

RESOLUTION NUMBER Z-82-112

The following resolution was adopted by the Lee County Zoning Board upon motion by Zoning Board Member Ross, and seconded by Zoning Board Member Smith, and upon poll of the members present the vote was as follows:

William Spikowski	No	Robert Terrell	Aye
Chuck Ross	Aye	Truman A. Morris	No
Thad Taylor	No	Monty Bishop	Aye
Thomas C. Smith	Aye		

WHEREAS The Ramar Group Companies, Inc. (River's Edge) has requested a change in zoning from AG to PUD.

SUBJECT PROPERTY: Secs. 29, 30 and 31, Township 45 South, Range 24 East, Lee County, Florida.

Tract 1: Government Lots 2, 3 and 4, of Section 30, Township 45 South, Range 24 East and

The east half ($E\frac{1}{2}$) of the Northeast quarter ($NE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$), and

The Northwest quarter ($NW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$), and

All that part of the Northwest quarter ($NW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) of Section 31, Township 45 South, Range 24 East, lying Northwesterly from McGregor Boulevard.

EXCEPTING THEREFROM the following described parcel:

From the Southwest corner of said Northwest quarter ($NW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) of said Section 31, run North $88^{\circ} 57' 56''$ East along the South line of said fraction of a section for 542.85 feet; thence run North $01^{\circ} 07' 16''$ West for 28.29 feet to a steel pin and the point of beginning. From said point of beginning continue North $01^{\circ} 07' 16''$ West for 190.44 feet to a concrete monument; thence run North $65^{\circ} 11' 10''$ East for 162.71 feet to a concrete monument; thence run South $40^{\circ} 34' 21''$ East for 204.09 feet to a steel pin marking the intersection with the Northwesterly line (40 feet from the centerline) of McGregor Boulevard (State Road S-867); thence run South $49^{\circ} 25' 39''$ West for 154.71 feet to a nail marking the intersection with the Northerly line of Iona Road; thence run South $88^{\circ} 54' 23''$ West along said Northerly line for 159.21 feet to the point of beginning; SUBJECT TO the right of way for Iona Road.

Tract 2: All that part of the West Half ($W\frac{1}{2}$) of the West Half ($W\frac{1}{2}$) of Section 29, Township 45 South, Range 24 East, lying Westerly of Griffin Boulevard and Northwesterly of McGregor Boulevard, LESS the North 100 feet thereof;

Government Lot 1, of Section 30, Township 45 South, Range 24 East, LESS the North 100 feet thereof;

That part of the East Half ($E\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$), of Section 30, Township 45 South, Range 24 East, located Northwesterly of McGregor Boulevard;

All that part of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 31, Township 45 South, Range 24 East, lying Northwesterly of McGregor Boulevard.

WHEREAS, A Public Hearing of the Lee County Zoning Board was duly advertised and held, as required by law, and after hearing interested parties, and upon due and proper consideration having been given to the matter,

NOW THEREFORE BE IT RESOLVED by the Lee County Zoning Board, Lee County, Florida, that the petition be approved as to the change in zoning from AG to PUD.

UPON APPEAL, the following resolution was offered by Commissioner Rodda, and seconded by Commissioner Scafffe, and upon poll of the members present the vote as as follows:

Mike Roeder	Aye
Harry Rodda	Aye
Roland Q. Roberts	No
Wade H. Scafffe	Aye
Ernie Averill	No

WHEREAS, an appeal was filed by The Division of Community Development and a Public Hearing of the Lee County Commissioners was duly advertised and held, as required by law, this Board after reviewing the records and the motion made by the Zoning Board and having given an opportunity to interested persons to be heard, and upon due and proper consideration having been given to this matter,

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the motion of the Zoning Board be set aside and the following Development Order, as amended, be adopted, and that the Board adopt Lee County Ordinance No. 82-14 entitled: "AN ORDINANCE AMENDING THE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF LEE COUNTY, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY DESCRIBED IN THIS ORDINANCE TO A PLANNED UNIT DEVELOPMENT (PUD), AND PROVIDING AN EFFECTIVE DATE" AS ATTACHED AND INCORPORATED WITHIN THIS RESOLUTION AS IF FULLY SET FORTH HEREIN.

PASSED AND ADOPTED THIS 23d DAY OF MARCH, 1982 by the Lee County Zoning Board.

PASSED AND ADOPTED THIS 5th DAY OF MAY, 1982 by the Lee County Commissioners.

RESOLUTION NUMBER Z-82-112

HEARING NUMBER 81-9-8(DRI)
(State #DRI 82-12-81-82-21)

AN ORDINANCE AMENDING THE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF LEE COUNTY, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY DESCRIBED IN THIS ORDINANCE TO A PLANNED UNIT DEVELOPMENT (PUD), AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ramar Group Companies, Inc., the Developers of RIVER'S EDGE YACHT AND COUNTRY CLUB, has filed an application with the Board of County Commissioners of Lee County, Florida, to change the zoning district classification of the real property described herein; and

WHEREAS, the application and its supporting material submitted by the applicant have been extensively reviewed by the Board of County Commissioners of Lee County and its staff; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, has been granted authority pursuant to Chapter 125, Laws of Florida, to adopt zoning regulations for the unincorporated areas of Lee County; and

WHEREAS, the purpose and intent of a planned unit development is to provide an alternative to a conventional zoning approach in conformance with the Lee County Comprehensive Plan through the use of flexible land use and design regulations; and

WHEREAS, public hearings have been held in accordance with all applicable laws; and

WHEREAS, after due proper notice was given of said public hearings, all interested persons were given an opportunity to be heard.

