Professional offices
- 76) Radio and television sales and service
- 77) Research and design labs
- 78) Residential dwelling units in accordance with Section 7.04 and requiring Site Plan approval, provided that the total number of dwelling units within the PELICAN BAY project area does not exceed 7,800 dwelling units.
- 79) Rest homes and sanatoriums
- 80) Restaurants, not including drive-ins
- 81) Shoe repair
- 82) Shoe stores
- 83) Shopping centers
- 84) Souvenir stores
- 85) Stationery stores
- 86) Supermarkets
- 87) Tailor shops
- 88) Taxidermists
- 89) Tile sales – ceramic tile
- 90) Tobacco shops
- 91) Toy shops
- 92) Tropical fish stores
- 93) Variety stores
- 94) Vehicle rental – automobiles only
- 95) Veterinarian offices and clinics – no outside kenneling
- 96) Watch and precision instrument repair shops
- 97) Drapery shops
- 98) Upholstery shops
- 99) Bait and tackle shops
- 100) Fire stations
- 101) Water management facilities.
- 102) Parks, playgrounds, playfields and commonly owned open space.
- 103) Government administration facilities such as a fire station, library, sheriff's substation, branch courthouse offices, auditorium, etc.
- 104) Any other commercial use or professional service which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the district.

B. Permitted Accessory Uses and Structures

- 1) Accessory uses and structures customarily associated with the uses permitted in this district.
- 2) Signs as permitted by the Zoning Ordinance.

9.03 MINIMUM LOT AREA

None

9.04 MINIMUM LOT WIDTH

None

9.05 MINIMUM YARD REQUIREMENTS

Buildings shall be set back a minimum of fifty (50) feet plus one (1) foot for each two (2) feet of building height above fifty (50) feet from all parcel boundaries except that buildings shall be permitted over-water in the lake areas, subject to Site Plan approval in accordance with Section 2.05.

9.06 BUILDING SEPARATION

All buildings shall be separated fifty (50) feet or $\frac{1}{2}$ the sum of their heights whichever is greater except that in the case of clustered buildings with a common architectural theme these distances may be less provided that a site plan is approved in accordance with Section 2.05.

9.07 MINIMUM FLOOR AREA OF PRINCIPAL STRUCTURE

- A. 1000 square feet per building on the ground floor except that free standing specialty structures of nationally recognized standard size less than 1000 square feet shall be permitted when site plan approval has been received.
- B. The minimum living area of any hotel or motel unit permitted under Section 10.02 A. (47) and (61) shall be three hundred (300) square feet. There shall be no maximum square footage.

9.08 MAXIMUM HEIGHT

One hundred (100) feet.

9.09 MINIMUM OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

As required by the Zoning Ordinance of Collier County.

9.10 MINIMUM LANDSCAPING

As required by the Zoning Ordinance of Collier County. Also, a landscape buffer area along West Boulevard in accordance with Section 8.37 of the Zoning Ordinance will be required in order to buffer the visual impacts of the retail shopping center in the Area Commercial District.

9.11 LIMITATION ON SIGNS

As permitted by the Zoning Ordinance of Collier County. Also, appropriate directional signage as permitted in the Zoning Ordinance directing traffic out of the retail shopping center in the Area Commercial District will be installed.

9.12 MERCHANDISE STORAGE AND DISPLAY

Unless specifically permitted for a given use, outside storage or display of merchandise is prohibited unless screened from view to a height of six (6) feet above ground level.

9.13 SITE PLAN APPROVAL

Site plan approval in accordance with Section 10.5 of the Zoning Ordinance of Collier County is required for all buildings and structures. A copy of any written request for site plan approval submitted to the Director in accordance with Section 10.5 shall be provided by Westinghouse Communities of Naples, Inc. to the Pelican Bay Property Owners Association, Inc.

9.14 MAXIMUM COMMERCIAL SQUARE FOOTAGE

There shall be a total authorized maximum of 1,095,000 square feet of commercial gross building area, consisting of a maximum of 510,000 square feet of gross building area for retail space and a maximum of 585,000 square feet of gross building area for office space, but in no event shall the combined total exceed 1,095,000 square feet of commercial gross building area. A maximum of 761,400 square feet of commercial building area (containing a maximum of 391,400 square feet of office and 370,000 square feet of retail) shall be constructed in the Area (South) Commercial District. A maximum of 333,600 square feet of commercial gross building area (consisting of 193,600 square feet of office and 140,000 square feet of retail) shall be constructed in the Community (North) Commercial District.

