

A separate R/W permit is required for any work within the right-of-way.

Conditional  
Approval  
MIU BB 6/3/25

Reviewed for code compliance  
J Ooyman  
06/17/2025 9:28:11 AM

PF-22



06/04/2025 12:11:53 PM

City of Marco Island  
Growth Management Department  
50 Bald Eagle Drive  
Marco Island, FL 34145  
Phone: 239-389-5000



The Variance is contingent upon the project's consistency with all Public Works review of SDP-24000139 application, and upon the modification of the ERP 11-0143569-009 to incorporate those features.

## VARIANCE PETITION

Applicable Sections of the Marco Island Land Development Code Sec. 30-65 Procedures for obtaining variances

Reviewed for code compliance  
M Reed  
06/03/2025 10:27:24 AM

Petition number: V-\_\_\_\_\_ Date Received: \_\_\_\_\_

Planner: \_\_\_\_\_

Above to be completed by Staff

### PROPERTY INFORMATION

Property Owner(s): Marco River Marina, Inc.  
Owner's Address: 951 Bald Eagle Dr., Marco Island, FL 34145  
Phone Number: c/o Agent Email: c/o Agent

### AGENT INFORMATION

Agent's Name: Zachary W. Lombardo, Esq. - Woodward, Pires & Lombardo, P.A.  
Agent's Address: 606 Bald Eagle Dr. Ste. 500, Marco Island, FL 34145  
Phone Number: (239) 649-6555 Email: zlombardo@wpl-legal.com

### SITE INFORMATION

Address: 951 Bald Eagle Dr. Property ID#: 56930080005  
Subdivision: Marco Beach Unit 4 Block: 783 Lot(s): 1  
Is this a corner lot? : No Is this a waterfront lot? : Yes

Setbacks Required:

Front: N/A ft Rear: N/A ft Side: N/A ft Side: N/A ft

Setbacks provided:

Front: N/A ft Rear: N/A ft Side: N/A ft Side: N/A ft

## Zoning and Land Use

| Property Subject | Zoning   | Land Use                  |
|------------------|----------|---------------------------|
|                  | C-5      | Marina                    |
| N                | RSF-3    | Residential Single-Family |
| S                | C-5      | Condominium               |
| E                | Waterway |                           |
| W                | C-4      | Parking Lot               |

For variance requests for *existing structure(s)*, please provide the following information:

1. What is the requested encroachment?

N/A

2. When property owner purchased property?

May 9, 1966

3. When was the existing structure built (include building permit number if possible)?

1986 and 2016

4. How was existing encroachment created?

N/A

5. What is the certified cost estimate for bringing the existing structure(s) into compliance?

N/A

6. What extenuating circumstances exist related to the existing structures encroachment?

N/A

7. Are there any life/safety concerns related to the existing structure(s)?

No

For variance requests for *proposed structure(s)*, please provide the following information:

**1.** What is the proposed encroachment?

Please see Attachment 1.

---

---

---

**2.** Why is the encroachment necessary?

Please see Attachment 1.

---

---

---

**3.** What extenuating circumstances exist related to the proposed structure encroachment?

Please see Attachment 1.

---

---

---

#### **NATURE OF PETITION**

Please note that staff and the Marco Island Planning Board shall be guided in their recommendation to City Council acting as the Board of Zoning Appeals, and that City Council shall be guided in its determination to approve or deny a variance petition by the below listed criteria. Please provide a *narrative* response to the listed criteria and/or questions. Attach additional pages if necessary.

**1.** Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure or building involved?

Please see Attachment 1.

---

---

---

**2.** Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request?

Please see Attachment 1.

---

---

---

**3.** Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship or create practical difficulties on the applicant?

Please see Attachment 1.

---

---

---

**4.** Will the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare?

Please see Attachment 1.

---

---

---

**5.** Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

Please see Attachment 1.

---

---

---

**6.** Will granting the variance be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?

Please see Attachment 1.

---

---

---

**7.** Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, etc?

Please see Attachment 1.

---

---

---

**8.** Will granting the variance be consistent with the growth management plan?

Please see Attachment 1.

---

---

---

**VARIANCE PETITION**  
(For structures other than boat dock facilities)

**APPLICATION SUBMITTAL CHECKLIST**

*This completed checklist is to be submitted with application packet*

| REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | # OF COPIES REQUIRED                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Completed Application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1                                                                                                                                           |
| Completed Owner/Agent affidavit, signed and notarized                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1                                                                                                                                           |
| Pre-application notes/minutes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1                                                                                                                                           |
| Site Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | (please include 1 copy of any documentation in color or larger than 11x17 to be handed out at the Planning Board and City Council meetings) |
| Digital Copy of Site Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 1                                                                                                                                           |
| Application fee, check shall be made payable to<br>"The City of Marco Island" in the amount of \$2,000.00. The after-the-fact variance fee is twice the variance petition fee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                             |
| <b>PUBLIC NOTICE REQUIREMENT:</b> In addition to the fees required herein, all costs of newspaper notices and required notices for public petitions shall be paid in full prior to a scheduled public hearing. If such payment is not received prior to a scheduled public hearing, the petition will be continued and rescheduled. Any additional cost associated with a rescheduled item shall also be paid in full prior to the public hearing. Advertising for public hearings shall be prepared by staff and submitted to the newspapers as required in the Marco Island Land Development Code (LDC). If an application is filed for which a fee is not listed herein, staff shall assess the fee based upon actual time spent reviewing the petition.<br><b>Marco Island Code of Ordinances Section 30-8(a). Amended 10/17/2005</b> |                                                                                                                                             |

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

/s/ Zachary W. Lombardo

\_\_\_\_\_  
Signature of Petitioner or Agent

5/20/2025

\_\_\_\_\_  
Date

## **DOCK FACILITY VARIANCE APPLICATION SUBMITTAL CHECKLIST**

*Required public hearing(s) will not be scheduled until the dock facility variance application package has been deemed by staff to be complete.*

- ☐ Pre-application notes/minutes if required (Call 389-5000 to schedule a pre-application meeting)
- ☐ Completed application
- ☐ Completed Owner/Agent affidavit, signed and notarized
- ☐ Site plan, drawn to scale, illustrating all of the following:
  - ☐ Location map
  - ☐ Lot dimensions and land contour of subject property
  - ☐ Riparian line(s)
  - ☐ Required dock setbacks
  - ☐ Configuration and dimensions of decking, boatlifts, boat mooring areas of the (a) existing, (b) proposed, and (c) adjacent boat docking facilities.
  - ☐ Water depth survey, completed by a professional Florida engineer, licensed marine contractor, registered surveyor, or other person deemed to be qualified by the Community Development Director or his designee, using the format attached to the application form.
- ☐ Permit number and Certificate of Completion date for the original construction of existing boat docking facility, if applicable
- ☐ Resolution number and date of previous boat dock extension requests, if applicable
- ☐ Application fee (checks should be made payable to "City of Marco Island") in the amount of \$2,000.

**See SDP-24-000139**

**PUBLIC NOTICE REQUIREMENT:** In addition to the fees required herein, all costs of newspaper notices and required notices for public petitions shall be paid in full prior to a scheduled public hearing. If such payment is not received prior to a scheduled public hearing, the petition will be continued and rescheduled. Any additional cost associated with a rescheduled item shall also be paid in full prior to the public hearing. Advertising for public hearings shall be prepared by staff and submitted to the newspapers as required in the Marco Island Land Development Code (LDC). If an application is filed for which a fee is not listed herein, staff shall assess the fee based upon actual time spent reviewing the petition. **Marco Island Code of Ordinances Section 30-8(a). Amended 10/17/2005**

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

I understand that, in addition to approval of this dock variance, a building permit is required prior to commencement of construction. I also understand that if the City of Marco Island City Council approves this dock variance, an affected property owner may file an appeal within 14 days of the hearing. If I proceed with construction during this time, I do so at my own risk.

/s/ Zachary W. Lombardo

Signature of Petitioner or Agent

5/20/2025

Date

## AFFIDAVIT

We/I, MARCO RIVER MARINA, INC. d/b/a ROSE MARINA, being first duly sworn, depose and say that we/I am/are the owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of our knowledge and belief. We/I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated, or City printed shall not be altered. We/I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by City of Marco Island staff members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the Site Development Plan. While the Site Development Plan is pending, staff members will be allowed access upon the property provided they display a Marco Island City Photo ID or a Valid Driver's License.

As property owner we/I further authorize ZACHARY W. LOMBARDO, ESQ. of WOODWARD, PIRES & LOMBARDO, P.A. to act as our/my representative in any matters regarding this Petition.