IT IS THEREFORE, be it ordained by the Board of County Commissioners of Lee County, Florida:

SECTION "A":

1. The zoning classification of the property described in Section 1.03 is hereby changed to a planned unit development (PUD) and is subject to all conditions as hereinafter described.
2. This planned unit development (PUD) shall serve as the official zoning ordinance for the development. The primary function of this ordinance is to provide the applicant, Ramar Group Companies, Inc., maximum latitude in designing the PUD, as well as to insure that the applicant, future owners, and Lee County are afforded full information regarding the manner in which the project is to be developed.
3. This ordinance shall be known and cited as the RIVER'S EDGE YACHT AND COUNTRY CLUB PUD ORDINANCE.
4. The approved Development Orders shall be incorporated by reference as fully set forth herein.

INDEX

	<u>PAGE</u>
STATEMENT OF COMPLIANCE & SHORT TITLE	ii
SECTION I PROPERTY OWNERSHIP & DESCRIPTION	1-1 - 1-2
SECTION II PROJECT DEVELOPMENT	2-1 - 2-4
SECTION III RESIDENTIAL PORTIONS OF THE PLANNED DEVELOPMENT DISTRICT	3-1
SECTION IV COMMERCIAL & MARINA PORTIONS OF THE PLANNED DEVELOPMENT DISTRICT	4-1 - 4-2
SECTION V PRESERVATION AREA	5-1
SECTION VI RECREATION PORTION	6-1
SECTION VII GENERAL DEVELOPMENT COMMITMENTS	7-1
LIST OF EXHIBITS	8-1

STATEMENT OF COMPLIANCE

The development of approximately 548 acres of property located in Sections 29, 30 and 31, Township 45 South, Range 24 East, Lee County, Florida, as a Planned Unit Development to be known as RIVER'S EDGE YACHT AND COUNTRY CLUB, will comply with the planning and development objectives of Lee County. These objectives are set forth in the Comprehensive Plan which defines the Growth Policies which were adopted by the Board of County Commissioners. RIVER'S EDGE YACHT AND COUNTRY CLUB will meet the planning and development objectives for the following reasons:

1. The project site is located in a developed area of Lee County.
2. An arterial roadway is in existence along the project's easterly boundary.
3. The project meets all applicable regulations and procedures governing its Planned Unit Development (PUD) zoning classification.
4. The proposed land use is compatible with and complementary to the surrounding uses.
5. The project will have adequate community facilities and services for the residential density and permitted uses of the proposed plan and therefore, is not leapfrog growth.
6. The project development will result in an efficient and economical extension of community facilities and services.
7. The project development shall utilize natural systems for water management in accordance with their natural functions and capabilities.
8. If the provisions of this PUD ordinance directly conflict with the provisions contained in any general zoning or subdivision regulations, the provisions contained herein shall control and apply. To the extent not addressed in this PUD ordinance, applicable subdivision and development codes, as well as other County and State laws dealing with platting and subdividing of property in effect at the time the permits and/or plats are requested, shall be followed and complied with by the developers in RIVER'S EDGE YACHT AND COUNTRY CLUB.
9. The project shall be in compliance with the applicable Lee County development policies and codes.
10. At the time of site plan review, all development within the project shall be reviewed for and be in compliance with the Development Order, this PUD Ordinance, the Master Plan, and all other applicable County Ordinances which are not in direct conflict with this PUD Ordinance.

SECTION I

PROPERTY OWNERSHIP & LEGAL DESCRIPTION

1.01 INTRODUCTION AND PURPOSE

It is the intent of Ramar Group Companies, Inc. (hereinafter called "applicant" or "developer") to establish and develop a Planned Unit Development (PUD) on approximately 548 acres of property located in Lee County, Florida. This property is generally bounded on the West by the Caloosahatchee River; on the East by McGregor Boulevard (SR 865); on the North by Griffin Boulevard, and on the South by Iona Road. It is the purpose of this document to provide the required standards and to set forth guidelines for the future development of the property.

1.02 NAME

The PUD development shall be known as RIVER'S EDGE YACHT AND COUNTRY CLUB.

1.03 LEGAL DESCRIPTION

Government Lots 2, 3 and 4, of Section 30, Township 45 South, Range 24 East, Lee County, Florida,

and

The East half ($E\frac{1}{2}$) of the Northeast quarter ($NE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section 31, Township 45 South, Range 24 East, Lee County, Florida,

and

The Northwest quarter ($NW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section 31, Township 45 South, Range 24 East, Lee County, Florida,

and

All that part of the Northwest quarter ($NW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) of Section 31, Township 45 South, Range 24 East, Lee County, Florida lying Northwesterly from McGregor Boulevard, EXCEPTING THEREFROM the following described parcel:

1. From the Southwest corner of said Northwest quarter ($NW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) of said Section 31, run North $88^{\circ}57'56''$ East along the South line of said fraction of a section for 542.85 feet; thence run North $01^{\circ}07'16''$ West for 23.29 feet to a steel pin and the point of beginning.
2. From said point of beginning continue North $01^{\circ}07'16''$ West for 190.44 feet to a concrete monument; thence run North $65^{\circ}11'10''$ East for 162.71 feet to a concrete monument; thence run South $40^{\circ}34'21''$ East for 204.09 feet to a steel pin marking the intersection with the Northwesterly line (40 feet from the centerline) of McGregor Boulevard (State Road S-867); thence run South $49^{\circ}25'39''$ West for 154.71 feet to a nail marking the intersection with the Northerly line of Iona Road; thence run South $88^{\circ}54'23''$ West along said Northwesterly line for 159.21 feet to the point of beginning;

3. SUBJECT TO the right-of-way for Iona Road.

and

All that part of the West half ($W\frac{1}{2}$) of the West half ($W\frac{1}{2}$) of Section 29, Township 45 South, Range 24 East, Lee County, Florida, lying Westerly of Griffin Boulevard and Northwesterly of McGregor Boulevard, LESS the North 100 feet thereof; Lee County, Florida;

and

Government Lot 1, of Section 30, Township 45 South, Range 24 East, Lee County, Florida, LESS the North 100 feet thereof;

and

That part of the East half ($E\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$), of Section 30, Township 45 South, Range 24 East, Lee County, Florida, located Northwesterly of McGregor Boulevard;

and

All that part of the Northeast quarter ($NE\frac{1}{4}$) of the Northeast ($NE\frac{1}{4}$) of Section 31, Township 45 South, Range 24 East, Lee County, Florida, lying Northwest-erly of McGregor Boulevard.