9.15 WATERSIDE SHOPS AT PELICAN BAY'S OWNERSHIP REMAINING DEVELOPMENT RIGHTS FOR APPROVED OFFICE USE WITHIN THE COMMUNITY COMMERCIAL DISTRICT

As of the date of approval of the 2004 Amendment to the Pelican Bay PUD, a maximum of 41,576 square feet (gross building area) of approved development rights for commercial office use remains unbuilt and uncommitted within the Community (North) Commercial District. These development rights for office use are owned by Waterside Shops at Pelican Bay Trust, its successors, or assigns, only following Waterside Shop's purchase from WCI Communities, Inc. of all the remaining approved development rights for commercial use located within the Community Commercial District.

9.16 ADDITIONAL STIPULATIONS FOR COMMUNITY COMMERCIAL

Additional stipulations in regard to the Community Commercial parcel are contained in Exhibit "N".

SECTION X
CONSERVATION AREA

10.01 PURPOSE

The purpose of this Section is to set forth the regulations for the area designated on Exhibit "C", Site Plan, as Conservation Area.

10.02 PERMITTED USES AND STRUCTURES

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

A. Principal Uses Requiring Site Plan Approval:

- 1) Nature trails including boardwalks
- 2) Boat trails
- 3) Boat docks (non-commercial boat launch facilities only – no permanent docking)
- 4) Paths and bridges to provide access from the uplands to the beach for pedestrians and minor maintenance equipment
- 5) Beach sun shelters
- 6) A marine research laboratory
- 7) Recreational clubs and other activities for recreation, conservation, and preservation when approved by the Director
- 8) Water Management Facilities

B. Permitted Accessory Uses and Structures:

- 1) Accessory uses and structures customarily associated with the uses permitted in this district
- 2) Signs as permitted in the Zoning Ordinance

10.03 CONSERVATION AREA OWNERSHIP AND MAINTENANCE

- A. Approximately 36 acres of the Conservation Area lying south of Clam Pass and west of Outer Clam Bay shall be conveyed to Collier County for public beach use and maintenance in accordance with Section 2.03.
- B. The Pelican Bay Improvement District, a non-profit property owner's association or other entity will be granted the authority and responsibility for enforcing the applicable covenants, in accordance with Section 2.03 governing the approximately 129 acres of beachfront and other uplands, 277 acres of water area, and 129 acres of wetlands. This entity will be responsible for planning, control, supervision and maintenance of this area.

SECTION XI

UTILITY AREA

11.01 PURPOSE

The purpose of this Section is to set forth the regulations for the area designated on Exhibit "C", Site Plan, as Utility Area.

11.02 PERMITTED USES AND STRUCTURES

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:

A. Principal Uses:

- 1) Potable water treatment and distribution facilities
- 2) Sanitary waste water collection treatment and disposal facilities
- 3) Utility services equipment, storage and maintenance
- 4) Utility services offices
- 5) Lawn or golf course maintenance shops and equipment storage
- 6) Any other use associated with maintenance or utility services when approved by the Director
- 7) Water management facilities

B. Permitted Accessory Uses and Structures:

- 1) Accessory uses and structures customarily associated with the uses permitted in this district.
- 2) Signs as permitted in the Zoning Ordinance.

11.03 MINIMUM YARD REQUIREMENTS

None

11.04 MAXIMUM HEIGHT

None

11.05 MINIMUM FLOOR AREA

None

SECTION XII

DEVELOPMENT COMMITMENTS

12.01 ENVIRONMENTAL AND NATURAL RESOURCES

A. Air Quality

The applicant for a construction permit for the construction of any facility that qualifies for complex air source permits under Chapter 17-2, Florida Administrative Code, shall obtain all necessary complex air source permits prior to the issuance by Collier County of construction permits for such a facility.

