

ORDINANCE NO. 3869

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING AND RENAMING THE PLANNED UNIT DEVELOPMENT FOR THE FIRST STREET VILLAGE TO BE KNOWN AS THE CITY WALK PLANNED UNIT DEVELOPMENT LOCATED AT 2160 AND 2250 MCGREGOR BOULEVARD, 2059 AND 2023 ALTAMONT AVENUE, AND 2165 WEST FIRST STREET, NORTH OF MCGREGOR BOULEVARD, SOUTH OF WEST FIRST STREET, AND WEST OF VIRGINIA AVENUE IN SECTION 23, TOWNSHIP 44 SOUTH, RANGE 24 EAST, FORT MYERS, LEE COUNTY, FLORIDA; AND RESCINDING ORDINANCES NOS. 3331 AND 3673; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Plaza Fort Myers, LLC, owner, its heirs, successors, and assigns, all hereinafter referred to as “Developer”, requested and received approval from the City of Fort Myers (“City”) for a planned unit development zoning designation and approval for a development plan known as “First Street Village”. The planned unit development zoning designation and development plan were originally approved by Ordinance No. 3305 on October 17, 2005, and consisted of: (1) three hundred forty-eight (348) multi-family residential units and (2) on hundred thirty-nine thousand nine hundred twenty-two (139,922) square feet of office and retail space, including an approximate thirty-nine thousand (39,000) square foot grocery store development on 12.34 acres, more or less, parcel formerly addressed as 2144 McGregor Boulevard; and

WHEREAS: Ordinance No. 3331 was adopted by City Council on June 19, 2006, which rescinded Ordinance No. 3305. The original development rights remained the same, that is, (1) construction of three hundred forty-eight (348) multi-family residential units and (2) on hundred thirty-nine thousand nine hundred twenty-two (139,922) square feet of office and retail space, including an approximate forty-eight ~~thirty-nine~~ thousand (48,000) ~~(39,000)~~ square foot grocery store

ORDINANCE NO. 3869

development. Ordinance No. 3331 contains various Developer obligations and requirements, which are primarily intended to mitigate and support the development and its impacts.

WHEREAS: City Council approved Resolution No. 2009-35 on September 21, 2009, adopting policies and procedures for two-year extensions of development orders and permits pursuant to Senate Bill 360 Community Renewal Act, including an administrative fee structure to implement a statutory extension; and

WHEREAS: Ordinance No. 3536 approved on January 4, 2010 extended the completion date for construction to be extended two (2) years to June 19, 2013.

WHEREAS: Ordinance No. 3673 approved on July 15, 2013 extended the completion date for construction to be extended seven (7) years to June 19, 2020.

WHEREAS: On February 12, 2018, the parcels located at 2250 McGregor Blvd., were purchased by City Walk Fort Myers LLC.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. City Walk Fort Myers ~~Plaza Fort Myers~~, LLC, owner, has requested an amendment to a 7.87-acre portion of the planned unit development on the hereinafter described property.

SECTION 2. The parcel of land located at 2160 and 2250 McGregor Boulevard, 2059 and 2023 Altamont Avenue, and 2165 West First Street ~~2144 McGregor Boulevard~~, north of McGregor Boulevard, south of West First Street, and west of Virginia Avenue for which planned unit development is granted, is described as follows:

Beginning at the point where the northerly line of McGregor Boulevard (60 feet wide) is intersected by the Westerly line of Clifford Street (45 feet wide) run Southwesterly along said Northerly line of McGregor Boulevard for 361.72 feet more or less to the Easterly line of Altamont Avenue formerly Euclid Avenue (45 feet

ORDINANCE NO. 3869

wide); thence run Northwesterly along said Easterly line of Altamont Avenue for 335.06 feet to a point of change in said avenue; then deflect 1°25'53" to the right and run Northwesterly along the new easterly line of Altamont Avenue (45 feet wide) for 189.75 feet to an intersection with the Southerly line of First Street (60 feet wide); thence Easterly along said southerly line of First Street for 362.50 feet, more or less, to an intersection with said Westerly line of Clifford Street; thence run southeasterly along said Westerly line of Clifford Street for 525.13 feet, more or less, to the Point of Beginning.

Also:

From the hereinabove described Point of Beginning run southwesterly along said northerly line of McGregor Boulevard for 406.74 feet, more or less, to an intersection with the westerly line of said Altamont Avenue (45 feet wide) and the Point of Beginning of the herein described parcel.

From said Point of Beginning continue southwesterly along said northerly line of McGregor Boulevard (60 feet wide) for 654.50 feet, more or less, to an intersection with the easterly line of Virginia Avenue formerly Wright Street; thence run northwesterly along said easterly line of Virginia Avenue (60 feet wide) for 525.60 feet, more or less, to an intersection with the southeasterly line of First Street (60 feet wide) as conveyed to the City of Fort Myers and described in Deed Book 117, at Page 327, of the Public Records of Lee County, Florida; thence run easterly along said southeasterly line of First Street for 668.58 feet to an intersection with the new westerly line of Altamont Avenue (45 feet wide); thence run southeasterly along said new westerly line of Altamont Avenue for 190.53 feet to an intersection with the former westerly line of said Avenue; thence deflect 1°25'53" to the left and run southeasterly along said westerly line of Altamont Avenue (45 feet wide) for 335.64 feet, more or less, to the Point of Beginning.

SECTION 3. The purpose and intent of the planned unit development is to allow for the construction of three hundred twenty four (324) residences, including the four (4) existing Phase One townhomes with a height up to four (4) stories for the residential tower and five (5) stories for the amenity center ~~forty eight (348) multi family residential units~~ and a maximum of one hundred eight thousand (108,000) ~~thirty-nine thousand nine hundred twenty-two (139,922)~~ square feet of office and retail space, including ~~an approximate thirty nine thousand (39,000)~~ the Phase One approximate forty-eight thousand

ORDINANCE NO. 3869

(48,000) square foot grocery store and thirty thousand three hundred eighty seven (30,387) square feet of liner buildings development, and a hotel with a maximum height of five (5) stories containing one hundred thirty (130) hotel rooms on a 12.34 acre, more or less, parcel located at 2160 and 2250 McGregor Boulevard, 2059 and 2023 Altamont Avenue, and 2165 West First Street. 2144 McGregor Boulevard.

SECTION 4. The warrants from the Smart Code, ~~dated April 19, 2002,~~ and deviations from the City Land Development Code for the planned unit development are as follows:

WARRANTS

- (1) Withdrawn ~~**Smart Code Requirement:** Section 3.7.5~~
~~Height~~

~~Principal Building Five (5) stories maximum, two (2) stories minimum.~~

~~**Warrant:** A maximum of eight (8) stories is allowed on the western two (2) blocks of the development.~~

- (2) **Land Development Code** Section 118.8.5.C.1.b. ~~**Smart Code Requirement:** Section 2.4.1.1~~ Within Urban Center Zones (T5)-B buildings shall have their principal pedestrian entrances on a frontage line.

Warrant: The existing grocery store is on Phase One First Street Village (2160 McGregor Boulevard) and the City Walk residential development are not required to have its their principal entrance on a frontage line.

ORDINANCE NO. 3869

- (3) **Land Development Code** Section 118.8.5.C.4.a. **~~Smart~~**

~~Code Requirement:~~ Section 2.4.4.1 (T5) Parking Standards

All parking areas shall be located at the Third Layers and masked by a streetwall or liner building.

Warrant: Parking is permitted in the First and Second Layers and a streetwall or linear building will not be required along the northern half of the northeast property line but a decorative fence shall be required along Clifford Avenue and landscape screening will be provided to screen parking from McGregor until City Walk Phases 2 and 3 develop.

- (4) **Land Development Code** Section 118.8.6.G.2 **~~Smart Code~~**

~~Requirement:~~ Section 3.7.2 Setback (T5)

Front – Zero (0) foot minimum, ten (10) foot maximum

Warrant: As this project is surrounded on all sides by roads, all setbacks will be considered front yard setbacks. The maximum front setbacks, by street allowed are as follows:

Altamont Avenue – 35 feet

Clifford Street – 65 feet

McGregor Boulevard – 41 feet

Virginia Avenue – ~~38~~ 3-feet

West First Street - 25 feet

- (5) **Land Development Code** Section 118.8.5.C.7.c. Signage

shall be externally lit, except that signage within the shop may be neon lit.

Warrant: Allow Internal illumination per sign package prepared by Lee Designs, dated 1/29/19 Revision “J”, on file in the City Clerk’s office.

ORDINANCE NO. 3869

- (6) **Land Development Code** Section 118.8.5.C.4.e. Vehicular entrance to a parking lot or garage on a frontage shall be no wider than 30 feet to allow 53 feet on McGregor Blvd. entrance.

Warrant: Vehicular entrance to a parking lot or garage on a frontage shall be no wider than 30 feet to allow 53 feet on McGregor.

- (7) **Land Development Code** Section 118.8.5.A.10.b. There shall be one sign per facade. Blade signs shall not be counted toward signage permitted.

Warrant: Allow 2 signs on the north (signs D & E per sign package) and east (signs C & F per sign package) facades of City Walk Phase 1, sign package prepared by Lee Designs, dated 1/29/19 Revision "J", on file in the City Clerk's office.

DEVIATIONS

- (85) **Land Development Code** Section 138-41 ~~City Code~~

~~**Requirement:** Section 30-31.~~ When required

- (a) New and existing parking areas. This section shall apply to all new and existing parking and vehicular use areas that are to be expanded, except when the proposed work is limited only to the re-striping of lots and drives.

- (3) A minimum eight (8) foot wide curbed landscaped island or peninsula shall be required for a maximum of every one hundred (100) linear feet of parking area. The minimum eight (8) foot width shall be measured between inside edges of curbs. There shall be a minimum of one (1) tree and

ORDINANCE NO. 3869

ten (10) shrubs for every two hundred (200) square feet of parking islands, peninsulas and medians. All parking spaces must be located within a one hundred (100) foot radius of a circle drawn from the center of a tree that is planted in a pervious island, peninsula, or median.

