

ORDINANCE 92- 11

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102 THE COLLIER COUNTY LAND DEVELOPMENT CODE WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA AND AMENDING THE OFFICIAL ZONING ATLAS MAP NUMBERED MB2A BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM "PUD" TO "PUD" PLANNED UNIT DEVELOPMENT KNOWN AS HIDEAWAY BEACH PUD, FOR PROPERTY FURTHER DESCRIBED AS LOTS 1 THROUGH 4 OF BLOCK 24, HIDEAWAY BEACH ENTRANCE, IN SECTION 7, TOWNSHIP 52 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 305 ACRES; PROVIDING FOR THE REPEAL OF ORDINANCE NUMBER 80-81, HIDEAWAY BEACH PUD, AS AMENDED; AND BY PROVIDING AN EFFECTIVE DATE.

SECRETARY OF STATE

FEB 20 10 30 AM '92

FILED

WHEREAS, Donald A. Pickworth of Asbell, Hains, Doyle & Pickworth, P.A., representing Royal Marco Developments, 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;

SECTION ONE:

The Zoning Classification of the herein described real property located in Section 7, Township 52 South, Range 26 East, Collier County, Florida, is changed from "PUD" to "PUD" Planned Unit Development in accordance with the PUD Document, attached hereto as Exhibit "A" which is incorporated herein and by reference made part hereof. The Official Zoning Atlas Map Numbered MB2A, as described in Ordinance Number 91-102, the Collier County Land Development Code, is hereby amended accordingly.

SECTION TWO:

Ordinance Number 80-81, as amended, known as the Hideaway Beach PUD, adopted on August 19, 1980 by the Board of County Commissioners of Collier County is hereby repealed in its entirety.

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SECTION THREE:

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 11th day of February, 1992.

ATTEST:
JAMES C. GILES, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

[Signature]
ATTEST: JAMES C. GILES, Clerk

BY: *[Signature]*, CHAIRMAN

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

[Signature]
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

PUD-80-20(4) ORDINANCE
nb/6963

This ordinance filed with the
Secretary of State's Office th-
20th day of Feb., 1992
and acknowledgement of that
filing received th- 21st day
of Feb., 1992
By *[Signature]*
Deputy Clerk

PLANNED UNIT DEVELOPMENT DOCUMENT

FOR

HIDEAWAY BEACH

MARCO ISLAND, FLORIDA

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EXHIBIT "A"

CONSOLIDATED DOCUMENT

FEBRUARY 18, 1992

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STATEMENT OF COMPLIANCE

The development of approximately 305 acres of property in Section 5, Section 6, and Section 7, Township 52 South, Range 26 East, Collier County Florida, as a Planned Unit Development to be known as HIDEAWAY BEACH, 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.

HIDEAWAY BEACH will meet planning and development objectives for the following reasons:

1. This property is directly adjacent to developed property on two landward sides.
2. The property is adequately served by an arterial street, Kendall Drive, along it's eastern boundary.
3. The property is entirely within the Deltona Utility Company's water and sewer service district, who are capable of providing potable water and waste water treatment for the proposed development.
4. This proposed land use mix is compatible with surrounding uses.
5. The project shall comply with the applicable Land Development Code and subdivision regulations, except where specifically approved within this PUD, and all other County and State laws dealing with platting and subdividing of property at the time improvements and plat approvals are sought.

Any required School Impact Fees shall be paid by the developer at the time lots or condominium units are developed.

6. The project complies with Policy 5.1 of the Future Land Use Element of the Growth Management Plan because it is improved property and does not represent an increase in density.

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SECTION I

PROPERTY OWNERSHIP & GENERAL DESCRIPTION

1.01 INTRODUCTION AND PURPOSE

It is the intent of Hideaway Beach, Inc., (hereinafter called "applicant" or "developer") to establish and develop a planned unit development on approximately 305 acres of property located in Collier County, Florida, on the northwest tip of Marco Island. The Gulf of Mexico is on the west; Marco Pass on the north; Collier Bay and Old Marco and Deltona's single-family lots on the east and south. The site is served by Kendall Drive, a collector street.

1.02 NAME

The development will be known as HIDEAWAY BEACH.

1.03 LEGAL DESCRIPTION

The legal description of the site is as follows:

Existing Hideaway Beach PUD (211 acres)

Government Lot 5 in Section 6, Township 52 South, Range 26 East; also, Government lots 3, 4, and 5 in Section 7, Township 52 South, Range 26 East. All lots are in Collier County, Florida and contain 211+ acres.

Hideaway Beach 1st Addition

Tract B and Lots 1 and 2

Tract B and Lots 1 and 2 of Blk. 375, Marco Beach Unit 12, according to the plat thereof as recorded in Plat Book 6, Pg. 88 Public Records, Collier County, Florida, containing 1.74 acres + and portions of R.O.W. of Kendall Drive adjacent to Lots 1 & 2 and Tract B.

Government Lots 3 and 4 of Section 6 and Government Lot 4 of Section 5, all lying in Township 52 South, Range 26 East, Collier County, Florida, containing 92 acres, more or less.

1.04

TITLE TO PROPERTY

The 305 acres are owned as follows:

211 acres (existing Hideaway Beach, PUD) owned by Hideaway Beach, Inc.

94 acres (Hideaway Beach 1st Addition) owned by Royal Marco Corporation.

For purposes of this document, however, the ownership is referred throughout as Hideaway Beach, Inc.

1.05

GENERAL DESCRIPTION OF PROPERTY AREA

The general location of Hideaway Beach, the current zoning classifications of the surrounding properties, and nearby land developments are illustrated by Exhibit "A", Location Map. The site has no existing development. As indicated in "Introduction and Purpose" the Gulf of Mexico is on the west; Marco Pass on the north; Collier Bay, Old Marco and Deltona's single-family lots on the east and south, zoned RS-3 and RS-4 respectively.

1.06

PHYSICAL DESCRIPTION

Elevations within the project site range from sea level to approximately seven (7) feet above sea level as shown on Exhibits "C1" and "C2", Topography Maps.

The vegetation on the site is shown on Exhibits "D1" and "D2", Vegetation Maps and is discussed in detail in the Environmental Impact Statement submitted with the Application for Hideaway Beach and approved by the Collier County Commission.

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 HIDEAWAY BEACH is for a planned residential community including a mixture of single and multi-family dwelling units with golf course, tennis, golf and health club, including a beach club, small convenience store and protected beaches and wetlands.

2.03 CONSERVATION AREAS

The applicant recognizes the importance of setting aside large areas which are environmentally sensitive. When the applicant receives all local, state, federal and other regulatory agency development permits, including fill permits, and complete development is permitted in accordance with this ordinance as adopted, the applicant shall file covenants on approximately 108 acres of uplands, wetlands and open water areas, which are environmentally sensitive, including approximately two miles of beach front. 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".

No marinas or yacht basins shall be developed within the conservation or mangrove areas. The limits of these areas shall, in fact, be included on the record plat.

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 transfer of the

applicant's development rights from "ST" lands to "non-ST" lands, in compliance with the applicable sections of the Land Development Code of Collier County to permit development as herein described. No future transfer of development rights (TDR's) shall be requested for transfer from this site.

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, offstreet parking and offstreet 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.

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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 Exhibits "B1" and "B2", Master Plan. Variations in acreages shall be permitted at final design to accommodate topography, vegetation and other site conditions. The specific location and size of the 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.

TABLE 1
HIDEAWAY BEACH
LAND USE SCHEDULE

LAND USE TYPE	APPROXIMATE ACREAGE	MAXIMUM NO. OF D.U.'s
RESIDENTIAL		
Group 1 (includes road R.O.W.'s scattered common open spaces)	116	267
Group 2 (includes development parcels for each bldg. and road R.O.W. serving the parcels)	20	394
OPEN SPACE & RECREATION		
Conservation Area	132 (also included in residential areas)	
Golf Course, Tennis & Golf Club, Health Club, Convenience Commercial	35	
Beach Club	2	
TOTAL	<u>305</u>	<u>661</u>

2.07 SITE DEVELOPMENT PLAN APPROVAL

- a. Site development plan approval shall be in accordance with the standards of Division 3.3 of the Collier County Land Development Code.
- b. Provision a. is not intended to modify any vested rights which owner may have under the Collier County Growth Management Plan or Chapter 163, Part II of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, as amended.

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 116 acres. A maximum of 267 dwelling units will be placed on Group 1 parcels in accordance with Section 4.
- b. Group 2 parcels have a total of 20 acres. A maximum of 394 dwelling units will be placed on Group 2 parcels in accordance with Section 4.

2.09 PROJECT DENSITY

The total acreage of the HIDEAWAY BEACH property is approximately 305 acres. The maximum number of dwelling units to be built on the total acreage is 661. The number of dwelling units per gross acre is approximately 2.1. 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 Section 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 661. The Director shall be notified of such an increase and resulting reduction in another tract so that the dwelling units will be balanced at 661.

2.11 DEVELOPMENT SEQUENCE AND SCHEDULING

The applicant has not set "stages" for the development of the property. The estimate may of course, change depending upon future economic factors. It is estimated that the site will be developed over a 5 year period. However, the construction of single-family homes by individual lot owners and final construction of all condominium units may not be completed for several years hence. Exhibit "G" indicates, by year, the estimated absorption of units (by unit type) and the approximate population of the project (assuming full occupancy) for the estimated 7 year development period.

