

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 06-07

A RESOLUTION OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA:

WHEREAS, Snook Bight Marina, LLC ("Applicant") has requested to rezone approximately 3.49 acres from Commercial Marina (CM) to Commercial Planned Development (CPD) to permit the development of a Marina with 201 dry slips and 54 wet slips, restaurant with outdoor seating, and accessory marine-related uses; and

WHEREAS, the subject property is located at 4765 Estero Blvd., in Section 28, Township 46 South Range 24 East, in Fort Myers Beach, Lee County, Florida; and

WHEREAS, the Applicant has indicated the property's current STRAP number is 28-46-24-W4-00001.0030, with the legal description attached hereto and incorporated herein by reference as Exhibit "A"; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on June 13, 2006 and was legally continued to July 18, 2006, when it was concluded; and

WHEREAS, the LPA recommended that the Town Council approve Applicant's request to rezone from Commercial Marina (CM) to Commercial Planned Development (CPD), and approve deviations 1 through 6, subject to the thirty-four (34) conditions in LPA Resolution 2006-10; and

WHEREAS, a public hearing was legally advertised and held before the Town Council of the Town of Fort Myers Beach, Florida, on August 14, 2006; and

WHEREAS, at the aforesaid hearing, the Town Council gave full and complete consideration to the recommendations of the LPA, the recommendations of staff, the documents in the file, and the testimony of all interested persons.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

The Town Council **APPROVES** Applicant's request to rezone from Commercial Marina (CM) to Commercial Planned Development (CPD), including deviations 1 through 6, subject to thirty-five (35) conditions, as set forth with specificity below.

**A. CONDITIONS**

- 1) The development of this project must be consistent with the one (1) page Master Concept Plan (MCP) entitled "Snook Bight Marina," stamped received on December 11, 2006, last revised on December 11, 2006, except as modified by the conditions below. This development must comply with all requirements of the Town of Fort Myers Beach Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. The MCP must be revised to reflect any changes or conditions approved by Town Council and the revised MCP must be provided to staff and attached as Exhibit "B" prior to

execution of the adopting resolution. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2) The following limits apply to the project and uses:

a. Schedule of Uses

All uses permitted in the Commercial Marina (CM) zoning district  
Recreational Facilities (accessory to the Marina)  
Communication Antennas (limited to marine-related and Town of Fort  
Myers Beach communications)  
Signs (in accordance with Condition 5)  
Restaurant with Cocktail Lounge  
Consumption on Premises with Outdoor Seating (in accordance with  
Condition 6)  
Package Sales for consumption off premises

b. Site Development Regulations

Minimum Lot Width: 24 Feet  
Minimum Lot Depth: 100 Feet  
Minimum Lot Area: 150,000 Square Feet  
Floor Area Ratio: 1.0  
Maximum Height: 44 Feet  
Setbacks:  
Side: 20 Feet  
Waterbody: 0 Feet

- 3) All dry boat storage and boat repair must be located completely within an approved structure. No boat repair or dry boat storage may be located in any outdoor area of the subject property.
- 4) No architectural features, except for the one (1) architectural tower shown on the south elevation of the drawings, attached as Exhibit "C", for communications, may extend more than 66-feet above Base Flood Elevation.
- 5) Approval of the proposed sign package is limited to the three-page set of elevations and drawings attached as Exhibit "C", and not to exceed a maximum of 793 square feet. No animated signs are permitted. Signs for informational or directional purposes and measuring less than 2 square feet are permitted only as required by state law.
- 6) Consumption on Premises is approved for a 4-COP-SRX alcoholic beverage license in conjunction with indoor seating for the proposed restaurant, which is limited to the hours of 10am through 11pm Monday through Sunday. The hours of operation for the outdoor seating area for the proposed restaurant are limited to the hours of 10am through 9pm Monday through Sunday, except during daylight savings time when the hours are extended to 10 pm. Consumption on premises in conjunction with the outdoor seating area is approved for the outdoor seating area during the same time periods.
- 7) The boat storage may not exceed a total of 201 dry boat slips and 54 wet slips. A temporary mooring area for no more than 22 boat slips is permitted.