B. Natural Resources

- 1) Prior to filling the approximately 98 acres of wetlands, located in the northwest section of Group 4 properties, the applicant shall:
 - a. Convey approximately 36 acres (containing approximately $\frac{3}{4}$ of a mile of beachfront) to Collier County, Florida, for a public beach; and set aside by filing covenants, approximately 530 acres (containing approximately 1-1/4 miles of beachfront) restricting in perpetuity this property for recreation, conservation and preservation purposes; and
 - b. Obtain all necessary permits from county, state and federal agencies, including, but not limited to, giving reasonable assurance that the fill activity, development, and drainage system will not result in violation of the applicable provisions of Chapter 17-3, Florida Administrative Code. Further, Collier County and the South Florida Water Management District (SFWMD) shall be assured that negative water quality impacts to Inner and Upper Clam Bay will not result from the fill/destruction and development of the area presently occupied by 98 acres of mangrove forest; and,
 - c. Preserve the existing red mangrove fringe around all significant water bodies; and,
 - d. Stake the precise interface of the red mangrove fringe prior to commencement of construction activities; and,
 - e. Limit the filling activities to approximately 98 acres; and,

- f. Covenant the Conservation Area for preservation, conservation and limited recreational uses; and,
 - g. Insure that filling activities shall not take place in significant stands of red mangroves and shall not eliminate significant existing tidal creeks; and,
 - h. Insure that no alteration or filling shall be conducted below the two foot contour in this area before all approvals for such construction are received.
- 2) The provisions of Section 2.03, GULF-FRONT LAND, are a part of this section.

C. Water Resources

1) Potable water supply

Prior to the issuance of any construction permits by Collier County, the Pelican Bay Improvement District (PBID) shall demonstrate to the Environmental Advisory Council, Water Management Advisory Board, Coastal Area Planning Commission and Board of County Commissioners of Collier County and the South Florida Water Management District (SFWMD) that the Floridian Aquifer, in this area, has sufficient capacity to meet the water supply requirements of the proposed project's ultimate population, and that this water withdrawal and reject water disposal will not adversely impact area-wide water quantity or quality. Reject water from the reverse osmosis process shall not enter the upland surface water storage areas.

2) Non-Potable Water Supply

a. Prior to the issuance of construction permits by Collier County, the applicant or Pelican Bay Improvement District shall satisfactorily demonstrate to the Environmental Advisory Council, Water Management Advisory Board, Coastal Area Planning Commission and Board of County Commissioners of Collier County and the South Florida Water Management District (SFWMD) that the proposed project's water withdrawal for golf course irrigation will not subject shallow aquifer resources to salt-water intrusion and will not adversely impact area-wide water quantity or quality.

- b. During the wet season, June 1 to October 31, irrigation shall be permitted by withdrawal of water from lakes to a minimum level to be established by the Water Management Advisory Board.
- c. When the Coastal Ridge Aquifer is no longer over-stressed, the applicant shall be allowed to apply for a well permit for year round use of water from the shallow aquifer. The condition of the shallow aquifer shall be determined by the Big Cypress Basin Board, the South Florida Water Management District and the Water Management Advisory Board.
- d. Existing permitted wells within PELICAN BAY shall be excluded from the provisions of 13.1.C.2.(a), (b) and (c) above.

D. Drainage Considerations

1) Upland areas

- a. Prior to the preparation of the final plans, the Water Management Plan prepared by the Pelican Bay Improvement District shall be submitted to and approved by the Water Management Advisory Board. The Pelican Bay Improvement District shall provide necessary detailed drainage plans, studies and specifications to the Environmental Advisory Council, Water Management Advisory Board, Coastal Area Planning Commission and Board of County Commissioners of Collier County and the South Florida Water Management District for approval prior to the issuance of construction permits by Collier County.
- b. Until such time as the tidal average 100-year flood elevations are established by HUD, the minimum building floor elevation shall be 10 feet above mean sea level.

2) Northwest fill area

The Pelican Bay Improvement District shall provide necessary detailed drainage plans, studies and specifications to the Environmental Advisory Council, Water Management Advisory Board, Coastal Area Planning Commission and Board of County Commissioners of Collier County and the South Florida Water

Management District for approval prior to the issuance of any permits by Collier County. Further, the County and the South Florida Water Management District shall be assured that negative water quality impacts to Inner and Upper Clam Bay will not result from the fill/destruction and development of the area presently occupied by 98 acres of mangrove forest.