1.04 TITLE TO PROPERTY

The real property within this development is under the unified control of Ramar Group Companies, Inc., whose present address is P.O. Box 5979, 5255 South Tamiami Trail, Sarasota, Florida 33579, and compliance with this ordinance shall be maintained and enforced by Ramar through covenants that run with the land.

1.05 DEFINITIONS

CLUSTER DEVELOPMENT

A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

CONTRIBUTE

Same as "Participate." See Definition of Participate.

DIRECTOR

Is the head of the Division of Community Development or his or her designated official.

DEVELOPMENT PLAN

A graphic representation along with supportive information and data depicting the intended development.

PARTICIPATE

The word "Participate" shall mean the proportionate or pro rata share of an area wide funding program established on a fair and equitable basis, which is applied uniformly to all units in the area served.

BUILDING PARCEL

A parcel of land committed to use by a single principal structure and permitted accessory uses.

SECTION II

PROJECT DEVELOPMENT

2.01 PURPOSE

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

2.02 GENERAL PLAN OF DEVELOPMENT

RIVER'S EDGE YACHT AND COUNTRY CLUB is a planned community, which includes a mixture of residential and commercial uses, golf course, open space/parks and preservation areas.

2.03 COMPLIANCE WITH APPLICABLE ORDINANCES

The property shall be in compliance with the applicable Lee County general zoning and subdivision regulations as well as other Lee County Development Codes in effect at the time permits and/or plats are requested.

2.04 FRACTIONALIZATION OF TRACTS

- a. When the developer sells an entire tract or a building parcel (fraction of a tract) to a subsequent owner, or proposes development of such property himself, the developer shall provide to the Director for approval or denial, prior to the sale of such property, a boundary drawing showing the tract and the building parcel therein (when applicable) and in the case of a residential area, the number of dwelling units of each residential type assigned to the property being sold.
- b. In the event any residential tract or building parcel is sold by any subsequent owner, as identified in Section 2.04(a), in fractional parts to other parties for development, the subsequent owner shall provide to the Director for approval or denial, prior to the sale of a fractional part, a boundary drawing showing his originally purchased tract or building parcel and the fractional parts therein and the number of dwelling units assigned to each of the fractional parts.

The drawing shall also show the location and size of access to those fractional parts that do not abut a public street.

- c. In the event a commercial tract or building parcel is sold by any subsequent owner, as identified in Section 2.04(a), in fractional parts to other parties for development, the subsequent owner shall provide to the Director for approval or denial, prior to the sale of a fractional part, a boundary drawing showing his originally purchased tract or building parcel and the fractional parts therein. The drawing shall also show the location and size of access to those fractional parts that do not abut a public street.
- d. In evaluating the fractionalization plans, the Director's decision for approval or denial shall be based on compliance with the criteria and the development intent as set forth in this document, conformance with allowable numbers of residential units and the reasonable accessibility of the fractional parts to public or private roadways, common areas or other means of ingress and egress.

- e. The developer of any tract or building parcel must submit, at the time of application for a building permit, a detailed site plan for his tract or parcel. Such site plan shall include, but not be limited to, showing the proposed location of all buildings, access roads, offstreet parking and offstreet loading areas, refuse and service areas, and other open spaces, locations for utilities hook-up, screening and buffering, signs, lighting, landscape plan, other accessory uses and structures and such other items as are necessary at the time of building permit approval.
- f. If approval or denial is not issued within ten (10) working days, the submission shall be considered automatically approved.

2.05 SITE PLAN APPROVAL

Final site plan approval for each construction phase shall adhere to the following procedures:

- a. A written request for final site plan approval including variances from any development regulations contained herein, shall be submitted to the Director for approval or denial. The request shall include materials necessary to demonstrate that the approval of the site plan will be in harmony with the general intent and purpose of this document. Such material may include, but is not limited to the following, where applicable:
 - 1. Site plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, offstreet parking and off-street loading areas, yards and other open spaces.
 - 2. Locations of proposed utilities.
 - 3. Plans for screening and buffering.
 - 4. Plans for proposed signs and lighting.
 - 5. In the case of clustered buildings and/or zero lot line with common architectural theme, required property development regulations may be waived or reduced provided a site plan is approved under this section.
 - 6. If approval or denial is not issued within ten (10) working days of submission, the submission shall be considered automatically approved.
 - 7. If denial is issued, Rivers Edge may appeal the request to the Lee County Board of Commissioners if done within ten (10) working days.

2.06 LAND USES

The arrangement of land use types is shown on Exhibit A, the Master Development Plan. Variations in building location and acreages shall be permitted at the time of final site plan approval. The specific location and size of individual tracts and the assignment of dwelling units thereto shall be submitted to the Director for approval or denial. If approval or denial is not issued within fifteen (15) working days of submission, the submission shall be considered automatically approved.

2.07 PROJECT DENSITY

The total acreage of the RIVER'S EDGE YACHT AND COUNTRY CLUB property is approximately 547.58 acres. The maximum number of dwelling units to be built on the total acreage is 4,380. The number of dwelling units per gross acre is approximately 7.9 units per acre when all on-site activities are included in the acreage base and 8.3 units per acre when commercial acreages are excluded. The density on individual parcels of land throughout the project may vary according to the type of housing placed on each parcel of land.