  
Signature of Property Owner  
DWIGHT E. STRICKLAND  
Printed Name of Property Owner  
Title: PRESIDENT

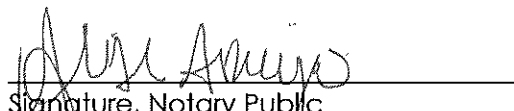
The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of May, 2025, by Dwight Strickland, who is personally known to me or has produced \_\_\_\_\_ as identification.

State of Florida  
County of Collier



**ALISHA ARAUJO**  
Notary Public  
State of Florida  
Comm# HH517531  
Expires 4/17/2028

(Seal)

  
Signature, Notary Public  
Alisha Araujo  
Printed, Typed, or Stamped Name of  
Notary

## ATTACHMENT 1

**Variances requested:** Reductions and modifications of and to landscape buffer requirements and waste/recycling facility locational requirements as set forth in sections 30-440, 30-441, and 30-1012, LDC, to carry forward site conditions approved by City Council in 2014 specifically:

1. **Variance 1: “Perimeter Plantings”, LDC Section 30-440 (a) (4) and LDC Section 30-624 (x)(4):** Reduce the building perimeter plantings for the boat barn building to allow for a 2,483 square foot deficit. This requested variance is applicable to only the marina boat barn and is intended to acknowledge existing conditions, previously approved by City Council in 2014, and to allow further improvements, with supplemental plantings as shown in the landscape plan for SDPA SDP-24-000139, specifically here:

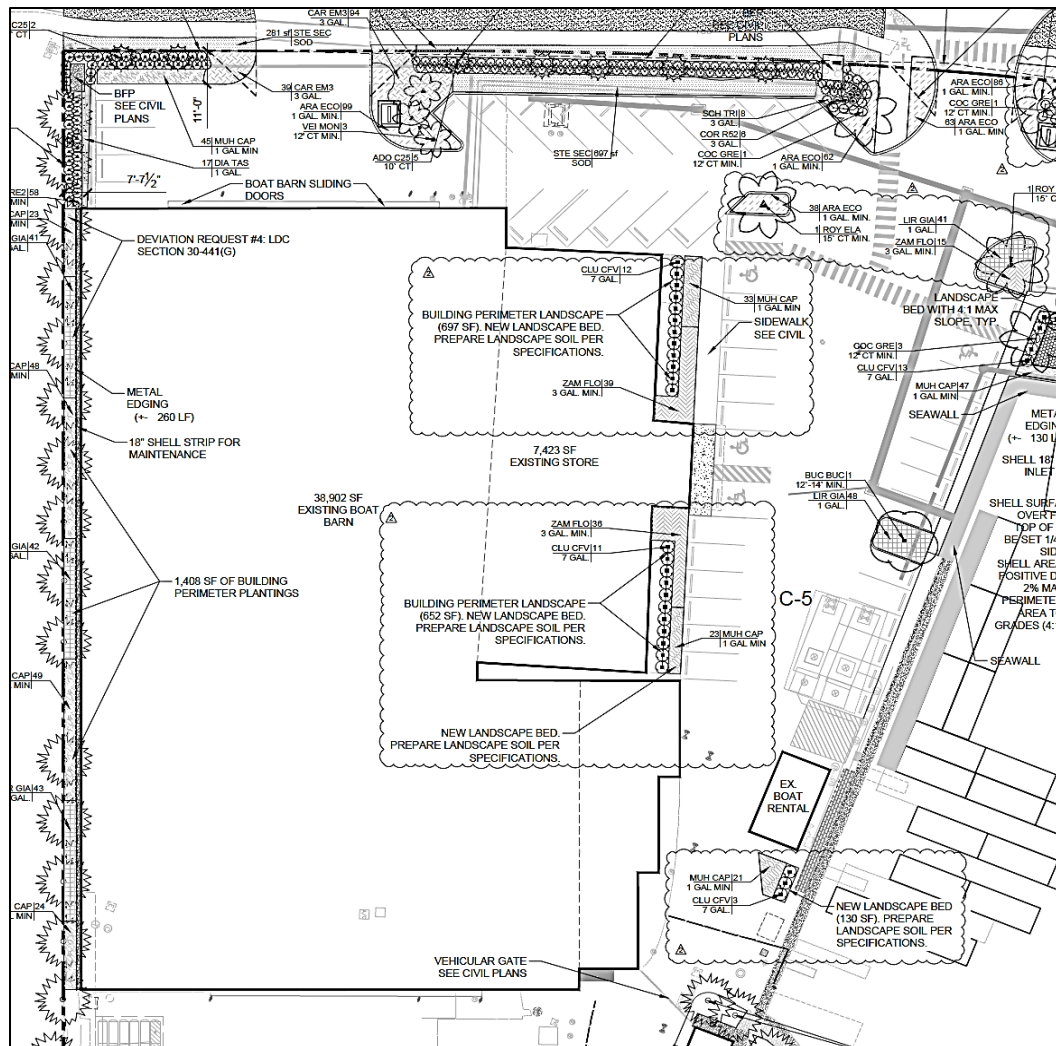


Figure 1 – Excerpt from landscape plan from SDPA Number SDP-24-000139

2. **Variance 2: “ROW Buffer”, DC Section 30-441(g)**: Reduce required 20-foot Type C buffer along arterial roadways to 10 feet. This variance is only applicable to the parking facility improvements proposed along the east side of Bald Eagle Drive and is intended to acknowledge existing conditions, previously approved by City Council in 2014, and to allow further improvements, as shown in the landscape plan for SDPA SDP-24-000139, specifically here:

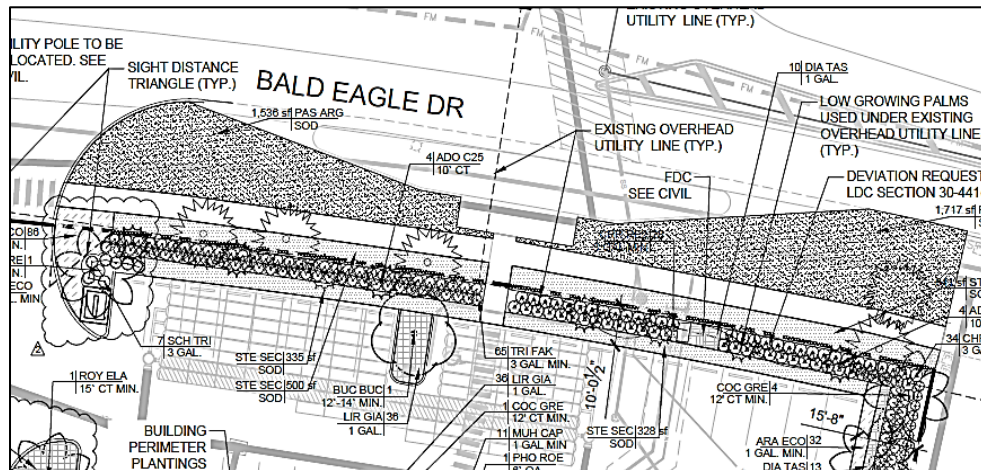


Figure 2 – Excerpt from landscape plan from SDPA Number SDP-24-000139

3. **Variance 3: “Solid Waste Dumpster”**, LDC Sec. 30-1012(c)(1): Permit the location of the solid waste bulk container in the Northern landscape buffer. This variance is intended to acknowledge existing conditions, previously approved by City Council in 2014, and, in this case, to reduce the amount of the variance, as shown in the landscape plan for SDPA SDP-24-000139, specifically here:

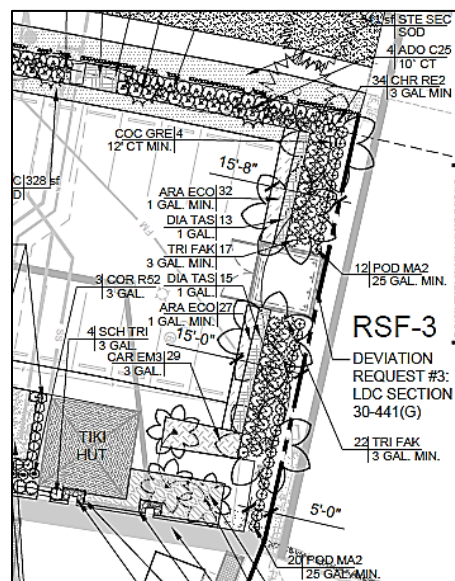


Figure 3 – Excerpt from landscape plan from SDPA Number SDP-24-000139

4. **Variance 4: “Recycling Location”, LDC Sec. 30-1012(c)(3):** Permit the location of the recycling bulk container more than 200’ from the proposed restaurant. This variance is intended to acknowledge existing conditions, previously approved by City Council in 2014, and, in this case, to reduce the amount of the variance, as shown in the landscape plan for SDPA SDP-24-000139, specifically here:

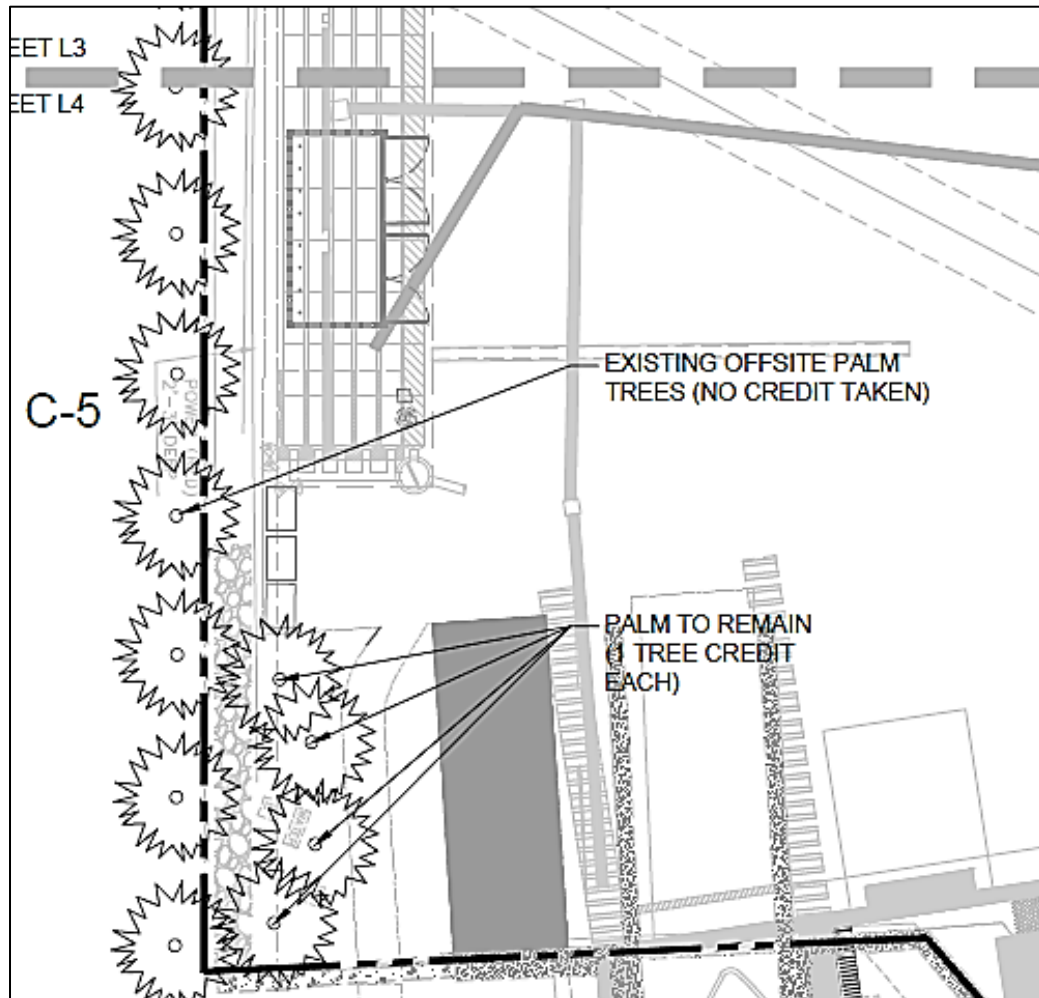


Figure 4 – Excerpt from landscape plan from SDPA Number SDP-24-000139

## **Summary:**

This is an existing and iconic site on Marco Island, and the East side of the site (that portion situated East of Bald Eagle Drive) has been a marina since at least February 25, 1967. Austin J. Bell, Kaitlin Romey, & the Marco Island Historical Society, Images of Modern America Marco Island 72 (2018). All variances applied for herein are for the East side of the site and all are related to existing, approved conditions that if not carried forward would create undue hardships, or practical difficulties in the updating and redevelopment of the marina.

## **Factors:**

**a. That there are special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved;**

There are special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved and cause the necessity for all 4 variances. Specifically, the East side of the marina contains submerged land which restricts the available area for parking, buffering, and waste/recycling management and the overall marina configuration itself has been in place for 58 years.

**b. That there are special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request;**

The above stated special conditions and circumstances do not result from the action of the applicant. Specifically, the current owner did not perform the dredging work to create the submerged lands on the East side of the marina or initially develop the marina.

**c. That a literal interpretation of the provisions of this LDC works an unnecessary and undue hardship on the applicant or creates a practical difficulty on the applicant;**

A literal interpretation of the provisions of this LDC works an unnecessary and undue hardship on the applicant or creates a practical difficulty on the applicant. Specifically, as to all four variances, due to the available land and the pre-existing marina configuration, installing the buffers and location of the waste/recycling facilities would restrict parking. This is unnecessary because the Applicant owns the lots to the North and all requested variances have been previously approved. Because the Applicant owns the lot to the North, there is an effective setback of over 270 feet to the next property line not owned by the applicant or City, to the North, and, as to recycling, recycling can be transported elsewhere on site by use of hand carts.

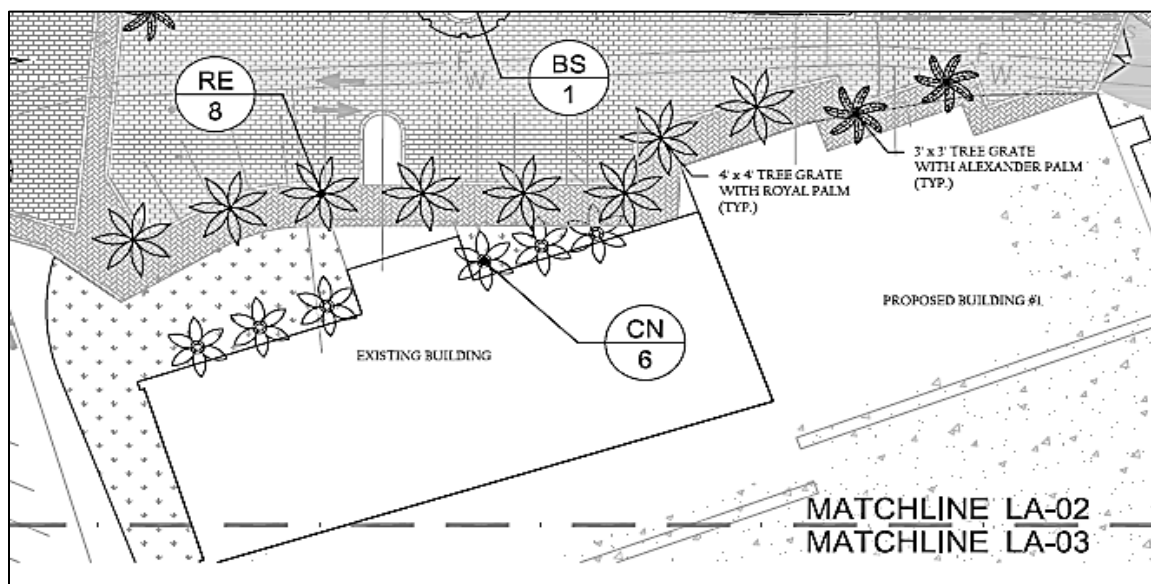
**d. That the variance, if granted, will be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare;**

The variances, if granted, will be the minimum variances that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare. Further, all requested variances are effectively in place now, and as to variances 1, 3 and 4, the proposed variances herein are less extensive than what is in place now.

Enclosed as **Exhibit A** is the currently approved landscape plan for the site, approved by City Council in 2014. The plan approves all 4 variances. It also shows that it was previously approved to only have a waste dumpster near to the restaurant.