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EXHIBIT G

ESTIMATED ABSORPTION OF DWELLING UNITS

YEAR	SINGLE-FAMILY UNITS	ESTIMATED* POPULATION	CONDOMINIUM	ESTIMATED* POPULATION	TOTAL UNITS PER YR.	TOTAL ACCUM. UNITS	TOTAL POPUL. PER YR.	TOTAL ACCUM. POPULATED
1980	24	53	0	0	24	24	53	53
1981	30	66	60	66	90	114	198	251
1982	40	88	60	132	100	214	220	471
1983	60	132	60	132	120	334	264	735
1984	60	132	60	132	120	454	264	999
1985	30	66	60	132	90	544	198	1197
1986	23	51	94	207	117	661	258	1455
TOTAL	267	588	394	867	661	661	1455	1455

¹This assumes a total buildout of units in 7 years, although several single-family lots may remain vacant longer.

*The population estimate is based on figures compiled by Deltona Corporation in 1974 and further updated by a study done by Nichols and Blowers in 1978. No differentiation is made in persons per dwelling unit for single-family and condominium units.

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 building permits until compliance is achieved.

FACILITY OR SITE	BUILDING PERMITS FOR NOT MORE THAN		
	200	400	661
Beach Club w/pool ¹			X
Tennis & Racquetball Courts	8		
Golf Course		9 hole	
Golf & Tennis ² Pro Shop and Clubhouse	X		
Health Club ³			X
Pedestrian Paths	X		X
Entrance Gate House	X		

¹Beach Club - minimum 4500 sq. ft.

²The Golf and Tennis Clubhouse and Pro Shop - minimum 1500 sq. ft.

³Health Club - minimum 1000 sq. ft.

2.13 AMENDMENT OF ORDINANCE

Both the County and the developer, with knowledge that the long range development plan permitted by the ordinance will not be complete for a period of 7 years, recognize that exceptions, variances, or amendments to this ordinance may be necessary in the future. Obviously, there may be changes in planning 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 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 principles. 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

Definitions shall be contained in the Land Development Code of Collier County.

SECTION III

UTILITY SERVICES TO HIDEAWAY BEACH

3.01 GENERAL

a. Water Supply and Treatment Facilities

The Deltona Utilities Corporation is charged with the responsibility of providing a water system for the HIDEAWAY BEACH project.

b. Sewerage Treatment Facilities

The Deltona Utilities Corporation is charged with the responsibility of providing a sewerage system for the HIDEAWAY BEACH project.

3.02 SOLID WASTE COLLECTION

Solid waste collection for the HIDEAWAY BEACH project will be handled by the company holding the franchise for solid waste collection for the county.

3.03 ELECTRIC POWER SERVICE

Lee County Electric Cooperative will provide electric service to the entire project.

3.04 TELEPHONE SERVICE

Telephone service will be supplied to the HIDEAWAY BEACH project by United Telephone Company of Florida.

3.05 TELEVISION CABLE SERVICE

Television cable service shall be provided by Gulf-Coast Cable-Vision, Inc. of Naples.

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 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 - SINGLE FAMILY RESIDENTIAL

4.01 PURPOSE

The purpose of this Section is to set forth the regulations for the areas designated on Exhibit "B1" Master Plan, and Table 1 as Group 1 parcels.

4.02 MAXIMUM DWELLING UNITS

A maximum number of 267 dwelling units may be constructed in all of the Group 1 parcels 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.

B. Permitted Accessory Uses and Structures

Customary accessory uses and structures, including private garages and private docking facilities as specified in Section 4.04.10.

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 - Eighty-five (85) 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 SETBACKS

A. Principal Structures

1. Front Setbacks

For one level structure 25'
For two level structure 30' for second level

2. Interior Side Setback

For one level structure 15'
For two level structure 20' for second level

3. Side Street Setback

For one level structure 20'
For two level structure 25' for second level

4. Rear Setback (non-beachfront lots)

For one level structure 25'
For two level structure 30' for second level

B. Roof Overhangs And Balconies

Roof overhangs may extend 8' beyond the principal structure setback line. Balconies may extend 4' beyond the principal structure setback line.

C. Accessory Structures

1. Front Setback 25'

Accessory structures 24" or more in height - measured above street grade, except for trellises, arbors and other landscape features, which have a minimum of 10' setback.

2. Interior Side Setback 10'

3. Side Street Setback 15'

4. Rear Setback 10'

D. Special Lots

1. Lots Abutting Mangrove Areas:

All structures including overhangs and balconies, fill areas and landscape features shall be a minimum of 10' away from the edge of the trunks of the mangrove mass, as flagged by a survey at time of platting.

2. Lots Abutting Beach:

A beach setback line and/or Coastal Construction setback line has been established for the protection of the home owner as located on the record plat. This line marks the principal building setback line.

a. Accessory structures (except where coastal setback line is already established) can extend a maximum of 50' toward the water, except where such extension shall bring such structures, except for boardwalks, leading to the beach, closer than 50' from the rear lot line.

b. Roof overhangs and balconies can extend 8' beyond the building setback line.

4.04.05 FENCES AND WALLS

Shall include chain-link and wood fences, masonry and stone walls.

A. Maximum Height: Six (6) feet above crown of nearest adjacent roadway.

B. Front Street & Side Street Setbacks:
No fences or walls shall be permitted beyond the setback line for accessory structures, except where noted in 4.04.05 D.

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C. Interior Side and Rear Yard:

Fences shall be permitted on the property lines.

- D. On lots located within Parcel C, a 60" tall (measured above the street grade) wood fence or masonry wall shall be allowed on the front property line.

4.04.06 MAXIMUM HEIGHT:

Thirty-six (36) feet above crown of road of adjacent front street. Accessory buildings limited to twenty-five (25) feet above crown of adjacent front street crown of road.

4.04.07 MAXIMUM NUMBER OF STORIES:

Two (2) stories, not including ground level for parking and accessory uses.

4.04.08 MINIMUM FLOOR AREA:

1800 sq. ft.

4.04.09 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.

4.04.10 DOCKS

- A. A private docking facility (the Docking facility) capable of accommodating 28 boats shall be permitted to be constructed as an additional accessory use located adjacent to or extending from an area encompassed by or extending from Lot 1, Block 24, HIDEAWAY BEACH ENTRANCE, Plat Book 13 at Page 36-38 of the Public Records of Collier County, Florida (hereinafter "Lot 1"). The Docking Facility shall be constructed generally as depicted on Exhibit I, attached hereto and made a part of hereof (Hideaway Beach Residential Docking Facility hereinafter "the Dock Master Plan"). No boats may be moored in the area labeled "docking prohibited" on the Dock Master Plan. The 28 boats authorized hereby shall be subject to

the following length limitations: (i) no more than two boats may exceed 40 feet, and shall not be longer than 45 feet; (ii) an additional three boats may be up to 40 feet in length; (iii) the remaining 23 boats shall be 31 feet or less.

- B. If the Docking Facility is constructed, Lot 1 shall be used solely for accessory uses relating to the docking facility. There shall be no motor vehicle parking on Lot 1 except the Developer may construct a parking area for golf carts which shall be the only required or allowable parking. The parking area shall be landscaped in accordance with the Land Development Code.
- C. The docks authorized hereby are solely for the use of owners or lessees of residential units in Hideaway Beach, and shall not be sold or leased except to persons who are residential owners or lessees in Hideaway Beach.
- D. If the Docking Facility authorized hereby is not constructed on Lot 1, then none of the provisions contained herein relating to the Docking Facility shall apply and Lot 1 shall at all times be deemed to be a Group 1-Single Family Residential lot, in accordance with Section IV of the Hideaway Beach PUD, and shall at all times be developable as such, including such accessory structures as are authorized for single family homes. Any boat dock constructed adjacent to Lot 1 in connection with the construction of a single family home shall comply with all applicable regulations of the County Land Development Code, including but not limited to setbacks, length, and protrusion into the waterway.
- E. Lots 2 through 4, Block 24, HIDEAWAY BEACH ENTRANCE shall at all times be deemed to be Group 1-Single Family Residential lots, in accordance with Section IV of the Hideaway Beach PUD, and shall at all times be developable as such, including such accessory structures as are authorized for

single family homes. Any boat docks constructed adjacent to Lots 2 through 4 shall comply with all applicable regulations of the County Land Development Code, including but not limited to setbacks, length, and protrusion into the waterway. Provided however that the existing structures on Lots 2, 3 and 4 may continue to be used as a sales center and associated parking in accordance with this PUD, Section 2.6.33 of the Land Development Code or its successor, and temporary use permits granted thereunder.

- F. No trailer or dry dock storage of boats shall be allowed on Lot 1, no refueling facilities shall be allowed and all yard lighting shall be focused away from the residential area to the south.
- G. The Docking Facility authorized hereby shall be deemed an accessory use to the residences in Hideaway Beach and no commercial uses of any kind shall be allowed.
- H. A "Manatee Alert" bulletin board shall be placed in a high visibility area of the Docking Facility and "Manatee Area" signs shall be posted on any channel markers installed in conjunction with the Docking Facility. Additional channel markers shall be installed by Developer in the Collier Bay channel between existing R-6 and R-2.
- I. A portable sewage pump-out facility shall be provided.
- J. Sufficient and adequate turbidity screening shall be provided during construction, with locations of silt screen placement clearly indicated on the final approved construction plans, in order to prevent increased turbidity in surrounding water.
- K. Sea grass beds shall be delineated by the developer and the delineated line approved by Project Review Services Environmental Staff based upon information about the sea grass beds obtained during the months of July or August. Sea grass bed marker signs shall be placed near the edge of the

delineated beds by the County and shall be placed to adequately warn boating traffic approaching the marina from each possible route of approach. The cost of the signs shall be paid by the developer.