Deviation: Landscape islands may be placed at a maximum of one hundred forty (140) feet apart in the short-term parking areas along McGregor Boulevard.

(96) **Land Development Code Section 134.2.15.1.2. Access points/connection separation** ~~City Code Requirement:~~
~~Section 29-53. Number of access points~~

(b) ~~Access for all uses located on city roads shall comply with the following: The maximum number of driveways allowed from one (1) property along each street frontage shall be two (2).~~ The minimum centerline spacing between driveways and intersections or between driveways and driveways shall be three hundred thirty (330) feet along arterial and collector streets, and one hundred twenty-five (125) feet along ~~other than single family~~ local streets.

Deviation: Driveway/intersection spacing may be less than three hundred (300) feet along McGregor Boulevard and less than one hundred twenty-five (125) feet along Virginia Avenue and West First Street.

(107) **Land Development Code Section 134.3.3.B.1 Parking facility dimensions and accessibility** ~~City Code~~

ORDINANCE NO. 3869

Requirement: ~~Section 29-88). Size of parking space and accessibility.~~

~~(b) The following shall apply to all uses except single or duplex family dwellings:~~

~~(1) All off-street parking facilities shall be so arranged that no vehicle shall have to back into the right-of-way of any street.~~

Deviation: Angled parking along Altamont Avenue and Virginia Avenue may be designed so that vehicles back into the right-of-way.

~~(118)~~ **Land Development Code Section 134.3.3.A** Parking facility dimensions and accessibility. Minimum parking stall width of 10 feet.

Deviation: Minimum parking stall width of 9 feet.

SECTION 5. The terms and conditions for the planned unit development (PUD) are as follows:

- a. This planned unit development is for the construction of a maximum of three hundred twenty-four (324) residences, including four (4) Phase One townhomes, with a height up to four (4) stories, five (5) stories for the amenity center, three hundred forty eight (348) multi family residential units and a maximum of one hundred eight thousand (108,000) thirty nine thousand nine hundred twenty two (139,922) square feet of office and retail space, including the Phase One approximate forty-eight thousand (48,000) an approximate thirty nine thousand (39,000) square foot grocery store and 30,387 square feet of linear buildings, development and a hotel with a maximum height

ORDINANCE NO. 3869

~~of five (5) stories containing one hundred thirty (130) hotel rooms on a 12.34 acre, more or less, parcel known as First Street Village located at 2144 McGregor Boulevard with mitigation totaling approximately one million seven hundred ninety four thousand two hundred dollars (\$1,794,200.00). The developer may choose to reduce the number of stories to seven (7) they may increase the number of units to three hundred fifty six (356). If this option is selected the recalculated mitigation as listed below is shown in italics, with the new mitigation totaling approximately one million seven hundred eighty thousand four hundred dollars (\$1,780,400.00).~~

- b. City Walk PUD amendment request does not include bonus density or bonus height and is not subject to the bonus incentive program. The City Walk PUD amendment is subject to the following conditions:

~~Support the warrant increased height of three (3) stories above the five (5) story maximum (for a total of eight (8) stories) with “bonus criteria” mitigation totaling one million three hundred thirty seven thousand two hundred dollars (\$1,337,200.00) in consideration for the following:~~

1. **Hurricane Evacuation Plan** – New developments which contain at least 75 residential dwelling units, or any redevelopment which adds at least 60 residential dwelling units, must submit a hurricane evacuation plan which demonstrates that residents can safely evacuate the County within 16 hours for a Category 5 storm event or maintain a 12 hour evacuation time to shelter for a Category 5 storm

ORDINANCE NO. 3869

event and ensure that shelter space is available to accommodate the additional residents allowed by the bonus allocation. All plans shall comply with Lee County Administrative Code AC 7-7, be submitted to and approved by the county emergency management director. In lieu of a hurricane evacuation plan, the developer may contribute money toward the construction/operation of hurricane shelters equal to the proportional amount needed to accommodate the additional residents allowed by the bonus allocation, as determined by the City Manager. The developer shall prepare an Emergency Preparedness Plan in accordance with the Lee County Administrative Code 7-7 as shown in Exhibit A. The emergency preparedness plan must be approved by the Lee County Division of Public Safety Emergency Management. The developer shall contribute one hundred four thousand four hundred dollars (\$104,400.00) (348 units X \$300.00 per unit) ~~(or one hundred six thousand eight hundred dollars (\$106,800.00) for three hundred fifty six (356) units X \$300.00 per unit)~~ into the "Downtown CHHZ Hurricane Shelter Fund" to mitigate their shelter impacts if the First Street Village provides the evacuation plan and shelter unit funding. The developer shall pay fifty three thousand four hundred dollars (\$53,400.00) prior to the issuance of building permits for vertical construction of Block 2A and the remaining fifty three thousand four hundred

ORDINANCE NO. 3869

~~dollars (\$53,400.00) prior to the issuance of building permits for vertical construction of Block 2B as identified on Exhibit D.~~

2. **Affordable Housing** – Affordable housing criteria is no longer required due to the revised Smart Code adopted by Ordinance No. 3858, conditions b.2.a through c. have not been duplicated and are no longer necessary for the City Walk PUD amendment.
~~The developer shall choose one of the following three options to provide affordable housing.~~

- a. ~~On site: The Developer shall cause seven (7) units on site to be deed restricted for purchase by only qualified purchasers earning no more than one hundred twenty percent (120%) of the Lee County median income at a moderate purchase price of no more than one hundred twenty five thousand dollars (\$125,000.00) or as adjusted by Housing and Urban Development from year to year and give the City of Fort Myers a subordinated mortgage totaling ninety thousand dollars (\$90,000.00) per unit, forgivable at 1/20 per year, in favor of the City subordinated to the primary lender and the initial purchaser's equity (down payment), but ahead of any profits that the initial purchaser may reap as a result of selling the unit for more than the stated Housing and Urban Development price (i.e. \$125,000.00 adjusted~~

ORDINANCE NO. 3869

~~annually).~~ OR

~~b. Off site: The developer shall offer for sale seven (7) units off site (but within three (3) miles of the downtown redevelopment area) to be deed restricted for purchase by only qualified purchasers earning no more than one hundred twenty percent (120%) of the Lee County median income at a moderate price of no more than one hundred twenty five thousand dollars (\$125,000.00) or as adjusted by HUD from year to year and give the City of Fort Myers a subordinated mortgage totaling ninety thousand dollars (\$90,000.00) per off site unit, forgivable at 1/20 per year in favor of the City subordinated to the primary lender and the initial purchaser's equity (down payment), but ahead of any profits that the initial purchaser may reap as a result of selling the unit for more than the stated HUD price (i.e. \$125,000.00 adjusted annually). All off site units must be completed prior to the issuance of the first certificate of occupancy for the Planned Unit Development. OR~~

~~c. Payment: The developer shall pay ninety thousand dollars (\$90,000.00) per required affordable/moderate unit (\$90,000.00 x 7 units = \$630,000.00) required to be held in a non interest bearing escrow account by the City; the funds to be used by the City to~~

ORDINANCE NO. 3869

~~acquire land and to offer the land competitively for moderate income housing construction within one (1) mile of the development, or some other alternative method to accomplish the goal of providing moderate income housing. All contributions (required moderate income housing units), mortgages or offerings of units (as applicable) shall be approved by the City and phased and prorated as the individual Blocks 1, 2A, and 2B as identified on Exhibit D receive a Final Certificate of Occupancy.~~

3. **Para-Transit** – Multimodal transportation strategies. Proposed development with at least 100 residential dwelling units or 25,000 square feet of commercial or office use shall submit a multimodal transportation plan to provide and promote use of alternative transportation. The plan shall incorporate strategies such as on-site shuttle services and provision of employee showers and changing rooms which promote bicycle transit.

City Walk proposes to include the condition to provide contribution to the Downtown Para Transit Fund in consideration of multimodal transportation strategies including para-transit provision with updated calculation for the proposed City Walk PUD. The monetary contribution for City Walk's residential density equivalent of 256 units would be \$13,100

ORDINANCE NO. 3869

~~annually (256 x \$51.14). The developer, their successors, or assigns shall contribute seventeen thousand eight hundred dollars (\$17,800.00) (348 units X \$51.14 per unit) annually, (or 356 units X \$51.15 per unit for eighteen thousand two hundred dollars (\$18,200.00), to the "Downtown Para Transit Fund" to mitigate their para transit impacts. The first contribution shall be due at the time of the certificate of occupancy for Block 2A as identified on Exhibit D. Subsequent payments shall be due to the City of Fort Myers on October 1 and shall be adjusted annually based on the Consumer Pricing Index (CPI)~~

4. **Public Open Space** – Public open space criteria is no longer required due to the revised Smart Code adopted by Ordinance No. 3858, this condition is no longer necessary for the City Walk PUD amendment.
~~The public plaza, as shown on the site plans prepared by Johnson Engineering with a revision date of September 1, 2005, shall be maintained by the developer, their successors, or assigns, and remain open to the public in perpetuity.~~
5. **Public/Private Parking** - The developer shall provide One hundred forty-one thousand two hundred fifty dollars (\$141,250) ~~five hundred eighty five thousand dollars (\$585,000.00) (\$15,000.00 per space construction cost X 39 parking spaces) (if the option to construct three hundred fifty six (356) units is selected, the developer will be required to provide five~~

ORDINANCE NO. 3869

~~hundred sixty five thousand dollars (\$565,000.00)~~
~~(\$15,000.00 per space X 38 parking spaces)~~ to the
City to be held in a fund known as “Downtown
Redevelopment Area Parking Fund” to be used for
construction of public parking spaces prior to the
issuance of the first building permit for vertical
construction for the Publix Block. **Completed.**
~~These monies shall be paid per phase, as identified~~
~~on Exhibit D, as follows:~~

- ~~i. One hundred forty one thousand two hundred~~
~~fifty dollars (\$141,250.00) prior to the~~
~~issuance of the first building permit for~~
~~vertical construction for the Publix Block.~~
- ~~ii. Sixty seven thousand eight hundred~~
~~dollars (\$67,800.00) prior to the issuance of~~
~~the first building permit for vertical~~
~~construction for Block 2A.~~
- ~~iii. Sixty seven thousand eight hundred~~
~~dollars (\$67,800.00) prior to the issuance of~~
~~the first building permit for vertical~~
~~construction for Block 2B.~~
- ~~iv. Two hundred eighty eight thousand one~~
~~hundred fifty dollars (\$288,150.00) prior to~~
~~the issuance of the first building permit for~~
~~vertical construction for Block 1.~~

Public/private parking criteria is no longer required
due to the revised Smart Code adopted by Ordinance
No. 3858, conditions b.5.ii. through iv. have not been
duplicated and are no longer necessary for City

ORDINANCE NO. 3869

Walk. It should be noted that First Street Village paid \$141,250 toward this requirement.