Excerpts from the plan are here:

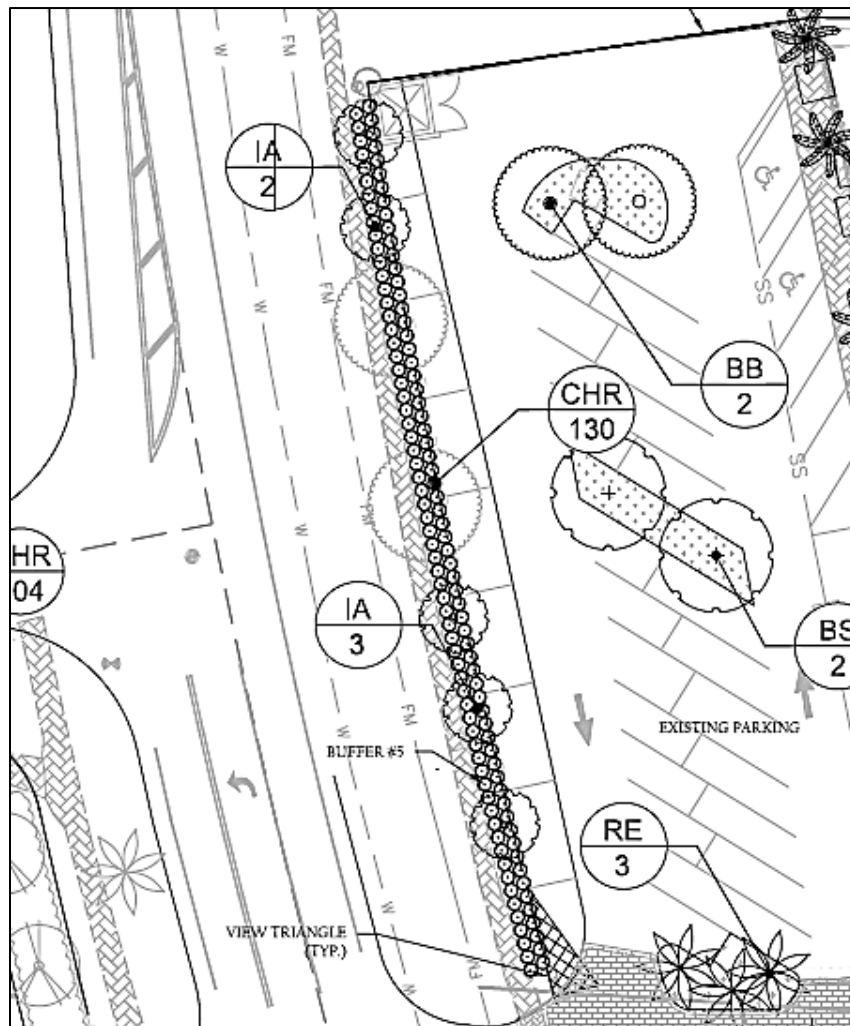
**Variance 1:**



*Figure 5 – Excerpt from 2014 Landscape Plan showing no perimeter plantings around existing building*

Note further as to variance 1 that the filed site plan includes a surplus of plantings at the restaurant, ship's store, and boat rental building.

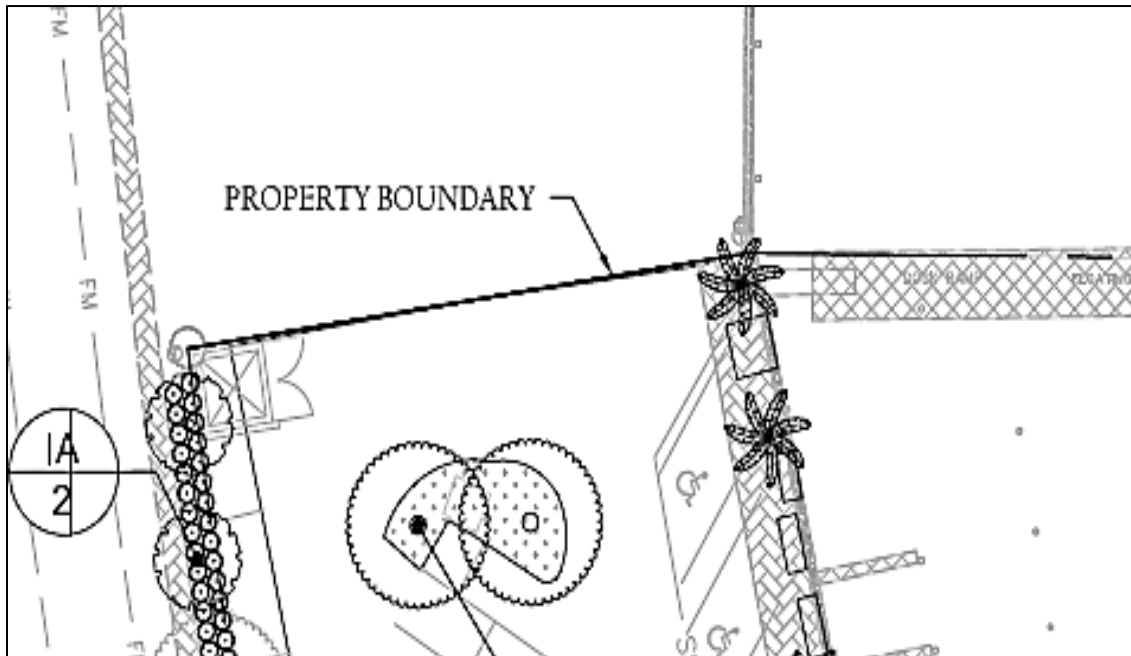
**Variance 2:**



Buffer landscaping required: Buffer #5 (±446 linear feet)  
10' in width required,  
1 trees per 30 l.f. = 15 x 1 = 15 Trees required  
double hedge row = 141 x 2 = 283 Shrubs required  
13 TREES PROVIDED  
2 TREES EXISTING  
164 SHRUBS PROVIDED  
119 SHRUBS EXISTING

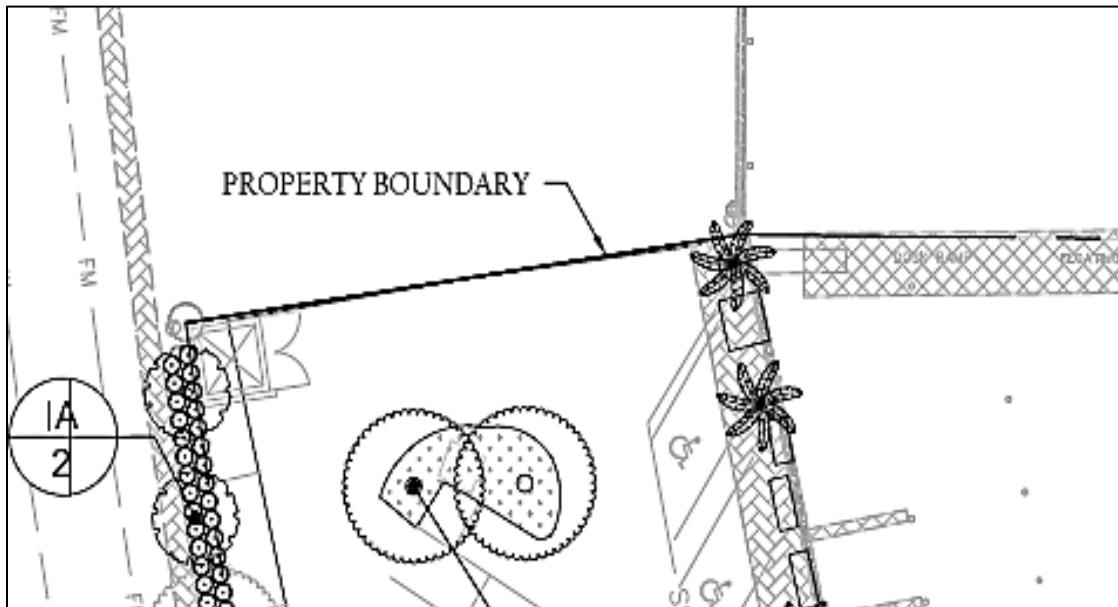
*Figure 6 – Excerpts from 2014 Landscape plan confirming Western landscape buffer of East side of Site at 10 feet*

**Variance 3:**



*Figure 7 – Excerpt from 2014 Landscape plan confirming Northern landscape buffer at 0' and dumpster located in what would have been the Northern landscape buffer as well as in the landscape buffer along Bald Eagle Drive.*

**Variance 4:**



*Figure 8 – Excerpt from 2014 Landscape plan confirming only a waste facility near to the restaurant, no recycling.*

**e. That granting the variance requested will not confer on the petitioner any special privilege that is denied by this LDC to other lands, buildings, or structures in the same zoning district;**

Granting the variance requested will not confer on the petitioner any special privilege that is denied by this LDC to other lands, buildings, or structures in the same zoning district. Specifically, because all requirements relative to all variances requested have previously been approved by City Council in the 2014 Site Development Plan.