2.08 DEVELOPMENT SEQUENCE AND SCHEDULE

The construction of RIVER'S EDGE YACHT AND COUNTRY CLUB is estimated to take approximately eleven (11) years and is planned to be developed in six (6) development phases. The estimate may, of course, change depending upon future economic factors. The table attached hereto and marked Exhibit B indicates the estimated absorption of residential units over the estimated development phases.

2.09 PRESERVATION OF NATURAL VEGETATION AND TREE REMOVAL

All clearing, grading, earthwork, and site drainage work shall be performed in accordance with the approved PUD Master Development Plan and all applicable Lee County Ordinances. Removal activities shall be carried out under proper forestry management principles. Protected trees shall be flagged, clearly marked and/or fenced during periods of construction so as to eliminate or minimize their damage.

2.10 DEFINITIONS

Unless specifically defined herein, by their use herein, or specifically defined by the appropriate Lee County Development Code, words contained in this PUD document shall have their usual and common meanings.

2.11 ESSENTIAL SERVICES

Essential service are hereby defined as services designed and operated to provide water management, fire protection, water, sewer, telephone, electricity, cable television or communications, etc., to the general public. Essential services are permitted in all districts.

2.12 EASEMENTS FOR UTILITIES

Easements shall be provided for utility purposes as may be needed. In areas that must be cleared for utility construction, a reasonable effort shall be made to protect the trees. Said easements and improvements shall be provided in accordance with applicable Lee County Development Code regulations.

2.13 SIGNS

Signs shall be of a uniform design in compliance with all applicable codes governing their sizes and shapes. Community directional and identification signs shall be permitted within rights-of-way.

2.14 CONCEPTUAL DESIGN PLAN

A. Exhibit A, Master Development Plan, illustrates development uses and the location of all facilities.

- B. Minor changes in the Master Development Plan shall be administratively allowed subject to their approval by the Director.

2.15 WATER

No residential development shall commence until sufficient water is available to insure adequate fire flow as well as a sufficient quantity of potable water to adequately serve the residential development for which a permit is requested. Evidence of such shall be submitted to the Director for his review and approval.

- 2.16 No structure of (3) or more stories shall be located closer than 200 feet of the east and/or west property lines.

SECTION III

RESIDENTIAL PORTIONS OF THE PLANNED UNIT DEVELOPMENT DISTRICT

3.01 PURPOSE

The purpose of this Section is to set forth the regulations for the residential portions of the Master Development Plan.

3.02 MAXIMUM DWELLING UNITS

A maximum number for the entire development shall be 4,380 dwelling units.

3.03 PERMITTED USES

The following residential uses shall be permitted within the areas designated for such use on the Master Development Plan:

- A. Single family detached dwelling structure.
- B. Two (2) family and multi-family dwellings and their customary accessory uses.
- C. Garden apartments and townhouses.
- D. Multi-story dwelling units and service commercial; however, floors devoted to commercial use shall not exceed ten percent (10%) of the gross residential floor area.
- E. Residential accessory uses and including privately owned recreational facilities which are clearly compatible with the land use system of the PUD.
- F. Public and private utility services and accessory buildings and structures.
- G. Model homes shall be permitted in conjunction with the promotion for the development and signs as permitted by the Lee County Development Code.
- H. Temporary construction yards, buildings, trailers.
- I. Offices for sales, management and development purposes.

3.04 MINIMUM SETBACKS

- 1. All structures shall meet the following minimum perimeter setbacks:
 - a. As adjacent to collectors/arterials - twenty-five (25) feet.
 - b. Adjacent to local streets and parcel boundaries - fifteen (15) feet.
- 2. Distance between structures shall be as approved at the time of final site plan review.
- 3. Public water body and preserve area - twenty-five (25) feet.

3.05 OFF-STREET PARKING

Off-street parking spaces shall be provided to each residential use in accordance with the appropriate Lee County regulations in force at the time of permitting.

SECTION IV

COMMERCIAL AND MARINA PORTIONS OF THE PLANNED UNIT DEVELOPMENT DISTRICT

4.01 PURPOSE

The purpose of the Section is to set forth the regulations for the areas designated on the Master Development Plan, Exhibit A, as Commercial/Marina. The commercial areas intended to meet the local neighborhood shopping and personal service needs of the residents of the PUD, the commercial uses permitted are intended to provide the non-residential amenities and services in appropriate proportion to the size and theme of the development.

4.02 PERMITTED USES

The following uses shall be permitted within the areas designated as Commercial/Marina on the approved Master Development Plan.

A. Permitted Principal Uses:

1. Convenience commercial
2. Convenience road and beverage
3. Business offices including banks and financial
4. Institutions
5. Bait and tackle shops
6. Bicycle sales and service
7. Book stores
8. Clothing stores
9. Cocktail lounges
10. Commercial recreation uses
11. Delicatessens
12. Docking facilities, wet and dry storage (Marina complex only)
13. Drug stores
14. Dry cleaning shops
15. Essential services
16. Florist shops
17. Food markets
18. Gasoline service and supply
19. Gift shops
20. Gourmet shops
21. Hardware stores
22. Health food stores
23. Health clubs, health spa
24. Hotel, motels and/or guest lodging facilities (Marina complex only)
25. Ice cream shops
26. Liquor stores and taverns
27. Marine/commercial, provided, however, that boatels shall not be permitted (Marina complex only)
28. Marine supplies
29. Meat markets
30. Movie theaters and amusement centers
31. Nutrition centers
32. Post offices
33. Professional offices
34. Public & private utilities building and uses
35. Radio & television, small appliances, shoe, etc.
36. Repair shops
37. Restaurants, not including drive-ins
38. Restrooms and shower facilities
39. Sales, service, repair and rental facilities for boats, motors and accessories (Marina complex only)

40. Specialty shops

41. Any other commercial use or professional services which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the district.