6. **Pedestrian Friendly Connection** – The developer will provide pedestrian access between the project and public right-of-way with a minimum width of six feet for access to the sidewalk/street frontage. The developer will build and maintain improvements at its expense. Developer must agree to continue the adopted streetscape plan on the first layer of the property and to maintain consistency with the plan in perpetuity. ~~The developer shall construct a public plaza and minimum eight (8) to ten (10) foot sidewalks as outlined in the site plan and must retain public access and in perpetuity. Maintenance of all sidewalks not located on a public right of way shall be the responsibility of the developer, their successors, or assigns.~~

7. **Exceptional Architectural Design** – ~~Based on comments from Duany Plater Zyberk (Exhibit C), the developer may construct up to eight (8) stories.~~

Although City Walk does not propose bonus height as approved by this condition, revised Smart Code adopted by Ordinance No. 3858 require developments to provide exceptional architectural design, contained in the architectural exhibits prepared by PDS Architecture Inc. dated January 14, 2019 and on file in the City Clerk's office.

- c. Support the warrants and deviations as shown on the site plans prepared by Johnson Engineering with a revision

ORDINANCE NO. 3869

date of October 17, 2005 (Phase 1) (Exhibit B) and the City Walk Planned Unit Development Site Plan prepared by Banks Engineering with a revision date of 04/19/2019 02/24/2019 (Exhibit B - 2). The applicant shall comply with all other requirements of the Smart Code and Land Development Growth Management Code.

- d. To address the public safety concern, the developer shall contribute one hundred fifty thousand four hundred dollars (\$150,400.00) to the City of Fort Myers to assist in the acquisition of three (3) police cruisers. A payment of fifty thousand dollars (\$50,000.00) shall be made prior to the issuance of the first building permit for vertical construction of the Regency Retail in Block 3 as identified on Exhibit D; fifty thousand dollars (\$50,000.00) prior to the issuance of the first building permit for vertical construction of Publix in Block 3 as identified on Exhibit D, and fifty thousand four hundred dollars (\$50,400.00) shall be made prior to the issuance of the first building permit for vertical construction for the West First Liner Units in Block 3 as identified on Exhibit D. **Completed**
- e. The developer shall comply with the Downtown Fort Myers Streetscape Plan adopted by City Council in April 2003.
- ~~f. The developer shall comply with the Smart Code dated April 19, 2002.~~
- f.g. The developer shall be required to pay their fairshare contribution in the amount of ten thousand dollars (\$10,000.00) for an intersection improvement on McGregor Boulevard. This contribution is in addition to all required road impact fees. **Completed**

ORDINANCE NO. 3869

- ~~g~~ h. An additional traffic impact study will be required if the land uses or combination of land uses change.
- h ~~i~~. The developer shall be required to pay the cost of the required turn lanes as contribution to the pedestrian and/or traffic calming improvements.
- i ~~j~~. The developer shall be required to donate, with no credits to be granted, the right-of-way needed for the roundabout design prior to the issuance of site work permits and pay their proportionate share of the traffic calming for West First Street prior to the issuance of the first building permit for vertical construction for Block 2A as identified on Exhibit D. **Completed**
- j ~~k~~. The developer agrees to contribute funds necessary, approximately one hundred fifty thousand dollars (\$150,000.00), for the acquisition of a rear loading garbage truck prior to the issuance of building permits for vertical construction for the Publix Block as identified on Exhibit D. **Completed**
- k ~~l~~. The developer shall improve the median the length of Virginia Avenue, details to be determined by the Public Works Department prior to the issuance of permits for vertical construction of Phase Three.
- l ~~m~~. All South Florida Water Management District permits must be issued prior to the issuance of any City permits. The approved South Florida Water Management District Environmental Resource Permit #36-05850 included the existing vault in the Publix parking lot and was designed to accommodate the entire planned development.

ORDINANCE NO. 3869

~~m n. The developer agrees to contribute one hundred fifty thousand dollars (\$150,000.00) to the City Public Art Fund prior to the issuance of building permits for the first phase or contribute artwork valued at one hundred fifty thousand dollars (\$150,000.00) to be placed in a public area. All artwork shall be reviewed by the City's Public Art Committee. Such placement shall allow for public enjoyment and its form and location shall be approved by City Council considering the recommendation of the City's Public Art Committee. The determination as to whether a monetary contribution or art donation shall be made prior to the issuance of vertical building permits for Block 2A as identified on Exhibit D, with the monetary contribution due at that time.~~

City Walk proposes to contribute on-site artwork at a value to be agreed upon by the developer and the City subject to review of the Public Art Committee or provide a monetary contribution in an amount to be agreed upon by the developer and the City. The determination as to whether a monetary contribution or on-site art shall be made prior to the issuance of certificate of occupancy for the residential building with any monetary contribution due at that time.

n o. The maintenance of all landscaping within and surrounding the development, including but not limited to landscaping within the right-of-way, shall be the responsibility of the property owner, their successors or assigns.

o p. The landscape plans prepared by Johnson Engineering dated October 17, 2005, are approved conceptually for Phase I **(Completed)**. The final details and planting

ORDINANCE NO. 3869

specifications shall be approved by the Manager, Parks Division, Public Works Department, with the consent of the Beautification Advisory Board, prior to the issuance of certificates of occupancy for Phase I. Phases II and III shall comply with landscape plans prepared by OPI – Outside Productions International dated 12/20/2018 (Exhibit E).

- p q. The developer shall be required to replace ~~the existing any~~ impacted royal palms along the McGregor Boulevard street frontage with new royal palms. The new royal palms shall be a minimum of sixteen (16) feet of gray wood at planting and of Florida Fancy, Grade A quality. The exact spacing of the palms shall be approved by the Manager, Parks Division, Public Works Department prior to the issuance of building permits for vertical construction. Final placement to be determined by the Manager, Parks Division, Public Works Department, in compliance with applicable state and local historic legislation.
- q r. The developer shall be required to pay all fire impact fees, per phase, at the issuance of the first building permit for vertical construction for each phase.
- r s. All overhangs (awnings) shall be a minimum of eight (8) feet in depth. **Completed**
- s t. Overhangs along the north frontage of Publix shall stretch the entire length of the facade facing the parking lot. **Completed**
- t u. All mechanicals (air conditioning, water meters, fire valves, etc.) for Phase I, townhomes and grocery store, shall be screened from view. **Completed**

ORDINANCE NO. 3869

u ~~v~~. The Northeast and Southeast Elevations shall be reduced by eight (8) feet per the revised elevations prepared by Councilman Michael Flanders and attached as Exhibit C.

Completed

v ~~w~~. The developer shall revise the site plans, Exhibit B, to increase the set back of Phase I along McGregor Boulevard by nine (9) feet. This can be accomplished by either removing one (1) row of landscape parking islands or by removing one (1) row of parking. **Completed**

w ~~x~~. The developer shall study the possibility of requiring all truck traffic to utilize Altamont Avenue and not Clifford Street. **Completed**

x ~~y~~. The developer shall grant a public access easement for City Walk Village Court prior to the issuance of building permits for vertical construction of ~~Phase III~~.

y ~~z~~. Phase 1 of the First Street Village Planned Unit Development shall comply with tThe terms, conditions and deviations ~~for this Planned Unit Development~~, reflected on the site plan prepared by Johnson Engineering, with a revision date of September 1, 2005, and signage package as prepared by DeNyse Signs dated September 20, 2005, shall be binding on the applicant, their successors or assigns. City Walk Planned Unit Development, formerly known as Phases II and III of the First Street Village Planned Unit Development shall comply with the site plan prepared by Banks Engineering with a revision date of February 24, 2019 and the sign package prepared by Lee Designs, dated January 29, 2019, Revision "J", on file in the City Clerk's office.

ORDINANCE NO. 3869

z. All loading zones shall be internal to the project.

aa. Formal traffic site plan review will be performed at the time of site plan application, this will include review for fire vehicle circulation and obstructions within site triangles.

bb aa. The Planned Unit Development for the First Street Village will be a three (3) phase project and shall be effective upon approval. The project phasing is as follows: phase one consists of the block containing the grocery store; phase two is the center block consisting of the retail plaza and residential units; and phase three is the western most residential block. The phase one linear buildings that screen the surface parking lot shall be completed prior to or concurrent with the issuance of the Certificate of Occupancy for phase two. Construction permits must be applied for within twelve (12) months from the date of the planned unit development approval and construction completed within five (5) years. If for any reason, the Developer is not able to meet the timeframes set forth above, the Developer must, no later than ninety (90) days prior to expiration of any of the timeframes set forth above, provide written notice to the City indicating its anticipated failure to meet the timeframes and provide a detailed explanation of the reason. The City shall determine whether an extension of the timeframes is warranted. For the period of continuance referenced above, the timeframes set forth in the Smart Code are suspended and the units as previously granted in this planned unit development are reserved for the Developer during the period of the suspension.