- L. Prior to the preliminary Site Development Plan approval, the applicant shall seek a letter of technical assistance from the Florida Game and Fresh Water Fish Commission regarding management of the on-site osprey nest. Site plan revisions may be required to accommodate Florida Game and Fresh Water Fish Commission recommendations.
- M. No boat launching ramp shall be permitted.
- N. Prior to commencement of construction of the Docking Facility, the developer shall have an agreement with the Hideaway Beach Home Owners Association, Inc. (the Association) that upon completion of construction of the Docking Facility, ownership of the Docking Facility and Lot 1 as described herein shall be conveyed to the Association. The agreement shall provide that the operation and maintenance of the Docking Facility and Lot 1 shall be the responsibility of the Association.
- O. A fire hydrant shall be installed by the developer at the east tip of Lot 1 which provides a minimum 750 gallon per minute with a 20 PSI pressure, 8" round pipe minimum if not a looped system.
- P. The developer shall provide a 5 foot wide sideway from the cul de sac to the dock at the Renard Waterway for fire access.

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SECTION V

GROUP 2 - MULTI-FAMILY RESIDENCE

- 5.01 The purpose of this section is to set forth the regulations for the areas designated on Exhibits "B1" and "B2", Master Plan, and Table 1 as Group 2.

5.02 MAXIMUM DWELLING UNITS

A maximum number of 394 dwelling units may be constructed in the Group 2 parcels as permitted by Section 2.10 with a maximum of 360 multi-family units being constructed in Hideaway Beach 1st Addition.

5.03 USES PERMITTED

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

A. Principal Uses:

1. Multi-Family units
2. Cluster Housing
3. Two-family Dwelling or Duplex

B. Permitted Accessory Uses and Structures

1. Recreational facilities for the exclusive use of residents of the building.
2. Signs as permitted by the Land Development Code of Collier County.

5.04 MULTI-FAMILY REGULATIONS

5.04.01 LOT AREA:

- A. A building parcel shall be provided for each multiple-family building and it's accessory uses and parking facilities.

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- B. Said parcel shall conform generally to the shape of the building and it's required parking facilities and accessory uses as located generally in the area shown on the Master Plan Exhibits "B1" and "B2". These parcels shall be kept to a minimum practical distance beyond the area of building, accessory uses and parking to limit the amount of clearing of vegetation to that necessary to construct and maintain these uses. These shall be recorded in the same manner as a subdivision plat.

5.04.02 MINIMUM SETBACKS:

- A. A minimum setback of 40' from the principal structure to the pavement edge of private roads, shall be provided.
- B. A minimum setback of 30' from accessory structures to the pavement edge of private roads shall be provided.
- C. Distance between principal structures shall be a minimum of 60'; and between accessory structures and principal structures other than the one served by the accessory structure, a minimum of 30'; provided, however, the distance between principal structures shall only be required to be a minimum of 30' if both principal structures are 40' or less in height, and between accessory structures, which may not exceed 20 feet in height, and principal structures other than the one served by the accessory structure a minimum of 15 feet.

Notwithstanding anything contained herein to the contrary, principal structures forty (40) feet or less in height may be constructed twenty (20) feet apart provided the following criteria are met at the area where they are twenty (20) feet apart.

- i. The two principal structures have a common architectural theme;
- ii. The two principal structures shall be architecturally connected with a breezeway; and

iii. Such principal structures shall not have any clear windows in the adjoining end walls which shall be immediately opposing each other on the same story and further such clear windows shall have a minimum separation of thirty (30) feet from clear windows on the same story in the adjoining principal structure. An example of such plan is attached as Exhibit H.

D. There shall be no minimum setback from any structure to the lot lines of a building parcel as described in 5.04.01.

E. Buildings Abutting Beach - A beach setback line has been established for the protection of property owners, as located on the record plat. This line, set 150' back from the edge of the beach, marks the principal building and accessory structure setback line. Only pedestrian walkways shall be permitted seaward of this line.

F. Screen enclosures shall follow the same setback as other accessory structures.

5.04.03 MAXIMUM HEIGHTS OF STRUCTURES:

Principal structures shall be a maximum of 100 feet above flood elevation level as established by Collier County.

5.04.04 MAXIMUM NUMBER OF STORIES:

The maximum stories permitted for the principal structures shall be seven, plus two parking levels.

5.04.05 MINIMUM LIVING AREA OF PRINCIPAL STRUCTURES:

Fifteen hundred (1500) gross sq. feet of living area per dwelling unit.

5.04.06 OFF-STREET PARKING:

There shall be a minimum of 1.5 parking spaces per dwelling unit, with a minimum of 50% of the spaces

under the principal structure. The Director may permit a lesser number of parking spaces to be paved when circumstances indicate infrequent uses. However, those unpaved spaces shall be grassed and reserved for future paving.

5.04.07 OFF-STREET LANDSCAPING:

Landscaping shall be provided as required by Land Development Code of Collier County, or as required by the Homeowner's Association.

5.05 CLUSTER HOUSING REGULATIONS

5.05.01 LOT AREA:

- A. A building parcel shall be provided for each cluster building and its accessory uses and parking facilities.
- B. Said parcel shall conform generally to the shape of the building and its required parking facilities and accessory uses as located generally in the area shown on the Master Plan Exhibits "B1" and "B2". These parcels shall be kept to a minimum practical distance beyond the area of building, accessory uses and parking to limit the amount of clearing of vegetation to that necessary to construct and maintain these uses. These shall be recorded in the same manner as a subdivision plat.

5.05.02 MINIMUM SETBACKS:

- A. A minimum setback of 10' from the principal structure to the pavement edge of private roads shall be provided.
- B. A minimum setback of 20' from accessory structures to the pavement edge of private roads shall be provided.
- C. A minimum setback of 15' between principal structures; and between accessory structure and principal structures other than the one served by the accessory structure, a minimum of 20'.

- D. There shall be a 10' minimum setback from the rear property line abutting the golf course.
- E. A minimum setback of 7 1/2' from the side property line abutting the golf course.
- F. A minimum of 7 1/2' from the side property line abutting the edge of pavement.
- G. A minimum of 10' from the side property line abutting Hideaway Circle East.
- H. Screen enclosures shall follow the same setbacks as the principal structure.

5.05.03 MAXIMUM HEIGHTS OF STRUCTURES:

Principal structure shall be a maximum of 32 feet above the flood elevation level as established by Collier County.

5.05.04 MAXIMUM NUMBER OF STORIES:

The maximum stories permitted for the principal structures shall be three floors.

5.05.05 MINIMUM LIVING AREA OF PRINCIPAL STRUCTURES

Fifteen hundred (1500) gross square feet of living area per dwelling unit.

5.05.06 OFF-STREET PARKING:

There shall be a minimum of 2 parking spaces per dwelling unit, with a minimum of 50% of the spaces under the principal structure. The Director may permit a lesser number of parking spaces to be paved when circumstances indicate infrequent uses. However, those unpaved spaces shall be grassed and reserved for future paving.

5.05.07 OFF-STREET PARKING LANDSCAPING:

Landscaping shall be provided as required by Land Development Code of Collier County.

SECTION VI
GOLF COURSE

6.01 PURPOSE

The purpose of this section is to set forth the regulations for the area designated on Exhibit "B1" Master Plan as PARCEL A.

6.02 PERMITTED USES AND STRUCTURES

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

A. Permitted Uses

1. Golf Course
2. Golf and Tennis Pro Shop and Club House
3. Tennis and Racquetball Courts
4. Health Club
5. Convenience Commercial Facilities
 - a) Barber & Beauty Shops
 - b) Delicatessens
 - c) Dry Cleaning Shops
 - d) Food Markets
 - e) Gourmet Shops
 - f) Sundry Stores
 - g) Professional Offices
 - h) 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

1. Maintenance shops and equipment storage.
2. Living quarters for maintenance personnel.
3. Signs as permitted in the Land Development Code.

6.03 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.

A. General Requirements

1. Overall design shall be harmonious in terms of landscaping, location of parking areas, recreation facilities, and building masses.
2. Buildings shall be set back a minimum of 50 feet from abutting private street pavement edges and residential structures (except for maintenance personnel living quarters).
3. Tennis and racquetball courts shall be set back a minimum of 45 feet from abutting private street pavement edges and residential structures (except maintenance personnel living quarters).
4. A minimum of 6 tennis courts and 2 racquetball courts shall be provided.
5. Lighting facilities shall be arranged in a manner to protect roadways and neighboring properties from direct glare.
6. The required setbacks for buildings and courts shall be heavily landscaped to act as buffers.
7. All outdoor storage areas and maintenance yards shall be screened from view.

6.04 MAXIMUM HEIGHT

Thirty-six (36) feet above the finished grade of the crown of the nearest abutting private road.

6.05 MAXIMUM AREA OF CONVENIENCE COMMERCIAL

A maximum of 2500 gross square feet of commercial space, including storage, shall be permitted.