**f. That granting the variance will be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare;**

Granting the variance will be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The purpose and intent of the landscape code is to:

(1) Promote the health, safety, and welfare of residents of the city by establishing minimum uniform standards for the installation and maintenance of landscaping;

(2) Improve the aesthetic appearance of commercial, and residential developments through the requirement of minimum landscaping in ways that harmonize the natural and built environment; promote preservation and planting of native plants and plant communities;

(3) Improve environmental quality by reducing and reversing air, noise, heat, and chemical pollution through the preservation of canopy trees and the creation of shade and microclimate;

(4) Reduce heat gain in or on buildings or paved areas through the filtering capacity of trees and vegetation; and

(5) Promote water conservation by encouraging the use of native and drought-tolerant vegetation and properly zoned irrigation system through xeriscape.

(Ord. No. 02-22, § 2, 7-15-2002)

As a buffer will be provided, all of the above will be met.

**g. That there are natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, or similar circumstances; and**

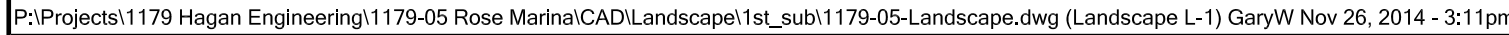
Yes, there are submerged lands.

**h. That the granting of the variance will be consistent with the comprehensive plan.**

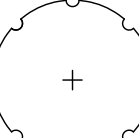
The granting of the variance will be consistent with the comprehensive plan. Several policies address landscaping and, as landscaping will be provided, all are met.

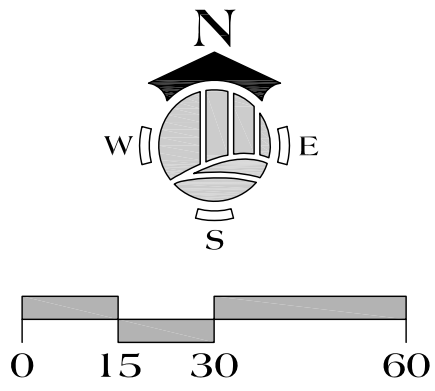
Specifically, Policy 2.2.1, 3.2.1, and 5.1.5 of the Future Land Use Element, are all met.

# **Exhibit “A”**



LA-01

|                                                                                   |                                                          |
|-----------------------------------------------------------------------------------|----------------------------------------------------------|
|  | GRAY LANDSCAPE REPRESENTS EXISTING TREE / PALM TO REMAIN |
|  | SOLID, LABELED PLANTS REPRESENTS PROPOSED                |





2401 FIRST STREET, SUITE 201  
FORT MYERS, FLORIDA 33901  
PH: (239) 226-0024 - FX: (239) 226-0094  
EB-20544 CALC-20000374



HAGAN  
ENGINEERING

ROSE MARINA  
MARCO ISLAND, FL

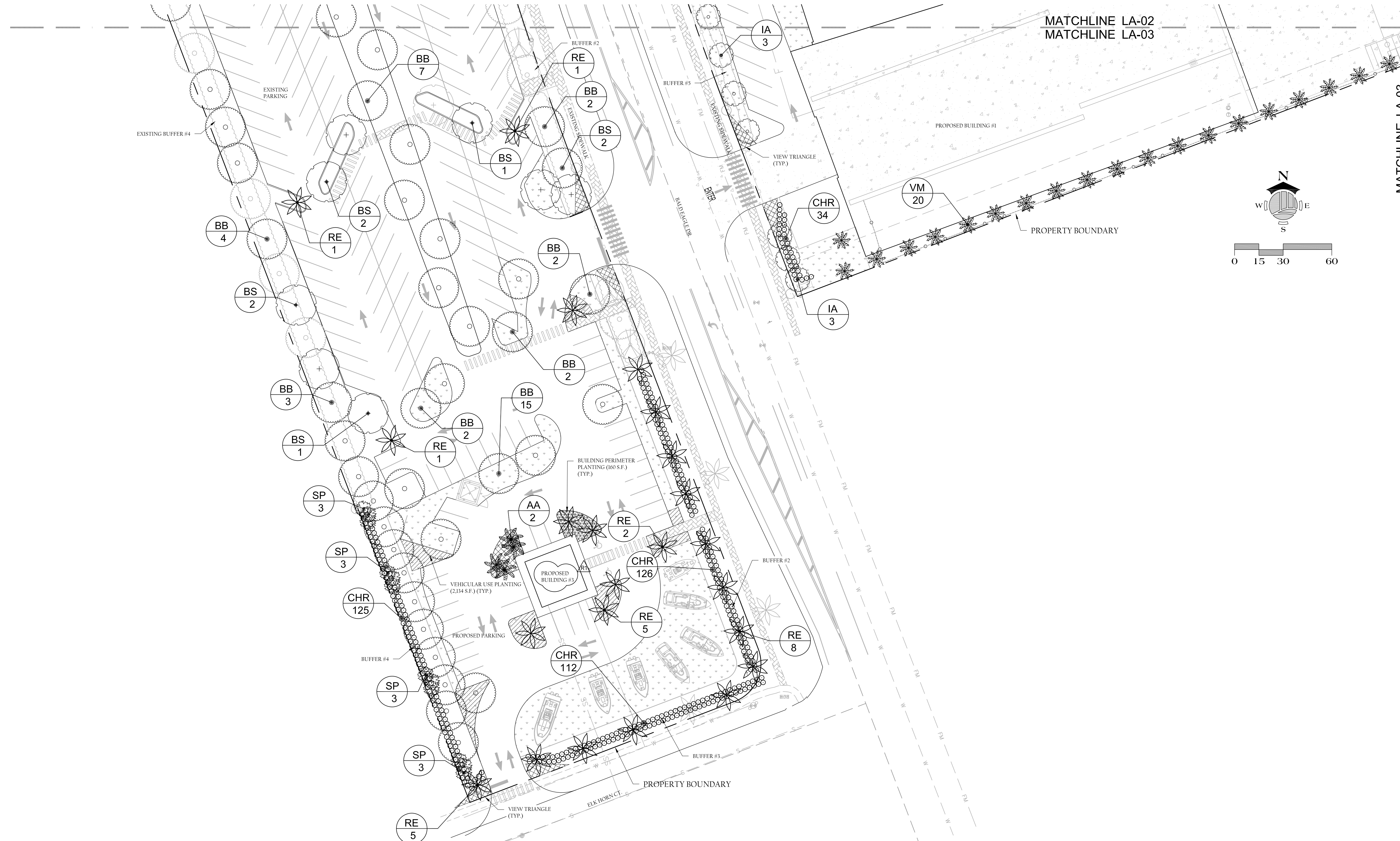
JONATHAN L. ROMINE  
RLA NO. LA 666886

| REVISIONS |                               | DATE | 6-9-14 |
|-----------|-------------------------------|------|--------|
| NO.       | DESCRIPTION                   |      |        |
| R1        | REVISIONS PER COUNTY COMMENTS |      |        |
| R2        |                               |      |        |
| R3        |                               |      |        |
| R4        |                               |      |        |
| R5        |                               |      |        |
| R6        |                               |      |        |

|             |                |
|-------------|----------------|
| DATE:       | 1-13-14        |
| PROJECT NO. | 1179-05        |
| FILE NO.    | 1179-05-LS.dwg |
| SCALE:      | AS SHOWN       |