ORDINANCE NO. 3869

The Planned Unit Development for the First Street Village Phase One consisting of the block containing the grocery store is complete. City Walk will be a three (3) phase project and shall be effective upon approval. The project phasing is as follows: City Walk Phase I consists of the parking garage, infrastructure and multi-family; City Walk Phase II consists of the hotel site, and City Walk Phase III will be the mixed-use/commercial/townhouse parcel. Construction permits must be applied for within four (4) years from the date of the planned unit development approval and construction completed within seven (7) years. If for any reason, the Developer is not able to meet the timeframes set forth above, the Developer must, no later than ninety (90) days prior to expiration of any of the timeframes set forth above, provide written notice to the City indicating its anticipated failure to meet the timeframes and provide a detailed explanation of the reason. The City shall determine whether an extension of the timeframes is warranted. For the period of continuance referenced above, the timeframes set forth in the Smart Code are suspended and the units as previously granted in this planned unit development are reserved for the Developer during the period of the suspension.

SECTION 6. Failure to comply with the terms and conditions of the planned unit development will result in the cancellation of the development approval and the planned unit development approval shall be come void and the underlying land use designation of Urban Center and Urban Core shall be restored. The applicant shall be notified

ORDINANCE NO. 3869

in writing of the date of the public meeting to be held by City Council and be given an opportunity to respond at the public meeting.

SECTION 7. Ordinance Nos. 3331 and 3673 ~~3305~~ is hereby rescinded.

SECTION 8. A notice of public hearing was published in a newspaper of general circulation, posted on the bulletin board on the first floor of City Hall, and the property was posted in accordance with the law.

SECTION 9. Severability. If for any reason any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

SECTION 10. This ordinance shall become effective immediately upon adoption.

ORDINANCE NO. 3869

Exhibit A
Lee County Administrative Code 7-7

ADMINISTRATIVE CODE BOARD OF COUNTY COMMISSIONERS	
CATEGORY: Safety/Risk Management/ Disaster Preparedness	CODE NUMBER: AC 7-7
TITLE: Emergency Preparedness Plan Criteria for marinas, multi-slip docking facilities, and certain residential developments,	ADOPTED: 2/10/98
	AMENDED:
	ORIGINATING DEPARTMENT: Public Safety
PURPOSE/SCOPE: This code establishes criteria for developing emergency preparedness plans required by Lee County Land Development Code Section IO-154 (22)(b) for the following specified developments: residential developments of fifty (50) or more but less than one-hundred (100) units, and one-hundred (100) or more units; marinas; and multi-slip docking facilities. Guidelines of the criteria set forth for each of the specified developments in this administrative code are provided as attachments. Copies of these Guidelines are available from Lee County Emergency Management. POLICY/PROCEDURE: A. INTRODUCTION/BACKGROUND All proposed emergency preparedness plans are to be submitted to Lee County Emergency Management for review and approval by the director of the division of emergency management. Requests for technical assistance, emergency preparedness publications, or any questions concerning the criteria for such plans may be addressed to Lee County Emergency Management. 1. In addition to the criteria set forth below, each emergency preparedness plan submitted for review under this administrative code must provide basic information concerning the residential community, marina or multi-slip docking facility, including, but not limited to: a. the name, address, telephone number, emergency contact telephone number and fax number of the responsible person or entity for the development, as applicable, b. the name, address and telephone number of the developer/owner of the residential community, marina or multi-slip docking facility, and detail the number and type of units/docks, etc. within the development, c. identifying by name or position title, who is in charge during an emergency, and one alternative, should that person be unable to serve in that capacity, and d. establishing the frequency with which the emergency preparedness plan information will be updated, including how often the affected residents, tenants, or users will be informed of relevant information, including hurricane evacuation and shelter information, where applicable. 2. The introduction to each proposed emergency preparedness plan must include its purpose, Page 1 of 13	

ORDINANCE NO. 3869

Administrative Code 7-7 (Continued)

time frame for implementation, and the desired outcome to be achieved through the planning process.

B. EMERGENCY PREPAREDNESS PLAN CRITERIA FOR RESIDENTIAL DEVELOPMENTS OF FIFTY (50) OR MORE BUT LESS THAN ONE-HUNDRED (100) UNITS.

1. The primary purpose of emergency preparedness plans for this type of residential development is to increase the residents' awareness of local hurricane evacuation and shelter information.
2. To accomplish this purpose, each emergency preparedness plan for a residential development must also address the following items:
 - a. hurricane preparedness & protective actions,
 - b. emergency public shelter locations,
 - c. evacuation routes,
 - d. residential re-entry procedures, if applicable, and
 - e. how residents in the development will be informed of local hurricane evacuation and shelter information (e.g., newsletter; preparedness brochures available in a central location, such as the clubhouse or at a gatehouse, or delivered to each unit; the hosting of a hurricane preparedness seminar, etc.).

C. ADDITIONAL CRITERIA FOR EMERGENCY PREPAREDNESS PLANS FOR RESIDENTIAL DEVELOPMENTS OF ONE-HUNDRED (100) OR MORE UNITS.

The following criteria must be met for this type of residential development in addition to the emergency preparedness plan criteria for residential developments of less than 100 units:

1. HAZARD ANALYSIS - each emergency preparedness plan must:
 - a. describe the hazards that the development is vulnerable to, including: hurricanes, tornadoes, flooding, fires, and hazardous material incidents from fixed facilities or transportation accidents, etc.,
 - b. provide site specific information concerning the development to include: an area location map; street or site map; number of residential units; estimated population of the residential community year-round; and estimated maximum population of the residential community, including seasonal residents,
 - c. identify the potential storm surge category from a land falling and exiting tropical storm or hurricane occurrence (as identified by the current National Weather Service storm surge model available from Lee County Emergency Management),
 - d. identify the finished floor elevation (ffe) of the community clubhouse or office, if applicable,
 - e. identify which flood zone(s) the development is located in, as designated on the FEMA Flood Insurance Rate Map, if applicable, and

ORDINANCE NO. 3869

Administrative Code 7-7 (Continued)

- f. identify the location of possible hazardous material incidents by stating the proximity of the development to nearby railroad or major transportation routes. To determine if the development is located in a vulnerability zone of an Extremely Hazardous Substance, contact Lee County Emergency Management.
2. CONCEPT OF OPERATIONS - each plan should define the policies, procedures, responsibilities and actions that the responsible entity of the residential community (i.e., homeowners' association, residents' association or a property management company) will take before, during and after an emergency, by specifically addressing the following:
 - a. Management Structure - identify by name or position title, who is responsible for developing, implementing, and updating the residential emergency preparedness plan; state with what frequency the plan will be updated or revised; identify the procedures to activate the emergency preparedness plan; identify the procedures the residential community will take to prepare for, and protect, their common property (e.g., clubhouse, patio furniture, pools, spas, computer files, important records, etc.).
 - b. Residential Preparedness Programs -this section is optional-establish how people in the community can help one another during an emergency by: identifying plans and procedures to shelter residents (e.g., use of the clubhouse), if applicable; identifying volunteers to assist residents in protecting their property (e.g., providing help in putting up shutters, bringing loose objects in from the outdoors, etc.), and to assist residents in evacuation (e.g., providing transport to a proper shelter or other destination during an impending hurricane).
3. INFORMATION, TRAINING AND EXERCISE-identify and establish procedures for increasing the residents' and employees' awareness of possible emergencies, as follows:
 - a. For Community Residents - identify how and when residents in the community will be informed of emergency information.
 - b. For Community Employees if applicable - identify the community employees who will be instructed on performing established emergency activities and how they will be notified; and identify a schedule for exercising pertinent portions of the emergency preparedness plan.
4. APPENDICES- attach a list of:
 - a. "Community Residents for Emergency Contact" listing the names and addresses, telephone numbers, including seasonal contact numbers (if applicable) of all residents;
 - b. "Community Employees and Companies" listing their emergency preparedness related activities, if applicable, and the names, addresses, telephone numbers and pager numbers of, all residential community employees. For utility providers, insurance companies and service vendors of the residential community's common property, list their names, addresses, telephone numbers and emergency contact persons and their telephone numbers; and
 - c. "Emergency Phone Numbers" listing the names and telephone numbers of emergency service providers (e.g., the sheriff, fire district, emergency management, health department, Red Cross, etc.), as applicable.

ORDINANCE NO. 3869

Administrative Code 7-7 (Continued)

D. EMERGENCY PREPAREDNESS PLAN CRITERIA FOR A MARINA OR MULTI-SLIP DOCKING FACILITY

- I. INTRODUCTION - In addition to the criteria for emergency preparedness plans set forth under "C. 1. Hazard Analysis," above, these types of development are required to:
- a. provide site specific information concerning the facility to include: a facility site map; the size and number of docking slips; the estimated population of the facility year-round, if applicable; estimated maximum population of the facility, including seasonal residents, if applicable; and
 - b. identify the finished floor elevation (ffe) of the marina or docking office, if applicable.
2. CONCEPT OF OPERATIONS - define the policies, procedures, responsibilities and actions that the Marina or Multi-Slip Docking Facility will take in a threatening tropical storm, hurricane or an oil/fuel spill emergency, as follows:
- a. Management Structure - identify by name or position title, who is responsible for developing, implementing, and updating the facility emergency preparedness plan; state with what frequency the plan will be updated or revised; identify the procedures to activate the emergency preparedness plan.
 - b. Tropical Storm/Hurricane Preparedness - identify procedures the Marina or Multi-Slip Docking Facility will take to prepare for the protection of the facility property (e.g., office, equipment, computer files, important records, etc.); identify procedures the Marina or Multi-Slip Docking Facility will take to prepare for the protection of their tenants property; identify procedures the tenants of the Marina or Multi-Slip Docking Facility need to take to protect themselves and their property.
 - c. Fuel and/or Oil Soil Contingency - identify or attach procedures the Marina or Multi-Slip Docking Facility will take to contain and clean-up spilled fuel and/or oil; identify the name, address, telephone number and emergency contact telephone number of the clean-up or response contractor, if applicable; identify or attach procedures the Marina or Multi-Slip Docking Facility will take to report a fuel or oil spill to the appropriate officials.
3. INFORMATION, TRAINING AND EXERCISE - identify the procedures for increasing the Tenants' and Employees' awareness of the emergency preparedness plan for the facility, as follows:
- a. For Tenants of the Marina or the Multi-Slip Docking Facility (if applicable) - identify how tenants of the Marina or Multi-Slip Docking Facility will be informed of emergency information and the emergency preparedness plan (e.g., flyers, preparedness brochures available in a central location, such as the office or delivered to each tenant, the hosting of a hurricane or emergency preparedness seminar, etc.); state how often the tenants will be informed on emergency information and the emergency preparedness plan.
 - b. For Employees of the Marina or Multi-Slip Docking Facility (if applicable) - identify what employees will be instructed on in performing emergency activities; and identify a schedule for exercising all or portions of the Emergency Plan.