- 8) The Applicant will use best efforts to acquire "Clean Marina" status within 1 year of completion of construction of this project and will continue to use its best efforts to comply with any requirements as may be imposed to obtain "Clean Marina" status.
- 9) The Applicant must construct a wall around the area where fuel tanks are located and the tanks shall be buffered so that they are not visible from any adjacent properties.
- 10) Dumpsters must be centrally located and not visible from any adjacent properties.
- 11) In the wall between the subject property and Ocean Harbor property, the Applicant must construct a gate designed in a manner acceptable to the Ocean Harbor condominium association allowing residents and guests direct access to the subject property.
- 12) Boat storage service area, boat wash area, boat showroom and ship store must remain completely enclosed.
- 13) All landside gray water shall be kept from entering directly into the bay without first being cleaned and filtered. Applicant must construct and maintain a 'marina water treatment plant' to ensure that all marina-works water and other runoff and bilge water is fully treated and decontaminated before entering the discharge system.
- 14) Dining in the outdoor seating area shall not be visible from adjacent properties to the south.
- 15) Outdoor music and entertainment are prohibited on the property at all times. Live or "canned" music is allowed inside the buildings so long as it cannot be heard outside the building.
- 16) Small craft warning/storm warning flag(s) shall be displayed so as to be visible from Estero Bay and Hell Peckney Bay.
- 17) All communications equipment must be installed within the architectural tower and may not be visible from other properties.
- 18) The Town's AM radio station must broadcast for the maximum timeframe allowed by the license. This station shall be operated at no cost to the Town.
- 19) The Town's AM radio broadcast must be absolutely non-commercial and any identification of the subject property and/or the owner of the subject property must be limited to the minimum required by the FCC or other entities with governance thereof. The content of all broadcasts will be supplied by the Town and the Applicant must not include any programming other than what is pre-approved by the Town.
- 20) All structures must be and must remain roofed.

- 21) Trees installed in the landscaping must be no less than 10' high measured from grade at the time of planting.
- 22) Shrubs must be allowed to grow to their full, natural heights.
- 23) The number of wet slips must be reduced from 72 to 54 within 6 months of approval of the local Development Order.
- 24) The boat launch basin adjacent to the building must be filled and the seawalls on both sides of the basin connected to form a continuous seawall.
- 25) All construction must be in compliance with the Florida Fish and Wildlife Commission Manatee Protection Plan.
- 26) In furtherance of the benefits to be achieved by Deviation 4 below, the Applicant is responsible for maintenance and reconstruction, if needed, of the wall between Ocean Harbor and the subject property via a third-party agreement that must be recorded in the public records of Lee County. Should the wall ever need to be replaced, this will also be the responsibility of the Applicant. This agreement is subject to the prior approval by the Town and shall not be amended or revoked without the Town's prior written consent.
- 27) The Applicant must maintain the barrier/buffer between the subject property and adjacent single family properties to prevent people from entering those properties by way of the subject property.
- 28) The hours of use for the outdoor pool will be from 9:00 a.m. to 7:00 p.m. No consumption on-premises shall be permitted by the Applicant in or at the pool area at any time.
- 29) Any illumination of the analog clock proposed for the communications tower shall be in accordance with Town, state and federal regulations for the protection of turtles.
- 30) No consumption on premises outside of the boundaries of the indoor and outdoor seating areas of the restaurant will be permitted by the Applicant. No consumption on-premises shall be permitted by the Applicant in or at the pool area at any time.
- 31) The development will be in substantial compliance with the landscape plan attached as Exhibit "D".
- 32) Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Fort Myers Beach Comprehensive Plan and LDC may be required to obtain a local development order.
- 33) Approval of this zoning request does not give the Applicant an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Fort Myers Beach Comprehensive Plan ("Plan").

- 34) Development of this property must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
- 35) Applicant shall in good faith negotiate with Publix Supermarkets to install permanent markings to create an outbound left-turn lane where the access road intersects with Estero Boulevard.

## **B. DEVIATIONS**

1. Deviation from LDC Section 34-646, which permits a maximum height of 35 feet/three (3) stories in the Commercial Marina (CM) zoning district to allow a maximum height of 44 feet for the boat storage building. The Town Council **APPROVES** the requested deviation, as conditioned.
2. Deviation from LDC Section 34-631(b)(2), which permits exceptions to height limitations for purely architectural features, to allow the architectural tower for communications (as indicated on the South Elevation of Exhibit "C") to be constructed to a height not to exceed 80 feet above base flood elevation as measured to the peak of the roof, with an additional 4 foot flagpole atop the roof. The maximum height of the proposed development measured to the top of the proposed flag must not exceed 84 feet above base flood elevation. The Town Council **APPROVES** the requested deviation, as conditioned.
3. Deviation from LDC Section 34-953, which requires that the property development regulations for CPD zoning districts be as outlined for the Commercial Boulevard (CB) zoning district to allow the use of the property development regulations for the CM zoning district. The Town Council **APPROVES** the requested deviation, as conditioned.
4. Deviation from LDC Section 10-1416(d)(3) which requires a Type "C" buffer including a wall between commercial uses and multi-family developments to allow a Type "C" buffer in conjunction with condition number 26. The Town Council **APPROVES** the requested deviation, as conditioned.
5. Deviation from LDC Section 30-153 which outlines the total number of signs, square-footages, types and heights of signs to permit the adoption of a sign package in conjunction with condition number 5. The Town Council **APPROVES** the requested deviation, as conditioned.
6. Deviation from LDC Table 34-3 which requires a minimum lot width of 100-feet to allow a minimum lot width of 24-feet as provided by the existing access easement to the property. Due to the existing access easement providing access to the property with no way to meet the required 100-foot right-of-way, the Town Council **APPROVES** the requested deviation, as conditioned.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based upon the presentations by the Applicant, staff, and other interested parties at the hearing, and review of the application, LPA Resolution 2006-10, the documents in the