12.02 PUBLIC FACILITIES

A. Sewage Treatment Facilities

The Pelican Bay Improvement District (PBID), created through a special act of the Florida Legislature in 1974, shall provide sewage treatment facilities for the proposed project. The Pelican Bay Improvement District shall provide necessary detailed plans, studies and specifications to the Environmental Advisory Council, Water Management Advisory Board, Coastal Area Planning Commission and Board of County Commissioners of Collier County and the Department of Environmental Regulations (DER) for approval prior to the issuance of permits.

B. Water Treatment Facilities

Water treatment facilities shall be provided by the Pelican Bay Improvement District (PBID). The Pelican Bay Improvement District shall provide necessary detailed plans, studies and specifications to the Environmental Advisory Council, Water Management Advisory Board, Coastal Area Planning Commission and Board of County Commissioners of Collier County and the Department of Environmental Regulation for approval prior to the issuance of permits.

12.03 TRANSPORTATION

A. Internal

The internal roadway system of the proposed project, including signals and other intersection improvements shall be constructed by the applicant as indicated on Exhibits "J" and "K". Phasing and/or bonding for the ultimate improvements shall be done in accordance with the Subdivision Regulations.

B. External

The applicant shall improve Seagate Drive from its current two-lane design to a four-lane roadway between U.S. 41 and the most westerly constructed intersection of the PELICAN BAY street with Seagate Drive. The responsibility of the applicant for four-laning Seagate Drive shall

continue until the release of the last existing internal improvement bond for the project. The applicant shall also pay his proportionate share of the costs for the necessary intersection improvements and signalizations along Vanderbilt Beach Road, Seagate Drive and U.S. 41, in accordance with the Subdivision Regulations.

C. Additional Right-of-Way

Seventeen and one-half (17 ½) feet of additional right-of-way for Seagate Drive and Vanderbilt Beach Road shall be set aside within Pelican Bay. This right-of-way will be included in the buffer strip until such time as it is required for roadway expansion. At that time, the applicant shall dedicate the additional right-of-way.

D. Golf Cart/Road "E" Intersection

A grade separation shall be provided to separate the golf cart traffic from vehicular traffic where they conflict at Roadway "E".

E. Access to Surrounding Roads

Access to the surrounding major roads shall be limited to those access points shown on Exhibit "J" except as otherwise approved by the Coastal Area Planning Commission.

F. Connections to Seagate

Rights-of-way for the extension of West Boulevard and Crayton Road into Pelican Bay shall be dedicated as part of platting. However, the construction of the Crayton Road connection shall not be authorized until a public hearing is held with due public notice to receive input from surrounding property owners.

G. Landscaped Buffer Strip

A landscaped buffer strip, a minimum of 100 feet in depth, shall be designated along the residential areas adjacent to U.S. 41, Seagate Drive and Vanderbilt Beach Road.

H. Construction of Additional Turn Lanes On US 41 and on Seagate at the US 41/Pine Ridge Road intersection.

- (1) Prior to obtaining a certificate of occupancy for any of the expansion of retail use within the Waterside Shops at Pelican Bay Trust's property (hereinafter "Waterside Shops"), as approved in and by the September 2004 Amendments to the Pelican Bay PUD/DRI, Waterside Shops, or its agent, shall commence construction of one

additional northbound left turn lane located on U.S. 41 at Seagate Drive and one additional eastbound left turn lane on Seagate at US 41 (hereinafter "Turn Lanes"). In the alternative, and at the County's option, Waterside Shops shall pay to the County the amount specified in subparagraph (3) below and the County shall be responsible for construction of the Turn Lanes.