LANDSCAPE  
PLAN

LA-02



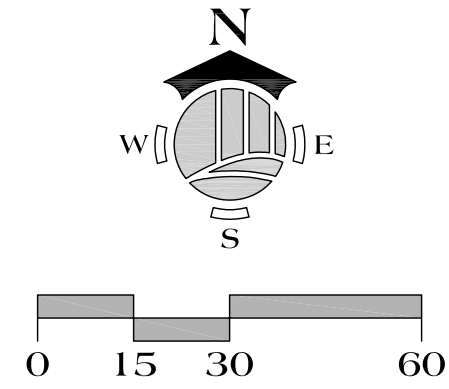
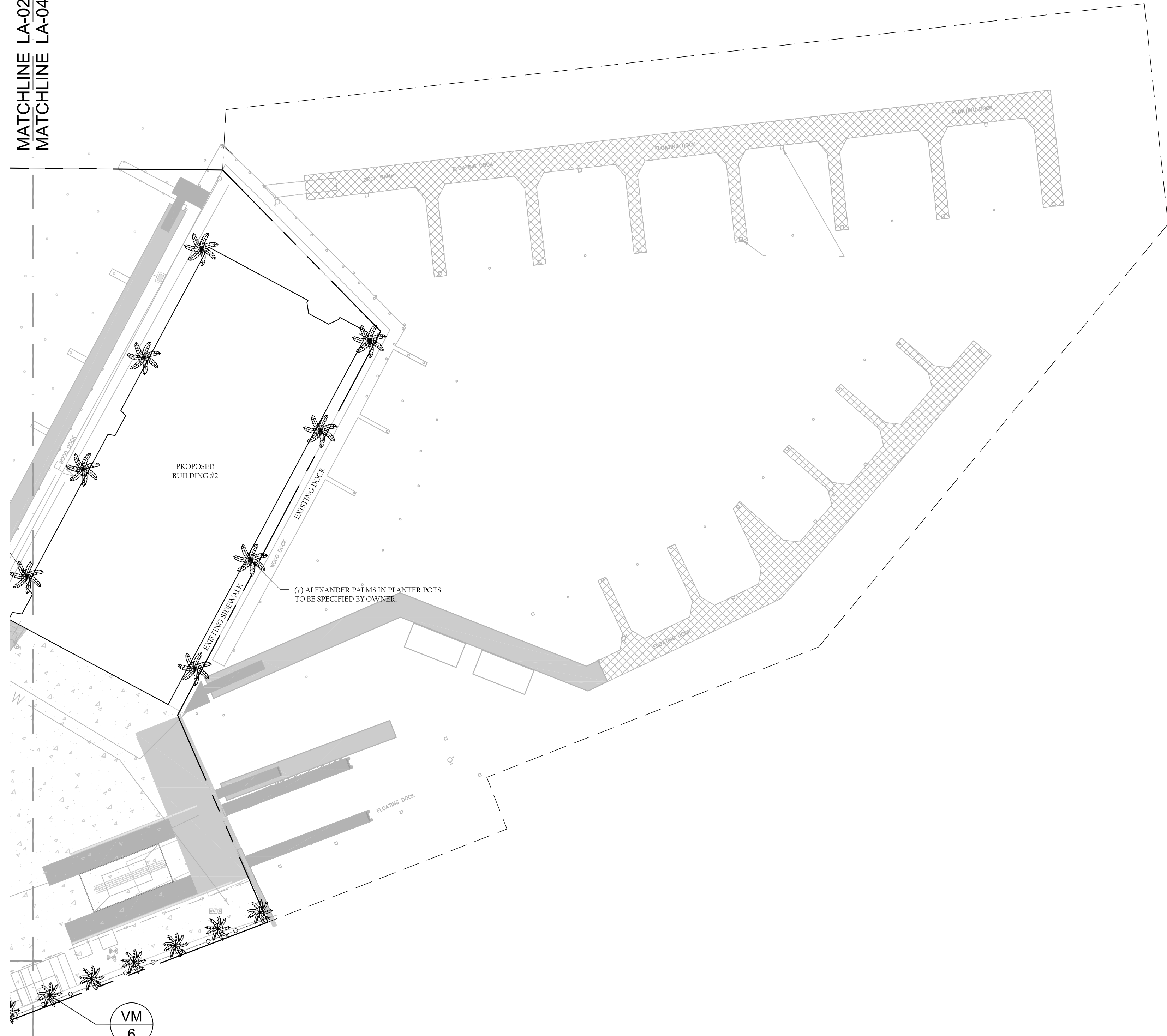
|  |                                                          |
|--|----------------------------------------------------------|
|  | GRAY LANDSCAPE REPRESENTS EXISTING TREE / PALM TO REMAIN |
|  | SOLID, LABELED PLANTS REPRESENTS PROPOSED                |

| REVISIONS |                               | DATE   |
|-----------|-------------------------------|--------|
| NO.       | DESCRIPTION                   |        |
| R1        | REVISIONS PER COUNTY COMMENTS | 6-9-14 |
| R2        |                               |        |
| R3        |                               |        |
| R4        |                               |        |
| R5        |                               |        |
| R6        |                               |        |

|             |                |
|-------------|----------------|
| DATE:       | 1-13-14        |
| PROJECT NO. | 1179-05        |
| FILE NO.    | 1179-05-LS.dwg |
| SCALE:      | AS SHOWN       |

MATCHLINE LA-02  
MATCHLINE LA-04

MATCHLINE LA-03  
MATCHLINE LA-04



|  |                                                          |
|--|----------------------------------------------------------|
|  | GRAY LANDSCAPE REPRESENTS EXISTING TREE / PALM TO REMAIN |
|  | SOLID, LABELED PLANTS REPRESENTS PROPOSED                |



ROSE MARINA  
MARCO ISLAND, FL

JONATHAN L. ROMINE  
RLA NO. LA 666688

| REVISIONS |                               | DATE   |
|-----------|-------------------------------|--------|
| NO.       | DESCRIPTION                   |        |
| R1        | REVISIONS PER COUNTY COMMENTS | 6-9-14 |
| R2        |                               |        |
| R3        |                               |        |
| R4        |                               |        |
| R5        |                               |        |
| R6        |                               |        |

|             |                |
|-------------|----------------|
| DATE:       | 1-13-14        |
| PROJECT NO. | 1179-05        |
| FILE NO.    | 1179-05-LS.dwg |
| SCALE:      | AS SHOWN       |

LANDSCAPE  
PLAN

LA-04

LANDSCAPE SPECIFICATIONS

PART 1 - GENERAL

1.01 WORK INCLUDED

A. The work included in this Section consists of furnishing, planting, watering, fertilizing and mulching all plants and lawn areas of species, size and quality in the locations indicated on the drawings or as directed by the Landscape Architect.

1.02 DELIVERY, STORAGE AND HANDLING

A. Transportation and Inspection: Plant transportation shall comply with all federal and state

1.03 GUARANTEE

A. The contractor shall guarantee all planting work and irrigation equipment for a period of 12 months and all sod for 6 months after the date of final acceptance. During this period, the Contractor shall continue the observation of plants and guaranteed work. The Contractor shall submit monthly observation reports to the Owner with a copy to the Landscape Architect during the guarantee period. The purpose of these reports is to state any maintenance deficiencies observed. It is the Contractor's responsibility to report these to protect his guarantee. Failure to submit reports eliminates any claims that the guarantee is not valid due to improper maintenance by the Owner.

B. Replacement of Defective Plants: Any dead plants or plants showing indication of probable non-survival or lack of health and vigor, or which do not exhibit the characteristics to meet specifications, shall be replaced within two weeks of notice from Owner or Landscape Architect. The replacement plants shall be furnished/installed at no additional cost to the Owner and shall be guaranteed for 12 months. All replacements shall meet original specifications.

C. The Contractor shall notify the Owner and Landscape Architect ten days prior to the end of the guarantee period and such guarantee shall be extended until notification is received.

D. At the end of the guarantee period, all plants that are dead or in unsatisfactory growth shall be replaced within two weeks.

1.04 JOB CONDITIONS

A. Protection: The Contractor shall protect all materials and work against injury from any causes and shall provide and maintain any necessary safeguards for the protection of the public. Contractor shall be held responsible for any damage or injury to person or property which may occur as a result of his negligence in the prosecution of the work.

B. Existing Conditions:

1. The Contractor shall exercise care in digging and other work so as not to damage existing work including underground pipes and cables, and the pipes and hydrants of watering systems. Should such overhead or underground obstructions be encountered and interfere with planting, the Landscape Architect shall be consulted to recommend adjustment to the plant locations to clear such obstruction. The Contractor shall be responsible for the immediate repair of any damage caused by his work. (See Section 3.01)

2. Should any objectionable materials such as old concrete, bricks or other debris be encountered during planting operations, they shall be removed from the site and disposed of by the Contractor.

1.05 QUALITY CONTROL

A. The Landscape Architect shall have the right, at any stage of the operations, to reject any and all work and materials which, in his/her opinion, do not meet the requirements of these specifications.

B. All planting shall be performed by personnel familiar with planting procedure and under the supervision of a qualified planting foreman.

C. All work shall comply with aPElicable codes and regulations.

D. The work shall be coordinated with other trades to prevent conflicts.

1.06 QUANTITIES

In the event of a conflict between quantities shown on the plant list and plans, the plans shall control.

PART 2 - PRODUCTS

2.01 MATERIALS

1. Nomenclature: All trees, shrubs and plants shall be true to name as established by the American Joint Committee on Horticultural Nomenclature publication "Standard Plant Names".

