RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Barron Collier Partnership in reference to Bay Landing, has properly filed an application for a rezoning from AG-2 to Residential Planned Development and Commercial Planned Development; and

WHEREAS, the subject property is located at 27251 South Tamiami Trail, Bonita Springs, described more particularly as:

LEGAL DESCRIPTION: In Section 33, Township 47 South, Range 25 East, Lee County, Florida:

CPD Parcel
A tract or parcel of land lying in the East Half (E½) of the East Half (E½) of Section 33, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

From the Northeast corner of said Section 33 run S01°07'58"W along the East line of said Section for 50.00 feet to the South line of West Terry Street and the POINT OF BEGINNING of the herein described parcel.
From said POINT OF BEGINNING run S89°12'46"W along said South line of West Terry Street for 1,192.10 feet to the East line of State Road 45 (US 41) (Tamiami Trail);
THENCE run S04°27'10"E along said East line for 1,528.40 feet;
THENCE run N85°32'50"E perpendicular to said East line for 45.09 feet;
THENCE run S49°27'10"E for 521.68 feet;
THENCE run N40°32'50"E for 87.00 feet to a Point of Curvature;
THENCE run Northeasterly along the arc of a curve to the right of radius 225.00 feet (delta 19°00'26") (chord 74.30 feet) (chord bearing N50°03'03"E) for 74.64 feet to a Point of Reverse Curvature;
THENCE run Northeasterly along the arc of a curve to the left of radius 175.00 (delta 19°00'26") (chord 57.79) (chord bearing N50°03'03"E) for 58.05 feet to a Point of Tangency;
THENCE run N40°32'50"E for 331.36 feet;
THENCE run N49°27'10"W for 336.78 feet;
THENCE run N40°32'40"E for 33.93 feet;
THENCE run N49°28'18"W for 233.07 feet;
THENCE run N04°28'18"W for 74.14 feet;
THENCE run N27°24'14"E for 116.34 feet to a Point of Curvature;

continued...

THENCE run Northerly along the arc of a curve to the left of radius 85.00 feet (delta 46°20'53") (chord 67.08) (chord bearing N04°09'47"E) for 68.96 feet to a Point of Tangency;
THENCE run N19°04'39"W for 162.83 feet to a Point of Curvature;
THENCE run Northwesterly along the arc of a curve to the left of radius 100.00 feet (delta 42°47'20") (chord 72.96 feet) (chord bearing N40°28'19"W) for 74.68 feet to a Point of Tangency;
THENCE run N61°51'59"W for 50.92 feet to a Point of Curvature;
THENCE run Westerly along the arc of a curve to the left of radius 50.00 feet (delta 32°36'18") (chord 28.07 feet) (chord bearing N78°10'08"W) for 28.45 feet to a Point of Tangency;
THENCE run S85°31'42"W for 243.80 feet to a Point of Curvature;
THENCE run Westerly and Northwesterly along the arc of a curve to the right of radius 25.00 feet (delta 91°51'34") (chord 35.92 feet) (chord bearing N48°32'31"W) for 40.08 feet to a Point of Compound Curvature;
THENCE run Northeasterly along the arc of a curve to the right of radius 165.00 feet (delta 91°48'22") (chord 236.99 feet) (chord bearing N43°17'27"E) for 264.38 feet to a Point of Tangency;
THENCE run N89°11'38"E for 92.31 feet to a Point of Curvature;
THENCE run Southeasterly along the arc of a curve to the right of radius 165.00 feet (delta 28°32'35") (chord 81.35 feet) (chord bearing S76°32'04"E) for 82.20 feet to a Point of Reverse Curvature;
THENCE run Southeasterly along the arc of a curve to the left of radius 235.00 feet (delta 27°17'47") (chord 110.90 feet) (chord bearing S75°54'41"E) for 111.96 feet to a Point of Reverse Curvature;
THENCE run Southeasterly and Southerly along the arc of a curve to the right of radius 10.00 feet (delta 88°45'13") (chord 13.99 feet) (chord bearing S45°10'58"E) for 15.49 feet to a Point of Tangency;
THENCE run S00°48'22"E for 48.22 feet;
THENCE run S45°48'22"E for 63.40 feet;
THENCE run N89°11'38"E for 38.03 feet;
THENCE run S71°15'09"E for 85.97 feet;
THENCE run S69°56'52"E for 26.19 feet;
THENCE run S62°50'48"E for 32.15 feet;
THENCE run S48°36'50"E for 23.75 feet to the North line of lands described in deed recorded in Official Record Book 1533 at Page 665, Lee County Records;
THENCE run N88°52'42"E along said North line for 137.72 feet to the Northeast corner of said lands;
THENCE run N01°07'58"W along said East line of Section 33 for 400.92 feet to the POINT OF BEGINNING.
Containing 28.46 acres, more or less.

RPD Parcel

A tract or parcel of land lying in the East Half (E½) of the East Half (E½) of Section 33, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

From the Northeast corner of said Section 33 run S01°07'58"W along the East line of said Section for 1,020.86 feet to the Southeast corner of lands described in deed recorded in Official Record Book 1533 at Page 665, Lee County records and the POINT OF BEGINNING of the herein described parcel.
From said POINT OF BEGINNING run S88°52'42"W, 200.00 feet to the Southwest corner of said lands;
THENCE run N01°07'58"W along the West line of said lands for 569.94 feet to the Northwest corner of said lands;
THENCE run N88°52'42"E along the North line of said lands for 62.68 feet;
THENCE run N48°36"50"W for 23.75 feet;
THENCE run N62°50'48"W for 32.15 feet;
THENCE run N69°56'52"W for 26.19 feet;
THENCE run N71°15'09"W for 85.97 feet;
THENCE run S89°11'38"W for 38.03 feet;
THENCE run N45°48'22"W for 63.40 feet;
THENCE run N00°48'22"W for 48.22 feet to a Point of Curvature;
THENCE run Northwesterly along the arc of a curve to the left of radius 10.00 feet (delta 88°45'13") (chord 13.99 feet) (chord bearing N45°10'58"W) for 15.49 feet to a Point of Reverse Curvature;
THENCE run Northwesterly along the arc of a curve to the right of radius 235.00 feet (delta 27°17'47") (chord 110.90 feet) (chord bearing N75°54'41"W) for 111.96 feet to a Point of Reverse Curvature;
THENCE run Northwesterly along the arc of a curve to the left of radius 165.00 feet (delta 28°32'35") (chord 81.35 feet) (chord bearing N76°32'04"W) for 82.20 feet to a Point of Tangency;
THENCE run S89°11'38"W for 92.31 feet to a Point of Curvature;
THENCE run Southwesterly along the arc of a curve to the left of radius 165.00 feet (delta 91°48'22") (chord 236.99 feet) (chord bearing S43°17'27"W) for 264.38 feet to a Point of Compound Curvature;
THENCE run Southerly and Southeasterly along the arc of a curve to the left of radius 25.00 feet (delta 90°51'34") (chord 35.92 feet) (chord bearing S48°32'31"E) for 40.08 feet to a Point of Tangency;
THENCE run N85°31'42"E for 243.80 feet to a Point of Curvature;
THENCE run Southeasterly along the arc of a curve to the right of radius 50.00 feet (delta 32°36'18") (chord 28.07

continued...

feet) (chord bearing S78°10'08"E) for 28.45 to a Point of Tangency;
THENCE run S61°51'59"E for 50.92 feet to a Point of Curvature;
THENCE run Southeasterly along the arc of a curve to the right of radius 100.00 feet (delta 41°47'20") (chord 72.96 feet) (chord bearing S40°28'19"E) for 74.68 feet to a Point of Tangency;
THENCE run S19°04'39"E for 162.83 feet to a Point of Curvature;
THENCE run Southerly along the arc of a curve to the right of radius 85.00 feet (delta 46°28'53") (chord 67.08 feet) (chord bearing S04°09'47"W) for 68.96 feet to a Point of Tangency;
THENCE run S27°25'14"W for 116.34 feet;
THENCE run S45°17'19"W for 330.78 feet;
THENCE run S04°28'18"E for 74.14 feet;
THENCE run S49°28'18"E for 233.07 feet;
THENCE run S40°32'50"W for 33.93 feet;
THENCE run S49°27'10"E for 336.78 feet;
THENCE run S40°32'50"W for 33.36 feet to a Point of Curvature;
THENCE run Southwesterly along the arc of a curve to the right of radius 175.00 feet (delta 19°00'26") (chord 57.79 feet) (chord bearing S50°03'03"W) for 58.05 feet to a Point of Reverse Curvature;
THENCE run Southwesterly along the arc of a curve to the left of radius 225.50 feet (delta 19°00'26") (chord 74.30 feet) (chord bearing S50°03'03"W) for 74.64 to a Point of Tangency;
THENCE run S40°32'50"W for 87.00 feet;
THENCE run N49°27'10"W for 521.68 feet;
THENCE run S85°32'50"W for 45.09 feet; to the East line of State Road 45 (US 41) (Tamiami Trail);
THENCE run S04°27'10"E along said East line for 570.84 feet;
THENCE run S10°09'48"E along said East line for 402.00 feet;
THENCE run S04°27'10"E along said East line for 150 feet, more or less to the waters of the Imperial River;
THENCE run Easterly, Northeasterly, Southerly, Southwesterly, Southerly, Easterly and Northeasterly along said waters to an intersection with said East line of Section 33;
THENCE run N01°07'58"W along said East line of Section 33 for 1,140 feet, more or less to the POINT OF BEGINNING.
Containing 35.0 acres, more or less.