ORDINANCE NO. 3869

Administrative Code 7-7 (Continued)

- 4. APPENDICES - attach a list of:
 - a. "Marina or Multi-Slip Facility Tenants for Emergency Contact" listing the names and addresses, telephone numbers, including seasonal contact numbers (if applicable) of all tenants;
 - b. "Facility Employees and Companies" listing their emergency preparedness related activities, if applicable, and the names, addresses, telephone numbers and pager numbers of all facility employees. For utility providers, insurance companies and service vendors of the facility, list their names, addresses, telephone numbers and emergency contact persons and their telephone numbers; and
 - c. "Emergency Phone Numbers" listing the names and telephone numbers of emergency service providers (e.g., the sheriff, fire disirict, Marine Patrol, Coast Guard, State Department of Environmental Protection, emergency management, health department, etc.), as applicable.

ORDINANCE NO. 3869

Administrative Code 7-7 (Continued)

**Guidelines for
Emergency Preparedness Plan Criteria
for Residential Developments of
Fifty (50) or more, but less than One-hundred (100) units.**

The following minimum criteria are to be met when developing an emergency preparedness plan for residential developments of fifty (50) or more, but less than one-hundred (100) units. These criteria are used as guidelines for approval by Lee County Emergency Management, and implement the emergency preparedness plan requirements of Section IO-154 (22) (b) of the Lee County Land Development Code.

This form must be attached to your proposed Residential Emergency Preparedness Plan for approval. Use it as a cross-reference to your plan, by listing the page number and paragraph where the criteria are located in your plan on the line to the left of each item. This will ensure a timely and accurate review of your plan.

A proposed emergency preparedness plan must be submitted for review to Lee County Emergency Management, Post Office Box 398, Fort Myers, Florida 33902-0398. If you have questions concerning any items contained in this criteria, please call Lee County Emergency Management @ (941) 477-3600 for technical assistance and emergency preparedness publications.

I. INTRODUCTION

_____ A. Provide basic information concerning the residential community to include:

- _____ 1. Name of the residential community, address, telephone number, emergency contact telephone number, and fax number, for responsible person or entity, as applicable.
- _____ 2. The developer/owner of the residential community; address and telephone, if applicable.
- _____ 3. The number and type of units in the residential community.

_____ B. Identify by name or position title, who is responsible for the implementation of the emergency preparedness plan; include a statement detailing when the plan is to be updated.

_____ C. Establish the frequency with which the emergency preparedness plan information will be updated, including how often the affected residents or users will be informed of relevant information, including hurricane evacuation and shelter information, where applicable.

II. HURRICANE EVACUATION AND SHELTER INFORMATION

This section identifies the procedures for increasing the residents' awareness of local hurricane evacuation and shelter information.

_____ A. The residential hurricane evacuation and shelter information of the plan must address the following items:

- _____ 1. Hurricane Preparedness & Protective Actions.
- _____ 2. Emergency Public Shelter Locations.
- _____ 3. Evacuation Routes.

ORDINANCE NO. 3869

Administrative Code 7-7 (Continued)

_____ 4 . Residential Re-Entry Procedures, if applicable.

_____ B. Describe how residents in the community will be informed of hurricane evacuation and shelter information (e.g., newsletter; preparedness brochures available in a central location, such as the clubhouse or at a gatehouse or delivered to each unit; the hosting of a hurricane preparedness seminar, etc.).

ORDINANCE NO. 3869

Administrative Code 7-7 (Continued)

**Guidelines for
Emergency Preparedness Plan Criteria
for Residential Developments of
One Hundred (100) Units or more**

The following minimum criteria are to be met when developing an emergency preparedness plan for residential developments of one-hundred (100) units or more. These criteria are used as guidelines for approval by Lee County Emergency Management, and implement the emergency preparedness plan requirements of Section 1 O-1 54 (22) (b) of the Lee County Land Development Code.

This form must be attached to your proposed Residential Emergency Preparedness Plan for approval. Use it as a cross-reference to your plan, by listing the page number and paragraph where the criteria are located in your plan on the line to the left of each item. This will ensure a timely and accurate review of your plan.

A residential emergency preparedness plan must be submitted for review to **Lee County Emergency Management, Post Office Box 398, Fort Myers, Florida 33902-0398.** If you have questions concerning any items contained in this criteria, please call **Lee County Emergency Management @ (941) 477-3600** for technical assistance and emergency preparedness publications.

I. INTRODUCTION

- _____ **A.** Provide basic information concerning the residential community to include:

 - _____ 1. Name of the residential community, address, telephone number, emergency contact telephone number, and fax number, for responsible person or entity, as applicable.
 - _____ 2. The developer/owner of the residential community, address and telephone, if applicable.
 - _____ 3. The number and type of units in the residential community.
- _____ **B.** Identify by name or position title, who is responsible for the implementation of the emergency preparedness plan; include a statement detailing when the plan is to be updated.
- _____ **C.** Establish the frequency with which the emergency preparedness plan information will be updated, including how often the affected residents or users will be informed of relevant information, including hurricane evacuation and shelter information, where applicable.

II. HAZARD ANALYSIS

- _____ **A.** This section of the plan should describe the hazards that the residential community is vulnerable to, such as hurricanes, tornadoes, flooding, fires, and hazardous material incidents from fixed facilities or transportation accidents.
- _____ **B.** Provide site specific information concerning the residential community to include:

 - _____ 1. An area location map.
 - _____ 2. Street or-site map.

ORDINANCE NO. 3869

Administrative Code	7-7	(Continued)
3	Number of residential units.	
4	Estimated population of the residential community year-round.	
5	Estimated maximum population of the residential community, including seasonal residents.	
6	Identification of the potential storm surge flooding risk from a tropical storm or hurricane occurrence (as identified by the National Weather Service storm surge model and available from Lee County Emergency Management).	
7	Identify the finished floor elevation (ffe) of the community clubhouse or office, if applicable.	
8	Identification of which flood zone the residential community is in, as designated on the FEMA Flood Insurance Rate Map, if applicable.	
9	Proximity of the residential community to a railroad or major transportation artery (to identify possible hazardous material incidents). <i>Contact Lee County Emergency Management to determine if site is located in a vulnerability zone of an Extremely Hazardous Substance.</i>	
III. CONCEPT OF OPERATIONS		
This section of the plan should define the policies, procedures, responsibilities and actions that the residential community (i.e., homeowners' association, residents' association or a property management company) will take before, during and after an emergency.		
A. <u>Management Structure</u>		
1	Identify by name or position title, who is in charge during an emergency, and one alternative, should that person be unable to serve in that capacity.	
2	Identify the procedures that will activate the Residential Emergency Preparedness Plan.	
3	Identify the procedures the residential community will take to prepare for the protection of their common property (e.g., clubhouse, patio furniture, pools, spas, computer files, important records, etc.).	
B. <u>Residential Preparedness Programs</u> - This section is optional.		
Identify ways people in the community can pre-plan to help one another during an emergency.		
1	Identify plans and procedures to shelter residents (e.g., use of the clubhouse), if applicable.	
2	Identify volunteers to assist residents in the protection of their property (e.g., providing help in putting up shutters, bringing loose objects from the outdoors, etc.).	
3	Identify volunteers to assist residents in evacuation (e.g., providing transport to a shelter or other destination during an impending hurricane).	
Page 9 of 13		

ORDINANCE NO. 3869

Administrative Code 7-7 (Continued)

IV. INFORMATION, TRAINING AND EXERCISE

This section should identify the procedures for increasing the residents' and employees' awareness of possible emergencies.

— A. For Community Residents:

- 1. Identify how residents in the community will be informed on emergency information and the Residential Emergency Preparedness Plan (e.g., newsletter, preparedness brochures available in a central location, such as the clubhouse or at a gatehouse or delivered to each unit, the hosting of a hurricane or emergency preparedness seminar, etc.).
- 2. State how often the residents will be informed on emergency information and the Residential Emergency Preparedness Plan.

— B. For Community Employees (if Applicable):

- 1. Identify what community employees will be instructed on in performing emergency activities.
- 2. Identify a schedule for exercising all or portions of the Residential Emergency Preparedness Plan.

V. APPENDICES

— A. A roster of Community Residents for Emergency Contact.

- 1. List the names and addresses, telephone numbers, including seasonal contact numbers of all residents, if applicable.

— B. A roster of Community Employees and Companies with emergency preparedness related activities, if applicable.

- 1. List the names, addresses, telephone numbers and pager numbers of all residential community employees.
- 2. List the names, addresses, telephone numbers and emergency contact numbers of utility providers, insurance companies and service vendors of the residential community common property.
- 3. List the names and telephone numbers of other important telephone numbers (e.g., the sheriff, fire district, emergency management, health department, Red Cross, etc.), as applicable.