file and the standards for planned development zoning approval, the Town Council makes the following findings and reaches the following conclusions:

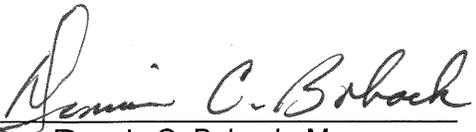
1. The requested rezoning to the Commercial Planned Development (CPD) zoning district, as conditioned, complies with:
  - a. The Plan;
  - b. LDC Chapter 34;
  - c. all other applicable Town ordinances and codes; and
  - d. the following additional requirements for planned development zoning requests:
    - (i) Policy 4-B-7 for properties in the "Marina" Future Land Use category
    - (ii) Policy 4-C-4 with regard to building heights.
2. The proposed use or mix of uses, as conditioned above, is appropriate at the subject location.
3. Sufficient safeguards to the public interest are provided by the recommended conditions to the MCP or by other applicable regulations.
4. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
5. As to deviations 1 through 6, as conditioned:
  - a. Each item enhances the achievement of the objectives of the planned development; and
  - b. The general intent of LDC Chapter 34 to protect the public health, safety, and welfare will be preserved and promoted; and
  - c. Each deviation operates to the benefit, or at least not to the detriment, of the public interest; and
  - d. Each deviation is consistent with the Fort Myers Beach Comprehensive Plan.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember Charles Meador and seconded by Vice Mayor Don Massucco, and upon being put to a vote, the result was as follows:

Dennis C. Boback, Mayor	aye
Don Massucco, Vice Mayor	aye
Charles Meador, Jr.	aye
Garr Reynolds	aye
William Shenko, Jr.	absent

DULY PASSED AND ADOPTED THIS 14<sup>th</sup> day of August, 2006.

**TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH**

By:   
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

By:   
Anne Dalton, Esquire  
Town Attorney

By:   
Michelle D. Mayher, Town Clerk

## EXHIBIT A

LEGAL DESCRIPTION  
(EXHIBIT "A", OR 3280, PG. 2023)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE WESTERLY MOST CORNER OF LOT 6, BLOCK 'A', OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, (STATE ROAD 865) 32.5 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD, THENCE RUN N 38°13'53" E, ALONG THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION, FOR A DISTANCE OF 575.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N 51°46'07" W, FOR A DISTANCE OF 374.01 FEET; THENCE RUN N 20°45'47" E FOR A DISTANCE OF 389 FEET MORE OR LESS, TO THE WATERS OF ESTERO BAY; THENCE RUN SOUTHEASTERLY ALONG THE SAID WATERS TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF HOLIDAY SHORES; THENCE RUN S 38°13'53" W, ALONG SAID NORTHWESTERLY LINE, FOR 295 FEET, MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING APPROXIMATELY 3.491 ACRES, MORE OR LESS.



RECEIVED  
DEC 11 2006

BY: *BWC*

Town of Fort Myers Beach  
DEC 12 2006  
APPROVED

**M.K.P.D. INC.**  
IN THE STATE OF FLORIDA, I, MARY KAY PETERSON, BEING DULY SWORN, DO HEREBY CERTIFY THAT THE APPROVED AND SEALING OF THESE PLANS WAS ACCOMPANIED BY THE EXAMINATION OF THE PLANS BY ME AND MYSELF IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 626, F.S.

