

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

WHEREAS, an application was filed by the property owner, Miromar Lakes, LLC, to amend the existing Mixed Use Planned Development (MPD) for Miromar Lakes (Zoning Resolution Z-02-072) pursuant to the Lee County Land Development Code in reference to Miromar Lakes MPD; and,

WHEREAS, a public hearing was advertised and held on July 26, 2006, with the record held open for written submissions until August 2, 2006, and then to August 9, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00116; and

WHEREAS, a second public hearing was advertised and held on October 16, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to amend the existing MPD for Miromar Lakes to (a) remove restriction on kitchen facilities in hotel units; (b) remove language in Condition 34 regarding Airport Noise Zone 3 concerning timeshares; (c) add residential units to the C-2 area; AND (d) amend Deviation 20 to provide for an expanded area that can utilize the zero-foot setback and revise Exhibits 2.b. and c., commercial and residential property development regulations of Zoning Resolution Z-02-072, to allow a maximum of 5,527 linear feet of lake frontage for zero-foot setback development. The development is connecting to potable water and sanitary sewer utilities located in the area. The property is located within the University Community and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Sections B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must remain consistent with Zoning Resolution Z-02-072, except as may be specifically amended by the actions herein. A copy of this Resolution is attached as Exhibit "C."
2. There is no specific change to the approved Master Concept Plan (MCP) in Zoning Resolution Z-02-072 granted by the actions herein.

3. ***Since this action is an amendment to an existing zoning resolution, the strike-through represents deleted language and underline represents added or amended language.***

The only change made to the approved Schedule of Uses found in Exhibit B of Zoning Resolution Z-02-072 is the following change within the C-2 area of the development:

COMMERCIAL "C-2"

PERMITTED USES AND STRUCTURES:

All of the permitted uses and structures, as conditioned, listed for the C-1 Commercial Area, including Time Share Units, which are ~~restricted to the hotel in the southernmost portion of the C-2 parcel~~, subject to Condition 33.

~~In addition, the parcel area designated as commercial C-2 may not include the following uses:~~

- Assisted Living Facility
- Bed and Breakfast
- Continuing Care Facility
- Caretakers Residence
- Day Care Center, Adult, Child
- Dormitories
- Dwelling Units
- Fraternity/Sorority House
- Health Care Facility, Group II, III and IV
- Home occupation
- Hospice
- Library
- Place of Worship
- Religious Facilities
- Schools, Commercial
- Schools, Non-Commercial
- Social Services: Group III

The following additional uses are also permitted in the C-2 District:

- Accessory Uses and Structures including Boat docking, and fueling facility,
Boat rental and sale of fuel.
- Auto Part Store
- Boat Ramp
- Boat Rental, Sale of Bait, Fuel and Related Supplies
- Boating Schools and Clubs
- Hotel, Motel and accessory uses including but are not limited to the following:
Consumption on premises
- Restaurant(s), Standard Groups I, II, III and IV
(includes outdoor seating, subject to Z-99-029, Condition # 46)

Specialty retail shops
Fishing piers
Boat docking and Fueling Facility
Boat ramps
Boating clubs/lessons
Water skiing clubs/lessons
Boat and Vehicle Storage
Rentals/leasing of inflatables, boats, cabanas, beach equipment, fishing rods, bicycles and the like.
Personal services, limited to ATM's barbershops or beauty shops, photo agents, health clubs, steam baths, massage and the like.
Mini-Warehouse
Motion Picture Production Studio
Research and Development Laboratories, Groups I, II, III and IV
Vehicle and Equipment Dealers, Group II only.
Water Skiing Schools and Clubs
Water Taxi/Stand

Any commercial use or professional service which is comparable in nature with the forgoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in the Miromar Lakes "C-2" district.

4. Condition 33 of Resolution Z-02-072 is revised as follows:

Any hotel located in the area identified as C-2 must be a luxury hotel. Guest, tenant, and owner stays may not exceed 30 days in a calendar year. ~~Hotel rooms and suites will not include kitchen facilities.~~ All occupancies must be in conformity with the Noise Zone regulations set forth in the Lee County Comprehensive Plan and LDC.

5. Condition 34 of Resolution Z-02-072 is revised as follows:

Timeshare units may be developed within the C-2 parcel ~~if the legal description of the Airport Noise Zone 3 is amended so as to exclude the area occupied by the proposed luxury hotel, subject to the following conditions:~~

- A. The units must be in conjunction with a bona fide hotel use located in the southernmost portion of the C-2 parcel; and
- B. The units must not exceed 25 percent of the total number of rooms being constructed in the hotel use; and
- ~~C. The units are subject to the same noise related conditions as the hotel.~~

6. Deviation 20 of Resolution Z-02-072 has not been revised as part of the action for this case and is approved, but limited to 5,527 linear feet of lake frontage within the areas delineated on the MCP. In addition, a compensatory littoral zone must be provided as pocket marshes instead of a 5-foot-wide linear littoral shelf, per

§10-418(3)(a). The compensatory pocket marsh area must be a minimum 0.50 acres of marsh planted with a minimum of our native wetland plants and providing a 50 percent coverage at time of planting (herbaceous plants must be a minimum 2-inch linear; shrubs and grasses must be a minimum 1-gallon container size; trees must be a minimum 3-gallon size). The compensatory pocket marsh area must be provided along the shoreline of Tract C-2. Additionally, the total amount of linear feet of lake frontage that utilizes the zero-foot setback, plus any rip-rap installed for shoreline erosion control cannot exceed 20 percent or 11,054 linear feet of shoreline.

The details of applying this deviation must be submitted for review and approval through an Administrative Amendment that includes a compilation of where Deviation 20 has been utilized and where it is proposed to be utilized; a compilation of where rip-rap has been permitted for shoreline stabilization; the location of the compensatory littoral zone pocket marsh; and a planting plan with cross-sections for the compensatory littoral zone pocket marsh. The pocket marsh must be constructed prior to the issuance of a Certificate of Compliance for any development order utilizing Deviation 20 beyond the 1,600 linear feet of the already permitted zero building setback associated with the Ravenna development (DOS2005-00296).

7. Note 5 for both attachments to Exhibit C of Resolution Z-02-072 is revised as follows:

A maximum of ~~4,500~~ 5,527 linear feet of lake frontage will have a zero-foot setback for buildings and accessory uses.

8. Condition 7 of Resolution Z-02-072 is revised by deleting the same.

9. Condition 8 of Resolution Z-02-072 is revised as follows:

The C-2 portion of Miromar is located south of the Southwest Florida International Airport. Noise associated with the overflight of aircraft can occur on occasion and the applicant is advised to consider the use of sound insulating materials in ~~commercial~~ all buildings.

10. Condition 9 of Resolution Z-02-072 is revised by deleting the same.
11. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: Zoning Resolution Z-02-072, including the Master Concept Plan, approved on Feb. 16, 2002, by the Lee County Board of County Commissioners

The applicant has indicated that the STRAP numbers for the subject property are:
10-46-25-00-00001.0020; 11-46-25-00-00001.0040; 23-46-25-00-00001.0050;
13-46-25-00-00001.0040; 13-46-25-00-00001.0060; 14-46-25-00-00001.0000;
12-46-25-00-00001.0010; 14-46-25-00-00001.0020; 13-46-25-00-00001.0050;
23-46-25-00-00001.0000; 15-46-25-00-00005.0000; 13-46-25-00-00001.0020;
13-46-25-00-00001.0030; 23-46-25-00-00001.0060; & 24-46-25-00-00001.0030

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

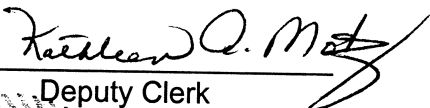
Commissioner Ray Judah made a motion to adopt the foregoing resolution, seconded by Commissioner John E. Albion. The vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 16th day of October, 2006.