6.06 MAXIMUM NUMBER OF LIVING UNITS FOR MAINTENANCE PERSONNEL

A maximum of two living units shall be provided in the vicinity of the golf and tennis complex for use by maintenance personnel.

6.07 MINIMUM OFF-STREET PARKING

Golf course (incl. Golf and Tennis Pro Shop and Health Clubhouse and Golf Clubhouse), Tennis and Racquetball Courts-2 spaces per golf hole and 1 space per court.

Convenience Commercial - 1 space per 250 sq. ft. of gross floor area. The director may permit a lesser number of parking spaces to be paved when circumstances indicate infrequent use. However, these unpaved spaces shall be grassed and reserved for future paving.

6.08 OFF-STREET PARKING LANDSCAPING

Landscaping shall be provided as required by the Land Development Code of Collier County.

SECTION VII

BEACH CLUB

7.01 PURPOSE

The purpose of this section is to set forth the regulations for the area designated on Exhibit "B1" Master Plan as Parcel B.

7.02 PERMITTING PRINCIPAL USES AND STRUCTURES

A. Principal Uses:

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

1. Clubhouse
2. Restaurant and bar for use by residents and guests only.

B. Permitted Accessory Uses and Structures:

1. Swimming Pools and spas
2. Outdoor service bars
3. Accessory uses and structures customarily associated with recreation buildings.
4. Signs as permitted by the Land Development Code.

7.03 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.

A. General Requirements:

1. Overall design shall be harmonious in terms of landscaping, location of parking areas, recreation facilities, and building masses.

2. Buildings shall be set back a minimum of 30 feet from abutting private street pavement edges and residential structures.
3. Pool, patios, other such structures shall be set back a minimum of 20 feet from abutting residential lots and private street pavement edges.
4. The required perimeter setbacks shall be heavily landscaped to provide buffers.
5. The principal building shall be setback a minimum of 100' from the vegetation line of the beach as defined at the time of platting.
6. Accessory structures shall be set back a minimum of 50' from the vegetation line of the beach as defined at time of platting.

7.04 MAXIMUM HEIGHT

- A. Principal Buildings - 50 feet above finished grade of crown of the nearest private road.
- B. Accessory Structures - 25 feet above finished grade of crown of the nearest private road.

7.05 MINIMUM OFF-STREET PARKING

A. Clubhouse

One (1) parking space per 250 sq. ft. of gross floor area excluding restaurant and bar.

B. Restaurant-Bar

One (1) space for each 4 seats in public rooms whether seating is fixed or movable.

The director may permit a lesser number of parking spaces to be paved when circumstances indicate infrequent use. However, these unpaved spaces shall be grassed and reserved for future paving.

7.06 OFF-STREET PARKING LANDSCAPING

Landscaping shall be provided as required by the Land Development Code of Collier County.

7.07 MAXIMUM SIZE OF RESTAURANT

The restaurant-bar shall have maximum seating capacity of 250 seats.

7.08 APPROVAL OF CONSUMPTION-ON-PREMISES LICENSE

Shall be subject to any requirements of the Land Development Code in effect at time of application.

BOOK 051 PAGE 141.

SECTION VIII
CONSERVATION AREA

8.01 PURPOSE

The purpose of this Section is to set forth the regulations for the area designated on Exhibit "B1" and "B2" Master Plans, as conservation areas.

8.02 PERMITTED USES AND STRUCTURES

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

A. Principal Uses Requiring Site Plan Approval:

1. Nature trails including boardwalks.
2. Paths and bridges to provide access from the uplands to the beach for pedestrians and minor maintenance equipment.
3. Beach sun shelters
4. Other activities for recreation, conservation, and preservation when approved by the Director.
5. 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 Land Development Code.

8.03 SETBACKS

All principal and accessory uses or structures shall comply with the Coastal Construction Setback Line and/or Beach Setback line where applicable.

8.04 CONSERVATION AREA OWNERSHIP AND MAINTENANCE

The HIDEAWAY BEACH Homeowner's Association shall be responsible for enforcing applicable covenants, control, supervision and maintaining of the conservation area in its natural state.

SECTION IX
DEVELOPMENT COMMITMENTS

9.1 ENVIRONMENTAL AND NATURAL RESOURCES

A. Natural Resources

1. Preserve the existing red mangrove fringe around all significant water bodies.
2. Stake the approximate interface of the red mangrove forest.
3. Limit, by deed restriction, the filling activities within single family lots to a maximum of 60% of the lot area.
4. Covenant the Conservation area for preservation, conservation and limited recreational uses; and,
5. The provisions of Section 2.03, CONSERVATION AREAS, are a part of this section.
6. Developer shall be subject to Division 3.9 Land Development Code tree/vegetation removal ordinance requiring the acquisition of a tree removal permit prior to any land clearing. A site clearing plan shall be submitted to Environmental Resource Management and the Community Development Division for their review and approval prior to any substantial work on the site. This plan may be submitted in phases to coincide with the development schedule. The site clearing plan shall clearly depict how the final site layout incorporates retained native vegetation to the maximum extent possible and how roads, buildings, lakes, parking lots, and other facilities have been oriented to accommodate this goal.
7. Native species shall be utilized, as described below, in the site landscaping plan. A landscape plan for all landscaping on the development shall be submitted to the County

Landscape Architect and to a County Environmental Specialist for their review and shall be subject to their approval. The landscape design shall incorporate a minimum of 60% native plants, by number, including trees, shrubs, and ground cover. At least 60% of the trees, 60% of the shrubs, and 60% of the ground cover shall be native species. At the direction of the County Landscape Architect or County Environmental Specialist a higher percentage of trees or shrubs can offset an equal percentage of ground cover. For example, the use of 70% native trees could allow the use of only 50% native ground cover. This plan shall depict the incorporation of native species and their mix with other species, if any. The goal of site landscaping shall be the recreation of native vegetation and habitat characteristics lost on the site during construction or due to past activities.

8. All exotic plants, as defined in the County Code, shall be removed during each phase of construction from development areas, open space areas, and preserve areas. Following site development a maintenance program shall be implemented to prevent reinvasion of the site by such exotic species. This plan, which will describe control techniques and inspection intervals, shall be filed with and approved by Environmental Resource Management and the Community Development Division.
9. If during the course of site clearing, excavation, or other constructional activities, an archaeological or historical site, artifact, or other indicator is discovered, all development at that location shall be immediately stopped and Environmental Resource Management notified. Development will be suspended for sufficient length of time to enable Environmental Resource Management or a designated consultant to assess the find and determine the proper course of action in regard to its salvageability. Environmental Resource Management will respond to any such notification in a timely and efficient manner so as to provide only a minimal interruption to any construction activities.

10. Applicant shall be subject to all the environmental standards of the Land Development Code any other amendments to the PUD document.
11. The applicant shall not be absolved from supplying necessary information as required for subsequent site plan approval (i.e. wildlife surveys, etc.).

B. Water Resources

1. Potable Water Supply - Prior to the issuance of any construction permits by Collier County, HIDEAWAY BEACH shall demonstrate that Deltona Utilities Corporation is able to provide the water supply requirements of that phase of the project for which permits are sought.

C. Drainage Considerations

1. Upland Areas

- a. Prior to the preparation of the final plans, the Drainage Plan prepared by HIDEAWAY BEACH Improvement District shall be submitted to and approved by the Water Management Advisory Board. HIDEAWAY BEACH 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. The minimum building floor elevation shall be 13 feet above mean sea level.

D. Sewage Treatment Facilities

Prior to the issuance of any construction permits by Collier County, HIDEAWAY BEACH shall demonstrate that Deltona Utilities Corporation is able to provide the sewage treatment facilities requirements of that phase of the project for which permits are sought.

E. Water Management and Engineering

A single duplex is allowed on a platted lot or tract without going through the SDP process. If more than one duplex is proposed on a single platted lot or tract, a SDP, pursuant to Division 3.3 of the Land Development Code, is required prior to issuance of any building permits.

9.2 TRANSPORTATION

A. Internal

The internal roadway system of the proposed project, including intersection improvements shall be constructed by the applicant as indicated on Exhibit "E1" & "E2". Phasing and/or bonding for the ultimate improvements shall be done in accordance with the Subdivision Regulations. All internal roads shall be privately owned and maintained by the Homeowner's Association.

B. Access to Surrounding Roads

Access to the surrounding public roads shall be limited to those access points shown on Exhibit "B1" except as otherwise approved by the Coastal Area Planning Commission.

C. Landscape Buffer Strip

A landscaped buffer strip, a minimum of 30 feet in depth, shall be designated along the residential areas adjacent to existing residential lots on Kendall Drive, Colonial Avenue, and Spinnaker Drive. A 6' tall, chain link fence, covered by landscaping, shall be provided on this buffer strip and on the north and south perimeter property lines to provide security for the residents. This buffer shall be installed by the developer and completed prior to the completion of the 25% of the residential units.

D. External Road Improvements

The Homeowner's Association shall pay its fair share for the cost of four laning Kendall Drive to its intersection with Collier Boulevard when the four laning is deemed necessary by the County Engineer.

- E. Detailed paving, grading and site drainage plans shall be submitted to Project Review Services for review. No construction permits shall be issued unless and until approval of the proposed construction in accordance with the submitted plans is granted by Project Review Services.
- F. Roadway layout, typical road cross sections, curve radii and etc., shall be in accordance with Collier County Subdivision Regulations.
- G. Cul-de-sac turn around radius is subject to approval of local fire district.