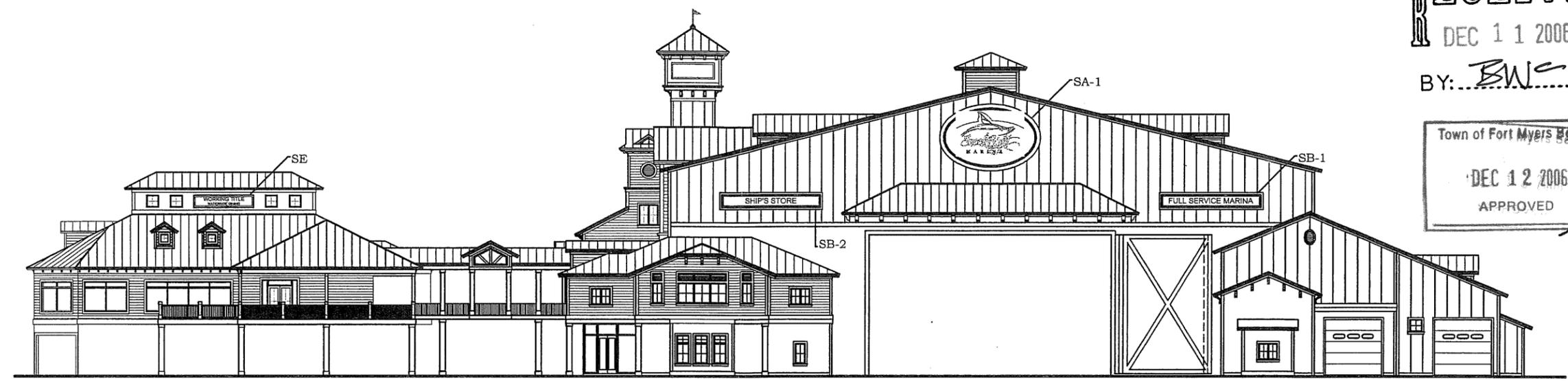
No.	Date	By	Revision
5			
4			
3			
2	07-28-06		
1			

Project Name and Address:  
**SNOOK BIGHT MARINA**  
FT. MYERS BEACH, FLORIDA

Check by: **STAR OGDEN**  
 Drawn by: **CHRIS OGDEN**  
 Scale: **AS NOTED**  
 Project No.: **CS-0004**

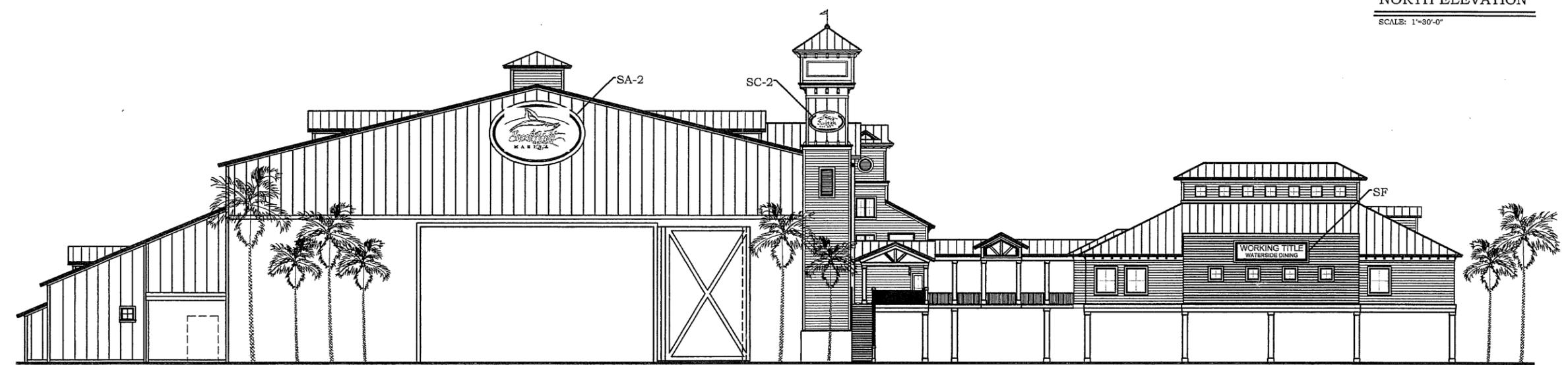
Sheet Name:  
**NORTH & SOUTH ELEVATIONS**

Sheet No.:  
**C-1**



**NORTH ELEVATION**

SCALE: 1"=30'-0"



**SOUTH ELEVATION**

SCALE: 1"=30'-0"



**SOUTH ELEVATION**

SCALE: 1"=30'-0"

**EXHIBIT C**

RECEIVED  
DEC 11 2006

BY: *BWE*

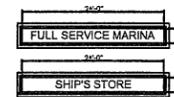
Town of Fort Myers Beach  
DEC 12 2006  
APPROVED

*BWE*

M.K.P.D. INC  
TO THE BEST OF MY KNOWLEDGE THESE PLANS COMPLY WITH THE APPLICABLE BUILDING CODES AND REGULATIONS IN EFFECT AT THE TIME OF THE PREPARATION OF THESE PLANS. I AM NOT PROVIDING ANY WARRANTY IN CONNECTION WITH THESE PLANS.