ORDINANCE NO. 3869

Administrative Code 7-7 (Continued)

**Guidelines for
Emergency Preparedness Plan Criteria
for a Marina or Multi-Slip Docking Facility**

The following minimum criteria are to be met when developing an emergency preparedness plan for a Marina or Multi-Slip Docking Facility. These criteria are used as guidelines for approval by Lee County Emergency Management, and implement the emergency preparedness plan requirements of Section 10-154 (22) (b) of the Lee County Land Development Code.

This form must be attached to your proposed Emergency Preparedness Plan for approval. Use it as a cross-reference to your plan, by listing the page number and paragraph where the criteria are located in your plan on the line to the left of each item. This will ensure a timely and accurate review of your plan.

An Emergency Plan must be submitted for review to **Lee County Emergency Management, Post Office Box 398, Fort Myers, Florida 33902-0398**. If you have questions concerning any items contained in this criteria, please call **Lee County Emergency Management @ (941) 477-3600** for technical assistance and emergency preparedness publications.

I. INTRODUCTION

- _____ A. Provide basic information concerning the facility to include:

 - _____ 1. Name of the facility, address, telephone number, emergency contact telephone number, and fax number, as applicable.
 - _____ 2. The developer/owner of the facility, address and telephone, if applicable.
- _____ B. Identify by name or position title, who is responsible for the implementation of the emergency preparedness plan.
- _____ C. Establish the frequency with which the emergency preparedness plan information will be updated, including how often the affected tenants or users will be informed of relevant information, including hurricane evacuation and shelter information, where applicable.
- _____ D. Provide an introduction to the Plan that describes its purpose, time of implementation, and the desired outcome that will be achieved through the planning process.
- _____ E. Provide site specific information concerning the facility to include:

 - _____ 1. An area location map.
 - _____ 2. Facility site map.
 - _____ 3. Number of docking slips.
 - _____ 4. Estimated population of the facility year-round, if applicable.
 - _____ 5. Estimated maximum population of the facility, including seasonal residents, if applicable.
 - _____ 6. Identification of the potential storm surge flooding risk from a tropical storm or hurricane occurrence (as identified by the National Weather Service storm surge model and available from Lee County Emergency Management).

ORDINANCE NO. 3869

Administrative Code 7-7 (Continued)

7.

Identify the finished floor elevation (ffe) of the marina or docking office, if applicable.

8.

Identification of which flood zone the facility is in, as designated on the FEMA Flood Insurance Rate Map, if applicable.

9.

Location in relation to facilities storing, using or producing extremely hazardous substances.

II. CONCEPT OF OPERATIONS

This section of the plan defines the policies, procedures, responsibilities and actions that the Marina or Multi-Slip Docking Facility will take in a threatening tropical storm, hurricane or an oil/fuel spill emergency.

A.

Management Structure:

1.

Identify by name or position title, who is responsible for the development and maintenance of the Emergency Plan, State when the Plan will be updated or revised.

2.

Identify by name or position title, who is in charge during an emergency, and one alternative, should that person be unable to serve in that capacity.

3.

Identify the procedures that will activate the Emergency Plan.

B.

Tropical Storm/Hurricane Preparedness:

1.

Identify procedures the Marina or Multi-Slip Docking Facility will take to prepare for the protection of the facility property (e.g., office, equipment, computer files, important records, etc.).

2.

Identify procedures the Marina or Multi-Slip Docking Facility will take to prepare for the protection of their tenants property.

3.

Identify procedures the tenants of the Marina or Multi-Slip Docking Facility need to take to protect themselves and their property.

C.

Fuel and/or Oil Soil Contingency:

1.

Identify or attach procedures the Marina or Multi-Slip Docking Facility will take to contain and clean-up spilled fuel and/or oil.

2.

Identify the name, address, telephone number and emergency contact telephone number of the clean-up or response contractor, if applicable.

3.

Identify or attach procedures the Marina or Multi-Slip Docking Facility will take to report a fuel or oil spill to the appropriate officials.

III. INFORMATION, TRAINING AND EXERCISE

This section should identify the procedures for increasing the Tenants' and Employees' awareness of the emergency preparedness Plan for the facility.

A.

For Tenants of the Marina or the Multi-Slip Docking Facility, (if applicable):

Page 12 Of 13

36

ORDINANCE NO. 3869

Administrative	Code 7-7 (Continued)
_____ 1.	Identify how tenants of the Marina or Multi-Slip Docking Facility will be informed on emergency information and the emergency preparedness plan (e.g., flyers, preparedness brochures available in a central location, such as the office or delivered to each tenant, the hosting of a hurricane or emergency preparedness seminar, etc.).
_____ 2.	State how often the tenants will be informed on emergency information and the emergency preparedness plan.
_____ B.	<u>For Employees of the Marina or Multi-Slip Docking Facility (if applicable):</u>
_____ 1.	Identify what employees will be instructed on in performing emergency activities.
_____ 2.	Identify a schedule for exercising all or portions of the emergency preparedness plan.
IV.	APPENDICES
_____ A.	A roster of "Marina or Multi-Slip Facility Tenants for Emergency Contact" listing the names and addresses, telephone numbers, including seasonal contact numbers of all tenants, if applicable.
_____ B.	A roster of "Facility Employees and Companies" with emergency-related activities, if applicable.
_____ 1.	List the names, addresses, telephone numbers and pager numbers, of all Marina or Multi-Slip Docking Facility employees.
_____ 2.	List the names, addresses, telephone numbers and emergency contact numbers of clean-up contractors, utility providers, insurance companies and service vendors of the facility property.
_____ C.	A roster of "Emergency Phone Numbers" listing the names and telephone numbers of emergency service providers (e.g., sheriff, fire district, Marine Patrol, Coast Guard, State Department of Environmental Protection, emergency management, health department, etc.), as applicable.
Page 13 of 13	