9.3 FIRE PROTECTION

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.

9.4 RECREATION

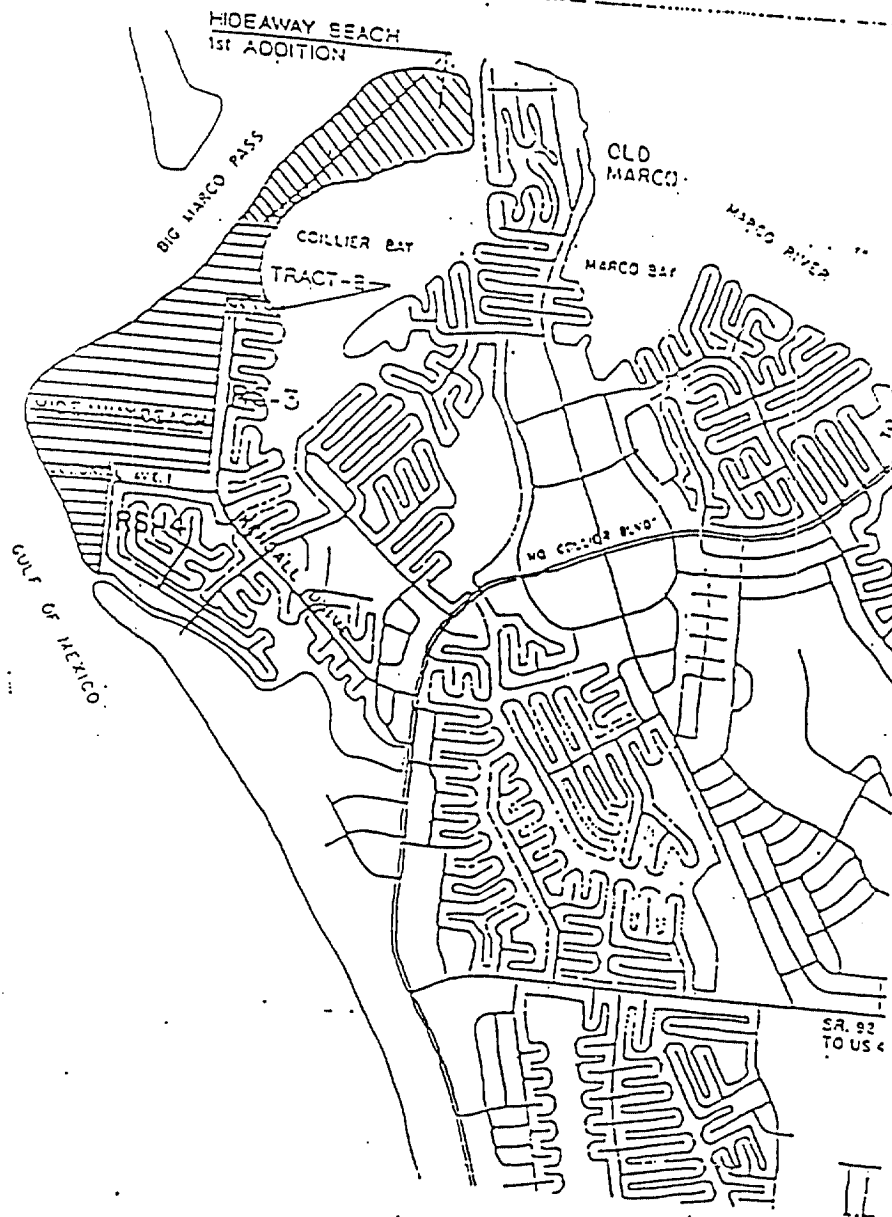
HIDEAWAY BEACH is, as itemized in 2.12 providing adequate active and passive recreation facilities to meet the needs of its residents.

9.5 HOMEOWNERS ASSOCIATION

A Homeowner's Association shall be established to collect dues and manage and maintain all common areas and facilities. All undeveloped lots are to be left with natural vegetation and maintained by the Homeowner's Association. Any request for clearing must be approved by the Homeowner's Association.

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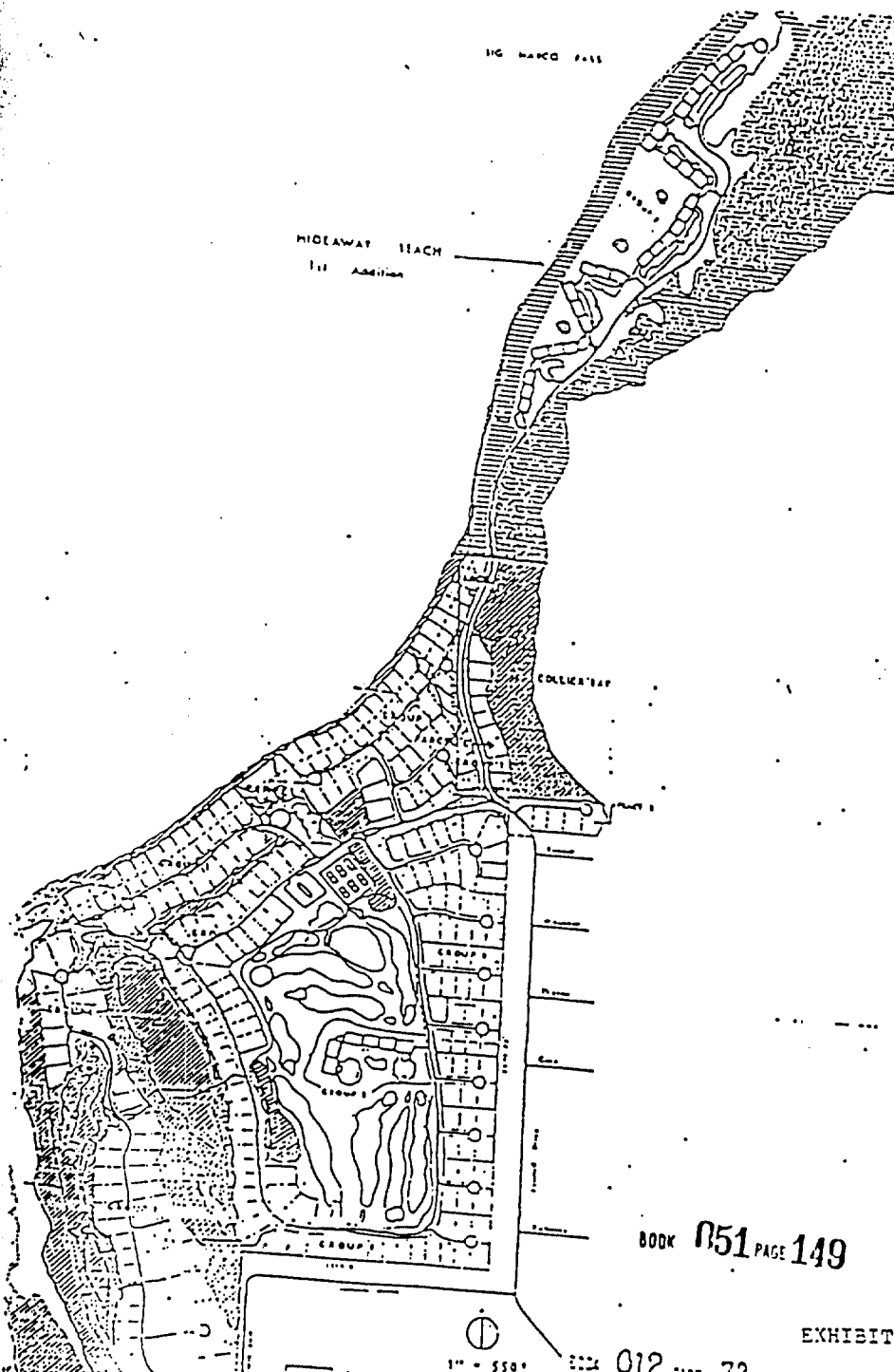


VICINITY MAP

EXHIBIT 'A'