2. Grade Standards and Quality: All plants shall be nursery grown and shall comply with all required inspections, grading standards and plant regulations as set forth in the Florida Department of Agriculture "Grades and Standards for Nursery Plants", Parts 1 and 2 including revisions.

a. The minimum grade for all trees and shrubs shall be Florida No. 1 unless otherwise indicated and all plants shall be sound, healthy and vigorous, well branched and densely foliated when in leaf. They shall have healthy, well-developed root systems and shall be free of disease and insect pests, eggs

3. Measurements: The minimum acceptable size of all plants, measured after pruning, with branches in normal positions, shall conform to the specified sizes as shown on the plans. Sizes specified are minimum standards. Plants shall be equal to or larger than all categories (height, spread, caliper) of size specification. Substantial deviations from these measurements must be aPEroved by the Landscape Architect. Caliper of tree trunks shall be measured above finish grade.

4. Plant Protection: Plants shall be protected upon arrival to the site by being thoroughly watered, kept moist and properly maintained until planted.

B. Plant Materials: With reference to method of cultivation, root system status, etc., plants for landscaping shall be classified under the following designations:

1. Balled and BurlaPEed: Plants so classified shall be dug with firm natural root balls of earth, of sufficient diameter and depth to include most of the fibrous roots. The root ball of these plants shall be properly wrapPEed with burlap sack material and remain protected and wet until they are planted. The plant shall be handled only by the earth ball and not by the plant itself. All balled and burlaPEed plants with cannot be planted immediately upon delivery shall be set on the ground and shall be well protected with soil, wet moss, or other acceptable material. The plants shall be set with the burlap cover intact and with the burlap showing, until inspection. At final inspection the burlap may be cut away to ground level and then completely covered with soil.

2. Container Grown Plants:

a. Container grown plants shall have been grown in a container large enough and for sufficient time for the root system to have developed well to hold its soil together firm and whole. No plants shall be loose in the container. Plants, which have become pot bound or for which the top system is too large for the size of the container will not be acceptable.

b. All containers shall be cut and opened fully in a manner such as will not damage the root system. Container grown plants shall not be removed from the container until immediately before planting, when all due care shall be taken to prevent damage to the root system.

3. Bare Root Plants: No bare root plants shall be used.

B. Planting Materials:

1. Topsoil:

a. Topsoil shall be a friable loam, typical of cultivated topsoils locally, containing at least 5 percent of decayed organic matter (humus). It shall be taken from a well drained, arable site. It shall be reasonably free from weeds, subsoil, stones, clods, sticks, roots or other objectionable extraneous matter or debris. It shall not contain toxic materials and shall have an acidity range of pH 6.0 to 7.0. Topsoil from nut grass infested areas will not be acceptable.

b. Any required soil testing shall be the Contractor's responsibility.

c. Soil Preparation: Prior to placing mix and backfill, or commencing with planting, rototill any or all areas that have been previously compacted over 90 percent for other construction purposes.

2. Fertilizer: Fertilizer shall be a complete fertilizer, of which part of the elements shall be derived from organic sources. It shall contain the following minimum percentages by weight:

a. Nitrogen N - 6 percent

b. Phosphorous P - 6 percent

c. Potassium K - 6 percent

d. (Or other analysis as may be aPEroved by the Landscape Architect).

e. In addition, the recommended micronutrients must be present in the guaranteed analysis.

3. Planting Mixture: Planting mixture shall consist of aPEroximately four parts of acceptable natural topsoil and one part pulverized peat or sterilized manure, and to each cubic yard shall be added and incorporated by thoroughly mixing, four pounds of commercial fertilizer having an analysis of 6 - 6 - 6.

a. Acceptable artificially prepared planting compost material, aPEroved by the Landscape Architect, will be permitted in lieu of the pulverized peat or sterilized manure, in the prepared topsoil mixture for use as backfill material.

4. Mulch: Mulch shall be shredded, clean, bright and free of weeds, moss, sticks and other debris. The use of cypress mulch is strongly discouraged. Pine straw mulch shall be used in all native revegetated areas.

5. Water: Suitable water for the irrigation of the new plantings during the progress of construction shall be provided and paid for by the Contractor, who shall also furnish adequate watering equipment.

6. Stakes and Ties: Stakes and tree ties shall be provided in accordance with the requirements of Paragraph 3.02 B hereinafter.

END OF SECTION 2

PART 3 -- EXECUTION

3.01 PREPARATION

A. Underground Obstructions

1. Upon request from the Contractor, the Owner shall provide plans showing locations of underground utilities and/or will assist the Contractor in securing underground locations from other public utility companies, such as telephone, electricity, etc.

2. In the event that rock, underground construction work, utility lines or obstructions out of the ordinary are encountered in any plant pit excavation; alternative locations shall be selected by the Landscape Architect. Where locations cannot be changed and the obstructions may be removed, the obstructions shall be removed to a depth of not less than 3 feet below grade and no less than 6 inches below bottom of balls or roots when plant is properly set at the required grade.

B. Excavation of Planting Beds and/or Plant Holes:

1. Where excavation encounters materials which are unsuitable for plant growth, all of said unsuitable material shall be removed and replaced with topsoil, meeting the requirements of paragraph 2.01 - C herein.

2. Where excavation encounters materials, which are unsuitable for plant growth, the plant hole excavations shall be roughly cylindrical in shape, with the sides aPEroximately vertical. Plants shall be centered in the hole, with the trunk location as shown in the Drawings. Bottoms of the holes shall be loosened at least 6 inches deeper than the required depth of excavation.

C. Protections of Existing Trees: The Contractor shall protect existing trees from damage. Where damage does occur, the Contractor shall remove the damaged tree and replace it in kind and size in accordance with the instructions of the Landscape Architect and the aPEropriate specifications, all at no additional cost to the Owner.

D. Grades: It shall be the responsibility of the Contractor to finish (fine) grade all landscape areas eliminating all surface irregularities, depressions, sticks, stones and other debris to the satisfaction of Owner or his designee. After the grade has been established and compacted to the required depth, no sod shall be laid until the grade has been aPEroved.

3.02 PLANTING

A. Setting of Plants

1. When lowered into the hole, the plant shall rest on a prepared hole bottom such that the roots are level with or slightly above, the level of their previous growth and so oriented such as to present the best aPEpearance. The Contractor, when setting plants in holes, shall make allowances for any anticipated settling of the plants.

2. The backfill shall be made with prepared topsoil as specified hereinbefore and shall be firmly rodded and watered in, so that no air pockets remain. The quantity of waster aPElied immediately upon planting shall be sufficient to thoroughly moisten all of the backfilled earth. Plants shall be kept in a moistened condition for the duration of the planting period.

B. Staking and Guying: It is the responsibility of the Contractor to maintain all plants in a plumb, upright position until the end of the guarantee period. Staking shall be the option of the Contractor, although all damaged plants resulting from the lack of proper staking and guying shall be replaced by the Contractor at no expense to the Owner. All tree guy wires shall be flagged with yellow safety ribbon.

C. Pruning:

1. All broken or damaged roots shall be cut off smoothly and the tops of all trees shall be pruned in a manner complying with standard horticultural practice. At the time pruning is completed, all remaining wood shall be alive. Fine pruning for tree shape and aPEpearance shall be done only under the direction of the Landscape Architect or Certified Arborist.

2. At the end of the guarantee period at least 80 percent of the wood remaining shall be alive.

D. Mulching: Within one week after the planting, mulch material shall be uniformly aPElied to a minimum loose thickness of three (3) inches over the entire area of the backfilled hole or bed. The mulch shall be maintained continuously in place until the time of final inspection.

E. Watering: The Contractor shall continue watering for as long as is necessary to properly establish the new plantings. Care shall be taken to prevent staining of new construction where temporary well water is used.

F. Pest Control: Prior to Final Acceptance, occurrence of scales, borers, foliage feeders, aphids, mites, leaf-spot and dieback, nematodes and canker-producing fungi, etc., shall be treated with aPEropriate pesticide.

G. All plants shall receive fertilizer during the planting period.

3.03 BERMING

A. Fill dirt shall be locally obtained material from naturally drained sources, free from dry organic debris, stones larger than one inch diameter and other materials harmful to successful drainage and plant growth. Soil shall be well mixed and contain no more than 25 percent muck.

B. Grade areas indicated with uniform levels or slopes with no more than 4:1 maximum slope. Berms shall be gently rolling and parabolic and shall be smoothed with a box blade tractor prior to planting.

C. Contractor shall repair and re-establish grades in settled, eroded, rutted or otherwise damaged areas.

3.04 SODDING/SEEDING

A. The sod shall be of firm, tough texture having a compact growth of grass with good root development. It shall contain no Bermuda grass, weeds or any other objectionable vegetation. The soil embedded in the sod shall be good clean earth, free from stones and debris. The sod shall be free from fungus, vermin and other diseases. Final turf shall have no area greater than 12 square inches of un-sodded area.