WHEREAS, the applicant has indicated the property's current STRAP number is 33-47-25-00-00005.0000; and

WHEREAS, Barron Collier Partnership, the owner of the subject parcel, authorized Pavese, Garner, Haverfield, Dalton, Harrison &

Jensen, and Johnson Engineering, Inc., to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on February 7, 1995 and subsequently continued to February 17, 1995; and

WHEREAS, a public hearing was properly advertised and held before the Lee County Board of County Commissioners; and the Board gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES with conditions a rezoning from AG-2 to RPD and CPD.

The rezoning and Master Concept Plan are subject to the following conditions:

A. CONDITIONS:

1. The development of this project will be in accordance with the Master Concept Plan entitled "Bay Landing," Sheets No. 2, 3, 4A, and 4B, prepared by Johnson Engineering, Inc., stamped received January 18, 1995, except as modified by the conditions herein.

2. This approval does not alleviate the need to comply with all state and county development regulations except as specifically modified by this approval.

3. The approved Property Development Regulations for the RPD and CPD are those depicted on the approved Master Concept Plan (Sheet No.4A), with the exception that no buildings in these areas may exceed 55 feet in height.

4. The approved Schedule of Uses for the RPD and the CPD are those depicted on the approved Master Concept Plan (Sheet No.4B).

5. The RPD is limited to a maximum of 149 dwelling units unless County regulations are amended to allow the on-site lake to be included in the calculation of total permissible dwelling units. In any case, no more than 198 dwelling units may be permitted.

6. All commercial uses within the RPD must comply with LDC Section 34-397 regarding the location, amount and timing of commercial uses.

7. The following buffers must be provided as depicted on the Master Concept Plan:

Buffer Area 1a: This buffer must be located along the property line between Edenbridge Court lots 12 through 17 and the proposed RPD. The buffer must be 15 feet wide with an 8-foot-high chain link fence located 10 feet from the property line. A vegetative screen must be installed on the Edenbridge Court side of the fence. This vegetative screen must be at least seven feet in height with a 75 percent opacity at planting. These plantings must achieve a height of eight feet and 100 percent opacity within one year of planting. The type of vegetation used must comply with LDC Section 10-416.

Buffer Area 1b: This buffer must be located along the property line between the proposed RPD and Edenbridge Court. This buffer will begin at the southern point of Buffer Area 1a and will terminate at the edge of the wetlands within the RPD. A continuous chain link fence eight feet in height must be provided which connects to the fence in Buffer Area 1a and terminates at the wetland line. The portion of the fence that is within Buffer Area 1b must be 75 percent opaque with no less than five trees per 100 linear feet planted in the buffer area on the Edenbridge Court side of the fence. The size and type of trees must comply with LDC Section 10-416.

Buffer Area 2: As depicted on the Master Concept Plan this buffer must be located adjacent to Lots 1 through 5 of Edenbridge Court and then turn west for approximately 125 feet. The buffer must be 10 feet wide with a wall eight feet in height which must extend the entire length of the buffer area. No less than 5 trees per 100 linear feet must be planted on the residential side of the wall. The size and type of trees must be in accordance with LDC Section 10-416. This buffer must be installed in a manner that will preserve the existing pine trees as much as possible. An additional 40-foot-wide preserve area immediately adjacent to the 10-foot-wide buffer must be provided in accordance with Condition 23 below.

Buffer Area 3: As depicted on the Master Concept Plan, Buffer Area 3 will be located at the terminus of the upland area immediately across the lake from Edenbridge Lots numbered 6 through 12. The buffer will be 10 feet wide with a vegetative screen at least seven feet in height and 75 percent opaque at time of planting. The vegetative screen should be designed to achieve a height of at least eight feet and an opacity of 100 percent within one year of planting. Additionally, 15-foot-high sabal palm trees will be planted on 15-foot centers the length of the buffer.

Headlight Hedge: As depicted by Cross Section G-G on Sheet No. 3 of the Master Concept Plan, a headlight hedge must be installed starting at the southern most point of Buffer Area 3 and extend south and east along the shoreline of the lake to the point of intersection with the buffer depicted by Cross Section E-E. This hedge must be a minimum of 4 feet in height and 100

percent opaque at time of planting. The type of plantings must be in accordance with LDC Section 10-416.

8. The applicant must install Buffer Areas 1a and 1b prior to the occurrance of either of the following events: (1) the issuance of a Building Permit for the first habitable structure within the RPD area (does not include sales centers or models within 300 feet of US 41); or (2) land clearing within 300 feet of the east property line in the RPD area. (This is not intended to include exotic removal within TZ and RPA areas.) Buffer Area 2 must be installed prior to the issuance of a Building permit for the first habitable structure within the CPD area.

9. Buffer Area 3 and the Headlight Hedge must be installed prior to the issuance of the first building permit within 300 feet of these buffer areas.

10. Buffer Area 2 must be constructed so that it does not block the visibility of Edenbridge Court traffic accessing West Terry Street. The design and location of this buffer must be reviewed by the Department of Transportation to ensure adequate visibility for Edenbridge Court traffic.

11. All buildings in the RPD adjacent to the Edenbridge Court Subdivision must have the following setbacks:

    a. Buildings that are two stories and no more than 25 feet in height must be set back a minimum of 25 feet from the property line.

    b. Buildings that are three stories and no more than 35 feet in height must be set back a minimum of 50 feet from the property line.

    c. Buildings that are more than 35 feet in height must be set back a minimum of 60 feet from the property line.

12. Outparcel #1 is limited as follows:

    a. No building may exceed three stories or be more than 45 feet in height.

    b. Fast food restaurants, drive-thru operations, nightclubs or 24-hour uses are prohibited, with the exception that a drive-thru will be permitted in conjunction with a bank or a dry cleaner only.

    c. Outdoor seating will not be permitted unless the hours of operation are limited to 9:00 A.M. to 9:00 P.M.

    d. Outdoor entertainment is prohibited.

13. The proposed pedestrian bridge is permitted. (Note, while not a condition of this rezoning, the applicant has volunteered that

the bridge will be locked off from pedestrian access after the last business in the CPD is closed each night.)

14. Public access to the lake from the Bay Landing site is prohibited. Swimming and boating are also prohibited with the exception of maintenance activity..

15. The proposed restaurant over the lake must be located in the northwest portion of the lake and must be set back a minimum of 400 feet from the nearest property line to the east.

16. All lighting within the project must comply with the LDC. At a minimum, all lighting must be directed away from the eastern property line.

17. Lighting in the CPD must have zero foot candles of light over and above the ambient light level at the eastern property line.

18. This development must comply with the County's Noise Ordinance #93-15, as amended by Ord. #94-17. In addition, if any air conditioning unit, or other mechanical equipment exceed the noise levels set forth in the Noise Ordinance, then the developer must provide a wall, screen, or similar feature to muffle the noise to bring the noise levels into compliance with the Ordinance requirements. The developer must confer with the company providing the air conditioning units and other mechanical equipment to determine the anticipated noise levels. If the noise level requirements of the equipment is such that the noise will exceed the noise levels of the Ordinance at the property line, then the developer must locate the mechanical equipment away from the east side of the property, or provide a wall, screen, or similar feature to muffle the noise so that the equipment will be in compliance with the noise levels set forth in the Ordinance.

19. When weather conditions permit, controlled burning will be allowed. Burning locations must be a minimum of 300 feet from the east and 150 feet from the north and west property lines. Use of an air curtain incinerator is mandatory. If the County receives complaints regarding the on-site burning from adjacent property owners (i.e., smell, breathing, or visibility), the on-site burning must cease. The applicant must obtain burning permits before commencing any on-site burning. (Note, while not a condition of this rezoning, the applicant has volunteered that the hours of operation for any permitted burning will be 9:00 a.m. to 5:00 p.m.)

20. The developer must establish an Emergency Hurricane Preparedness Plan with the Lee County Division of Emergency Management. The Homeowners Association will provide an annual educational seminar where the Division of Emergency Management will educate the Homeowners on hurricanes and other natural hazards.

21. If the Florida Game and Fresh Water Fish Commission issues an "incidental take" permit to "take" any gopher tortoises within the RPD/CPD, then the developer must relocate the displaced tortoises out of harm's way during any construction activities. If the Florida Game and Fresh Water Fish Commission does not issue an "incidental take" permit, the developer must set aside adequate suitable gopher tortoise habitat and submit an approved gopher tortoise management plan at time of local Development Order application.

22. The twisted air-plant located within the FLUCCS #4382 area must remain attached to that portion of the branch on which it grew and must be relocated to an on-site xeric upland area. The relocated twisted air-plant must be secured within the canopy of an existing native indigenous tree. The plant must be positioned so that it is exposed to similar periods of sunlight as its place of origin and can collect adequate amounts of water. The developer must submit a management plan at the time of exotic vegetation removal or the first local Development Order for any development activities which require the relocation of the twisted air-plant.

23. The applicant will preserve an area of land within the parking lot for the Curtiss' milkweed, as depicted on attached Exhibit "A" to this condition. At the time of the final count of Curtiss' milkweed there were 11 plants believed to be Curtiss' milkweed in these areas.

    The applicant will provide a minimum buffer of 10 feet, and will attempt to provide a 15-foot-wide buffer, to the extent possible, as indicated on the aforementioned Exhibit "A." At the time of the final count, there were 49 other plants on the applicant's property believed to be Curtiss' milkweed. These remaining 49 GPS (Global Positioning System) located plants will be relocated to the 40-foot northeast preserve area. The plants will be randomly placed with no minimum spacing. In some areas where the Curtiss' milkweed are in close proximity to one another, clusters versus individual plants may be removed and relocated.