BOOK 012 PAGE 71

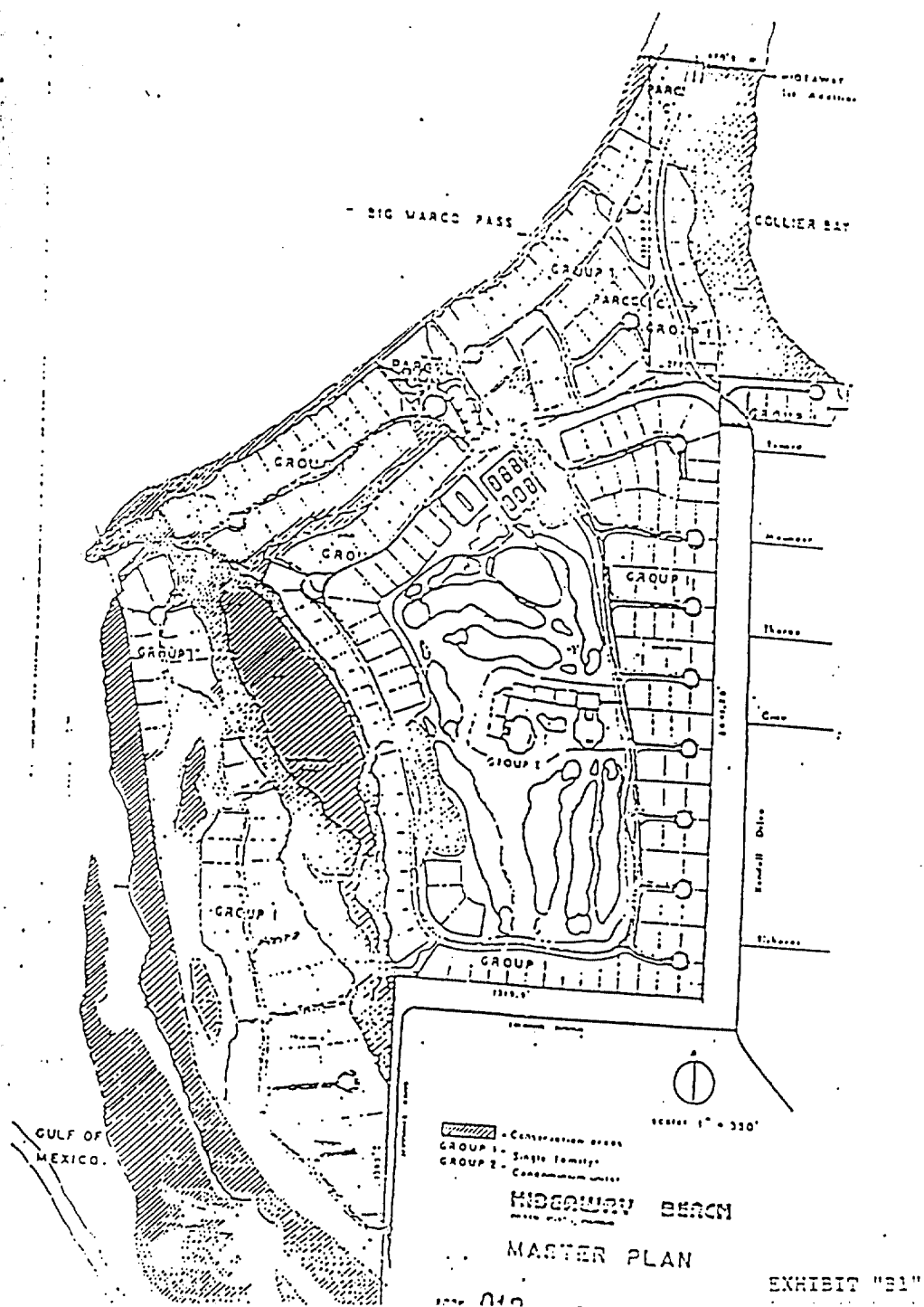
BOOK 051 PAGE 148



BOOK 051 PAGE 149

EXHIBIT "A1"

012 72



CID MARCO

LIG MARCO PASS

COLLIER SAT

GROUP 2

— Conservation area
GROUP 1 - Condominium units

150' WIDE TURNING TO
BEACH STAIRS TIME

NIDEWAY BEACH
IN ADDITION
MARCO ISLAND, FLORIDA

MASTER PLAN

LINE OF STAIRS TIME

SCALE: 1" = 250'

0 250'

EXHIBIT 1

ORIGINAL NIDEWAY BEACH

012 74

BOOK 051 PAGE 151

EXHIBIT "B2"

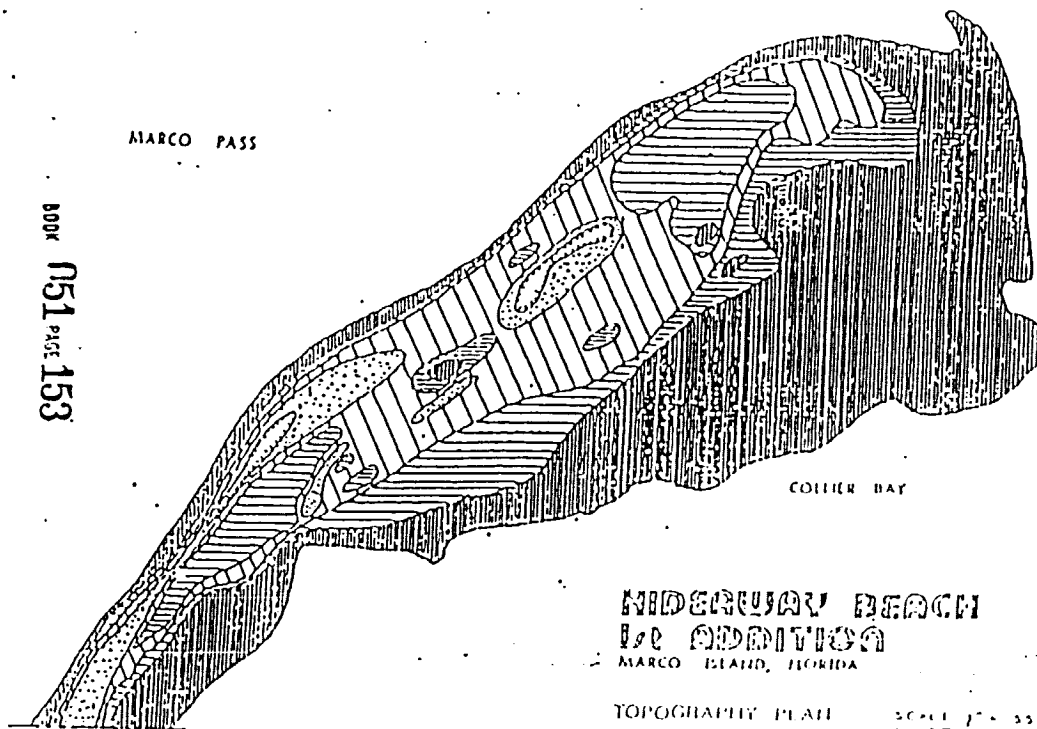
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MARCO PASS

BOOK 151 PAGE 153

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










COLLIER BAY

MIDWAY BEACH
 IN ADDITION
 MARCO ISLAND, FLORIDA

TOPOGRAPHY PLAT
 SCALE 1" = 500'
 EXHIBIT C-1

11

- 115129
-  Gold foreshore mangroves - tidal
 -  Salt lakes and brackish mangroves - tidal
 -  Dry sand and brackish mangroves - non-tidal
 -  Collier Bay mangrove fringe - tidal
 -  Mangrove ponds and red mangrove fringes - brackish
 -  Buttonwood swales
 -  Buttonwood swales

-  Casahuate, prickly pear, cabbage palm, saw palmetto, scruboak, grass, etc., scrub
-  Small oaks, West Indian hardwoods, saw palmetto, large live oak, Jacaranda, baywood, cabbage palm, marsh

MARCO PASS

COLLIER BAY

HIDEAWAY BEACH IN ADDITION MARCO ISLAND, FLORIDA

VEGETATION PLAN

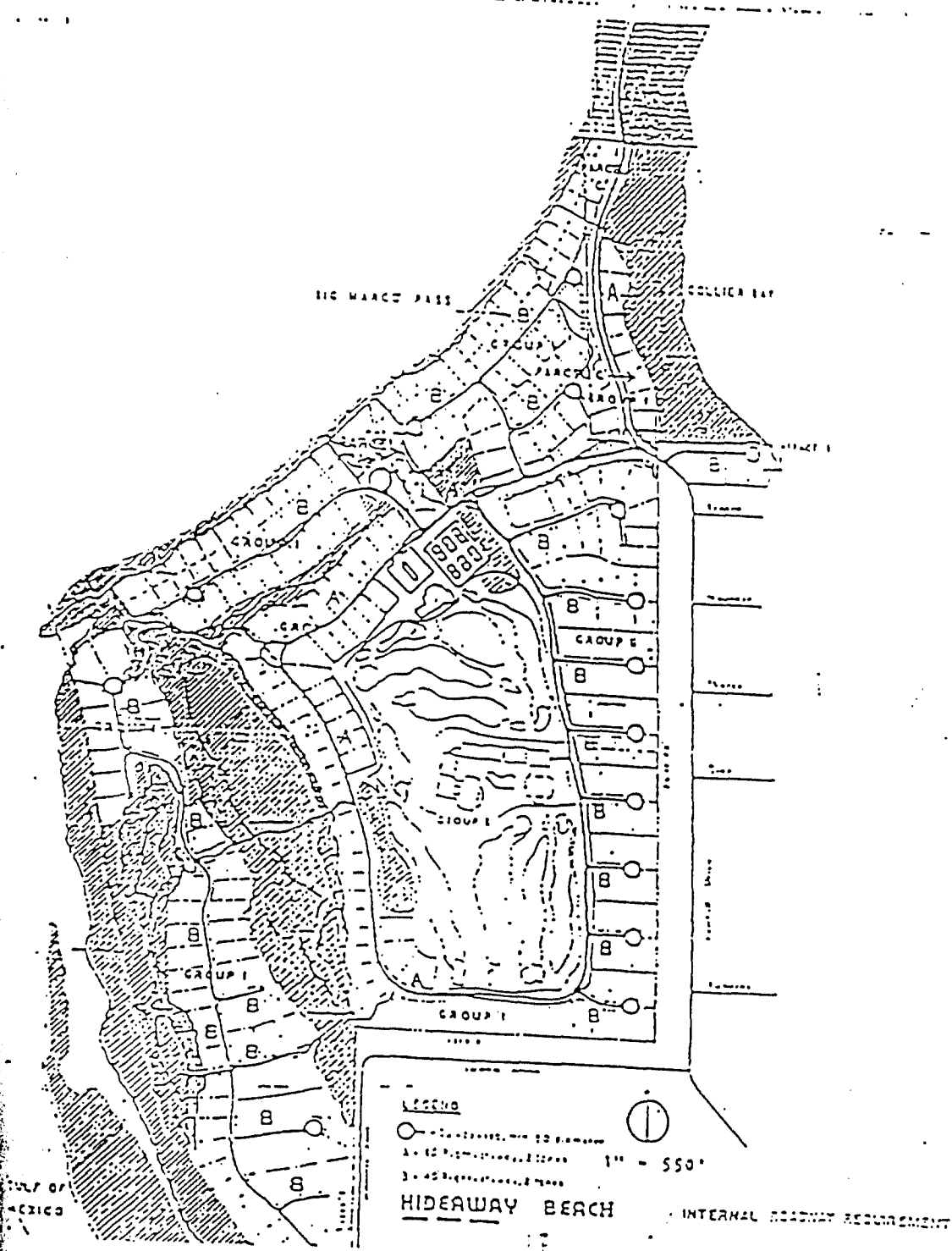
SCALE, 1" = 550'