- (2) The cost of construction of the Turn Lanes shall be paid by Waterside Shops and the Turn Lanes shall be constructed by Waterside Shops in accordance with Collier County/Florida DOT specifications. This requirement shall become applicable and effective after the Collier County Transportation Division (hereinafter "CCDOT") and Florida DOT determines that the Turn Lanes are needed and feasible at this location.
- (3) At least sixty (60) days prior to Waterside Shops filing an application for a building permit to construct any of the expansion of its commercial use approved by the County in September 2004, Waterside Shops shall submit a written request to the Administrator of CCDOT for a determination of whether the CCDOT intends to assume all responsibility for construction of the Turn Lanes. Within 35 days from receipt of the Waterside Shops' request, the Administrator of CCDOT shall respond in writing to advise whether Waterside Shops shall proceed to construct and pay for the Turn Lanes, or in the alternative, that Waterside Shops shall pay to the County all of the agreed estimated construction costs of the Turn Lanes, in the total amount of \$303,542, in lieu of Waterside Shops having any further responsibility or obligation regarding the Turn Lanes. If either of the turn lanes is constructed separately, the cost for both shall be paid as follows; the northbound US 41 left turn lane is estimated to be \$131,207 and the eastbound Seagate left turn lane is estimated to be \$201,008.
- (4) In the event that Waterside Shops is not responsible for construction of the Turn Lanes, Waterside Shops shall pay the amount specified in subparagraph (3) above to the County prior to receipt of a building permit for any expansion of its commercial uses approved by the County in the September, 2004 Pelican Bay PUD/DRI amendments.
- (5) In the event that Waterside Shops is responsible for construction of the Turn Lanes, Waterside Shops, or its agent, shall submit a construction permit application to the County for the Turn Lanes, consistent with Collier County/FDOT regulations, including any required engineering plans and specifications. Waterside Shops shall submit its application to construct the Turn Lanes at least thirty (30) days prior to obtaining a building permit for any expansion of commercial use approved in the Pelican Bay PUD/DRI amendments,

and shall proceed with the construction and completion of the Turn Lanes in a timely manner.

- I. **Traffic Calming Study:** Waterside Shops has agreed with the City of Naples to fund, in an amount up to \$8500, a street classification and traffic calming study by the City on streets south of Seagate Drive. The City's traffic calming study shall be completed prior to the Waterside Shops filing an application with the County for site development plan approval for any of the additional commercial square footage approved by the County's Pelican Bay PUD Amendments on September 21, 2004.
- J. **SCOOT:** Waterside Shops has agreed to participate in the cost of implementing SCOOT, an adaptive signal system, that responds automatically to changing traffic conditions. The Waterside shops will participate in the cost of installation of this system at the signalized intersections of Pine Ridge Road and US-41; Pine Ridge Road and Goodlette-Frank Road; and Seagate Drive and West Boulevard.

12.04 PUBLIC SERVICES

A. Education

Forty-five acres located in the vicinity of the community commercial parcel near Vanderbilt Beach Road and U.S. 41 will be offered to the Collier County School Board for use as a 25 acre middle school site and a 20 acre elementary school site.

The 45 acres will be sold to the School Board at 50% of the January 1, 1977, appraised value plus 6% per year appreciation for each year after 1977. This offer will continue until January 1, 1990. After January 1, 1990, the applicant shall be permitted to develop as residential areas all parts of the 45 acres not purchased by the School Board.

B. Government Administration Site/Community Park Site

To the extent not previously dedicated and conveyed, approximately twenty (20) acres located in the vicinity of the Community Commercial parcel near Vanderbilt Beach Road and U.S. 41 will be dedicated and conveyed to Collier County immediately upon the completion of the community park improvements described below. The major portion of this area is intended to serve as a community park with the minor portion to be used for such things as fire station, library, sheriff's substation, branch courthouse offices, auditorium, etc. Non-administrative uses such as open storage equipment yards and other non-compatible government functions shall not be permitted within this site. The applicant shall be given the opportunity to review the architectural plans for any facilities planned for this area prior to their construction.

Within the community park, the developer will, at its expense, provide the following improvements:

- Eight (8) Har-Tru or hard-surface (as the County shall elect) regulation tennis courts (unlighted).
- One (1) regulation combination soccer/softball field (unlighted).
- One (1) regulation basketball court (unlighted).
- One (1) regulation volley ball court (unlighted).
- Four (4) regulation racquetball courts (unlighted).
- One (1) community park-sized shelter containing one (1) male restroom and one (1) female restroom.
- Parking lots at County-approved access points within the park that contain approximately 57 parking spaces, which meet state and county standards for handicapped and other requirements (unlighted).

For purposes of this section use of the words "as existing", "lighted" and "unlighted" is for the sole purpose of describing the capital improvement obligation of the Westinghouse Communities of Naples, Inc., and is not to be construed as a limitation on improvements for each of the capital improvements described above.