    The applicant will monitor the relocated plants annually for five years. If, at the end of the five year period, 80 percent survival is attained, the applicant will have met the obligations set forth in this condition and nothing further shall be required. If 80 percent survival is not attained, the applicant will plant the appropriate number of Curtiss' milkweed seeds, propagules, or plants necessary to reach the 80 percent survival rate. The source of the seeds, propagules, or plants must be within the State of Florida and shall be a source approved by the Lee County Environmental Sciences Staff. The propagules or plants, seeds, and relocated Curtiss' milkweed, will be monitored annually for a period of two years at which time this program will be concluded. If, at the end of any annual monitoring period, it can be determined that seed, propagules, or

plants will likely be needed, the applicant shall attempt to propagate these from seed or stem cuttings from any living Curtiss' milkweed on-site.

At any time during the initial five year monitoring period, or any subsequent two year monitoring period, it becomes clear that 49 or more Curtiss' milkweed plants are thriving, the applicant, or it representatives, should notify County staff. If the Environmental Sciences staff concurs that 49 or more of the plants are thriving, then staff shall so note in the file on this matter, and there shall be no further obligations pursuant to this condition.

The Curtiss' milkweed preserves must be maintained in xeric conditions and must remain free of sod, turf, grasses, and irrigation systems. The applicant may only locate drought tolerant native indigenous landscaping within the Curtiss' milkweed preserve areas. The proposed landscape plantings in the northeast preserve area must be installed within an area no wider than 10 feet from the western edge of the "Northeast Buffer Preserve." To avoid damage to Curtiss' milkweed root systems, all landscaping within the preserve must be installed by hand or alternate method(s) approved by Environmental Sciences staff. The applicant must obtain Environmental Sciences staff approval of the landscaping plans for the preserve area.

The Director of Zoning and Development Services will allow flexibility in the design of the parking lot and roadway as needed for the preservation of the 11 Curtiss' milkweed. Parking lot and roadway design parameters must be in accordance with generally accepted design criteria, including but not limited to, the Traffic Engineering Handbook, 4th Edition (The Institute of Transportation Engineers). Flexibility in parking aisle width, parking island dimensions, turning radii and general parking configuration will be necessary to preserve the Curtiss' milkweed, provide the required parking space count, and protect the approved building square footages. This flexibility is limited to those specific areas necessitated by the preservation of the Curtiss' milkweed and is not intended to apply in any other circumstance. The design of the parking areas affected by the preservation of the Curtiss' milkweed will be approved by the Director of Zoning and Development Services at the time of local Development Order approval. The decision of the Director will be final.

24. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order per the Lee County Land Development Code or other Lee County Ordinance.

25. Approval of this rezoning does not give the developer the undeniable right to receive any local Development Order approval

that exceeds the Year 2010 Overlay use allocation for the applicable district.

B. DEVIATIONS:

Deviation (1) was WITHDRAWN by the applicant.

Deviation (2), requests relief from LDC Section 10-283(a) which requires that access streets be constructed paralleling certain arterial or collector streets, to allow a reverse frontage road within the CPD and no frontage road within the RPD. This deviation is APPROVED.

Deviation (3) was WITHDRAWN by the applicant.

Deviation (4), requests relief from LDC Section 10-296(b), Table 3 which requires that all privately maintained local and access street rights-of-way be 45 feet and 40 feet wide respectively, to allow 30 feet. This deviation request is APPROVED with the condition that the developer construct the access road similar to that depicted on the Master Concept Plan.

Deviation (5), requests relief from LDC Section 10-296(e), Table 4(7)(c)(1) which requires that wearing surfaces for local and access roads for Class A development be 1-1/2 inch asphaltic concrete of Florida Department of Transportation Types S-III, to allow for decorative pavers within the privately maintained internal roadways. This deviation request is APPROVED with the condition that the developer demonstrate that the decorative pavers have the structural equivalency of the required standard pavement.

Deviation (6), requests relief from LDC Section 10-328(a) which requires a minimum 20-foot-wide maintenance access easement along the lake perimeter, to allow proposed accessways and pedestrian walkways to act as stabilized maintenance ways. This deviation request is APPROVED with the condition that it apply to the CPD only.

Deviation (7), requests relief from LDC Section 10-329(e)(a)(1) which requires that local street right-of-way/easements set back 25 feet from water retention excavation, to allow 18 feet. This deviation request is APPROVED with the condition that the developer provide elements for the protection of wayward vehicles such as guardrails, berms, swales or vegetation acceptable to the Lee County Zoning & Development Services Division Director.

Deviation (8), requests relief from LDC Section 10-329(e)(4) which requires that excavation bank slopes be no greater than 4:1, to permit 40 percent of the lake banks to utilize vertical bulkheads. This deviation request is APPROVED with the condition that the construction of the bulkheads be in accordance with the cross section entitled "Typical Seawall" found on Sheet No.3 of the Master Concept Plan. Additionally, a littoral

shelf, meeting the planting requirements of LDC Section 10-418, must be installed at the toe of the bulkhead and along any non-bulkheaded shoreline.

Deviation (9) was WITHDRAWN by the applicant.

Deviation (10), requests relief from LDC Section 10-413(b)(2) which requires that residential developments provide 40 percent open space for large developments (50 percent of which must be indigenous), to allow open space in accordance with the table provided. This deviation request is APPROVED with the condition that the project open space must be in accordance with the Open Space Table on Sheet No.4A of the Master Concept Plan.

Deviation (11), requests relief from LDC Section 10-413(b)(3) which requires that commercial developments provide 30 percent open space (50 percent of which must be indigenous), to allow open space in accordance with the table provided. This deviation request is APPROVED with the condition that the project open space must be in accordance with the Open Space Table on Sheet No.4A of the Master Concept Plan, with the additional requirement that no lot, tract, or parcel within the CPD may have less than 10 percent open space which meets all dimensional requirements of the LDC Section 10-413(d).

Deviations (12) and (13) were WITHDRAWN by the applicant.

Deviation (14), requests relief from LDC Section 14-298(a)(2) which prohibits or restricts alteration or development within Resource Protection Areas (RPA), to permit: 1) construction of a recreational boardwalk to the upland island area and south to the Imperial River fishing pier, canoe launch and rain shelter; 2) construction over the Transition Zone (TZ) areas in the southeast corner of the RPD and the northern area of the CPD; 3) construction of passive recreational facilities within the RPA area; and 4) construction of drainage structures and spreader swale configurations within the RPA. This deviation request is APPROVED subject to the following conditions: (1) the RPD/CPD development must not impact more than one acre of Lee County jurisdictional Resource Protection Area and Transition Zone areas on-site (this includes approximately 0.16 acres of isolated TZ wetland and no more than 0.74 acres of RPA area); (2) mitigation requirements for these impacts will include supplemental plantings at a ratio of 5:1 installed within those areas between the RPA line and the Vegetation Association line as indicated on the Master Concept Plan, and utilization of a minimum of three native wetland species with a minimum size of one gallon container at time of planting; (3) the developer must remove all invasive exotic vegetation (as defined in LDC Chapter 10, Section 10-413(f)) within the RPD, CPD and RPA areas of Bay Landing; (4) a littoral shelf, meeting the planting requirements of LDC Section 10-418, must be installed at the toe of the bulkhead and along any non-bulkheaded shoreline; (5) any boardwalk which crosses County jurisdictional wetlands may not exceed the

minimum American Disabilities Act width standards; and (6) prior to local Development Order approval for any phase that has wetland impacts, the developer must submit a planting plan to the Lee County Department of Community Development, Environmental Sciences.

Deviations (15) and (16) WITHDRAWN by applicant.

Deviation (17), requests relief from LDC Section 34-2013(b)(3) which requires parking lot entrances to have a maximum width of 35 feet, to allow 80 feet, with median, for the entrances on US 41 and West Terry Street into the retail areas. This deviation request is APPROVED with the condition that developer construct the entrances as shown on the Master Concept Plan.

Deviation (18), requests relief from LDC Section 34-2194(c)(1) which requires structural setback for buildings or structures in the CPD area of a minimum of 25 feet from a body of water, to allow zero feet so that designated buildings or structures may be constructed at the lake edge or over the lake. This deviation request is APPROVED with the condition that the setback apply only to the proposed restaurant over the lake and the pedestrian bridge, as restricted by Condition 15.

Deviation (19), requests relief from LDC Section 34-2192(a) which requires a minimum setback of 65 feet between structures and the edge of right-of-way on an arterial or collector street with frontage road, to allow a 25-foot setback along US 41 and West Terry Street. This deviation request is APPROVED.

Deviation (20) was WITHDRAWN by the applicant.

Deviation (21), requests relief from LDC Section 34-935(b)(2) which requires a minimum 25-foot setback for buildings, structures and pavement when the commercial planned development is adjacent to land developed and controlled by the applicant, to allow a 12-1/2-foot setback. This deviation request is APPROVED with the following conditions:

a. A 25-foot separation must be provided between structures located adjacent to the CPD/RPD boundary line. Within the 25-foot separation, the developer may construct one of the following buffer(s):

   Option 1: This buffer will contain a fence no less than eight feet in height, as measured from the average elevation of the abutting street centerline, within the CPD. No less than five trees per 100 linear feet must be planted in the buffer area on the residential side of the fence.

   Option 2: This buffer will be located within the RPD and contain sufficient vegetation to obtain a height

of eight feet and 75 percent opacity within two years of planting.

b. All vegetation will be planted within the RPD portion of the 25-foot separation and will be maintained by the residential development. If the CPD is constructed first, then Option #1 must be constructed.

Deviation (22) was WITHDRAWN by the applicant.

Deviation (23), requests relief from LDC Section 10-285(a), Table 1 which requires connection separation on arterials to be 660 feet, to allow 372 feet. This deviation request is APPROVED for the connection separation on West Terry Street.