B. Permitted Accessory Uses And Structures

1. Accessory uses and structures customarily associated with the uses permitted in this district.

2. Signs as permitted by the Lee County Development Code and/or Lee County Zoning Ordinance.

4.03 MINIMUM SETBACKS

1. All structures shall meet the following minimum perimeter setbacks:

a. As adjacent to collectors/arterials - twenty-five (25) feet.

b. Adjacent to local streets and parcel boundaries - fifteen (15) feet.

2. Distance between structures shall be as approved at the time of final site plan review.

3. Public water body and preserve area - twenty-five (25) feet.

4.04 OFF-STREET PARKING

Off-street parking spaces shall be provided for each Marina/Commercial use in accordance with the appropriate Lee County regulations in force at the time of permitting.

SECTION V

PRESERVATION AREA

5.01 PURPOSE

The purpose of this Section is to set forth the regulations for the area designated on Exhibit A as Preservation Area.

5.02 PERMITTED USES

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

A. Permitted Principal Uses Requiring Site Plan Approval:

1. Nature and foot trails including boardwalks, decks and gazebos.
2. Other activities for recreation, conservation, and preservation when approved by the Director.
3. Water Management Facilities.
4. Wildlife Management.

B. Permitted Accessory Uses And Structures

1. Accessory uses and structures customarily associated with the uses permitted in this district.

SECTION VI

RECREATION

6.01 PURPOSE

The purpose of this Section is to set forth the regulations for the areas shown on Exhibit A, Master Development Plan, for recreational use.

6.02 PERMITTED USES

The following uses shall be permitted within areas designated for recreational use:

A. Permitted Principal Uses And Structures

1. Golf Course
2. Golf Clubhouse
3. Tennis and basketball courts, etc.
4. Tennis Clubhouses
5. Water Management Facilities
6. Any other activity which is compatible in nature with the foregoing uses and which the Director determines to be compatible in the district.

B. Permitted Accessory Uses And Structures

1. Pro-shop, practice driving range and other customary accessory uses of golf courses, tennis clubs or other recreational facilities.
2. Commercial establishments, including gift shops, golf and tennis equipment sales, restaurants, cocktail lounges, and similar uses.
3. Shuffleboard courts, swimming pools, and other types of facilities intended for recreation.
4. Signs as permitted in the Lee County Development Code.
5. Maintenance shops and equipment storage.

SECTION VII

GENERAL DESIGN CRITERIA

- 7.01 Overall site design shall be harmonious in terms of landscaping, enclosure of structures, location of access streets and parking areas, and location and treatment of buffer areas.
- 7.02 Buildings shall be setback a minimum of twenty-five (25) feet from abutting residential districts and the setback area shall be landscaped and maintained to act as a buffer zone.
- 7.03 Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.
- 7.04 A site plan shall be provided showing pertinent structure locations.
- 7.05 Construction shall be in accordance with the approved plans.
- 7.06 The boundary of the golf course tract may be recorded in the same manner as a subdivision plat.

DULY PASSED AND ADOPTED THIS 5th DAY OF MAY, 1982.

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
DEPUTY CLERK

BY: [Signature]
CHAIRMAN

APPROVED AS TO FORM
BY [Signature]
OFFICE OF COUNTY ATTORNEY

LIST OF EXHIBITS

EXHIBIT A /	Master Development Plan
EXHIBIT B /	Construction Phasing Plan
EXHIBIT C	Development Order

EXHIBIT A

MASTER DEVELOPMENT PLAN
(SEE ATTACHED MAP)

EXHIBIT B

RIVER'S EDGE DRI

CONSTRUCTION PHASING PLAN

<u>PHASE/YEAR</u>	<u>MAJOR PROJECT AMENITIES</u>	<u>RESIDENTIAL UNITS</u>
I/1	Golf Course, Country Club, Sales Office	0
II/2	Marina	512
II/3	Restaurant & 25,000 sq. ft. Commercial	492
III/4	Resort Hotel, Health Club, 12,500 sq. ft.	
	Commercial	440
III/5	Commercial 12,500	498
IV/6	Convenience Commercial Node 7,500 sq. ft.	410
IV/7	-----	384
V/8	Convenience Commercial Node 7,500 sq. ft.	460
V/9	-----	430
VI/10	-----	426
VI/11	-----	<u>328</u>
TOTAL RESIDENTIAL UNITS		4,380

EXHIBIT C

DEVELOPMENT ORDER
FOR
RIVER'S EDGE YACHT AND COUNTRY CLUB

A DEVELOPMENT OF REGIONAL IMPACT

LET IT BE KNOWN THAT, PURSUANT TO SECTION 380.06, FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HAS HEARD AT A PUBLIC HEARING HELD ON THE 19th DAY OF APRIL, 1982, THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE RIVER'S EDGE YACHT AND COUNTRY CLUB, A DEVELOPMENT OF REGIONAL IMPACT, CONSISTING OF APPROXIMATELY FIVE HUNDRED AND FORTY-EIGHT (548) ACRES AS DESCRIBED IN THE APPLICATION FILED BY THE RAMAR GROUP COMPANIES, INC., FOR THE SAID DEVELOPMENT OF REGIONAL IMPACT WHICH IS LOCATED IN LEE COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of Lee County, Florida, considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Zoning Board, and the documents and comments upon the record made to the County Commission at the public hearing. After full consideration of the reports, recommendations, and testimony, the Board of County Commissioners of Lee County, Florida, hereby finds and determines:

A. The application is in accordance with Chapter 380, Florida Statutes;

B. The development is not in an area designated as an area of critical state concern pursuant to the provisions of Chapter 380, Florida Statutes;