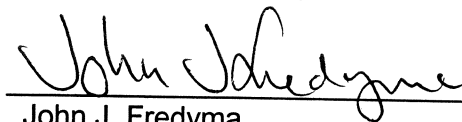
ATTEST:
CHARLIE GREEN, CLERK

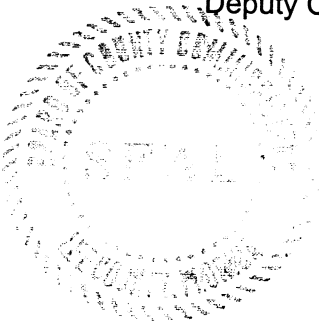
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

BY: 
Tammara Hall, Chairwoman

Approved as to form by:


John J. Fredyma
Assistant County Attorney
County Attorney's Office



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MINUTES OFFICE

2006 OCT 19 PM 12:13

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2099

EXHIBIT A
(15 Pages)

HM PROJECT #2000.106X
7/10/2003
REF. DWG. #4335
PAGE 1 OF 2

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 12 AND 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

COMMENCE AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°42'24"E. ALONG THE NORTH LINE OF SAID SECTION 11, FOR A DISTANCE OF 1,994.63 FEET; THENCE RUN S.01°01'21"W., FOR A DISTANCE OF 110.01 FEET; THENCE RUN S.89°42'24"E., FOR A DISTANCE OF 1,049.81 FEET; THENCE RUN S.01°00'21"E., FOR A DISTANCE OF 847.76 FEET; THENCE RUN S.04°19'45"W., FOR A DISTANCE OF 1,091.78 FEET; THENCE RUN S.00°39'26"E., FOR A DISTANCE OF 1,432.24 FEET; THENCE RUN S.00°16'17"E., FOR A DISTANCE OF 606.52 FEET; THENCE RUN N.88°47'46"E., FOR A DISTANCE OF 376.79 FEET; THENCE RUN S.40°48'12"E., FOR A DISTANCE OF 322.81 FEET; THENCE RUN S.19°01'17"E., FOR A DISTANCE OF 249.77 FEET; THENCE RUN S.88°53'28"E., FOR A DISTANCE OF 216.94 FEET; THENCE RUN S.24°26'51"E., FOR A DISTANCE OF 150.17 FEET; THENCE RUN S.77°09'26"E., FOR A DISTANCE OF 573.01 FEET; THENCE RUN S.88°10'13"E., FOR A DISTANCE OF 1,363.08 FEET; THENCE RUN S.19°42'28"E., FOR A DISTANCE OF 157.73 FEET; THENCE RUN S.87°09'14"E., FOR A DISTANCE OF 469.81 FEET; THENCE RUN N.88°02'24"E., FOR A DISTANCE OF 612.22 FEET; THENCE RUN S.21°30'12"E., FOR A DISTANCE OF 81.17 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 846.89 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 1,137.62 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 344.08 FEET; THENCE RUN N.89°48'06"W., FOR A DISTANCE OF 1,264.46 FEET; THENCE RUN N.01°46'59"E., FOR A DISTANCE OF 282.53 FEET TO THE POINT OF BEGINNING; CONTAINING 8.364 ACRES, MORE OR LESS.

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 2

COMMENCE AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°42'24"E. ALONG THE NORTH LINE OF SAID SECTION 11, FOR A DISTANCE OF 1,994.63 FEET; THENCE RUN S.01°01'21"W., FOR A DISTANCE OF 110.01 FEET; THENCE RUN S.89°42'24"E., FOR A DISTANCE OF 1,049.81 FEET; THENCE RUN S.01°00'21"E., FOR A DISTANCE OF 847.76 FEET; THENCE RUN S.04°19'45"W., FOR A DISTANCE OF 1,091.78 FEET; THENCE RUN S.00°39'26"E., FOR A DISTANCE OF 1,432.24 FEET; THENCE RUN S.00°16'17"E., FOR A DISTANCE OF 606.52 FEET; THENCE RUN N.88°47'46"E., FOR A DISTANCE OF 376.79 FEET; THENCE RUN S.40°48'12"E., FOR A DISTANCE OF 322.81 FEET; THENCE RUN S.19°01'17"E., FOR A DISTANCE OF 249.77 FEET; THENCE RUN S.88°53'28"E., FOR A DISTANCE OF 216.94 FEET; THENCE RUN S.24°26'51"E., FOR A DISTANCE OF 150.17 FEET; THENCE RUN S.77°09'26"E., FOR A DISTANCE OF 573.01 FEET; THENCE RUN S.88°10'13"E., FOR A DISTANCE OF 1,363.08 FEET; THENCE RUN S.19°42'28"E., FOR A DISTANCE OF 157.73 FEET; THENCE RUN S.87°09'14"E., FOR A DISTANCE OF 469.81 FEET; THENCE RUN N.88°02'24"E., FOR A DISTANCE OF 612.22 FEET; THENCE RUN S.21°30'12"E., FOR A DISTANCE OF 81.17 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 846.89 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF

Applicant's Legal Checked
by JRO 7-17-06

HM PROJECT #2000.106X
7/10/2003
REF. DWG. #4335
PAGE 2 OF 2

1,137.62 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 344.08 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.89°48'06"E., FOR A DISTANCE OF 80.00 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 807.57 FEET; THENCE RUN S.15°43'44"E., FOR A DISTANCE OF 978.45 FEET; THENCE RUN N.89°46'43"W., FOR A DISTANCE OF 78.00 FEET; THENCE RUN N.15°43'44"W., FOR A DISTANCE OF 954.11 FEET; THENCE RUN N.20°09'57"W., FOR A DISTANCE OF 832.50 FEET TO THE POINT OF BEGINNING; CONTAINING 3.078 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.89°42'24"E.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

RECEIVED
JUL 11 2003

ZONING COUNTER

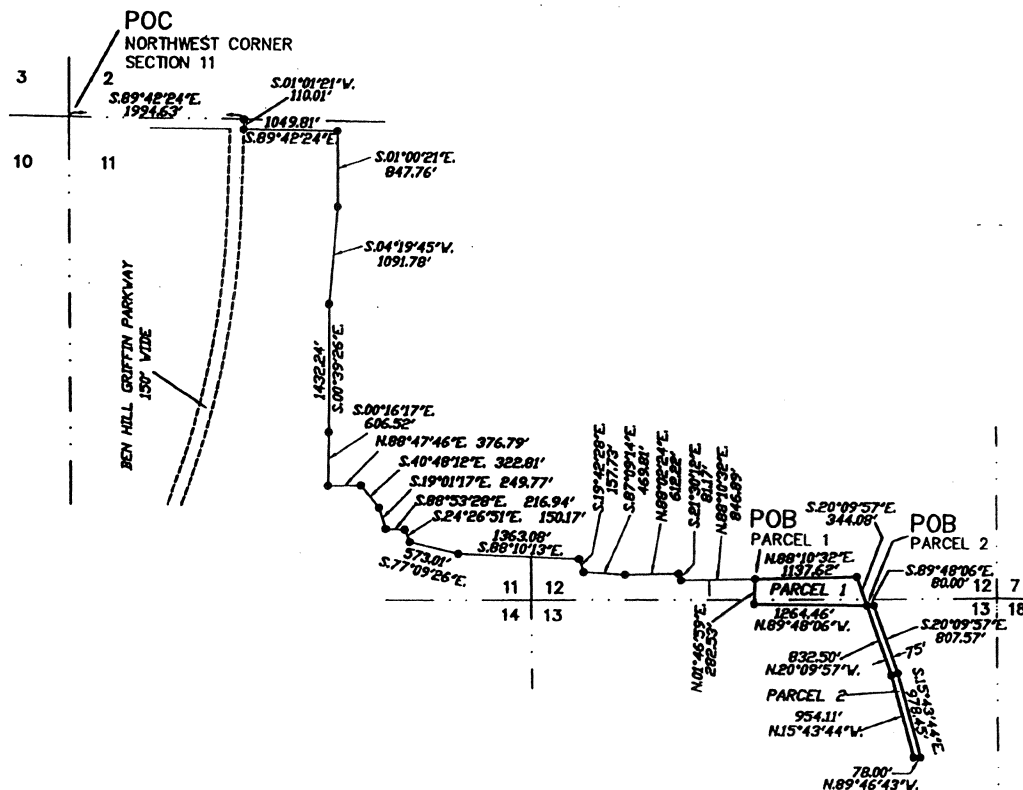
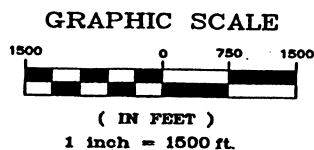
Applicant's Legal Checked

by [Signature] 14AV603

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JUL 11 2003

ZONING-COUNTY

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LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

** NOT A SURVEY **

PARTY CHIEF:	DATE
DRAWN BY: TH	DATE 7/03
CHECKED BY: TMM	DRAWING NO. B-4335



950 Encore Way
Naples, FL 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

NOT VALID WITHOUT
THE SIGNATURE AND
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

**SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION**

PROJECT NO.
00.106X
REFERENCE NO.
MIR-SL2



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2099

HM PROJECT #2000.106X
7/10/2003
REF. DWG. #4334
PAGE 1 OF 3

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 13, 23 AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND SECTION 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°28'32"W. ALONG THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 5,249.70 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 24; THENCE RUN N.89°44'50"W. ALONG THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, FOR A DISTANCE OF 501.52 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY, A 150.00 FOOT RIGHT-OF-WAY, AS RECORDED IN O.R. BOOK 2745 AT PAGES 1550 THROUGH 1554, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG THE EASTERLY RIGHT-OF-WAY OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 603.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT AND ALONG THE EASTERLY RIGHT-OF-WAY OF SAID BEN HILL GRIFFIN PARKWAY, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 50°05'25", SUBTENDED BY A CHORD OF 1,248.83 FEET AT A BEARING OF N.25°52'25"W., FOR A DISTANCE OF 1,289.50 FEET TO THE END OF SAID CURVE; THENCE RUN N.48°52'47"E., FOR A DISTANCE OF 591.95 FEET; THENCE RUN N.83°15'50"E., FOR A DISTANCE OF 340.40 FEET; THENCE RUN N.27°22'23"E., FOR A DISTANCE OF 649.51 FEET; THENCE RUN N.88°17'12"E., FOR A DISTANCE OF 233.73 FEET; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.22 FEET; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2,704.05 FEET; THENCE RUN N.21°20'50"E., FOR A DISTANCE OF 1,025.79 FEET; THENCE RUN N.02°13'31"W., FOR A DISTANCE OF 339.05 FEET; THENCE RUN N.73°40'08"E., FOR A DISTANCE OF 497.73 FEET; THENCE RUN N.84°27'10"E., FOR A DISTANCE OF 648.96 FEET; THENCE RUN N.20°19'20"W., FOR A DISTANCE OF 155.37 FEET; THENCE RUN N.04°47'10"W., FOR A DISTANCE OF 137.24 FEET; THENCE RUN N.10°20'25"E., FOR A DISTANCE OF 89.58 FEET; THENCE RUN N.88°40'48"W., FOR A DISTANCE OF 108.51 FEET; THENCE RUN N.35°22'24"E., FOR A DISTANCE OF 61.49 FEET; THENCE RUN N.24°10'35"E., FOR A DISTANCE OF 16.58 FEET; THENCE RUN N.16°58'33"E., FOR A DISTANCE OF 22.30 FEET; THENCE RUN N.01°25'10"W., FOR A DISTANCE OF 17.20 FEET; THENCE RUN N.02°00'52"E., FOR A DISTANCE OF 22.73 FEET; THENCE RUN N.10°34'22"E., FOR A DISTANCE OF 27.69 FEET; THENCE RUN N.08°31'29"E., FOR A DISTANCE OF 27.56 FEET; THENCE RUN N.04°17'29"W., FOR A DISTANCE OF 27.54 FEET; THENCE RUN N.03°50'00"E., FOR A DISTANCE OF 32.88 FEET; THENCE RUN N.05°16'54"E., FOR A DISTANCE OF 34.74 FEET; THENCE RUN N.14°36'53"W., FOR A DISTANCE OF 12.71 FEET; THENCE RUN N.49°59'45"W., FOR A DISTANCE OF 15.95 FEET; THENCE RUN N.67°08'11"W., FOR A DISTANCE OF 67.75 FEET; THENCE RUN N.67°33'34"E., FOR A DISTANCE OF 68.16 FEET; THENCE RUN N.57°34'58"E., FOR A DISTANCE OF 15.64 FEET; THENCE RUN N.53°45'20"E., FOR A DISTANCE OF 13.61 FEET; THENCE RUN N.58°32'02"E., FOR A DISTANCE OF 11.22 FEET; THENCE RUN N.54°40'50"E., FOR A DISTANCE OF 13.85 FEET; THENCE RUN N.49°36'55"E., FOR A DISTANCE OF 19.09 FEET; THENCE RUN N.37°17'03"E., FOR A DISTANCE OF 14.40 FEET; THENCE RUN N.25°04'13"E., FOR A DISTANCE OF 22.74 FEET; THENCE RUN N.30°25'33"E., FOR A DISTANCE OF 40.77 FEET; THENCE RUN S.70°47'07"E., FOR A DISTANCE OF 50.50 FEET; THENCE RUN N.19°32'42"E., FOR A DISTANCE OF 63.26 FEET; THENCE RUN N.62°41'55"E., FOR A DISTANCE OF 33.33 FEET; THENCE RUN N.60°03'38"E., FOR A DISTANCE OF 27.79 FEET; THENCE RUN N.68°56'32"E., FOR A DISTANCE OF 33.67 FEET; THENCE RUN N.69°27'09"E., FOR A DISTANCE OF

39.32 FEET; THENCE RUN N.76°09'54"E., FOR A DISTANCE OF 38.69 FEET; THENCE RUN N.84°37'56"E., FOR A DISTANCE OF 35.30 FEET; THENCE RUN N.71°01'39"E., FOR A DISTANCE OF 36.05 FEET; THENCE RUN N.56°16'09"E., FOR A DISTANCE OF 22.32 FEET; THENCE RUN N.54°45'23"E., FOR A DISTANCE OF 72.52 FEET; THENCE RUN N.43°40'48"E., FOR A DISTANCE OF 14.33 FEET; THENCE RUN N.36°37'28"E., FOR A DISTANCE OF 31.97 FEET; THENCE RUN N.16°15'53"E., FOR A DISTANCE OF 27.07 FEET; THENCE RUN N.00°14'32"W., FOR A DISTANCE OF 18.58 FEET; THENCE RUN N.01°01'18"W., FOR A DISTANCE OF 22.80 FEET; THENCE RUN N.11°30'29"E., FOR A DISTANCE OF 41.66 FEET; THENCE RUN N.25°25'32"E., FOR A DISTANCE OF 18.52 FEET; THENCE RUN N.29°13'14"E., FOR A DISTANCE OF 12.77 FEET; THENCE RUN N.09°42'26"E., FOR A DISTANCE OF 13.86 FEET; THENCE RUN N.10°10'17"W., FOR A DISTANCE OF 8.24 FEET; THENCE RUN N.25°29'33"W., FOR A DISTANCE OF 11.70 FEET; THENCE RUN N.71°45'42"W., FOR A DISTANCE OF 21.85 FEET; THENCE RUN N.59°03'27"W., FOR A DISTANCE OF 13.21 FEET; THENCE RUN N.37°04'03"W., FOR A DISTANCE OF 27.24 FEET; THENCE RUN N.00°38'43"W., FOR A DISTANCE OF 28.85 FEET; THENCE RUN N.10°12'59"E., FOR A DISTANCE OF 35.02 FEET; THENCE RUN N.01°52'01"E., FOR A DISTANCE OF 31.20 FEET; THENCE RUN N.05°34'22"E., FOR A DISTANCE OF 13.39 FEET; THENCE RUN N.01°01'36"W., FOR A DISTANCE OF 30.61 FEET; THENCE RUN N.15°40'00"W., FOR A DISTANCE OF 27.26 FEET; THENCE RUN N.22°54'25"W., FOR A DISTANCE OF 20.46 FEET; THENCE RUN N.20°19'15"W., FOR A DISTANCE OF 21.36 FEET; THENCE RUN N.17°17'45"W., FOR A DISTANCE OF 18.27 FEET; THENCE RUN N.25°34'23"W., FOR A DISTANCE OF 16.79 FEET; THENCE RUN N.15°41'23"W., FOR A DISTANCE OF 49.27 FEET; THENCE RUN N.00°29'10"W., FOR A DISTANCE OF 19.63 FEET; THENCE RUN N.65°22'51"E., FOR A DISTANCE OF 39.53 FEET; THENCE RUN N.43°47'29"W., FOR A DISTANCE OF 31.43 FEET; THENCE RUN N.11°37'49"E., FOR A DISTANCE OF 61.39 FEET; THENCE RUN N.56°32'16"E., FOR A DISTANCE OF 65.40 FEET; THENCE RUN S.79°13'23"E., FOR A DISTANCE OF 80.22 FEET; THENCE RUN N.02°10'07"W., FOR A DISTANCE OF 1,285.56 FEET; THENCE RUN S.89°36'23"W., FOR A DISTANCE OF 304.60 FEET; THENCE RUN S.56°15'20"W., FOR A DISTANCE OF 201.37 FEET; THENCE RUN S.56°14'53"W., FOR A DISTANCE OF 16.09 FEET; THENCE RUN S.71°30'39"W., FOR A DISTANCE OF 20.89 FEET; THENCE RUN S.46°03'51"W., FOR A DISTANCE OF 57.11 FEET; THENCE RUN S.49°29'40"W., FOR A DISTANCE OF 20.30 FEET; THENCE RUN S.47°16'30"W., FOR A DISTANCE OF 38.97 FEET; THENCE RUN S.35°34'54"W., FOR A DISTANCE OF 18.90 FEET; THENCE RUN S.30°59'13"W., FOR A DISTANCE OF 26.46 FEET; THENCE RUN S.30°57'50"W., FOR A DISTANCE OF 12.03 FEET; THENCE RUN S.24°14'29"W., FOR A DISTANCE OF 48.25 FEET; THENCE RUN S.47°59'41"W., FOR A DISTANCE OF 29.61 FEET; THENCE RUN S.80°50'39"W., FOR A DISTANCE OF 69.13 FEET; THENCE RUN S.81°26'58"W., FOR A DISTANCE OF 44.56 FEET; THENCE RUN S.85°35'19"W., FOR A DISTANCE OF 86.13 FEET; THENCE RUN S.85°58'36"W., FOR A DISTANCE OF 250.30 FEET; THENCE RUN N.90°00'00"W., FOR A DISTANCE OF 52.88 FEET; THENCE RUN S.85°52'53"W., FOR A DISTANCE OF 61.78 FEET; THENCE RUN S.85°27'17"W., FOR A DISTANCE OF 29.97 FEET; THENCE RUN S.85°27'36"W., FOR A DISTANCE OF 25.27 FEET; THENCE RUN N.87°20'13"W., FOR A DISTANCE OF 13.45 FEET; THENCE RUN N.87°24'51"W., FOR A DISTANCE OF 19.39 FEET; THENCE RUN N.87°22'03"W., FOR A DISTANCE OF 5.44 FEET; THENCE RUN N.24°14'57"E., FOR A DISTANCE OF 30.44 FEET; THENCE RUN N.14°49'53"W., FOR A DISTANCE OF 6.59 FEET; THENCE RUN N.14°31'45"W., FOR A DISTANCE OF 24.66 FEET; THENCE RUN N.02°11'29"E., FOR A DISTANCE OF 62.11 FEET; THENCE RUN S.76°56'48"E., FOR A DISTANCE OF 27.40 FEET; THENCE RUN S.82°50'47"E., FOR A DISTANCE OF 15.56 FEET; THENCE RUN N.18°18'13"E., FOR A DISTANCE OF 25.87 FEET; THENCE RUN N.04°51'39"W., FOR A DISTANCE OF 21.39 FEET; THENCE RUN N.11°39'28"W., FOR A DISTANCE OF 34.33 FEET; THENCE RUN N.06°54'40"W., FOR A DISTANCE OF 1.91 FEET; THENCE RUN