Site Plan 95-009 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval of RPD and CPD zoning:

AS TO THE RPD:

A. That the predominant uses of the surrounding property, makes approval of the RPD, as conditioned, appropriate.

B. That the RPD, as conditioned:

(1) will not have an adverse impact on the intent of the Land Development Code;

(2) is consistent with the goals, objectives, policies, and intent of the Lee Plan, and with the densities, intensities, and general uses set forth for the proposed use;

(3) meets or exceeds all performance and locational standards set forth for the proposed use;

(4) will protect, conserve, preserve all protected and endangered species, natural habitat and vegetation, in accordance with the Lee Plan and other Lee County development regulations;

(5) will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property; and

(6) will not place an undue burden upon existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.

C. That the residential uses, as conditioned,will be in compliance with all applicable general zoning provisions and supplemental

regulations pertaining to the use, as set forth in the Land Development Code.

D. That the proposed use is appropriate on the property and in the vicinity of the property.

E. That the recommended conditions are reasonably related to the impacts expected from or created by the proposed development.

F. That the recommended conditions and other Lee County development regulations provide sufficient safeguards to the public health, safety and welfare.

G. That the deviations, as conditioned, enhance the achievement of the objectives of the RPD and preserve and promote the protection of the public health, safety and welfare.

AS TO THE CPD:

A. That the predominant uses of the surrounding property makes approval of the CPD, as conditioned, appropriate.

B. That the CPD, as conditioned:

(1) will not have an adverse impact on the intent of the Land Development Code;

(2) is consistent with the goals, objectives, policies, and intent of the Lee Plan, and with the densities, intensities, and general uses set forth for the proposed use;

(3) meets or exceeds all performance and locational standards set forth for the proposed use;

(4) will protect, conserve, preserve all protected and endangered species, natural habitat and vegetation, in accordance with the Lee Plan and other Lee County development regulations;

(5) will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property; and

(6) will not place an undue burden upon existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.

C. That the commercial uses, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth in the Land Development Code.

D. That the proposed use is appropriate on the property and in the vicinity of the property.

E. That the recommended conditions are reasonably related to the impacts expected from or created by the proposed development.

F. That the recommended conditions and other Lee County development regulations provide sufficient safeguards to the public health, safety and welfare.

G. That the deviations, as conditioned, enhance the achievement of the objectives of the CPD and preserve and promote the protection of the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Manning, and seconded by Commissioner St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 3rd day of April, A.D., 1995.

ATTEST:
CHARLIE GREEN, CLERK

BY: Lisa L. Purse
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Albion
Chairman

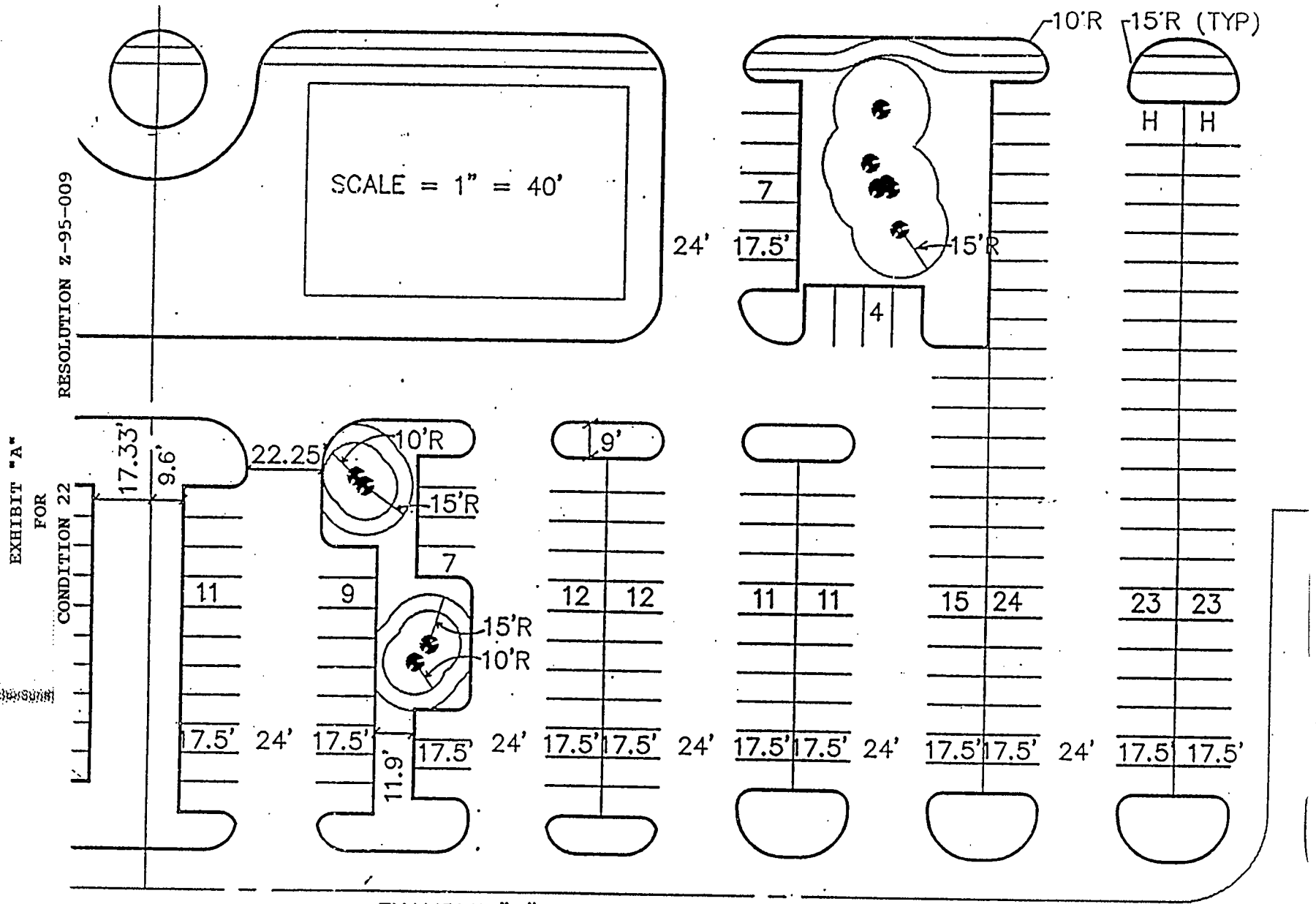
FILED

MAY 3 1995

CLERK CIRCUIT COURT
BY Lisa L. Purse D.C.

Approved as to form by:

County Attorney's Office

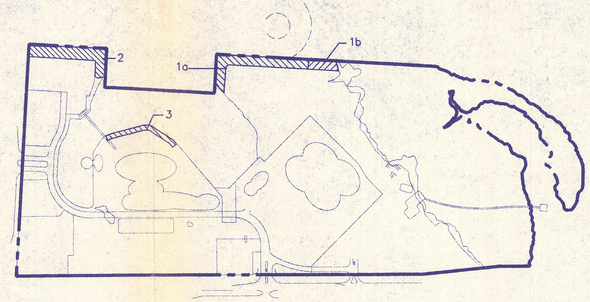


EXAMPLE "A" CONDITION 22

EXAMPLE OF POSSIBLE PARKING LOT FLEXIBILITY REQUIRED TO PRESERVE CURTISS MILKWEED.

SHEET NO. 2

NORTH
0 50 100 200
SCALE IN FEET



BUFFER ZONES
NTS

Resolution Z-77-34
Zoned BU-1A & converted
to C-1A for Retail Shopping

ZONED RS-1
SINGLE FAMILY HOMES

ZONED RS-1
SINGLE FAMILY HOMES

27 34
28 33

Section Line

772'±

400'±

Limits of Area #2
10' Landscape Strip
(See Buffer Plan)

D-3

OUTPARCEL #1
(1.5± Acres)

200'±

570'±

200'±

618'±

Limits of Area #1a
15' Landscape Strip
(See Buffer Plan)

Limits of Area #1b
5 Trees per 100 Linear Feet
(See Buffer Plan)

489'±
No Buffer Required

POTENTIAL LOCATION OF
TENNIS COURT

RPD

TZ

D-14

D-14

D-14

POTENTIAL SPREADER SWALE
WITHIN 50% EXOTIC VEGETATION AREA

VEGETATION ASSOCIATION LINE

RPA LINE (6-12-94), A.C.O.E. AND
S.F.W.M.D. VERIFIED JURISDICTIONAL LINE

10' Landscape Strip

D-19

25' STRUCTURAL SETBACK

OUTPARCEL #2
(0.9± Acres)

D-18

RPD
CPD

APPROXIMATE
LOCATION OF
BULKHEAD

D-8

EXISTING LAKE

APPROXIMATE
LOCATION OF
WALKOVER
(COVER
OPTIONAL)

D-1

1192'±

D-15

D-18

PROPOSED LAKE LINE

EXISTING LAKE LINE

Limits of Area #3
10' Landscape Strip (400')
(See Buffer Plan -- Sheet 3)

D-8

D-17

D-9

D-5

POTENTIAL
LOCATION OF
RESTAURANT
OVER WATER

D-8

RPD
CPD

D-21

12.5'
SETBACK

POTENTIAL LOCATION OF PARKING

PRESERVE

POTENTIAL LOCATION
OF BUILDING

D-6

D-7

POTENTIAL LOCATION OF BUILDINGS

D-9

POTENTIAL LOCATION OF BUILDING

D-14

BOARDWALK

D-14

372'±

684'±

OUTPARCEL #3
(0.6± Acres)

30' WIDE PAVEMENT (30' R.O.W.)