0 550'

EXHIBIT D-2

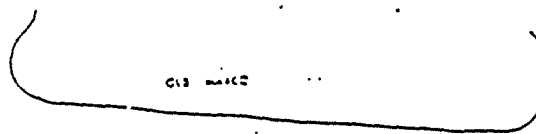
BOOK 012 PAGE 76

BOOK 051 PAGE 155



012 79

EXHIBIT 'C'



10 MARCO FALL

COULM 140

GROUP 1

GROUP 1 - Condominium area

100' wide, running to
Marco Island area

END OF STRIPED LINE

HIDEAWAY BEACH
IN ADDITION
MARCO ISLAND, FLORIDA

INTERNAL ROADWAY REQUIREMENTS

LEGEND

- - 10' wide, running to Marco Island area
- 1 - 10' wide, running to Marco Island area
- 2 - 10' wide, running to Marco Island area
- 3 - 10' wide, running to Marco Island area

Scale = 1" = 550'

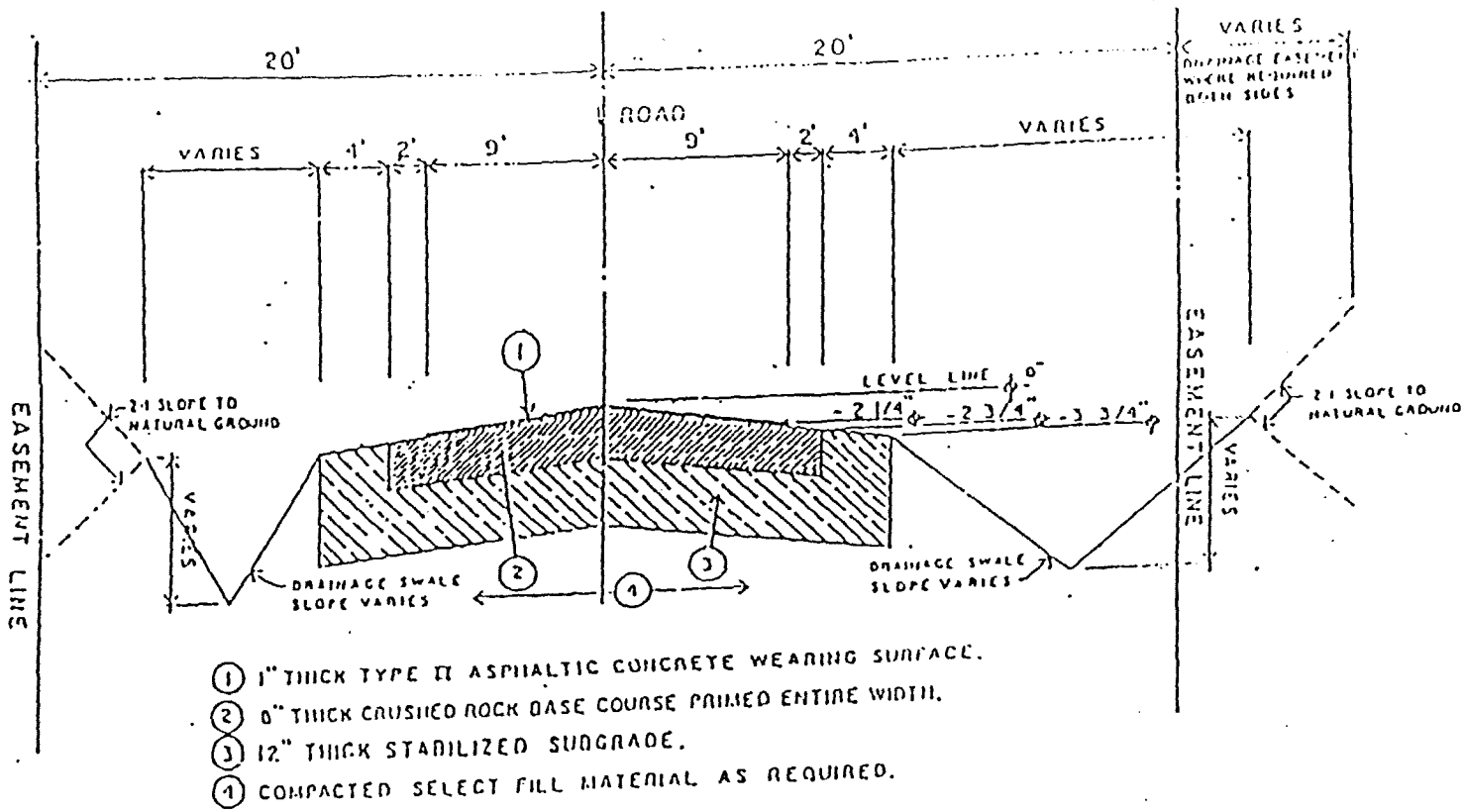
EXHIBIT: E²

012

BOOK 051 PAGE 157

BOOK 051 PAGE 158

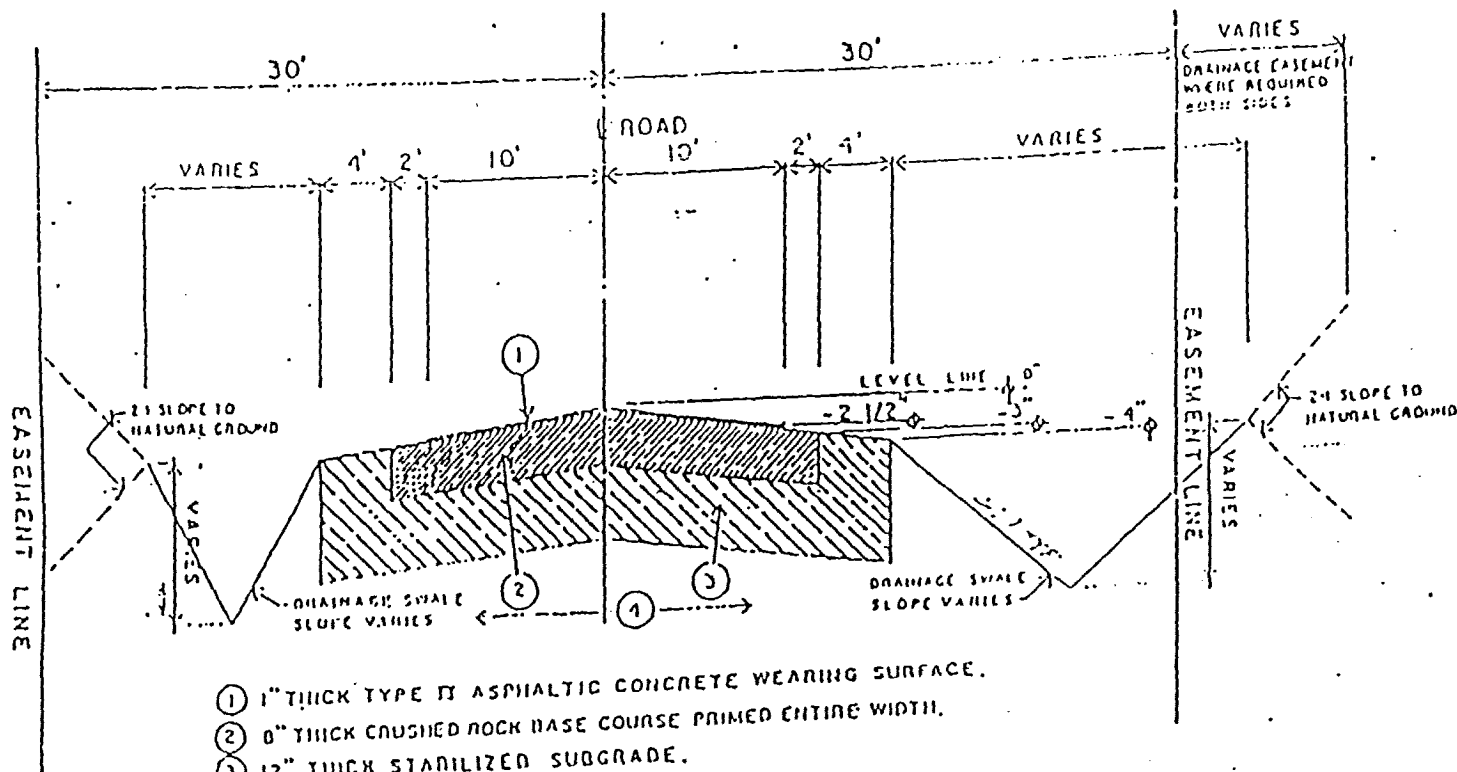
EXHIBIT 'F'



TYPICAL ROADWAY CROSS-SECTION

40-FOOT PRIVATE ROAD

NO SCALE



- ① 1" THICK TYPE II ASPHALTIC CONCRETE WEARING SURFACE.
- ② 8" THICK CRUSHED ROCK BASE COURSE PRIMED ENTIRE WIDTH.
- ③ 12" THICK STABILIZED SUBGRADE.
- ④ COMPACTED SELECT FILL MATERIAL AS REQUIRED.