C. The development is consistent with the Comprehensive Plan for Lee County;

D. The development is consistent with the local land development regulations and with the report and recommendations of the Southwest Florida Regional Planning Council submitted pursuant to Chapter 380, Florida Statutes; and,

WHEREAS, the Board of County Commissioners of Lee County, Florida, has rezoned the subject property to a planned unit development (PUD); and,

WHEREAS, the application for development approval filed by Ramar Group Companies, Inc., is also a part of an overall rezoning application filed by the applicant.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Lee County, Florida, that:

A. The legal description of the property subject to this Order is as follows:

Government Lots 2, 3, and 4, of Section 30, Township 45 South, Range 24 East, Lee County, Florida,

and

The East half (E $\frac{1}{2}$) of the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 31, Township 45 South, Range 24 East, Lee County, Florida,

and

The Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 31, Township 45 South, Range 24 East, Lee County, Florida,

and

All that part of the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 31, Township 45 South, Range 24 East, Lee County, Florida, lying Northwesterly from McGregor Boulevard, EXCEPTING THEREFROM the following described parcel:

1. From the Southwest corner of said Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of said Section 31, run North 88°57'56" East along the South line of said fraction of a section for 542.85 feet; thence run North 01°07'16" West for 28.29 feet to a steel pin and the point of beginning.
2. From said point of beginning continue North 01°07'16" West for 190.44 feet to a concrete monument; thence run North 65°11'10" East for 162.71 feet to a concrete monument; thence run South 40°34'21" East for 204.09 feet to a steel pin marking the intersection with the Northwesterly line (40 feet from the centerline) of McGregor Boulevard (State Road S-867); thence run South 49°25'39" West for 154.71 feet to a nail marking the intersection of the Northerly line of Iona Road; thence run South 88°54'23" West along said Northerly line for 159.21 feet to the point of beginning;
3. SUBJECT TO the right-of-way for Iona Road.

and

All that part of the West half (W $\frac{1}{2}$) of the West half (W $\frac{1}{2}$) of Section 29, Township 45 South, Range 24 East, Lee County, Florida, lying Westerly of Griffin Boulevard and Northwesterly of McGregor Boulevard, LESS the North 100 feet thereof, Lee County, Florida;

and

Government Lot 1, of Section 30, Township 45 South, Range 24 East, Lee County, Florida, LESS the North 100 feet thereof;

and

That part of the East half (E $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 30, Township 45 South, Range 24 East, Lee County, Florida, located Northwesterly of McGregor Boulevard;

and

All that part of the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 31, Township 45 South, Range 24 East, Lee County, Florida, lying Northwesterly of McGregor Boulevard.

B. This Order addresses the issues raised by the Southwest Florida Regional Planning Council in its report and recommendation to the Lee County Commission dated the 19th day of March, 1982.

C. The application for development approval for the RIVER'S EDGE YACHT AND COUNTRY CLUB is hereby APPROVED, subject to the following conditions:

a. ENERGY

1. The RIVER'S EDGE development shall comply with the Energy Code as adopted and in force at the time of commencement of each phase of the development.

2. RIVER'S EDGE shall construct a jogging and bicycle trail system as described in the Application for Development Approval (hereinafter referred to as the ADA) and the Master Site Plan. That system is to connect all points within the project. Benches and special parking areas are to be provided for bicycles and golf carts at each commercial and recreational area. That portion of the system alongside McGregor Boulevard shall be built in conformance with the Lee County Comprehensive Bicycle Facilities Plan and is to be dedicated to the County.
3. The Developers of RIVER'S EDGE shall design all facilities for optimum energy efficiency utilizing state-of-the-art energy conservation techniques, including but not limited to the following:
 - proper roof and wall insulation
 - glazing
 - energy efficient appliances
 - structure orientation for solar energy and natural ventilation
 - structural shading, e.g., inclusion of porch/patio areas in residential units and utilization of roof overhangs for low-rise buildings
 - proper landscaping throughout the project and planting of native shade trees and understory wherever appropriate for all active and passive recreation areas, streets, and parking areas
 - site design and landscaping to enhance energy conservation
4. RIVER'S EDGE shall cooperate with the Lee County Transit System in locating and providing bus stops and shelters within the development.
5. Alternate energy devices, such as solar collectors, may not be prohibited unless it is determined necessary for the protection of the health, safety, and welfare of the residents of the RIVER'S EDGE YACHT AND COUNTRY CLUB.

b. TRANSPORTATION

1. The RIVER'S EDGE development shall be responsible for development of all roads and bike paths within the RIVER'S EDGE development.
2. During Phase II, the RIVER'S EDGE development shall pay for the cost of improvements at the development's two (2) access points on McGregor Boulevard which are deemed necessary by the Director of the Lee County Division of Transportation to comply with the signalization and turning lane standards of the Florida Department of Transportation. Alignment of these access points shall be in accordance with Lee County Division of Transportation requirements.
3. Prior to commencement of Phase II, a forty (40) foot wide parcel of property along McGregor Boulevard extending the length of the RIVER'S EDGE frontage shall be donated to Lee County for road right-of-way.

4. During the construction of Phase II and prior to obtaining certificates of occupancy for residential units within Phase III, RIVER'S EDGE shall contribute an amount equivalent to the cost of four laning McGregor Boulevard from Gladiolus Drive to Cypress Lake Drive at the elevation of the existing pavement. These costs shall not include the costs of acquiring additional right-of-way, utility relocations or non-paving related costs, but shall include all costs associated with the actual construction of the roadway structure. The costs shall also include intersection improvements at Gladiolus Drive and Cypress Lake Drive to provide the same number of lanes on the far side of the intersections which then will taper to two lanes to join the existing facility.
5. Beginning with Phase II, the County will begin to annually monitor all roads indicated herein as exceeding capacity at level-of-service "C" before project buildout. Upon ultimate determination by the County Engineer that a roadway expansion is necessary, and if the need is prior to any currently planned improvements contained in the 1981-6 TIP or the improvements are not in the 1981-6 TIP, RIVER'S EDGE shall be required to pay its proportional share of the cost through an areawide funding program. This share will be determined by RIVER'S EDGE's share of the traffic to the total volume of the traffic along the roadway. To this end, RIVER'S EDGE shall, (beginning with Phase II), submit an annual monitoring report to the Lee County Engineering Department and the Southwest Florida Regional Planning Council for review. This report shall contain a description of the project's trip generation and all general analysis of the project's origin and destination for that given year.