D-4

D-2

REVERSE -FRONTAGE ROAD

SEE BAY LANDING CONDITIONS
FOR ENVIRONMENTAL ISSUES
AND EXHIBIT II-G-1 (CURTIS
MILKWEED & FLUCFCS MAP)

TZ

60 55 57 59 56 58

D-14

D-9

POTENTIAL
LOCATION
OF PARKING

CPD
RPD

15' Landscape Strip

UPLAND
AREA

PARK
(CANOE STORAGE/
PARK ACCESSORIES)

COVERED FISHING,
CANOE LAUNCH,
RAIN SHELTER

RAIN SHELTER
TYPICAL

POTENTIAL LOCATION OF
POOL AND DECK AREA

EXIST. DRIVE

D-23

312'±

OUTPARCEL #4
(1.5± Acres)

D-1

POTENTIAL LOCATION OF 10' UTILITY EASEMENT

CPD

OUTPARCEL #5
(0.9± Acres)

D-19

D-5

D-2

D-15

100' R/W

24'

10' Landscape Strip

25'

10' Landscape Strip

1530'±

10' Landscape Strip

24'

24'

10' Landscape Strip

15' Landscape Strip

15' Landscape Strip

879'±

No Buffer Required

D-17

D-15

100'

100'

(200' R/W)

TAMIAMI TRAIL

S. R. NO. 45

U. S. 41

1350'±

453'±

IMPERIAL RIVER

WEST TERRY STREET

LEGEND

MEDIAN SIGNAGE

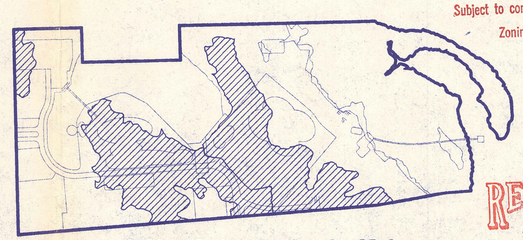
SIGNAGE

SEE PROPERTY DEVELOPMENT
REGULATIONS (SHEET 3).

ZONED PUD
EXECUTIVE CENTER

ZONED CPD
(VACANT)

Resolutions Z-90-097,
Z-91-072 and Z-91-004
Zoned CPD - Office and
Commercial uses.
(THE RIVERVIEW SHOPPES OF BONITA - CC W/Restrictions)



RARE AND UNIQUE UPLAND AREAS
NTS

SEE ATTACHED STATEMENT FROM NEALE MONTGOMERY
(PAVESE, GARNER, HAVERFIELD, DALTON, HARRISON & JENSEN)

APPROVED
Master Concept Plan
Site Plan #95-009 Page 1 of 4
Subject to conditions in Resolution Z-95-08
Zoning Case #95-01-015-037

RECEIVED
JAN 18 1995
ZONING COUNTER
95-01-015 037

REVISIONS

DATE	BY	DESCRIPTION
10-19-94	DOT	EXIST. DRIVE ADDED AND RARE & UNIQUE AREAS SHOWN
12-6-94	DOT	BUFFER NOTES, MCT.PLAN NOTE
1-10-95	DOT	DEV. 12, 13 & 22 DELETED, BUFFER ZONES MAP INSERTED REDEFINED SECTION E-E

	NAME	DATE
DESIGNED		
DRAWN	DOT	8-12-94
CHECKED	PHN	8-22-94

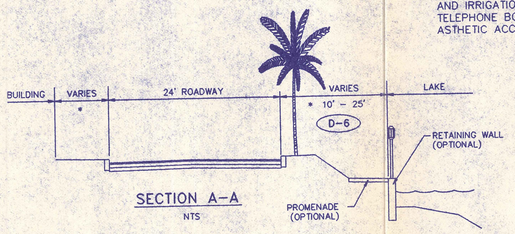
JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
2158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902-1550
PHONE (813) 334-0046, FAX (813) 334-3661

BAY LANDING
BARRON COLLIER PARTNERSHIP, NAPLES, FLORIDA
SECTION 33, TOWNSHIP 47 SOUTH, RANGE 25 EAST
BONITA SPRINGS, LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN

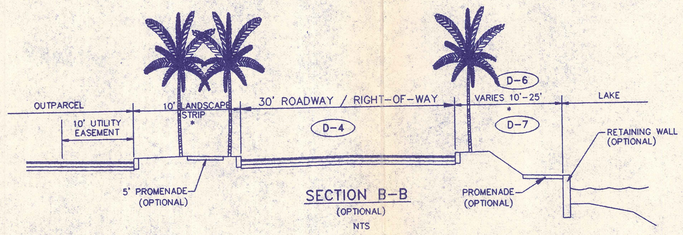
EXHIBIT IV-E-1
EXHIBIT IV-F

01-17-1995 15:56 DOT 20045M02.DWG

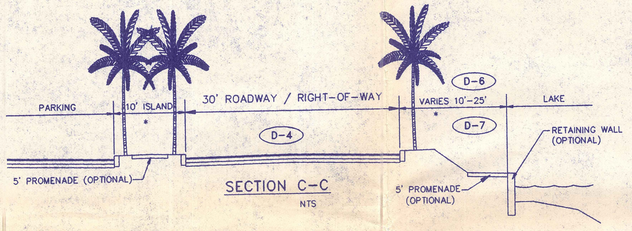


SECTION A-A
NTS

*THIS AREA MAY CONTAIN DECORATIVE STREET LIGHTING, ARCHITECTURAL AND LANDSCAPE LIGHTING, LANDSCAPING AND IRRIGATION, SIGNAGE, BENCHES, PLANTERS, FIRE HYDRANTS, TELEPHONE BOOTHS AND OTHER ARCHITECTURAL AND ASTHETIC ACCESSORIES.

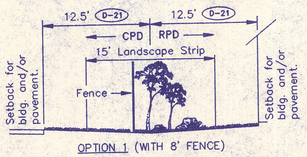


SECTION B-B
(OPTIONAL)
NTS

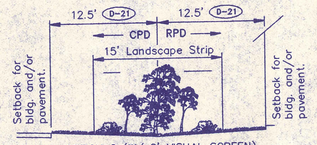


SECTION C-C
NTS

SECTION D-D
NTS

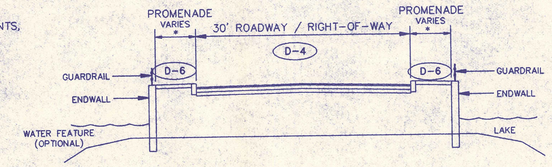


OPTION 1 (WITH 8' FENCE)

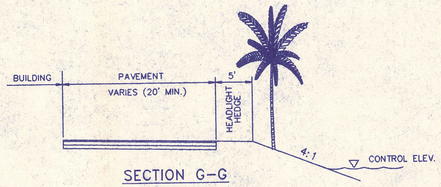


OPTION 2 (W/ 8' VISUAL SCREEN)

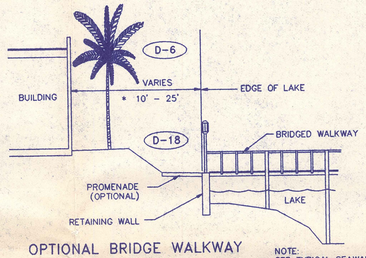
SECTION E-E
NTS



SECTION F-F
NTS



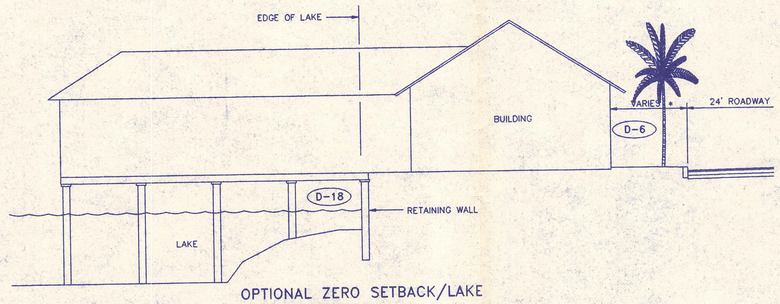
SECTION G-G
NTS



OPTIONAL BRIDGE WALKWAY
SECTION H-H
NTS

NOTE: SEE TYPICAL SEAWALL SECTION FOR SLOPE

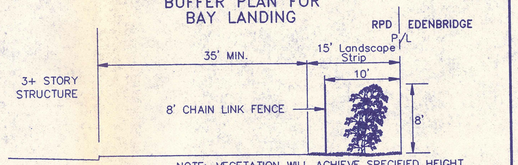
*THIS AREA MAY CONTAIN DECORATIVE STREET LIGHTING, ARCHITECTURAL AND LANDSCAPE LIGHTING, LANDSCAPING AND IRRIGATION, SIGNAGE, BENCHES, PLANTERS, FIRE HYDRANTS, TELEPHONE BOOTHS AND OTHER ARCHITECTURAL AND ASTHETIC ACCESSORIES.



OPTIONAL ZERO SETBACK/LAKE
SECTION I-I
NTS

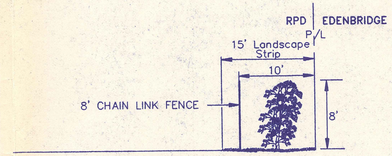
*THIS AREA MAY CONTAIN DECORATIVE STREET LIGHTING, ARCHITECTURAL AND LANDSCAPE LIGHTING, LANDSCAPING AND IRRIGATION, SIGNAGE, BENCHES, PLANTERS, FIRE HYDRANTS, TELEPHONE BOOTHS AND OTHER ARCHITECTURAL AND ASTHETIC ACCESSORIES.

BUFFER PLAN FOR BAY LANDING



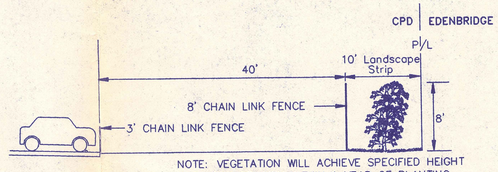
NOTE: VEGETATION WILL ACHIEVE SPECIFIED HEIGHT AND 100% OPACITY WITHIN 1 YEAR OF PLANTING.