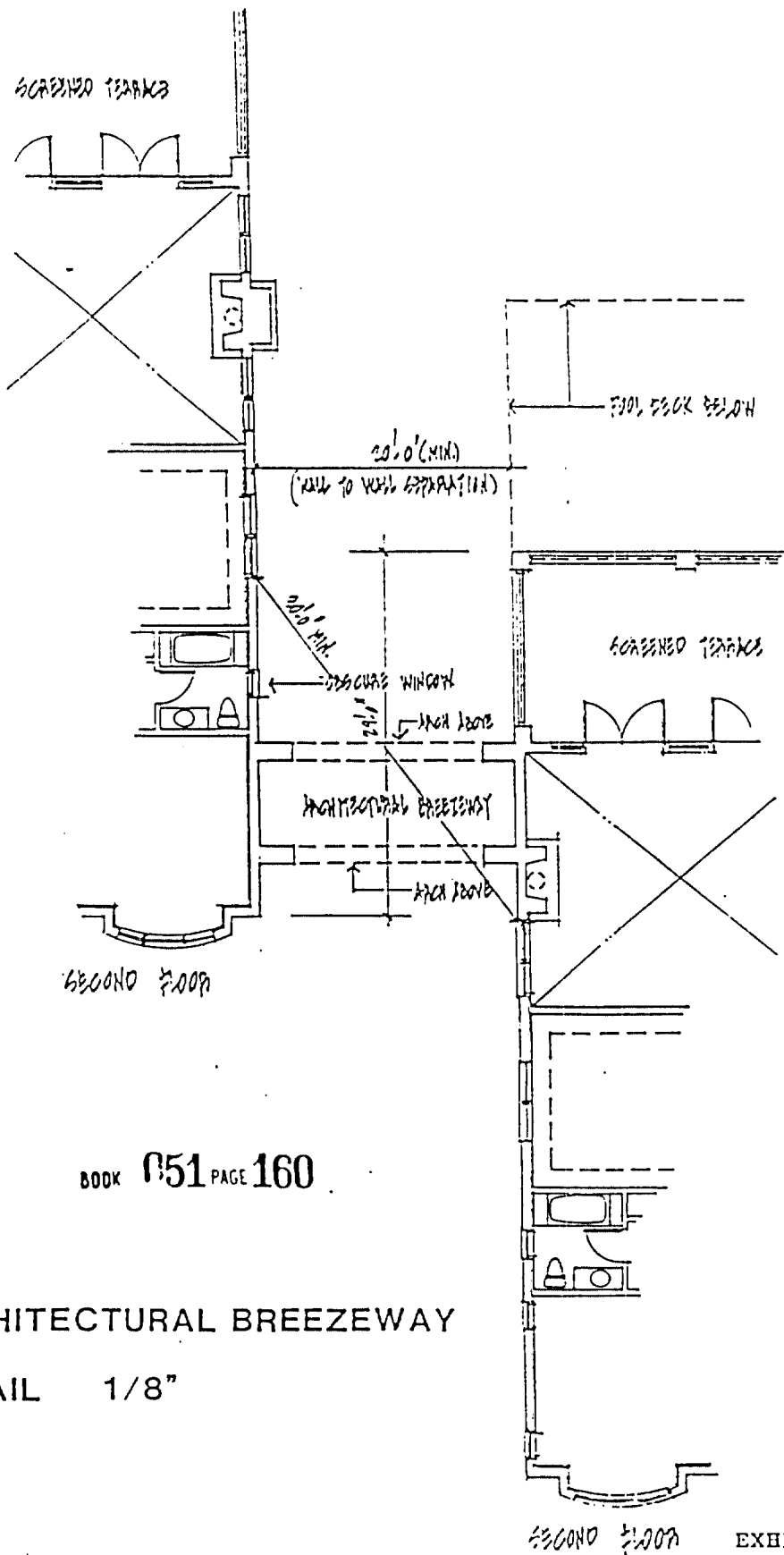
TYPICAL ROADWAY CROSS-SECTION

60-FOOT PRIVATE ROAD

NO SCALE

EXHIBIT 52

BOOK 051 PAGE 159

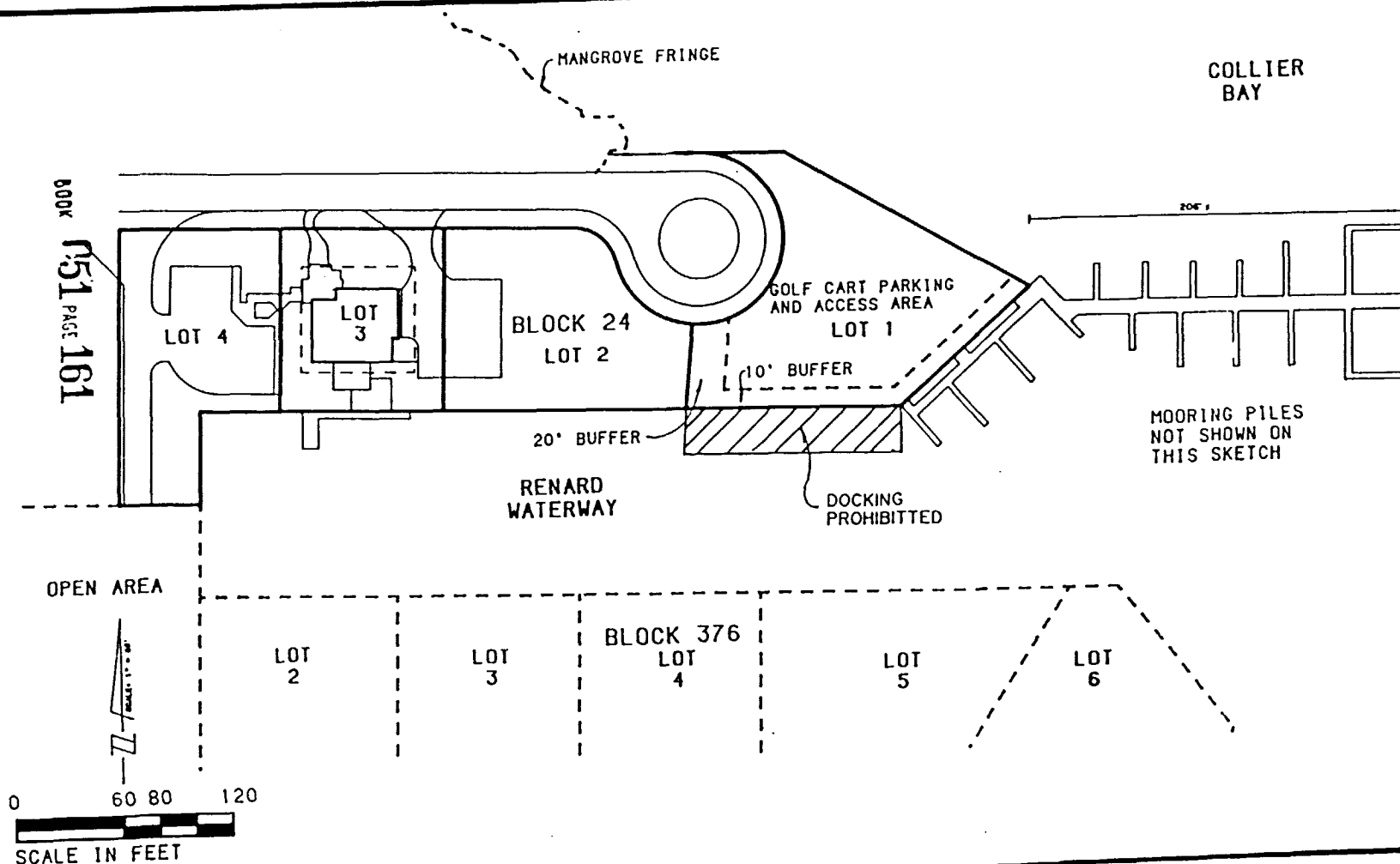


BOOK 051 PAGE 160

ARCHITECTURAL BREEZEWAY
DETAIL 1/8"

EXHIBIT H

BOOK 51 PAGE 161



STATE OF FLORIDA)

COUNTY OF COLLIER)

I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 92-11

which was adopted by the Board of County Commissioners on
the 11th day of February, 1992, during Regular Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 19th
day of February, 1992.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: /s/Maureen Kenyon
Deputy Clerk

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