HM PROJECT #2000.106X

7/10/2003

REF. DWG. #4334

PAGE 3 OF 3

N.19°49'36"E., FOR A DISTANCE OF 438.39 FEET; THENCE RUN S.89°46'43"E., FOR A DISTANCE OF 582.86 FEET; THENCE RUN N.00°07'13"W., FOR A DISTANCE OF 16.52 FEET; THENCE RUN N.25°52'55"W., FOR A DISTANCE OF 362.91 FEET; THENCE RUN N.15°43'44"W., FOR A DISTANCE OF 267.90 FEET; THENCE RUN S.89°46'43"E., FOR A DISTANCE OF 594.04 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 88°55'56", SUBTENDED BY A CHORD OF 700.49 FEET AT A BEARING OF S.45°18'45"E., FOR A DISTANCE OF 776.08 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°50'47"E., FOR A DISTANCE OF 1,447.68 FEET; THENCE RUN S.09°57'20"W., FOR A DISTANCE OF 533.57 FEET TO A POINT ON THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'47"E. ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 957.10 FEET TO THE NORTHEAST CORNER OF SECTION 24; THENCE RUN S.00°50'13"E. ALONG THE EAST LINE OF SAID SECTION 24, FOR A DISTANCE OF 2,639.78 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 24; THENCE RUN S.00°48'26"E. ALONG THE EAST LINE OF SAID SECTION 24, FOR A DISTANCE OF 2,643.97 FEET TO THE POINT OF BEGINNING; CONTAINING 523.178 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEING S.89°28'32"W.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

RECEIVED
JUL 11 2003

ZONING COUNTER

Applicant's Legal Checked

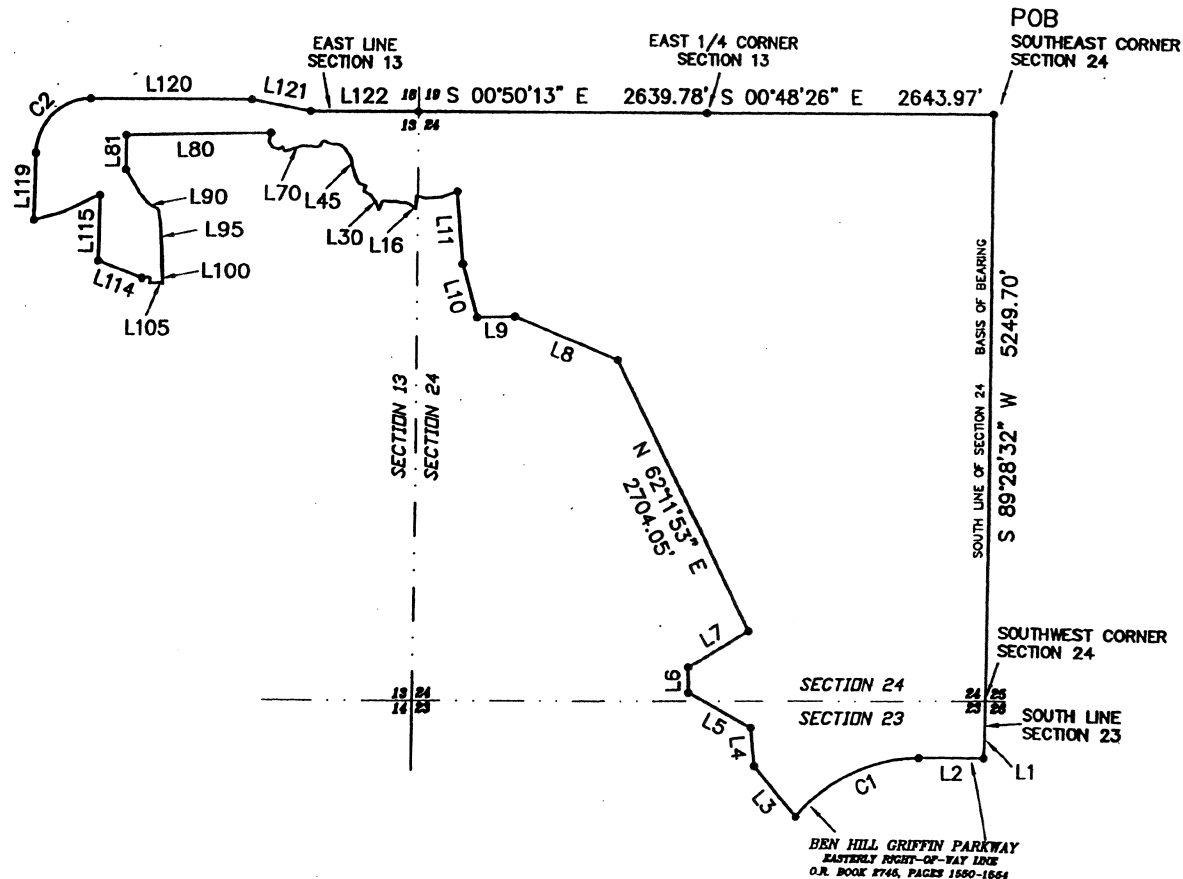
by [Signature] 14AUG03

RECEIVED
JUL 11 2003

EXHIBIT "A"
(Page 7 of 15)

ZONING COUNTER

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LEGEND

POB POINT OF BEGINNING

PARTY CHIEF:	DATE
DRAWN BY:	DATE
CHECKED BY:	DRAWING NO.
TMM	B-4334



950 Encore Way
Naples, FL 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

*** NOT A SURVEY ***

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISED
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

**SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION**

SHEET 1 OF 2

PROJECT NO.
00.106X

REFERENCE NO.
P1BND

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CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	1475.00'	1289.50'	1248.83'	N 25°32'25" W	50°05'25"
C2	500.00'	776.08'	700.49'	S 45°18'45" E	88°55'56"

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 89°44'50" W	501.52'
L2	N 00°49'43" W	603.03'
L3	N 48°52'47" E	591.95'
L4	N 83°15'50" E	340.40'
L5	N 27°22'23" E	649.51'
L6	N 88°17'12" E	233.73'
L7	S 31°47'37" E	631.22'
L8	N 21°20'50" E	1025.79'
L9	N 02°13'31" W	339.05'
L10	N 73°40'08" E	497.73'
L11	N 84°27'10" E	648.96'
L12	N 20°19'20" W	155.37'
L13	N 04°47'10" W	137.24'
L14	N 10°20'25" E	89.58'
L15	N 88°40'48" W	108.51'
L16	N 35°22'24" E	61.49'
L17	N 24°10'35" E	16.58'
L18	N 16°58'33" E	22.30'
L19	N 01°25'10" W	17.20'
L20	N 02°00'52" E	22.73'
L21	N 10°34'22" E	27.69'
L22	N 08°31'29" E	27.56'
L23	N 04°17'29" W	27.54'
L24	N 03°50'00" E	32.88'
L25	N 05°16'54" E	34.74'
L26	N 14°36'53" W	12.71'
L27	N 49°59'45" W	15.95'
L28	N 67°08'11" W	67.75'
L29	N 87°33'34" E	68.16'
L30	N 57°34'58" E	15.64'
L31	N 53°45'20" E	13.61'
L32	N 58°32'02" E	11.22'
L33	N 54°40'50" E	13.85'
L34	N 49°36'55" E	19.09'
L35	N 37°17'03" E	14.40'
L36	N 25°04'13" E	22.74'
L37	N 30°28'33" E	40.77'
L38	S 70°47'07" E	50.50'
L39	N 18°32'42" E	63.26'
L40	N 62°41'55" E	33.33'
L41	N 60°03'38" E	27.79'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L42	N 68°56'32" E	33.67'
L43	N 69°27'09" E	39.32'
L44	N 76°09'54" E	38.69'
L45	N 84°37'56" E	35.30'
L46	N 71°01'39" E	36.05'
L47	N 56°16'09" E	22.32'
L48	N 54°45'23" E	72.52'
L49	N 43°40'48" E	14.33'
L50	N 36°37'28" E	31.97'
L51	N 18°15'53" E	27.07'
L52	N 00°14'32" W	18.58'
L53	N 01°01'18" W	22.80'
L54	N 11°30'29" E	41.66'
L55	N 25°25'32" E	18.52'
L56	N 29°13'14" E	12.77'
L57	N 09°42'26" E	13.86'
L58	N 10°10'17" W	8.24'
L59	N 25°29'33" W	11.70'
L60	N 71°45'42" W	21.85'
L61	N 59°03'27" W	13.21'
L62	N 37°04'03" W	27.24'
L63	N 00°38'43" W	28.85'
L64	N 10°12'59" E	35.02'
L65	N 01°52'01" E	31.20'
L66	N 05°34'22" E	13.39'
L67	N 01°01'36" W	30.61'
L68	N 15°40'00" W	27.26'
L69	N 22°54'25" W	20.46'
L70	N 20°19'15" W	21.36'
L71	N 17°17'45" W	18.27'
L72	N 25°34'23" W	16.79'
L73	N 15°41'23" W	49.27'
L74	N 00°29'10" W	19.63'
L75	N 85°22'51" E	39.53'
L76	N 43°47'29" W	31.43'
L77	N 11°37'49" E	61.39'
L78	N 56°32'16" E	65.40'
L79	S 79°13'23" E	80.22'
L80	N 02°10'07" W	1285.56'
L81	S 89°36'23" W	304.60'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L82	S 56°15'20" W	201.37'
L83	S 56°14'53" W	16.09'
L84	S 71°30'39" W	20.89'
L85	S 46°03'51" W	57.11'
L86	S 49°29'40" W	20.30'
L87	S 47°16'30" W	36.97'
L88	S 35°34'54" W	18.90'
L89	S 30°59'13" W	26.46'
L90	S 30°57'50" W	12.03'
L91	S 24°14'29" W	48.25'
L92	S 47°59'41" W	29.61'
L93	S 80°50'39" W	69.13'
L94	S 81°26'58" W	44.56'
L95	S 85°35'19" W	86.13'
L96	S 85°58'36" W	250.30'
L97	N 80°00'00" W	52.88'
L98	S 85°52'53" W	61.78'
L99	S 85°27'17" W	29.97'
L100	S 85°27'36" W	25.27'
L101	N 87°20'13" W	13.45'
L102	N 87°24'51" W	19.39'
L103	N 87°22'03" W	5.44'
L104	N 24°14'57" E	30.44'
L105	N 14°49'53" W	6.59'
L106	N 14°31'45" W	24.66'
L107	N 02°11'29" E	62.11'
L108	S 76°56'48" E	27.40'
L109	S 82°50'47" E	15.56'
L110	N 18°18'13" E	25.87'
L111	N 04°51'39" W	21.39'
L112	N 11°39'28" W	34.33'
L113	S 06°54'40" E	1.91'
L114	N 19°49'36" E	430.39'
L115	S 89°46'43" E	582.86'
L116	N 00°07'13" W	16.52'
L117	N 25°52'55" W	362.91'
L118	N 15°43'44" W	267.90'
L119	N 89°46'43" W	594.04'
L120	N 00°50'47" W	1447.68'
L121	N 09°57'20" E	533.57'
L122	S 00°50'47" E	957.10'

* NOT A SURVEY *

PARTY CHIEF:	DATE
DRAWN BY:	DATE
TH	7/03
CHECKED BY:	DRAWING NO.
TMM	B-XXXX



950 Encore Way
Naples, FL 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

NOT VALID WITHOUT
THE SIGNATURE AND
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION

SHEET 2 OF 2
PROJECT NO.
00.106X
REFERENCE NO.
P18ND



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2099

LEE COUNTY
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03 JUL 30 PM 12:07
COMM. DEV./
PUB. WRKS. CNTR.
SECOND FLOOR

HM PROJECT #2000106X
7/30/2003
REF. DWG. #A-1583
PAGE 1 OF 1

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 10, 11, 14, 15 AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W., ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 651.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150.00 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 2,921.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE RUN N.18°17'51"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 955.62 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17,026.80 FEET, THROUGH A CENTRAL ANGLE OF 04°04'42", SUBTENDED BY A CHORD OF 1,211.72 FEET AT A BEARING OF N.16°15'30"W., FOR A DISTANCE OF 1,211.97 FEET TO THE END OF SAID CURVE; THENCE RUN N.14°13'09"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 9,126.68 FEET; THENCE RUN N.76°08'54"E., FOR A DISTANCE OF 527.61 FEET; THENCE RUN N.79°14'37"E., FOR A DISTANCE OF 501.77 FEET; THENCE RUN N.84°36'26"E., FOR A DISTANCE OF 384.54 FEET; THENCE RUN S.85°27'53"E., FOR A DISTANCE OF 381.51 FEET; THENCE RUN S.74°31'06"E., FOR A DISTANCE OF 209.92 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.69°47'11"E., A DISTANCE OF 3,075.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,075.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'14", SUBTENDED BY A CHORD OF 1,264.85 FEET AT A BEARING OF S.08°20'42"W., FOR A DISTANCE OF 1,273.94 FEET TO THE END OF SAID CURVE; THENCE RUN S.03°31'24"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 3,887.79 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,000.00 FEET, THROUGH A CENTRAL ANGLE OF 20°33'03", SUBTENDED BY A CHORD OF 713.52 FEET AT A BEARING OF S.13°47'56"E., FOR A DISTANCE OF 717.36 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°04'27"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 1,593.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A CENTRAL ANGLE OF 31°16'49", SUBTENDED BY A CHORD OF 1,550.16 FEET AT A BEARING OF S.39°42'52"E., FOR A DISTANCE OF 1,569.58 FEET TO THE END OF SAID CURVE; THENCE RUN S.55°21'16"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF

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EXHIBIT "A"
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7/30/2003
REF. DWG. #A-1583
PAGE 1 OF 1

1,684.71 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,325.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,213.90 FEET AT A BEARING OF S.28°05'29"E., FOR A DISTANCE OF 1,260.94 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°49'43"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 600.19 FEET TO THE POINT OF BEGINNING; CONTAINING 396.652 ACRES, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, OF LEE COUNTY, FLORIDA AS BEING N.89°44'39"W.