The community park improvements shall be completed by June 30, 1994, unless completion is delayed because of circumstance beyond applicant's reasonable control, in which event, the community park improvements shall be completed as soon as reasonably possible thereafter.

C. Fire Protection

1) To Assure Adequate Fire Flow:

The applicant shall provide for the strategic placement of fire hydrants as required by the Collier County Subdivision Regulations. Automatic sprinkler systems, water pumps, storage and pressure tanks shall be provided as required by county and state laws.

2) To Assure Adequate Fire Protection Services:

A site for a fire station is included within the Governmental Facilities area identified in 13.4.B above.

12.05 RECREATION AEAS

A. Neighborhood Parks

As more particularly described below, land for neighborhood parks, together with certain neighborhood park facilities will be dedicated and conveyed to the Pelican Bay of Naples Foundation, Inc. as neighborhood parks for exclusive use by the residents of Pelican Bay on or before June 30, 1994. The applicant shall install and construct, at its expense, certain improvements within the neighborhood parks. The location and size of the neighborhood parks and description of the existing improvements and the improvements to be constructed within such parks are listed below:

- 1) The Commons (9.56 acres):
 - Administration building (as existing)
 - Eight (8) Har-Tru tennis courts (as existing)
 - Two (2) hard-surface tennis courts (as existing)
 - Tram turnaround (as existing)
 - Tennis building/shelters (as existing)
 - Parking for 195 cars (as existing)
 - One (1) tot lot (as existing)
 - Two (2) regulation horseshoe pits (unlighted)
 - Two (2) regulation shuffle board courts (unlighted)
- 2) South Beach Facility and Boardwalk (3.43 acres):
 - Two (2) restaurants (as existing)
 - Pavilion (as existing)
 - Parking for 130 cars (as existing)
 - Two (2) Tram shelters (as existing)
- 3) Ridgewood Park (3.73 acres):
 - Exercise trail (as existing)
 - Picnic facilities (unlighted)
 - One (1) tot lot (unlighted)
 - Parking for six (6) cars (unlighted)
- 4) Oakmont Park (9.62 acres):
 - Exercise/nature trail (as existing)
 - Tot lot (as existing).
- 5) North Station Park (4.7 acres):
 - Tram storage/shelter building (18' x 34')
 - Parking for 50 cars (unlighted)
- 6) Hammock Oak Park (7.97 acres):
 - Eight (8) Har-Tru regulation tennis courts (lighted).
 - Two (2) regulation horseshoe pits (lighted)
 - Two (2) regulation shuffle board courts (lighted)
 - Tennis building with office and storage space and one (1) male restroom and one (1) female restroom (approximately 20' x 30')

Parking for 24 cars (lighted)

For purposes of this section use of the words "as existing", "lighted" and "unlighted" is for the sole purpose of describing the capital improvement obligation of the Westinghouse Communities of Naples, Inc., and is not to be construed as a limitation on improvements for each of the capital improvements described above.

The neighborhood park improvements shall be completed not later than June 30, 1994, unless such completion is delayed because of circumstance beyond applicant's reasonable control, in which event, the neighborhood park improvements shall be completed as soon as reasonably possible thereafter. To the extent not previously dedicated and conveyed, the lands for the neighborhood parks shall be dedicated and conveyed to the Pelican Bay of Naples Foundation, Inc. immediately upon completion of the neighborhood park improvements.

B. Community Parks

Twenty (20) acres as described in Section 13.4.B. above is available for use as a Community Park. This property is located adjacent to the school sites so that maximum utilization can be achieved.

C. Gulf-front Land

Thirty-six (36) acres of Gulf-front land plus two (2) acres for upland parking shall be made available as described in Section 2.03 for public ownership.

D. Beach Access

Approximately five (5) acres located at the northwest corner of Pelican Bay adjacent to Vanderbilt Beach Road and the Gulf of Mexico shall be developed into approximately 120 parking spaces and then conveyed to Collier County after obtaining necessary permits.

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2004-59

Which was adopted by the Board of County Commissioners on the 21st day of September 2004, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 28th day of September, 2004.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

Linda A. Holtz

By: Linda A. Holtz
Deputy Clerk