SA-1  
SA-2  
242 SQ FT EACH



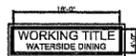
SB-1  
SB-2  
90 SQ FT EACH



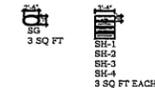
SC-1  
SC-2  
27 SQ FT EACH



SS  
33 SQ FT



ST  
72 SQ FT



SH-1  
SH-2  
SH-3  
SH-4  
3 SQ FT EACH

**SIGN PACKAGE**

SCALE: 1"=30'-0"

No.	Date	Revisions	By	Date
1	07-28-06			
2				
3				
4				
5				

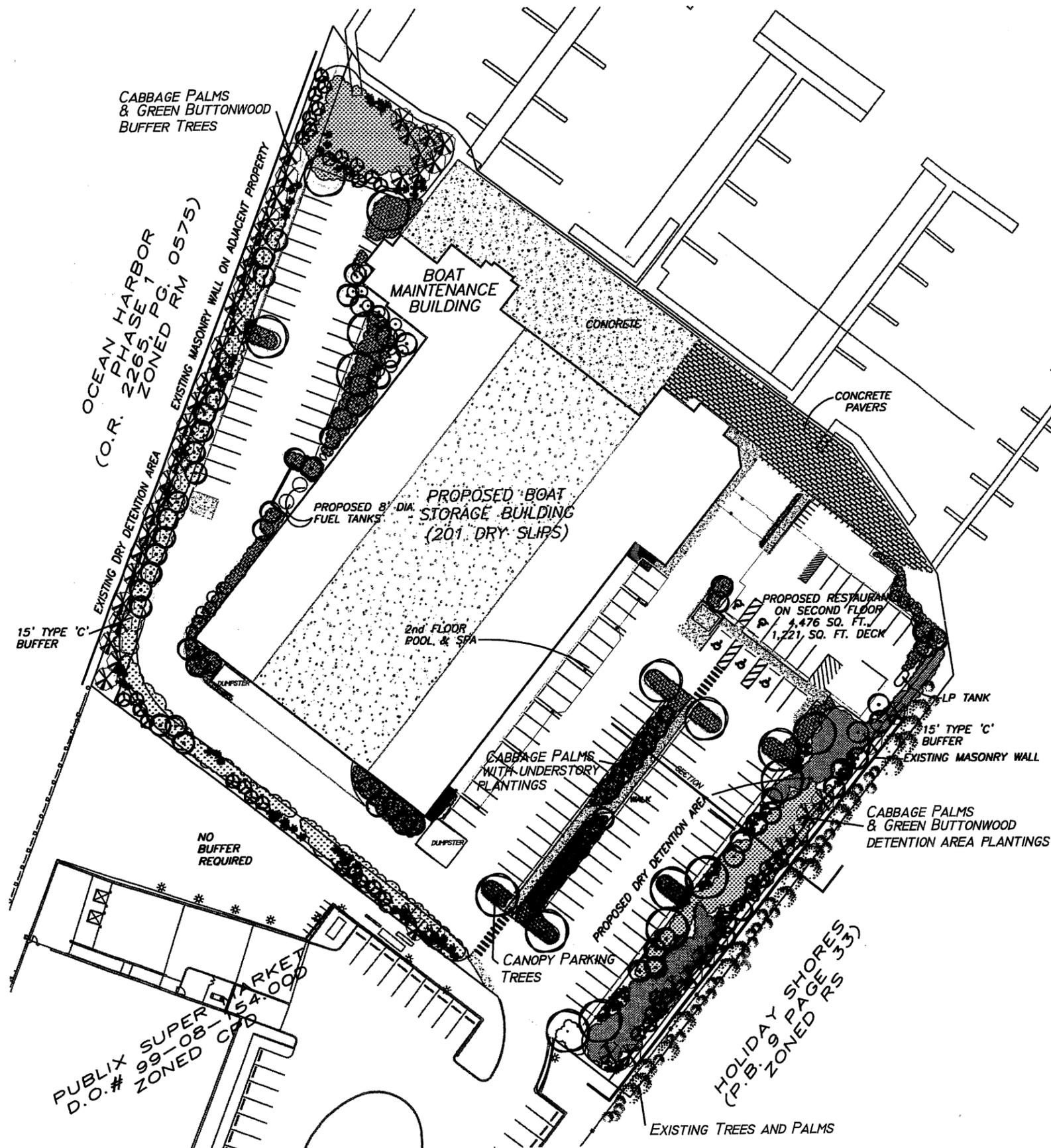
Project Name and Address  
**SNOOK BIGHT MARINA**  
FT MYERS BEACH, FLORIDA