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA



Applicant's Legal Checked

by [Signature] 114AV603

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(Page 10 of 15)

LEE COUNTY
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858 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

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PUB. WRKS. CNTR.
SECOND FLOOR

HM PROJECT #2000106X
7/30/2003
REF. DWG. #A-1582
Page 1 of 3

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 11, 12, 13, 14, 23, AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND SECTION 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 501.52 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 603.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,351.32 FEET AT A BEARING OF N.28°05'29"W., FOR A DISTANCE OF 1,403.69 FEET TO THE END OF SAID CURVE; THENCE RUN N.55°21'16"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 423.96 FEET; THENCE RUN N.38°37'17"E., FOR A DISTANCE OF 180.44 FEET; THENCE RUN N.40°45'20"W., FOR A DISTANCE OF 1,287.06 FEET; THENCE RUN N.51°22'43"W., FOR A DISTANCE OF 275.00 FEET; THENCE RUN N.20°50'23"W., FOR A DISTANCE OF 170.61 FEET; THENCE RUN N.03°26'59"W., FOR A DISTANCE OF 196.02 FEET; THENCE RUN N.49°19'44"E., FOR A DISTANCE OF 344.71 FEET; THENCE RUN S.54°09'13"E., FOR A DISTANCE OF 1,057.59 FEET; THENCE RUN S.05°08'14"W., FOR A DISTANCE OF 497.67 FEET; THENCE RUN S.87°48'55"E., FOR A DISTANCE OF 1,464.61 FEET; THENCE RUN N.88°17'13"E., FOR A DISTANCE OF 233.73 FEET; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2,704.05 FEET; THENCE RUN N.21°20'50"E., FOR A DISTANCE OF 1,025.79 FEET; THENCE RUN N.02°13'31"W., FOR A DISTANCE OF 339.05 FEET; THENCE RUN N.73°40'08"E., FOR A DISTANCE OF 497.73 FEET; THENCE RUN N.84°27'10"E., FOR A DISTANCE OF 648.96 FEET; THENCE RUN N.20°19'20"W., FOR A DISTANCE OF 155.37 FEET; THENCE RUN N.04°47'10"W., FOR A DISTANCE OF 137.24 FEET; THENCE RUN N.10°20'25"E., FOR A DISTANCE OF 89.58 FEET; THENCE RUN N.88°40'48"W., FOR A DISTANCE OF 108.51 FEET; THENCE RUN N.35°22'24"E., FOR A DISTANCE OF 61.49 FEET; THENCE RUN N.24°10'35"E., FOR A DISTANCE OF 16.58 FEET; THENCE RUN N.16°58'33"E., FOR A DISTANCE OF 22.30 FEET; THENCE RUN N.01°25'10"W., FOR A DISTANCE OF 17.20 FEET; THENCE RUN N.02°00'52"E., FOR A DISTANCE OF 22.73 FEET; THENCE RUN N.10°34'22"E., FOR A DISTANCE OF 27.69 FEET; THENCE RUN N.08°31'29"E., FOR A DISTANCE OF 27.56 FEET; THENCE RUN N.04°17'29"W., FOR A DISTANCE OF 27.54 FEET; THENCE RUN N.03°50'00"E., FOR A DISTANCE OF 32.88 FEET; THENCE RUN N.05°16'54"E., FOR A DISTANCE OF 34.74 FEET; THENCE RUN N.14°36'53"W., FOR A DISTANCE OF 12.71 FEET; THENCE RUN N.49°59'45"W., FOR A DISTANCE OF 15.95 FEET; THENCE RUN N.67°08'11"W., FOR A DISTANCE OF 67.75 FEET; THENCE RUN N.67°33'34"E., FOR A DISTANCE OF 68.16 FEET; THENCE RUN N.57°34'58"E., FOR A DISTANCE OF 15.64 FEET; THENCE RUN N.53°45'20"E., FOR A DISTANCE OF 13.61 FEET; THENCE RUN N.58°32'02"E., FOR A DISTANCE OF 11.22 FEET; THENCE RUN N.54°40'50"E., FOR A DISTANCE OF 13.85 FEET; THENCE RUN N.49°36'55"E., FOR A DISTANCE OF 19.09 FEET; THENCE RUN N.37°17'03"E., FOR A DISTANCE OF 14.40 FEET; THENCE RUN N.25°04'13"E., FOR A DISTANCE OF 22.74 FEET; THENCE RUN N.30°25'33"E., FOR A DISTANCE OF

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EXHIBIT "A"
(Page 11 of 15)

40.77 FEET; THENCE RUN S.70°47'07"E., FOR A DISTANCE OF 50.50 FEET; THENCE RUN N.19°32'42"E., FOR A DISTANCE OF 63.26 FEET; THENCE RUN N.62°41'55"E., FOR A DISTANCE OF 33.33 FEET; THENCE RUN N.60°03'38"E., FOR A DISTANCE OF 27.79 FEET; THENCE RUN N.68°56'32"E., FOR A DISTANCE OF 33.67 FEET; THENCE RUN N.69°27'09"E., FOR A DISTANCE OF 39.32 FEET; THENCE RUN N.76°09'54"E., FOR A DISTANCE OF 38.69 FEET; THENCE RUN N.84°37'56"E., FOR A DISTANCE OF 35.30 FEET; THENCE RUN N.71°01'39"E., FOR A DISTANCE OF 36.05 FEET; THENCE RUN N.56°16'09"E., FOR A DISTANCE OF 22.32 FEET; THENCE RUN N.54°45'23"E., FOR A DISTANCE OF 72.52 FEET; THENCE RUN N.43°40'48"E., FOR A DISTANCE OF 14.33 FEET; THENCE RUN N.36°37'28"E., FOR A DISTANCE OF 31.97 FEET; THENCE RUN N.16°15'53"E., FOR A DISTANCE OF 27.07 FEET; THENCE RUN N.00°14'32"W., FOR A DISTANCE OF 18.58 FEET; THENCE RUN N.01°01'18"W., FOR A DISTANCE OF 22.80 FEET; THENCE RUN N.11°30'29"E., FOR A DISTANCE OF 41.66 FEET; THENCE RUN N.25°25'32"E., FOR A DISTANCE OF 18.52 FEET; THENCE RUN N.29°13'14"E., FOR A DISTANCE OF 12.77 FEET; THENCE RUN N.09°42'26"E., FOR A DISTANCE OF 13.86 FEET; THENCE RUN N.10°10'17"W., FOR A DISTANCE OF 8.24 FEET; THENCE RUN N.25°29'33"W., FOR A DISTANCE OF 11.70 FEET; THENCE RUN N.71°45'42"W., FOR A DISTANCE OF 21.85 FEET; THENCE RUN N.59°03'27"W., FOR A DISTANCE OF 13.21 FEET; THENCE RUN N.37°04'03"W., FOR A DISTANCE OF 27.24 FEET; THENCE RUN N.00°38'43"W., FOR A DISTANCE OF 28.85 FEET; THENCE RUN N.10°12'59"E., FOR A DISTANCE OF 35.02 FEET; THENCE RUN N.01°52'01"E., FOR A DISTANCE OF 31.20 FEET; THENCE RUN N.05°34'22"E., FOR A DISTANCE OF 13.39 FEET; THENCE RUN N.01°01'36"W., FOR A DISTANCE OF 30.61 FEET; THENCE RUN N.15°40'00"W., FOR A DISTANCE OF 27.26 FEET; THENCE RUN N.22°54'25"W., FOR A DISTANCE OF 20.46 FEET; THENCE RUN N.20°19'15"W., FOR A DISTANCE OF 21.36 FEET; THENCE RUN N.17°17'45"W., FOR A DISTANCE OF 18.27 FEET; THENCE RUN N.25°34'23"W., FOR A DISTANCE OF 16.79 FEET; THENCE RUN N.15°41'23"W., FOR A DISTANCE OF 49.27 FEET; THENCE RUN N.00°29'10"W., FOR A DISTANCE OF 19.63 FEET; THENCE RUN S.65°22'51"W., FOR A DISTANCE OF 893.03 FEET; THENCE RUN S.62°02'33"W., FOR A DISTANCE OF 548.61 FEET; THENCE RUN N.84°00'27"W., FOR A DISTANCE OF 113.75 FEET; THENCE RUN S.73°01'40"W., FOR A DISTANCE OF 332.94 FEET; THENCE RUN S.88°47'09"W., FOR A DISTANCE OF 386.35 FEET; THENCE RUN N.01°12'51"W., FOR A DISTANCE OF 733.65 FEET; THENCE RUN N.75°24'23"E., FOR A DISTANCE OF 644.66 FEET; THENCE RUN N.02°55'16"W., FOR A DISTANCE OF 211.27 FEET; THENCE RUN N.19°49'36"E., FOR A DISTANCE OF 1,336.10 FEET; THENCE RUN S.88°44'00"W., FOR A DISTANCE OF 3,706.01 FEET; THENCE RUN N.00°58'18"W., FOR A DISTANCE OF 320.16 FEET; THENCE RUN S.89°01'42"W., FOR A DISTANCE OF 450.42 FEET; THENCE RUN S.03°10'23"E., FOR A DISTANCE OF 430.66 FEET; THENCE RUN S.88°17'12"W., FOR A DISTANCE OF 1,027.71 FEET; THENCE RUN S.01°42'48"E., FOR A DISTANCE OF 306.15 FEET; THENCE RUN S.47°45'12"W., FOR A DISTANCE OF 1,504.06 FEET; THENCE RUN S.88°27'56"W., FOR A DISTANCE OF 1,780.04 FEET TO A POINT ON THE SAID EASTERLY RIGHT-OF-WAY LINE; THENCE RUN N.03°31'24"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,304.77 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,925.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'13", SUBTENDED BY A CHORD OF 1,203.14 FEET AT A BEARING OF N.08°20'42"E., FOR A DISTANCE OF 1,211.79 FEET TO THE END OF SAID CURVE; THENCE RUN N.20°12'49"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 473.55 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 10,075.00 FEET, THROUGH A CENTRAL ANGLE OF 19°11'28", SUBTENDED BY A