BUFFER AREA #1a - S.E. BUFFER
NTS



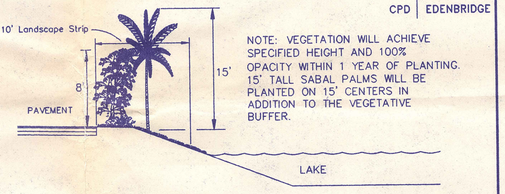
NOTE: 5 TREES PER 100 LINEAL FEET

BUFFER AREA #1b - S.E. BUFFER
NTS



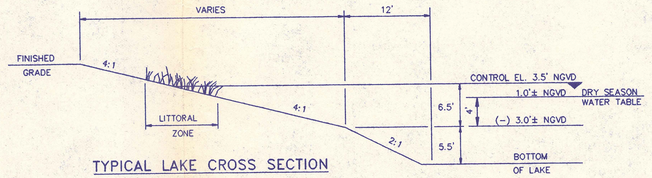
NOTE: VEGETATION WILL ACHIEVE SPECIFIED HEIGHT AND 100% OPACITY WITHIN 1 YEAR OF PLANTING.

BUFFER AREA #2 - N.E. BUFFER
NTS

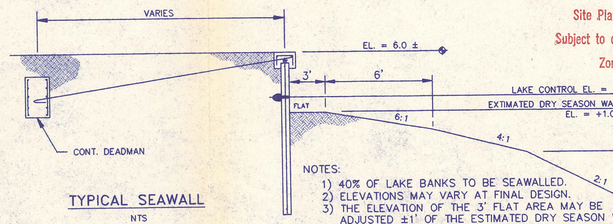


NOTE: VEGETATION WILL ACHIEVE SPECIFIED HEIGHT AND 100% OPACITY WITHIN 1 YEAR OF PLANTING. 15' TALL SABAL PALMS WILL BE PLANTED ON 15' CENTERS IN ADDITION TO THE VEGETATIVE BUFFER.

BUFFER AREA #3 - W. LAKE BANK
NTS



TYPICAL LAKE CROSS SECTION
NTS



TYPICAL SEAWALL
NTS

NOTES:
1) 40% OF LAKE BANKS TO BE SEAWALLED.
2) ELEVATIONS MAY VARY AT FINAL DESIGN.
3) THE ELEVATION OF THE 3' FLAT AREA MAY BE ADJUSTED ±1' OF THE ESTIMATED DRY SEASON WATER TABLE IF NEEDED TO ACCOMMODATE LITTORAL PLANTING.

APPROVED
Master Concept Plan
Site Plan # 95-009 Page 2 Of 4
Subject to conditions in Resolution Z-95-009
Zoning Case # 95-01-015.03Z

RECEIVED
JAN 18 1995
ZONING COUNTER
95-01-015 03Z

REVISIONS											
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
12-7-94	DOT	REV. TYP. LAKE SECTION, ADDED BUFFER PLAN FOR AREAS 1,2,&3, REV. BUFFER LANGUAGE	1-10-95	DOT	DEV. 12, 13 & 22 DELETED BUFFER PLAN REVISED SECTION E-E REVISED						

	NAME	DATE
DESIGNED		
DRAWN	DOT	AUG. 1994
CHECKED	PHN	AUG. 1994

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
2158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902-1550
PHONE (813) 334-0046, FAX (813) 334-3661

BAY LANDING CPD/RPD
SEC. 33, TWP. 47, RGE. 25

CROSS SECTIONS

01-17-1995 15:47 DOT 20045M05.DWG

SITE DATA

RPD DEVELOPMENT AREA: 19.84 AC.
TZ: .09
RPA: 15.08
TOTAL RPD AREA: 35.01 AC.

CPD DEVELOPMENT AREA: 28.47
TOTAL SITE AREA: 63.48 AC.

PROPOSED ZONING: AG2 TO CPD AND RPD

RPD 19.84 x 10 DUA = 198 DU'S

CPD RETAIL – 192,788 S.F.
OFFICE – 30,000 S.F.

OPEN SPACE TABLE

CPD 30% REQUIRED OPEN SPACE

RPD 40% REQUIRED OPEN SPACE

Site Area:

CPD	DEV. AREA		28.47 ACRES
RPD	DEV. AREA (Including Upland Isle)	19.84 ACRES	
	TZ	.09 ACRES	
	WETLANDS RPD	15.08 ACRES	
			35.01 ACRES
TOTAL SITE AREA:			63.48 ACRES

Open Space Required:

CPD	28.47 ACRES x 30% =	8.54 ACRES	
RPD	35.01 ACRES x 40% =	14.00 ACRES	
	TOTAL OPEN SPACE REQUIRED =		22.54 ACRES

Open Space Provided:

*RPA –	15.08 ACRES	
CPD – 10%	2.85 ACRES	
RPD – 12%	4.30 ACRES	
*UPLAND ISLAND	.32 ACRES	
TOTAL OPEN SPACE PROVIDED =		22.55 ACRES

Indigenous Vegetation:

50% INDIGENOUS VEGETATION REQUIRED: 11.27 ACRES

*RPA	15.08 ACRES
*UPLAND ISLAND	.32 ACRES

INDIGENOUS VEGETATION PROVIDED*: 15.40 ACRES

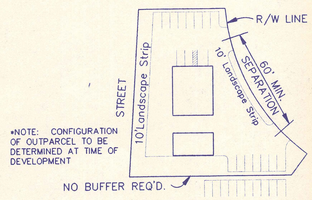
PARKING:

CPD/RPD PARKING REQUIREMENTS WILL BE THOSE IN EFFECT AT THE TIME OF CPD/RPD APPROVAL. SUBSEQUENT LESS STRINGENT PARKING REQUIREMENTS APPROVED BY LEE COUNTY MAY REPLACE THE INITIAL PARKING REQUIREMENTS BY ADMINISTRATIVE APPROVAL BY THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT. SEE LAND DEVELOPMENT CODE SECTIONS 34–2020 (5)A.2. (MULTI–USE), 34–2020 (2) & (4) (OUTPARCELS), AND 34–2020.(1) (RESIDENTIAL)

BUILDING HEIGHTS:

CPD SHALL HAVE A MAXIMUM BUILDING HEIGHT OF 60 FEET ABOVE MINIMUM FLOOD ELEVATION WITH NO MORE THAN 3 HABITABLE STORIES.

RPD SHALL HAVE A MAXIMUM BUILDING HEIGHT OF 60 FEET ABOVE MINIMUM FLOOD ELEVATION WITH NO MORE THAN 3 HABITABLE STORIES.



*OPTIONAL OUTPARCEL LAYOUT
NTS

PROPERTY DEVELOPMENT REGULATIONS

CPD MINIMUM LOT AREA AND DIMENSIONS:

MINIMUM LOT AREA	20,000 S.F.
MINIMUM LOT WIDTH	95 FEET
MINIMUM LOT DEPTH	95 FEET
MINIMUM LOT FRONTAGE FOR OUTPARCELS	50 FEET
MINIMUM INTERSECTION SEPARATION – REQUIREMENTS FOR OUTPARCELS	60 FEET

MINIMUM STRUCTURAL SETBACKS:

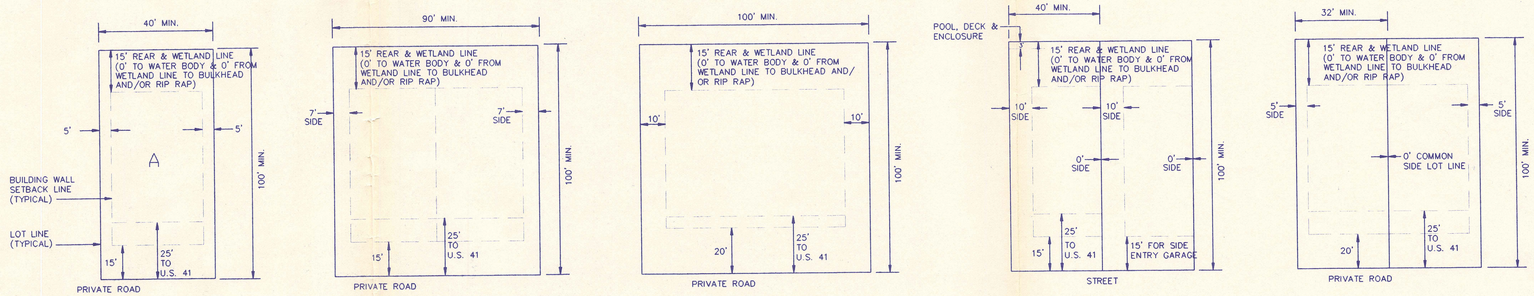
U.S. 41 R/W	25 FEET
WEST TERRY STREET R/W	25 FEET
INTERNAL PRIVATE ROADWAY	0 FEET
SIDE	10 FEET
REAR	10 FEET
WATER BODY	0 FEET

RPD: MINIMUM LOT AREA AND DIMENSIONS:

SINGLE FAMILY UNITS	
AREA	5,000 S.F.
WIDTH	40 FEET
DEPTH	100 FEET
DUPLEX	
AREA	9,000 S.F.
WIDTH	90 FEET
DEPTH	100 FEET
MULTI–FAMILY	
AREA	10,000 S.F. (MIN. LOT SIZE)
WIDTH	100 FEET
DEPTH	100 FEET
ZERO LOT LINE UNITS	
AREA	4,000 S.F.
WIDTH	40 FEET
DEPTH	100 FEET
TWO–FAMILY ATTACHED AND TOWNHOUSE	
AREA	4,000 S.F.
WIDTH	32 FEET
DEPTH	100 FEET
ACLF	
AREA	43,560 S.F.
WIDTH	150 FEET
DEPTH	150 FEET