Check by: STAN GIDDEN  
Drawn by: CHRIS GIDDEN  
Scale: AS NOTED  
Project No. CS-0004

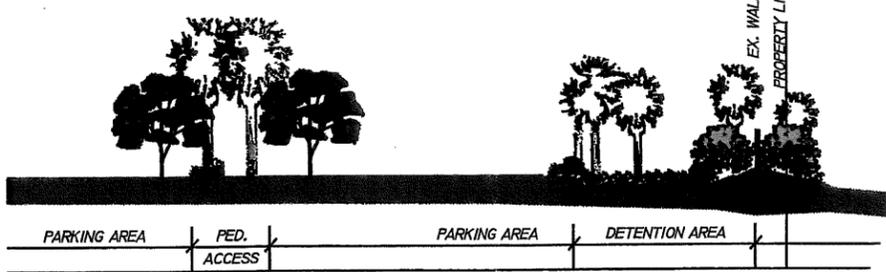
Sheet Name: EAST & WEST ELEVATIONS  
Sheet No. C-3

EXHIBIT C





**CODE COMPLIANCE LANDSCAPE MASTER PLAN**  
SCALE: 1" = 30'



**PRELIMINARY PLANTING LEGEND**

Symbol	Plant Name	Height / Spacing
○	GUMBO LIMBO	10'-16' HTS
○	LIVE OAK	
○	CABBAGE PALMS	10' - 24' CLEAR TRUNK
○	WASHINGTON PALMS	
○	UNDERSTORY ACCENT PALMS	6'-10' O.A.
○	GREEN BUTTWOOD	10'-12' HTS
○	WAX MYRTLE	3'-4' HTS
○	MYRSINE	4'-8' O.A.
○	SEAGRAPE	
○	PIGEON PLUM	
○	COCOPLUM	18'-24' HT
○	WILD COFFEE	
○	PITCH APPLE	
○	HIBISCUS	
○	BURSAIRVILLEA	
○	WHITE STOPPER	
○	WILD OLIVE	
○	SAW PALMETTO	
○	CARISSA	12'-18' HT
○	LANTANA	
○	GOLDEN CREEPER	
○	LEATHER FERN	12'-18' HT
○	SPARTINA BAKERI	2" LINERS - 1 GALLON
○	SEA OXEYE DAISY	
○	SPIDER LILY	

ADDITIONAL AND ALTERNATE PLANT SPECIES MAY BE ADDED AT TIME OF DEVELOPMENT ORDER SUBMITTAL.

**TYPICAL SECTION**

**RECEIVED**  
DEC 18 2006  
BY: *EJC*

Town of Fort Myers Beach  
**DEC 13 2006**  
SITE DATA  
COMMERCIAL  
TOTAL SITE = 152,074 SF  
GENERAL LANDSCAPE REQUIREMENTS  
1 TREE PER 3,000 SF OF DEVELOPMENT AREA  
152074 SF DIVIDED BY 3,000 = 51 TREES REQUIRED  
51 TOTAL TREES PROVIDED MINIMUM  
OPEN SPACE CALCULATIONS  
NONE REQUIRED