CHORD OF 3,358.85 FEET AT A BEARING OF N.10°37'06"E., FOR A DISTANCE OF 3,374.60 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°01'21"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 909.75 FEET; THENCE RUN S.89°42'24"E., FOR A DISTANCE OF 1,049.81 FEET; THENCE RUN S.01°00'21"E., FOR A DISTANCE OF 847.76 FEET; THENCE RUN S.04°19'45"W., FOR A DISTANCE OF 1,091.78 FEET; THENCE RUN S.00°39'26"E., FOR A DISTANCE OF 1,432.24 FEET; THENCE RUN S.00°16'17"E., FOR A DISTANCE OF 606.52 FEET; THENCE RUN N.88°47'46"E., FOR A DISTANCE OF 376.79 FEET; THENCE RUN S.40°48'12"E., FOR A DISTANCE OF 322.81 FEET; THENCE RUN S.19°01'17"E., FOR A DISTANCE OF 249.77 FEET; THENCE RUN S.88°53'28"E., FOR A DISTANCE OF 216.94 FEET; THENCE RUN S.24°26'51"E., FOR A DISTANCE OF 150.17 FEET; THENCE RUN S.77°09'26"E., FOR A DISTANCE OF 573.01 FEET; THENCE RUN S.88°10'13"E., FOR A DISTANCE OF 1,363.08 FEET; THENCE RUN S.19°42'28"E., FOR A DISTANCE OF 157.73 FEET; THENCE RUN S.87°09'14"E., FOR A DISTANCE OF 469.81 FEET; THENCE RUN N.88°02'24"E., FOR A DISTANCE OF 612.22 FEET; THENCE RUN S.21°30'12"E., FOR A DISTANCE OF 81.17 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 846.89 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 1,137.62 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 344.08 FEET; THENCE RUN S.89°48'06"E., FOR A DISTANCE OF 80.00 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 807.57 FEET; THENCE RUN S.15°43'44"E., FOR A DISTANCE OF 978.45 FEET; THENCE RUN S.89°46'43"E., FOR A DISTANCE OF 516.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 88°55'56", SUBTENDED BY A CHORD OF 700.49 FEET AT A BEARING OF S.45°18'45"E., FOR A DISTANCE OF 776.08 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°50'47"E., FOR A DISTANCE OF 1,447.68 FEET; THENCE RUN S.09°57'20"W., FOR A DISTANCE OF 533.57 FEET TO A POINT ON THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'47"E. ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 957.10 FEET TO THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'13"E. ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,639.78 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 24; THENCE RUN S.00°48'26"E. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,643.97 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE RUN S.89°28'32"W. ALONG THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 5,249.70 FEET TO THE POINT OF BEGINNING; CONTAINING 1,408.994 ACRES, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

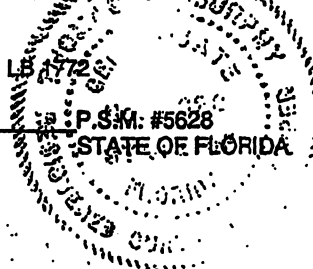
BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.89°28'32"W.

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1418SR, SHEETS 1 AND 2, DATED 7/13/2000.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 2772

BY Thomas M. Murphy
THOMAS M. MURPHY



Applicant's Legal Checked
by Ann 144623

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JUL 31 2003

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JUL 31 2003

PERMIT COUNTER

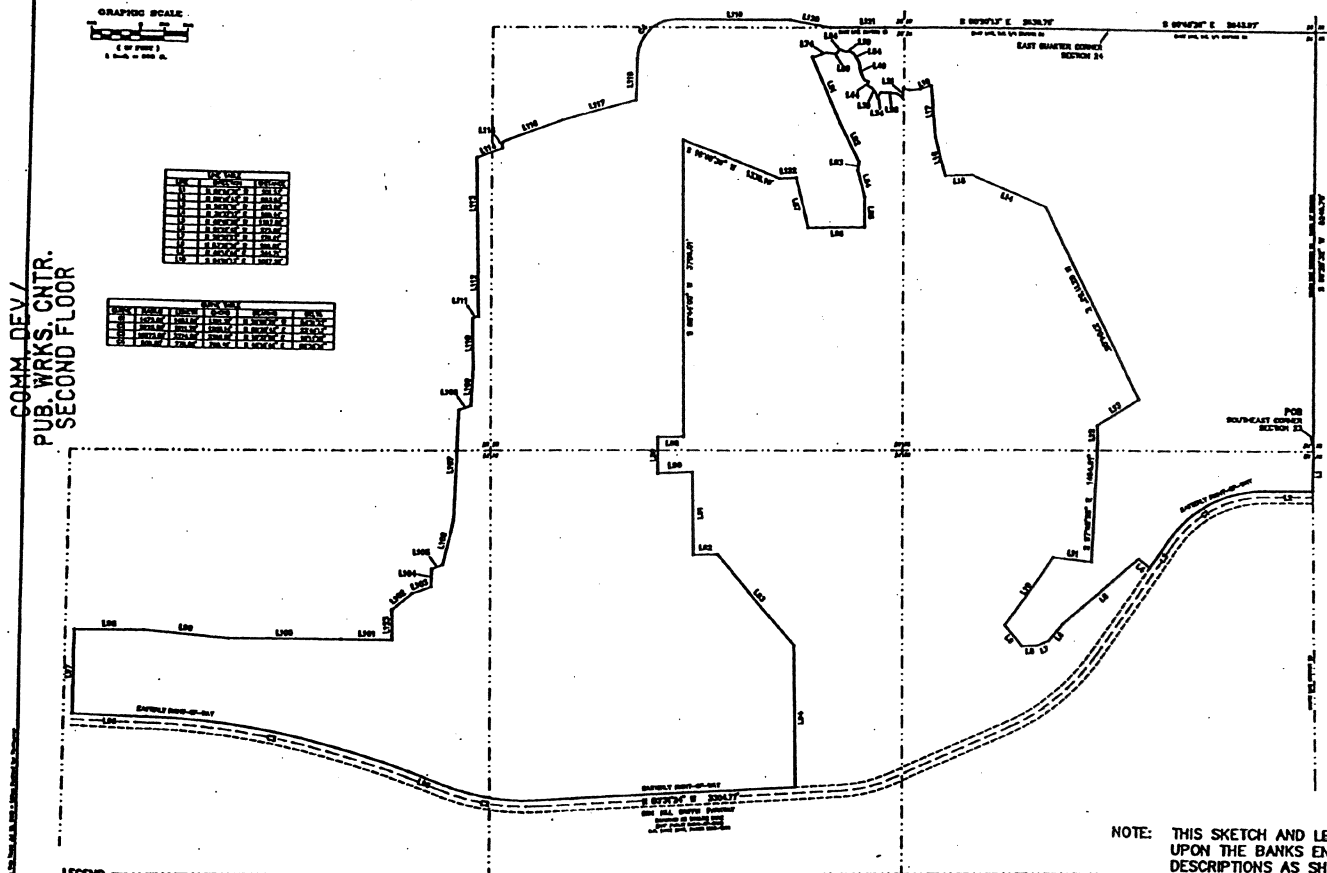
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~~COMM. DEV /~~
~~PUB. WRKS. CNTR.~~
~~SECOND FLOOR~~