Exhibit B
First Street Village PUD Site Plan

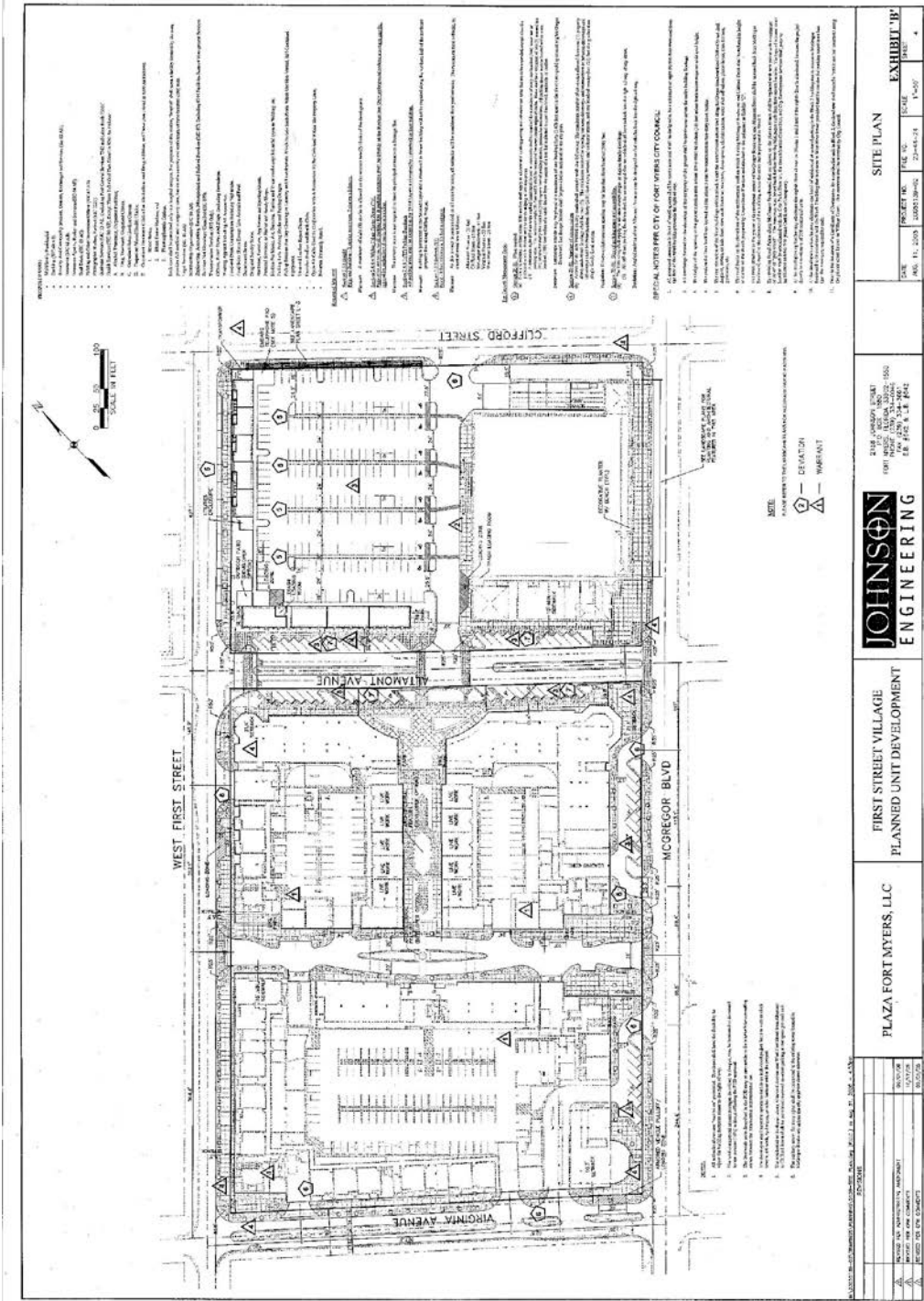


Exhibit B - 2
City Walk PUD Site Plan

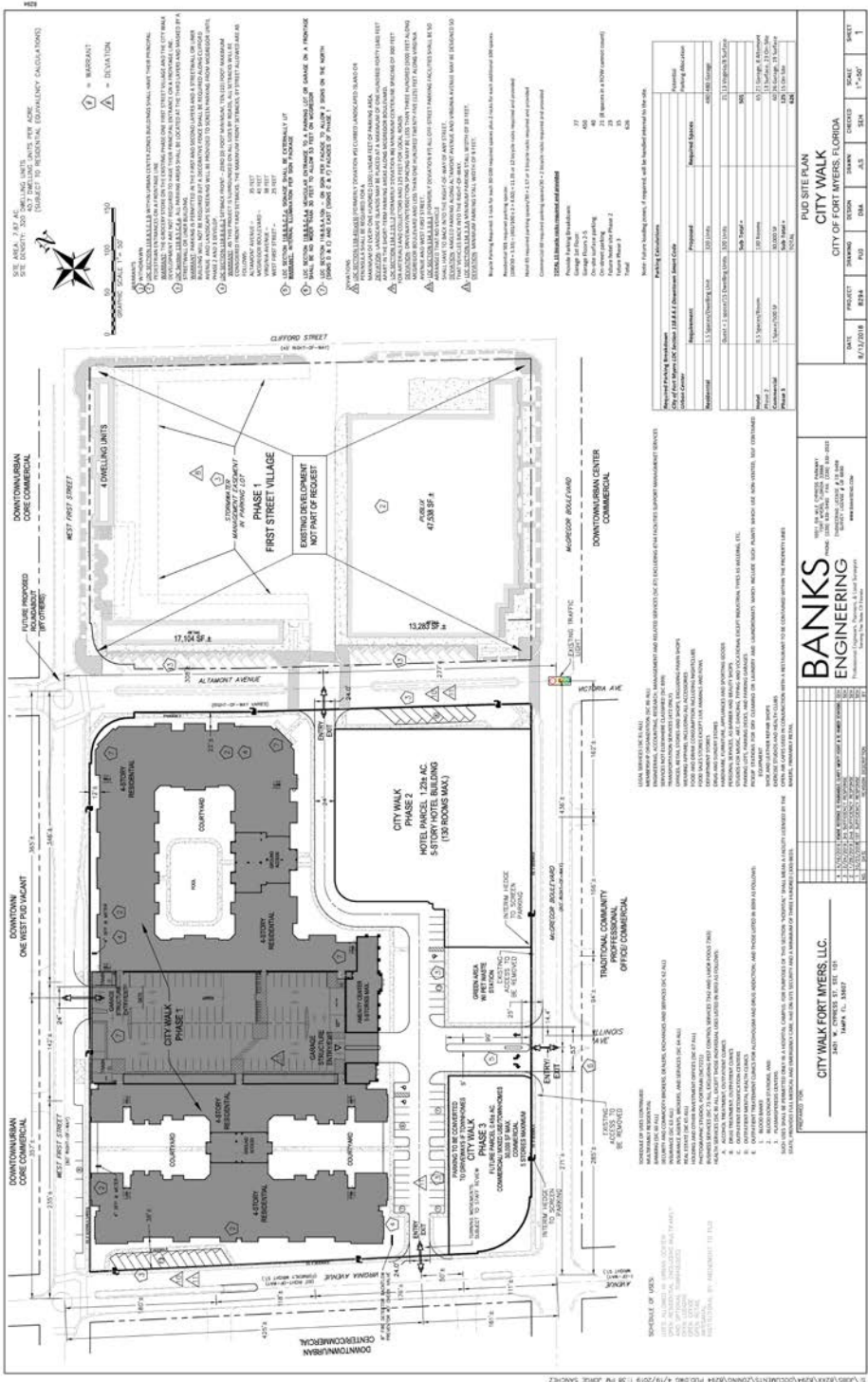
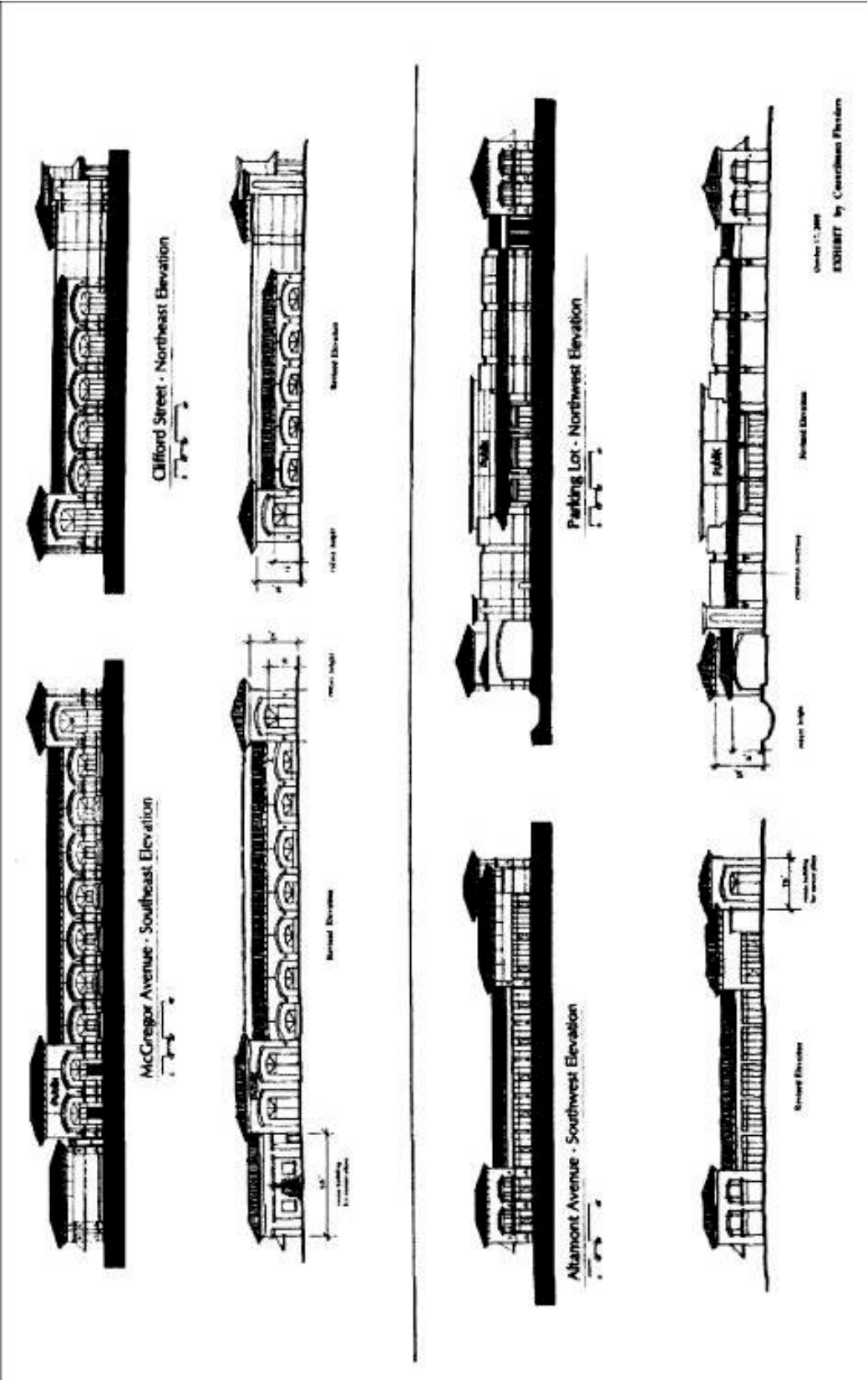