B. Solid sod shall be laid with closely abutting joints with a tamped or rolled even surface. It shall be the responsibility of the Contractor to bring the sod edge in a neat, clean manner to the edge of all paving and shrub areas. After the sod is laid, a top dressing of clean sand will be evenly aPElied over the entire surface and thoroughly washed in, if determined necessary. Peg sod on slopes as required to prevent slipPEage. Fertilize all sod with one pound nitrogen per 1,000 square feet.

C. Areas to be seeded shall be seeded with a blend of Argentine Bahia and Japanese Millet or Rye Grass Seed and then covered with straw. Hydro-mulched areas shall have all slopes swales and a two (2) foot strip along the pavement edges sodded.

3.05 FIELD QUALITY CONTROL

A. Maintenance Prior to Final Acceptance:

1. Maintenance shall begin immediately after each plant is planted and shall continue until Final Acceptance. Plants shall be watered, mulched, weeded, pruned, sprayed, fertilized, cultivated and otherwise maintained and protected for the period of time stated above. Sod shall be moved as required.

2. Settled plants shall be reset to proper grade position, planting saucer restored and dead material removed. Guys shall be tightened and repaired.

3. Defective work shall be corrected as soon as possible after it becomes aPEarent and weather and season permit. Upon completion of planting, the Contractor shall remove from the site excess soil and debris, and repair any damage to structures, etc., resulting from planting operations.

4. Contractor is responsible for protection against mechanical damage; that includes providing protection from vehicles, including the posting of aPEroved warning signs and barricades, as might be necessary. He shall repair, restore or replace any plants or planting areas that might become damaged as a result of any negligence by him in complying with these requirements. As a specific requirement of these conditions, the Contractor shall be responsible for assuring that all plants at the time of final inspection exhibit the characteristics and qualifications required for the grade of plant as originally specified.

5. Contractor shall be responsible for any additional watering required if irrigation proves to be inadequate for freshly planted material.

6. Except as otherwise specified, the Contractor's work shall conform to accepted horticultural practices as used in the trade.

B. Final Acceptance:

1. Upon completion of all Work, including maintenance, the Contractor shall arrange for a final inspection. The landscape work may be reviewed for acceptance in parts, provided the work comprises one full unit or area of substantial size.

2. Date of Final Acceptance shall mark the beginning of the Guarantee Period.

C. Guarantee Inspection: At the end of the guarantee period, inspection of plants will be made by the Owner or his designee upon written notice requesting such inspection, submitted by the contractor at least ten (10) days before the anticipated inspection. All defects discovered shall be repaired or replaced by the Contractor.

3.06 ADJUSTMENT AND CLEANING

A. Cleaning up the Site: Upon completion of any landscape project the Contractor must thoroughly clean up the project site. In addition to removing all equipment, unused materials, deleterious material, and surplus excavated material, the Contractor shall fine grade all disturbed areas and the areas adjacent to the new plantings to provide a neat and uniform site. All damaged or altered existing structures, as a result of the landscape work, shall be corrected.

END OF SECTION 3

PART 4 -- TREE PROTECTION SPECIFICATIONS

1. Groups of trees and individual trees selected for retention shall be accurately located from the plan and designated with colored flagging tape as "tree(s) to be saved." Individual specimens that are not part of a tree group shall also be flagged for preservation.

2. Marking: Prior to construction and before the pre-construction conference, individual trees and strands of trees to be retained within the limits of clearing shall be visibly marked with a bright colored surveyor's ribbon aPElied in a band circling the tree at a height visible to equipment operators. Color flagging is to be consistent on all trees to be preserved.

3. Pre-Construction Conference: During the pre-construction conference, tree preservation and protection measures should be reviewed with the contractor as they aPEly to the specific project. The contractor will be responsible for familiarizing himself/herself with all local tree properties and removal ordinance prior to this meeting. Copies of the ordinance are available from the aPElicable local government.

4. Equipment Operation and Storage: Heavy equipment, vehicular traffic or stockpiles of any construction material, including topsoil shall not be permitted within the drip line of any tree to be retained. Trees being removed shall not be felled, pushed or pulled into trees being retained. Equipment operators shall not clean any part of their equipment by slamming it against the trunks of trees to be retained.

5. Fires: Fires shall not be permitted within 100 feet from the drip line of any trees to be retained. Fires shall be limited in size to prevent adverse effects on trees, and kept under surveillance.

6. Storage and Disposal of Toxic Materials: No toxic materials shall be stored closer than 100 feet to the drip line of any trees to be retained. Paint, acid, nails, gypsum board, wire, chemicals, fuels, and lubricants shall not be disposed of in such a way as to injure vegetation.

7. Fencing: The use of new or used chainlink fence (minimum 5' height) may be used which will effectively protect the roots, trunk and tops of trees retained on the site at the dripline. However, trees to be retained within 100 feet of a proposed building or excavation shall be protected by fencing. Personnel must be instructed to honor protective devices. The devices described are minimum requirements only (and are not intended to exclude the use of other devices which may be aPEroved by the aPElicable local government) and will protect the trees to be retained.

a. Field Fence -- Standard 48-inch high field fence shall be placed at the drip line of the preserved tree on standard steel posts set 6 feet apart.

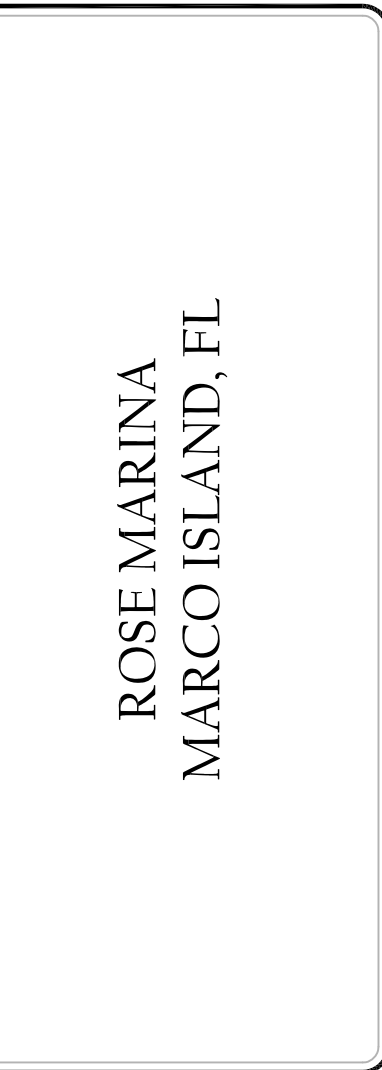
b. Board Fence -- Board fencing consisting of 4 inch square posts set securely in the ground and protruding at least 4 feet above the ground shall be placed a maximum of 10 feet at the limits of the drip line with a minimum of two horizontal boards between posts.

c. Additional Trees -- Additional trees may be left standing as protection between the trunks of the trees to be retained and the limits of clearing. However, in order for this alternative to be used, the trunks of the trees in the buffer must be no more than 6 feet apart to prevent passage of equipment and material through the buffer or around the tree to be preserved. These additional trees shall be reexamined prior to the completion of construction and either given sufficient treatment to ensure survival or removed.

d. Trunk Armoring -- When fine grading is required around tree trunks, a tree trunk should be armored with burlap wrapPEing and 2 inch studs wired vertically no more than 2 inches apart to a height of 5 feet encircling the trunk. If this alternative is used, the root zone within the drip line will still require protection. Nothing is to ever be nailed to the preserved trees.

Fencing and armoring devices shall be in place before any excavation or grading is begun, shall be kept in good repair for the duration of construction activities, and shall be the last items removed during the final cleanup after the completion of the project. It is the responsibility of the l contractor to schedule the required tree preservation armoring inspections with the aPEropriate governmental agency prior to, during and after, clearing operations and final clean up.

END OF SECTION 4



| REVISIONS |                               | DATE   |
|-----------|-------------------------------|--------|
| NO.       | DESCRIPTION                   |        |
| R1        | REVISIONS PER COUNTY COMMENTS | 6-9-14 |
| R2        |                               |        |
| R3        |                               |        |
| R4        |                               |        |
| R5        |                               |        |
| R6        |                               |        |

|             |                |
|-------------|----------------|
| DATE:       | 1-13-14        |
| PROJECT NO. | 1179-05        |
| FILE NO.    | 1179-05-LS.dwg |
| SCALE:      | AS SHOWN       |