- GENERAL BUFFER NOTES**
- THE QUALITY OF ALL PLANT MATERIAL WILL MEET THE STANDARDS FOR FLORIDA GRADE #1 (OR BETTER), AS GOVERNED IN "GRADES AND STANDARDS FOR NURSERY PLANTS".
  - ALL PLANTED TREES AND PALMS WILL HAVE A 3" DEEP SAUCER (TREE RING) CONSTRUCTED FROM THE TRUNK OF THE TREE OR PALM. (MINIMUM 4" DIAMETER)
  - ALL PLANTING BEDS WILL BE COVERED WITH MULCH TO A MINIMUM DEPTH OF 3" AND SHALL BE WEED FREE. MULCH WILL BE GRADE B OR BETTER. CONTRACTOR SHALL REMOVE ANY VEGETATIVE GROWTH AND APPLY A PRE-EMERGENT WEED KILLER PER SPECIFICATIONS PRIOR TO MULCHING.
  - NO BUFFER PLANT MATERIAL SHALL BE INSTALLED IN EASEMENTS.
  - ANY AND ALL EXOTIC VEGETATION (INCLUDING EARLEAF ACACIA, WOMAN'S TONGUE, BISHOPWOOD, AUSTRALIAN PINES, CARROTWOOD, ROSEWOOD, AIR POTATO, MURRAY RED GUM, WEEPING FIG, CUBAN LAUREL FIG, JAPANESE CLIMBING FERN, OLD WORLD CLIMBING FERN, MELALEUC, DOWNY ROSE MYRTLE, CHINESE TALLOW, BRAZILIAN PEPPER, FLORIDA HOLLY, TROPICAL SODA APPLE, JAVA PLUM, ROSE APPLE, CORK TREE AND WEDGEO) ON THE PARCEL SHALL BE COMPLETELY REMOVED AND DISPOSED OF OFF-SITE BY CONTRACTOR. THE SITE SHALL BE MAINTAINED FREE OF INVASIVE EXOTIC VEGETATION IN PERPETUITY.
  - THE TREES SHALL BE A MINIMUM OF 10 FEET IN HEIGHT WITH TWO INCH TRUNK DIAMETER MEASURED AT ONE FOOT ABOVE GROUND AND A MINIMUM CANOPY OF FOUR FEET AT TIME OF INSTALLATION.
  - A MINIMUM OF 75% OF TREES REQUIRED TO MEET CODE SHALL BE INDIGENOUS NATIVE VARIETIES.
  - A MINIMUM OF 50% OF SHRUBS REQUIRED TO MEET CODE SHALL INDIGENOUS NATIVE VARIETIES. SHRUBS SHALL BE A MINIMUM OF 24" IN HEIGHT AND MAINTAINED IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE.
  - REFER TO LANDSCAPE CONSTRUCTION DOCUMENTS FOR ADDITIONAL SPECIFICATIONS.
  - REFER TO CIVIL ENGINEERING PLANS FOR ADDITIONAL DATA.
  - THE LANDSCAPE CONTRACTOR WILL BE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH THE LOCATION OF ALL UTILITIES (UNDERGROUND AND OVERHEAD) AND ALL SITE CONDITIONS PRIOR TO THE START OF CONSTRUCTION.
  - FERTILIZER WILL BE A BALANCED COMPLETE FERTILIZER CONTAINING NITROGEN, PHOSPHORIC ACID AND POTASH IN PERCENTAGES OUTLINED IN SPECIFICATIONS.
  - IT SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO FINE GRADE ALL LANDSCAPE AREAS: ELIMINATING ALL BUMPS, DEPRESSIONS, STICKS, STONES AND OTHER DEBRIS TO THE SATISFACTION OF THE LANDSCAPE ARCHITECT. ALL INORGANIC DEBRIS THAT MAY DAMAGE OR INHIBIT THE GROWTH OF PLANT MATERIAL WILL BE REMOVED FROM ALL PLANTING BEDS. SOIL SHALL NOT BE INSTALLED UNTIL FINAL GRADES HAVE BEEN APPROVED.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE TAKEOFFS INCLUDING SOIL AND MULCH QUANTITIES. PLANT LIST IS FOR REFERENCE ONLY. PLANT(S) SHALL TAKE PRECEDENCE OVER PLANT LIST.
  - THE LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL LAWNS (SEEDED OR SODDED), GROUND COVERS, SHRUBS, PALMS AND TREES UNTIL FINAL ACCEPTANCE.
    - MAINTENANCE BY THE LANDSCAPE CONTRACTOR SHALL INCLUDE BUT NOT BE LIMITED TO:
      - INSPECTIONS & MONITORING
      - FERTILIZING
      - INSECT & DISEASE CONTROL
      - WEEDING & CULTIVATING
      - MOWING TO MAINTAIN 3" HEIGHTS & EDGING
      - MAINTAIN TREE RINGS, GUYS & BRACES & KEEP TREES/PALMS ERECT
    - THE LANDSCAPE CONTRACTOR WILL BE RESPONSIBLE TO INSURE THAT ALL PLANT MATERIAL WILL BE WATERED THOROUGHLY AT TIME OF PLANTING, AND INSURE ALL PLANT MATERIAL WILL RECEIVE AN ADEQUATE SUPPLY OF WATER THROUGHOUT THE CONSTRUCTION PERIOD. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING AS NEEDED TO ESTABLISH THE PLANT MATERIAL AND ENSURE HEALTHY PLANTINGS THROUGH FINAL ACCEPTANCE.
  - CONTRACTOR SHALL REMOVE ALL TAGS, TAPE AND SUPPORTS (EXCEPT SPECIFIED GUYS & BRACES) FROM ALL PLANTINGS PRIOR TO FINAL ACCEPTANCE.
  - ALL AREAS OF THE SITE DISTRIBUTED BY CONSTRUCTION AND NOT PLANTED SHALL BE SODDED.
  - THE REQUIRED PLANTINGS SHALL BE IRRIGATED WITH AN AUTOMATIC SPRAY IRRIGATION SYSTEM.
  - THE PARKING LOT SHALL BE SLEEVED FOR IRRIGATION. REFER TO CIVIL ENGINEERING PLANS
  - THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH A RAIN SENSOR AND IF REQUIRED BY SP/WD A FLOW METER. IRRIGATION CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS, INCLUDING A WATER USE PERMIT AND WELL PERMIT, IF APPLICABLE.
  - THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MINIMIZE OVERSPRAY AND AVOID EXISTING NATIVE VEGETATION AND AVOID IMPERVIOUS AREAS.
  - PLANTING WIDTHS FOR BUFFERS MUST BE 1/2 OF THE BUFFER WIDTH WITH NONE BEING LESS THAN 5'.
  - ALL BASE ROCK SHALL BE REMOVED FROM PLANTING AREAS AND REPLACED WITH CLEAN PLANTABLE SOIL.