REQUIRED IMPROVEMENTS
TO MAINTAIN LOS "C"
(Lanes)

McGregor		Gladiolus	
College to Cypress Lake	4/6 Lane	McGregor to 869	4 Lane
Cypress Lake to Gladiolus	6 Lane	869 to 41	4 Lane
Gladiolus South	4 Lane		
Colonial		San Carlos Boulevard	
McGregor to 41	6 Lane	McGregor to 869	4 Lane
		869 South	6 Lane
Cypress Lake		U.S. 41	
McGregor to Winkler	4 Lane	Colonial to College	8 Lane
Winkler to 869	4 Lane	College to Cypress Lake	
869 to 41	6 Lane		
41 to I-75	4 Lane	869	
		Colonial to College	4 Lane
		Colonial to Cypress Lk	4 Lane

6. During the development of Phase III and prior to obtaining certificates of occupancy for residential units within Phase IV, RIVER'S EDGE shall fund the amount necessary for a traffic light at Pine Ridge Road and Gladiolus, if such a traffic signal is warranted, and construction of left turn storage lanes on Pine Ridge Road when warranted.

7. The RIVER'S EDGE development recognizes Lee County is presently pursuing the formulation of an "impact fee" ordinance which will be applicable to all new construction within the unincorporated areas of Lee County, Florida. Should such an impact fee ordinance be adopted, the RIVER'S EDGE development shall be subject to this ordinance and pay its pro-rata share. Any external (off-site) improvements already paid for by RIVER'S EDGE at the time of adoption of the impact fee ordinance should be credited towards the corresponding fee charged RIVER'S EDGE.

c. AIR QUALITY

The RIVER'S EDGE development shall comply with all applicable codes and apply for all required permits relative to air quality.

d. FIRE PROTECTION

1. The RIVER'S EDGE development shall identify and make available to the Iona/McGregor Fire Protection and Rescue Service District a parcel of property acceptable to the fire district containing approximately three-fourths (3/4) acre of land for a fire station. Dedication shall occur with commencement of construction of Phase III.
2. The RIVER'S EDGE development will aid in the construction of a fire station on the site to be located within the project by contributing an amount of seventy-five thousand dollars (\$75,000.00) for the actual construction of the fire station. This contribution shall occur prior to commencement of construction of Phase III.

e. PARKS

RIVER'S EDGE shall assist Lee County in obtaining additional recreational land by paying a fee-in-lieu of dedication of five (5) acres of parklands. Payment at fair market value shall occur with the commencement of Phase III of the development and shall be in accordance with standards and schedules established by the Lee County Division of Community Services. The requirements of this Section will not be applicable if an impact fee ordinance is adopted by Lee County and the RIVER'S EDGE development pays its pro rata share pursuant to the impact fee ordinance.

f. SCHOOLS

RIVER'S EDGE shall provide off-street school bus loading zones for each development phase as deemed necessary by the Lee County School Board.

g. WATER SUPPLY

1. No residential development shall commence until sufficient water is available through a public water system to insure adequate fire flow, as well as a sufficient quantity of potable water, to adequately serve the residential development for which a building permit is requested.
2. During Phase I, RIVER'S EDGE shall plug all existing on-site wells in accordance with Lee

County Division of Protective Services and South Florida Water Management District standards.

3. The RIVER'S EDGE development shall comply with the best management practices as defined by the South Florida Water Management District (SFWMD) with regard to the use of excavated areas and of wetlands acting as polishing and buffer areas and grassed swales for drainage purposes.
4. Direct discharge of water/effluent by RIVER'S EDGE into the Caloosahatchee River shall be prohibited.

h. STORM REFUGE

RIVER'S EDGE shall provide sufficient storm refuge space during the construction of the first 512 residential units to accommodate at least 24% of that population. Such refuge space shall meet the following conditions:

1. Located at least 16' above MSL.
2. No structures located within 150' of the shoreline shall be utilized as refuge space.
3. Designated refuge space shall be located in the interior hallways and similar areas with no openings leading directly to the exterior.
4. Refuge space shall be provided at a ratio of twenty (20) square feet per person.
5. A homeowners association shall be established to coordinate and educate the development's residents as to the availability of refuge areas and procedures to follow during a storm event.
6. Structures which provide refuge space shall be constructed to withstand 140 mph wind velocities and a professional engineer licensed and registered by the State of Florida shall so certify.
7. Subsequent to construction of the shelter, RIVER'S EDGE will provide comparative information and other data to assist Lee County in developing adequate on site storm shelter standards which may be included within the Lee County Building Codes.

i. COMPLIANCE/MONITORING

1. The Director of the Division of Community Development, or his designee, shall be the local official responsible for assuring compliance with this Development Order.
2. The RIVER'S EDGE development shall submit an annual report on the development to the Board of County Commissioners of Lee County, the Regional Planning Council, and the State Land Planning Agency. This annual report shall be submitted beginning one (1) year from the date construction of Phase I is commenced. The contents of the annual report shall be as required by the rules legally adopted by the Florida State Land Planning Agency.