MINIMUM STRUCTURAL SETBACKS:

SINGLE–FAMILY UNITS			TWO–FAMILY ATTACHED AND TOWNHOUSE	
U.S. 41	25 FEET		U.S. 41	25 FEET
PRIVATE ROAD	15 FEET		PRIVATE ROAD	20 FEET
SIDE YARD	5 FEET		SIDE YARD	5 FEET (NO SIDE SETBACK REQUIRED FROM COMMON SIDE LOT LINE)
REAR YARD	15 FEET FOR BUILDING, 0 FEET FOR POOL, DECK AND ENCLOSURE		REAR YARD	15 FEET
WATERBODY	0 FEET		WATERBODY	0 FEET
WETLAND	15 FEET FROM WETLAND LINE 0 FEET FROM WETLAND LINE TO BULKHEAD AND/OR RIP RAP		WETLAND	15 FEET FROM WETLAND LINE 0 FEET FROM WETLAND LINE TO BULKHEAD AND/OR RIP RAP
DUPLEX			ACLF	
U.S. 41	25 FEET		U.S. 41	25 FEET
PRIVATE ROAD	15 FEET		PRIVATE ROAD	20 FEET
SIDE YARD	7 FEET (NO SIDE SETBACK REQUIRED FROM COMMON SIDE LOT LINE)		SIDE YARD	10 FEET
REAR YARD	15 FEET		REAR YARD	15 FEET
WATERBODY	0 FEET		WATERBODY	0 FEET
WETLAND	15 FEET FROM WETLAND LINE 0 FEET FROM WETLAND LINE TO BULKHEAD AND/OR RIP RAP			
MULTI–FAMILY				
U.S. 41	25 FEET			
PRIVATE ROAD	20 FEET			
SIDE YARD	10 FEET			
REAR YARD	15 FEET			
WATERBODY	0 FEET			
WETLAND	15 FEET FROM WETLAND LINE 0 FEET FROM WETLAND LINE TO BULKHEAD AND/OR RIP RAP			
ZERO LOT LINE UNITS				
U.S. 41	25 FEET			
PRIVATE ROAD	15 FEET OR 15 FEET FOR SIDE ENTRY GARAGES			
SIDE YARD	10 FEET ON ONE SIDE, 0 FEET ON OPPOSITE SIDE			
REAR YARD	15 FEET FOR BUILDING, 3 FEET FOR POOL, DECK AND ENCLOSURE			
WATERBODY	0 FEET			
WETLAND	15 FEET FROM WETLAND LINE 0 FEET FROM WETLAND LINE TO BULKHEAD AND/OR RIP RAP			



SINGLE FAMILY UNIT | DUPLEX | MULTI–FAMILY UNIT | ZERO LOT LINE UNIT | TWO–FAMILY ATTACHED AND TOWNHOUSE

TYPICAL LOT LAYOUTS

NTS

APPROVED
Master Concept Plan
Site Plan # 95-009 Page 3 Of 4
Subject to conditions in Resolution Z-95-009
Zoning Case # 95-01-015.03Z

RECEIVED
JAN 18 1995
ZONING COUNTER
95-01-015 03Z

REVISIONS											
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
12-08-1994	DOT	REVISED INF. ON SHEET									

	NAME	DATE
DESIGNED		
DRAWN	DOT	AUG. 1994
CHECKED	PHN	AUG. 1994

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
2158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902–1550
PHONE (813) 334–0046, FAX (813) 334–3661

BAY LANDING CPD/RPD
SEC. 33, TWP. 47, RGE. 25

SITE DATA AND PLAN VIEWS

12-08-1994 08:01 DOT 20045M08.DWG

SCHEDULE OF DEVIATIONS
FROM THE
LEE COUNTY LAND DEVELOPMENT CODE
FOR
BAY LANDING CPD/RPD

D-1 REQUIREMENT THAT LOT LINES BE STRAIGHT, RADIAL, AND PERPENDICULAR TO RIGHTS-OF-WAY/EASEMENTS [SECTION 10-254(c)] TO PERMIT OUTPARCEL LOT LINES TO VARY FROM SUCH STANDARDS.

D-2 REQUIREMENT THAT ACCESS STREETS BE CONSTRUCTED PARALLELING CERTAIN ARTERIAL OR COLLECTOR STREETS [SECTION 10.283.(a)] TO ALLOW A REVERSE FRONTAGE ROAD WITHIN THE CPD AND NO FRONTAGE ROAD WITHIN THE RPD.

D-3 REQUIREMENT THAT STREETS IN A PROPOSED DEVELOPMENT SHALL BE CONNECTED TO STREETS IN ADJACENT AREAS (SECTIONS 10-294. AND 10-295), TO REQUIRE NO STUB-OUTS TO EDENBRIDGE GARDENS SUBDIVISION.

D-4 REQUIREMENT THAT ALL PRIVATELY MAINTAINED LOCAL AND ACCESS STREET RIGHTS-OF-WAY BE 45 FEET AND 40 FEET WIDE RESPECTIVELY [SECTION 10-296(b), TABLE 3] TO 30 FEET.

D-5 REQUIREMENT THAT WEARING SURFACES FOR LOCAL AND ACCESS ROADS FOR CLASS A DEVELOPMENT SHALL BE 1-1/2 INCH ASPHALTIC CONCRETE OF FLORIDA DEPARTMENT OF TRANSPORTATION TYPES S-111 [SECTION 10-296(e), TABLE 4.(7)(c)(1)], TO ALLOW FOR DECORATIVE PAVERS WITHIN THE PRIVATELY MAINTAINED INTERNAL ROADWAYS.

D-6 REQUIREMENT OF A MINIMUM 20 FOOT WIDE MAINTENANCE ACCESS EASEMENT ALONG THE LAKE PERIMETER [SECTION 10-328(a)] TO ALLOW PROPOSED ACCESSWAYS AND PEDESTRIAN WALKWAYS TO ACT AS STABILIZED MAINTENANCE WAYS.

D-7 REQUIREMENT THAT LOCAL STREET RIGHT-OF-WAY/EASEMENTS SET BACK 25 FEET FROM WATER RETENTION EXCAVATION [SECTION 10-329(e)(a)1] TO 18 FEET.

D-8 REQUIREMENT THAT EXCAVATION BANK SLOPES BE NO GREATER THAN 4:1 [SECTION 10-329(e)(4)], TO PERMIT 40% OF THE LAKE BANKS TO UTILIZE VERTICAL BULKHEADS.

D-9 WITHDRAWN BY APPLICANT.

D-10 REQUIREMENT THAT RESIDENTIAL DEVELOPMENTS SHALL PROVIDE FORTY PERCENT (40%) OPEN SPACE FOR LARGE DEVELOPMENTS (FIFTY PERCENT OF WHICH OPEN SPACE SHALL BE INDIGENOUS FOR LARGE DEVELOPMENTS) [SECTION 10-413(b)(2)] TO ALLOW THE OPEN SPACE TABLE PROVIDED.

D-11 REQUIREMENT THAT COMMERCIAL DEVELOPMENTS SHALL PROVIDE THIRTY PERCENT OPEN SPACE (FIFTY PERCENT OF WHICH OPEN SPACE SHALL BE INDIGENOUS FOR LARGE DEVELOPMENTS) [SECTION 10-413(b)(3)] TO ALLOW THE OPEN SPACE TABLE PROVIDED.

D-12 WITHDRAWN BY APPLICANT.

D-13 WITHDRAWN BY APPLICANT.

D-14 REQUIREMENT PROHIBITING OR RESTRICTING ALTERATION OR DEVELOPMENT WITHIN RESOURCE PROTECTION AREAS [SECTION 14-298(a)(2)], TO PERMIT 1) CONSTRUCTION OF A RECREATIONAL BOARDWALK TO THE UPLAND ISLAND AREA AND SOUTH TO THE IMPERIAL RIVER FISHING PIER, CANOE LAUNCH AND RAIN SHELTER, 2) CONSTRUCTION OVER THE TZ AREAS IN THE SOUTHEAST CORNER OF THE RPD AND THE NORTHERN AREA OF THE CPD, 3) CONSTRUCTION OF PASSIVE RECREATIONAL FACILITIES WITHIN THE RPA AREA, AND 4) CONSTRUCTION OF DRAINAGE STRUCTURES AND SPREADER SWALE CONFIGURATIONS WITHIN THE RPA.

D-15 REQUIREMENT OF CONFORMING TO THE SIGN REGULATIONS FOR THE CPD AND RPD (SECTION 30-51) TO CONFORMING WITH THE SIGN REGULATIONS FOR BAY LANDING.

D-16 REQUIREMENT THAT ESTABLISHMENTS SHALL PROVIDE A MINIMUM OF ONE (1) LOADING SPACE FOR THE FIRST 10,000 SQUARE FEET OF FLOOR AREA, PLUS ONE (1) FOR EACH ADDITIONAL 20,000 SQUARE FEET OF FLOOR AREA [SECTION 34-1987(b)], TO ALLOW TWO (2) LOADING BAYS FOR EACH GROCERY STORE, DEPARTMENT STORE OR ANCHOR.

D-17 REQUIREMENT THAT PARKING LOT ENTRANCES SHALL BE A MAXIMUM WIDTH OF 35 FEET [SECTION 34-2013(b)(3)], TO 80 FEET, WITH MEDIAN, FOR THE ENTRANCES ON U.S. 41 AND WEST TERRY STREET INTO THE RETAIL AREAS.