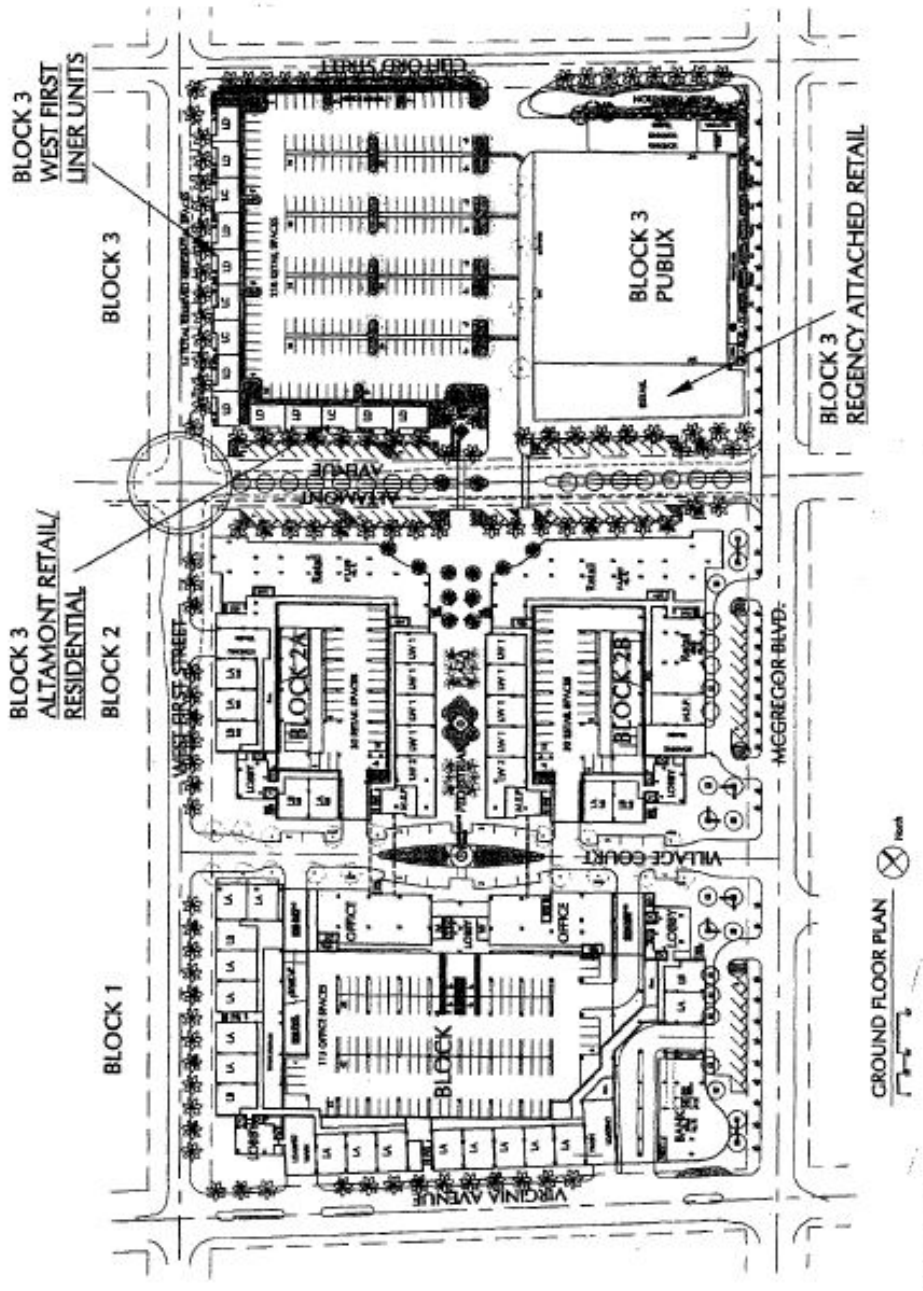
EXHIBIT C



ORDINANCE NO. 3869

EXHIBIT D

Description of Phases	Estimated Permit Date	Estimated C.O. Date
Regency Attached Retail	June 2006	October 2007
Publix	July 2006	October 2007
West First Liner Units	August 2006	April 2007
Altamont Retail/Residential	August 2006	April 2007
Block 2A	November 2006	August 2008
Block 2B	December 2006	September 2008
Block 1	October 2007	November 2009



ORDINANCE NO. 3869

Exhibit E
Page 2 of 6

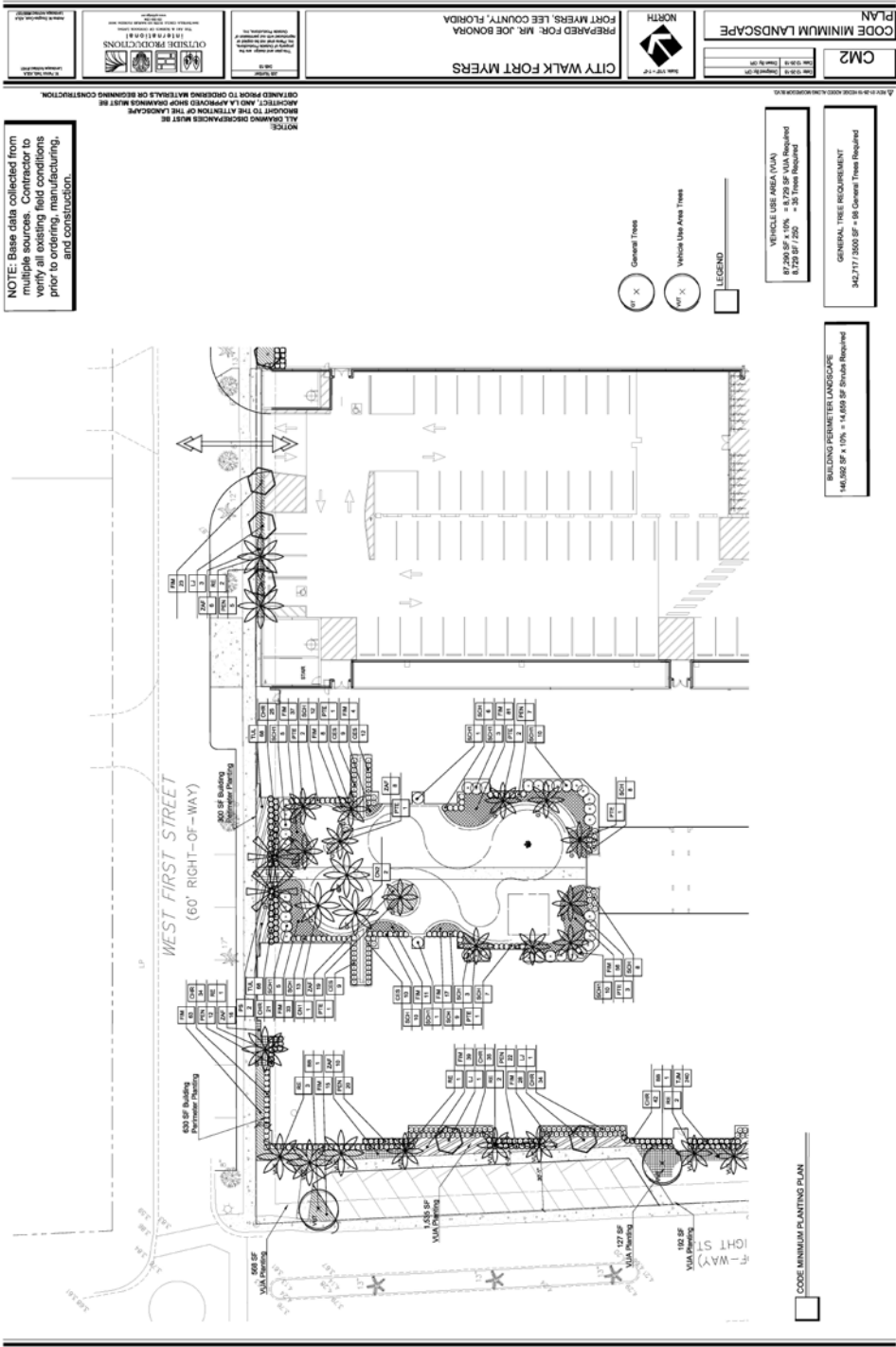
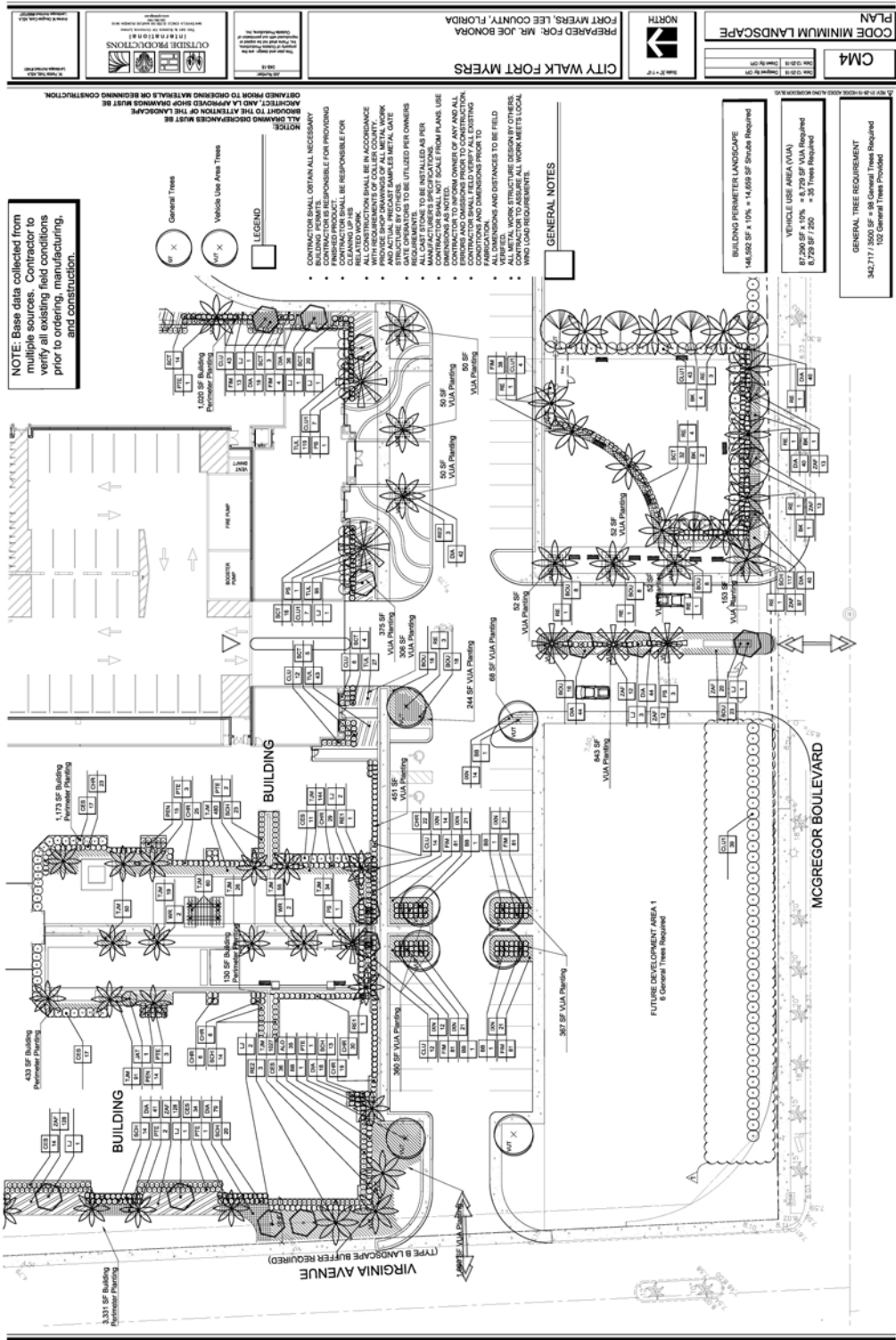


Exhibit B
Page 4 of 6



ORDINANCE NO. 3869

Exhibit E

Page 6 of 6

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