3. This Development Order shall be deemed rendered as of this date for the purpose of computing the thirty (30) day appeal period.
4. Certified copies of this Development Order are to be forwarded to the Southwest Florida Regional Planning Council, the applicant, and appropriate state agencies. Notice of the adoption of the Development Order shall be recorded as provided in Chapter 380, Florida Statutes.

DULY PASSED AND ADOPTED this 5th day of May, 1982.

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Lois Kurtz
Deputy Clerk

BY: Ernest D. Givens
Chairman



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

May 18, 1982

Honorable Sal Geraci
Clerk of Courts
Post Office Box 2469
Fort Myers, Florida 33902

Attention: Lois Kurtz

Dear Mr. Geraci:
Pursuant to the provisions of Section 125.66, Florida
Statutes, this will acknowledge:

- ✓ 1. Receipt of your letter/s of May 13
and certified copy/ies of Lee
County Ordinance/s No./s 82-14
2. Receipt of _____ County Ordinance/s
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
- ✓ 3. We have filed this/these Ordinance/s in this office
on May 18 1982.
4. The original/duplicate copy/ies showing the filing
date is/are being returned for your records.

Cordially,

Nancy Kavanaugh

(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/

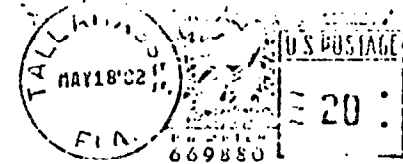
FLORIDA-State of the Arts



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

The Capitol
Tallahassee, Florida 32301
(904) 488-3680

FLORIDA
STATE OF
THE ARTS



Honorable Sal Geraci
Clerk of Courts
Post Office Box 2469
Fort Myers, Florida 33902

Rec'd
5-20-82
8:25 A.M.
By: M.C. Palmer, D.C.

FLORIDA-State of the Arts

9/17/84

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 82-14 WHICH CHANGED THE ZONING DISTRICT CLASSIFICATION TO PLANNED UNIT DEVELOPMENT FOR THE RIVER'S EDGE YACHT AND COUNTRY CLUB, RELATING TO ORDINANCE NO. 84-16 WHICH PROVIDED FOR A REVISED MASTER DEVELOPMENT PLAN; ESTABLISHING MINIMUM SETBACK AND DESIGN CRITERIA FOR WATER RETENTION AREAS; ESTABLISHING MINIMUM SETBACKS FROM SECTION AND QUARTER SECTION LINES; PROVIDING LOCAL APPROVAL FOR A NAVIGATION CHANNEL; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County has previously adopted Ordinance No. 82-14 establishing a Planned Unit Development district and appropriate regulations for the River's Edge Yacht and Country Club; and

WHEREAS, the Board of County Commissioners of Lee County has previously adopted Ordinance No. 84-16 amending the Master Development Plan for the River's Edge Yacht and Country Club; and

WHEREAS, the Master Development Plan for the River's Edge Yacht and Country Club contains certain provisions which may conflict with other adopted Lee County Zoning and/or development regulations; and

WHEREAS, these provisions require certain amendments to be made to Lee County Ordinance No. 82-14; and

WHEREAS, due proper notice of public hearings has been given in accordance with all applicable laws; and

WHEREAS, public hearings have been held and all interested persons were given an opportunity to be heard; and

WHEREAS, after public hearings the Board of County Commissioners of Lee County, Florida deems it necessary to adopt the following amendments to Ordinance 82-14.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE

Section 2.03 of Lee County Ordinance No. 82-14 is hereby amended by adding the underscored portions as follows:

2.03 COMPLIANCE WITH APPLICABLE ORDINANCES

The property shall be in compliance with the applicable Lee County general zoning and subdivision regulations as well as other Lee County Development Codes in effect at the time permits and/or plats are

requested / , except as specifically mentioned herein:

A. Section and Quarter Section Line Setbacks

The minimum setback from section and quarter - section lines required by the Lee County Zoning Regulations is hereby waived and no minimum setback from the section and quarter - section lines shall be required provided development occurs in substantial compliance with the requirements of Ordinance 82-14 and the approved (revised) Master Development Plan.

B. Navigation Channel

The proposed navigable channel connecting the marina with the main navigation channel of the Caloosahatchee River shall be in compliance with all applicable State and Federal Regulations. Minor deviations from the location of the proposed channel depicted on the Master Development Plan may be approved by the Director without Public Hearing PROVIDED:

- a. The final location of the channel is in substantial compliance with the location depicted on the Master Development Plan; and
- b. The location complies with all applicable State and Federal Regulations.

C Water Retention Areas - Design Criteria

Manmade water retention areas are a permitted use in the development. All manmade water bodies shall comply with the following design criteria.

- 1) Bulkheads shall be permitted at locations indicated on the Master Development Plan provided the location is approved by the South Florida Water Management District.
- 2) Maximum depth of any man-made body of water shall be twenty (20) feet below the lake control elevation.
- 3) Side slopes shall not exceed one (1) foot vertical for every four (4) feet horizontal to a depth at least two (2) feet below the lake control elevation.

- 4) Side slopes shall not exceed one (1) foot vertical for every two (2) feet horizontal from a depth of two (2) feet below the lake control elevation to the permitted depth of the lake or water body.
- 5) Littoral shelves shall be constructed at random locations along lake edges as indicated on the Master Development Plan with a maximum depth of two (2) feet below the lake control elevation, and shall be planted with native wetland vegetation.

SECTION TWO: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION THREE: EFFECTIVE DATE

This Ordinance shall become effective upon receipt of the official acknowledgement from the Secretary of State that this Ordinance has been duly filed.

DONE AND ADOPTED THIS 5th day of December, 1984

ATTEST:

CHARLIE GREEN,
CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:

Chris Thomas
Deputy Clerk

BY:

[Signature]
Chairman

Agreed as to form:
[Signature]