**TREE CREDITS**  
EXISTING SABAL PALMS MAY BE RELOCATED ON SITE. BASIS OF RELOCATION DETERMINATION SHALL BE DETERMINED AT TIME OF DEVELOPMENT ORDER.

**PARKING LANDSCAPE REQUIREMENTS**  
10% INTERNAL LANDSCAPING REQUIRED  
42,900 SF x 10% = 4,290 SF REQUIRED LANDSCAPING  
INTERNAL LANDSCAPING PROVIDED = 4,300 SF  
1 TREE PER 250 SF. OF INTERNAL AREA = 18 TREES REQUIRED  
TREES PROVIDED = 18 TREES

**WEST PROP. LINE BUFFER REQUIREMENTS**  
COMMERCIAL TO MULTI-FAMILY RESIDENTIAL  
TYPE 'C' REQUIRED.  
5 TREES AND 18 SHRUBS PER 100 LF WITH A WALL WALL EXISTING ON ADJACENT PROPERTY TO SERVE AS BUFFER WALL.  
9 TREES REQUIRED 9 PROVIDED  
390 LF./100 x 5 = 20 TREES REQUIRED AND PROVIDED  
390 LF./100 x 18 = 71 SHRUBS REQUIRED AND PROVIDED

**EAST PROP. LINE BUFFER REQUIREMENTS**  
COMMERCIAL TO MULTI-FAMILY RESIDENTIAL  
TYPE 'C' REQUIRED.  
5 TREES AND 18 SHRUBS PER 100 LF WITH A WALL WALL EXISTING ON ADJACENT PROPERTY TO SERVE AS BUFFER WALL.  
9 TREES REQUIRED 9 PROVIDED  
293 LF./100 x 5 = 15 TREES REQUIRED AND PROVIDED  
293 LF./100 x 18 = 53 SHRUBS REQUIRED AND PROVIDED  
EXISTING PLANTINGS ALONG EXISTING WALL FULLFILL BUFFER REQUIREMENTS

**SOUTH PROP. LINE BUFFER REQUIREMENTS**  
COMMERCIAL TO COMMERCIAL  
NO BUFFER REQUIRED

**BUILDING EDGE PLANTINGS**  
REQUIRED TO BE INSTALLED ALONG AT LEAST 50% OF THE LENGTH OF ALL WALLS THAT FACE ON SITE PARKING WITH MORE THAN 25 PARKING SPACES.  
MINIMUM WIDTH OF 5' REQUIRED.  
MINIMUM OF 50% COVERAGE AT THE TIME OF PLANTING.  
680 L.F. OF WALLS REQUIRE 480 LF OF PLANTINGS  
BUILDING EDGE PLANTINGS PROVIDED PER PLAN WITH A MINIMUM OF 70% COVERAGE AT TIME OF PLANTING.

**EXHIBIT D**

REVISED:  
12-15-06 DUMPSTER  
LOCATIONS



DAVID M. JONES JR. AND ASSOCIATES, INC.  
LANDSCAPE ARCHITECTS AND PLANNERS  
2221 INGLEWOOD BOULEVARD FORT MYERS, FLORIDA 38901  
(941) 337-5525 FAX (941) 337-4494

LANDSCAPE ARCHITECTURAL PLANS FOR:  
**SNOOK BIGHT MARINA**  
TOWN OF FORT MYERS BEACH, FLORIDA  
**CODE COMPLIANCE LANDSCAPE PLAN**

PROJECT NO.  
12876

DATE:  
5-24-06

SHEET DESCRIPTION:  
CODE  
LANDSCAPE  
MASTER PLAN

SHEET NUMBER:  
L-1