D-18 REQUIREMENT OF STRUCTURAL SETBACK FOR BUILDINGS OR STRUCTURES IN THE CPD AREA OF A MINIMUM OF 25 FEET FROM A BODY OF WATER [SECTION 34-2194(c)(1)], TO 0 FEET SO THAT DESIGNATED BUILDINGS OR STRUCTURES MAY BE CONSTRUCTED AT THE LAKE EDGE OR OVER THE LAKE.

D-19 REQUIREMENT OF MINIMUM SETBACK BETWEEN STRUCTURES AND THE EDGE OF RIGHT-OF-WAY ON AN ARTERIAL OR COLLECTOR STREET WITH FRONTAGE ROAD OF 65 FEET [SECTION 34.2192.(a)], TO 25 FEET FOR US 41 AND WEST TERRY STREET.

D-20 WITHDRAWN BY APPLICANT.

D-21 REQUIREMENT THAT A MINIMUM 25 FOOT SETBACK FOR BUILDINGS, STRUCTURES AND PAVEMENT WHEN THE COMMERCIAL PLANNED DEVELOPMENT IS ADJACENT TO LAND THAT IS DEVELOPED AND CONTROLLED BY THE APPLICANT [SECTION 34-935(b)(2)] TO TWELVE AND A HALF (12½ FEET) SETBACK.

D-22 WITHDRAWN BY APPLICANT.

D-23 REQUIREMENT OF THAT INTERSECTION SEPARATION SPACING ON ARTERIALS BE 660' [SECTION 10-285(a),(TABLE 1)], TO 372'.

Amended 1/11/95

SCHEDULE OF USES
for
BAY LANDING - RPD

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES (df)
ADULT CONGREGATE LIVING FACILITY
CARETAKER'S RESIDENCE
CLUBS, MEMBERSHIP ORGANIZATION (df), PRIVATE (df) (Section 34-2111)
DAY CARE CENTER, CHILD (df), ADULT (df) (Section 34-1412)
DORMITORY (df)
DWELLING UNITS, SINGLE FAMILY (df), DUPLEX, MULTIPLE FAMILY BUILDING (df), ZERO LOT LINE (df), TOWNHOUSE (df), AND TWO-FAMILY ATTACHED (df).
ENTRANCE GATES AND GATEHOUSE (df) (Section 34-1749)
ESSENTIAL SERVICES (df) (Sections 34-1611, 34-1741)
ESSENTIAL SERVICE FACILITIES (Section 34-622(C)(13) Groups I and II (Sections 34-1611, 34-1741,34-2141)
EXCAVATION, WATER RETENTION (Section 34-1651) - Excess fill may be removed from site
HOMECARE FACILITY (df)
HOME OCCUPATION (Section 34-1771)
PARKS, PUBLIC OR PRIVATE (df) Group I (Section 34-622(C)(32)
PERSONAL SERVICES Groups I and IV (Section 34-3021)
PET SHOP (df)
PHARMACY (df)
RECREATIONAL FACILITIES, PERSONAL (df), PRIVATE (df), PUBLIC (df)
RENTAL OR LEASING ESTABLISHMENT (Section 34-622(C)(39) Groups I and II (Sections 34-1201, 34-1352, 34-3001)
REPAIR SHOPS Group I (Section 34-622(C)(40)
RESIDENTIAL ACCESSORY USES (Section 34-622(C)(42)
RESTAURANTS Group I (Section 34-622(C)(43)
SELF-SERVICE FUEL PUMPS (df)
SIGNS - Provided such signs comply with the Lee County Sign Ordinance
SPECIALTY RETAIL SHOPS Group I (Section 34-622(C)(47)

SCHEDULE OF USES
for
BAY LANDING - CPD

ACCESSORY USES & STRUCTURES
ADMINISTRATIVE OFFICES (df)
ANIMAL CLINIC (df)
AUTO PARTS STORE (df)
AUTOMATIC TELLER MACHINE (ATM's)
AUTOMOBILE SERVICE STATION (df)
AUTOMOTIVE REPAIR AND SERVICES Groups I and II (Section 34-622(C)(2)
BANKS AND FINANCIAL ESTABLISHMENTS Groups I and II (Section 34-622(C)(3)
BAIT AND TACKLE SHOP
BAR OR COCKTAIL LOUNGE (df) (Section 34-1261)
BOAT PARTS STORE (df)
BROADCASTING STUDIO, COMMERCIAL RADIO & TELEVISION (Section 34-1441)
BUILDING MATERIALS SALES (Section 34-622(C)(4)
BUSINESS SERVICES Group I and II (Section 34-622(C)(5)
CAR WASH (df)
CINEMA/THEATRE
CLEANING AND MAINTENANCE SERVICES (Section 34-622(C)(7)
CLOTHING STORES, GENERAL (Section 34-622(C)(8)
CLUBS, COMMERCIAL, FRATERNAL, MEMBERSHIP ORGANIZATION, PRIVATE (Section 34-2111)
CONSUMPTION ON PREMISES (Section 34-1261)
CONTRACTORS AND BUILDERS Group I (Section 34-622(C)(9)
CONVENIENCE FOOD AND BEVERAGE STORES (df)
CULTURAL FACILITIES (Section 34-622(C)(10)
DAY CARE CENTER, CHILD (df), ADULT (df)
DEPARTMENT STORE (df)
DRIVE-THRU FACILITIES (df) - Accessory to a permitted use
DRUG STORE/PHARMACY (df)
ENTRANCE GATES AND GATEHOUSES (Section 34-1741)
ESSENTIAL SERVICES (df)
ESSENTIAL SERVICE FACILITIES Groups I and II (Sections 34-1611 and 34-622(C)(13)
EXCAVATION, WATER RETENTION (Section 34-1651) - Excess fill may be removed from site
FEED/FERTILIZER, MIXING, AND SALES
FOOD AND BEVERAGE SERVICE, limited (df)
FOOD STORES Groups I and II (Section 34-622(C)(16)
GARAGE, Public
GASOLINE DISPENSING SYSTEM, Special (df)
GIFT AND SOUVENIR SHOP (df)
HARDWARE STORES (df)
HOBBY, TOY AND GAME SHOPS (Section 34-622(C)(21)
HOUSEHOLD/OFFICE FURNISHINGS (Section 34-622(C)(22)
INSURANCE COMPANIES (Section 34-622(C)(23)

LAUNDRY OR DRY CLEANING Groups I and II (Section 34-622(C)(24)
LAWN AND GARDEN SUPPLY STORE (df) (Section 34-2081)
LIBRARY
LIQUOR STORE (df)
MEDICAL OFFICES (df)
MOBILE HOME DEALER
MUSIC STORE
NIGHT CLUB
NON-STORE RETAILERS Groups I, II and III (Section 34-622(C)(30)
OFFICES, GENERAL AND PROFESSIONAL
OFFICES, MEDICAL AND/OR DENTAL
PACKAGE STORE (df)
PAINT, GLASS AND WALLPAPER STORE (df)
PERSONAL SERVICES All Groups (Section 34-622(C)(33)
PET SERVICES
PET SHOP (df)
PHARMACY (df)
PHYSICAL FITNESS CENTER
PLANT NURSERY (df) (Section 34-2081)
POLICE/SHERIFF STATION
POST OFFICES
PRINTING AND PUBLISHING (Section 34-622(C)(36)
REAL ESTATE OFFICE
RECREATION CENTER (Section 526)
RECREATION FACILITIES, Personal (df) Private (df) Public (df)
RECREATION, COMMERCIAL Group II (Section 34-622(C)(38)
RENTAL OR LEASING ESTABLISHMENTS Groups I and II (Section 34-622(C)(39)
REPAIR SHOPS Groups I, II and III (Section 34-622(C)(40)
RESEARCH AND DEVELOPMENT LABORATORIES Groups II and IV (Section 34-622(C)(41)
RESTAURANTS, FAST FOOD (df)
RESTAURANTS, STANDARD All Groups (Section 34-622(C)(43)
SCHOOLS, COMMERCIAL (Section 34-622(C)(45)
SELF SERVICE FUEL PUMPS (df) ancillary to a permit use
SELF SERVICE FUEL PUMP STATION (df)
SHOPPING CENTER
SIGNS, provided such signs comply with the Lee County Sign Ordinance
SOCIAL SERVICES Group I (Section 34-622(C)(46)
SPAS AND ACCESSORY FACILITIES
SPECIALTY RETAIL SHOP All Groups (Section 34-622(C)(47)
STORAGE, INDOOR (df), ENCLOSED (df), OPEN (df)(Section 34-3001)
STUDIOS (Section 34-622(C)(49)
TEMPORARY CONSTRUCTION/SALES OFFICE
VARIETY STORE
VEHICLE AND EQUIPMENT DEALERS Groups II and III (Section 34-1352 and 34-622(C)(55)
WHOLESALE ESTABLISHMENTS Group III (Section 34-622(C)(56)

APPROVED
Master Concept Plan
Site Plan # 95-009 Page 4 Of 4
Subject to conditions in Resolution Z-95-009
Zoning Case # 95-01-015.03Z

RECEIVED
JAN 18 1995
ZONING COUNTER
95-01-015 03Z

REVISIONS											
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

	NAME	DATE
DESIGNED		
DRAWN	DOT	1-11-95
CHECKED	PHN	

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
2158 JOHNSON STREET, P.O. BOX 1550, PHONE (813) 334-0046
FORT MYERS, FLORIDA 33902-1550

BONITA BAY PROPERTIES, INC.
RIVERFRONT CENTER: AT WEST TERRY STREET
SECTION 33, TOWNSHIP 47 SOUTH, RANGE 25 EAST
BONITA SPRINGS, LEE COUNTY, FLORIDA

SCHEDULE OF DEVIATIONS AND USES

EXHIBIT IV-G

20045M09.DWG