LINE	DESCRIPTION	QUANTITY	UNIT PRICE
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12	1.00000000	2	20.00
13	1.00000000	2	20.00
14	1.00000000	2	20.00
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17	1.00000000	2	20.00
18	1.00000000	2	20.00
19	1.00000000	2	20.00
20	1.00000000	2	20.00

BANK STATE						
DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT	DATE
10/27/80	1000.00	10/28/80	1000.00	10/29/80	1000.00	10/30/80
10/31/80	1000.00	11/01/80	1000.00	11/02/80	1000.00	11/03/80
11/04/80	1000.00	11/05/80	1000.00	11/06/80	1000.00	11/07/80
11/08/80	1000.00	11/09/80	1000.00	11/10/80	1000.00	11/11/80



NOTE: THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED
UPON THE BANKS ENGINEERING, INC. PARCEL
DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1
THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1418SR,
SHEETS 1 AND 2, DATED 7/13/2000

*** NOT A SURVEY ***

MIROMAR LAKES

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, DATED SET, OF A FLORIDA LICENSED SURVEYOR AND DEPUTY.	PARTY DATA	DATE
	SHOWN TO	DATE
	TH	7/93
	DRAWN BY	DATE
	TMM	7/93
VERSION, SCALE	REVISIONS, SCALE	
N/A	1"=500'	



830 Encore Way
Naples, FL 34109
Phone: (813) 277-
Florida Car
Authorities

SKETCH AND LEGAL DESCRIPTION

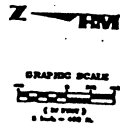
PLANNED BY	A-1582
PROJECT NO.	00100X
REPORTING NO.	MIN-EAST

EXHIBIT “A”
(Page 14 of 15)

LEE COUNTY
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PUB. WRKS. CNTR.
SECOND FLOOR



RECEIVED
JUL 31 2003
PERMIT CENTER

LINE	BEARING	DISTANCE
12	S 89°20'00" E	100.00
13	S 89°20'00" E	100.00
14	S 89°20'00" E	100.00
15	S 89°20'00" E	100.00
16	S 89°20'00" E	100.00

STATION	ELEVATION	STATION	ELEVATION	STATION	ELEVATION
12	100.00	13	100.00	14	100.00
15	100.00	16	100.00	17	100.00
18	100.00	19	100.00	20	100.00
21	100.00	22	100.00	23	100.00
24	100.00	25	100.00	26	100.00

LEGEND

▲	Point of Beginning
▲	Point of Ending
▲	Field Book

MIROMAR LAKES

* NOT A SURVEY *

DATE	BY	FOR
7/23	TH	DATE
7/23	TH	DATE



850 Shores Way
Naples, FL 34110
Phone: (813) 554-0000
Florida Corp.

NOTE: THIS SKETCH AND LEGAL HAS BEEN PREPARED
BASED UPON THE BANKS ENGINEERING, INC. PARCE
DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR,
SHEETS 1 THROUGH 4, DATED 4/10/2000

SKETCH AND LEGAL DESCRIPTION

Drawn by
A-1582
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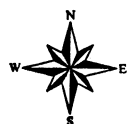
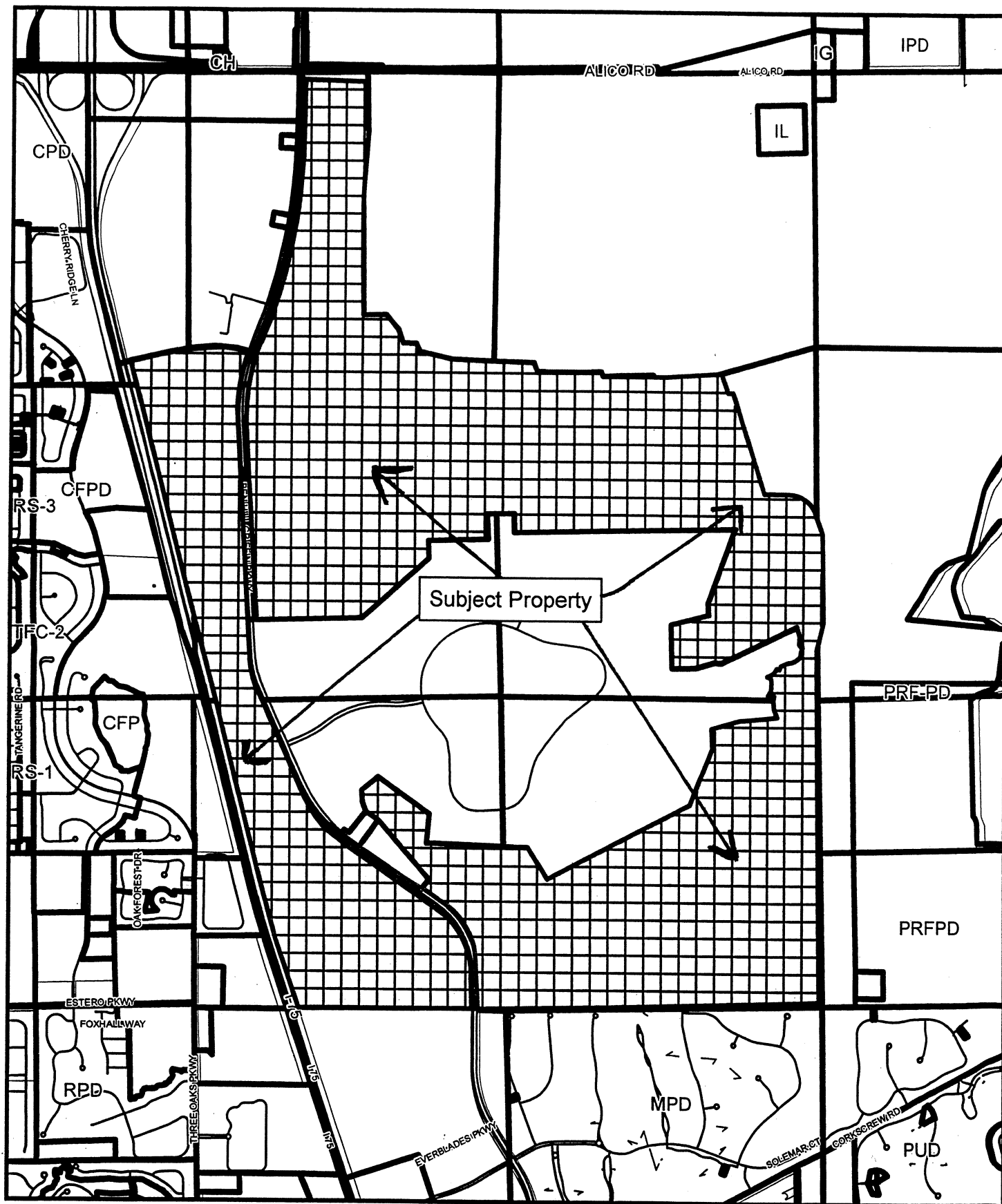


EXHIBIT "B"
(Zoning Map)



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

WHEREAS, Neale Montgomery, Esq., filed an application on behalf of the property owner, Miromar Lakes LLC, to amend the Miromar Lakes Development of Regional Impact (DRI) Development Order and the Miromar Lakes Mixed Use Planned Development (MPD); and

WHEREAS, a public hearing was advertised and held on August 27 and 28, 2003, with written submissions by September 29, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #'s DRI2001-00004 and DCI2001-00033; and

WHEREAS, a second public hearing was advertised and held on December 15, 2003, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons, and, at that hearing, the Board voted to adopt the proposed amendments to the Miromar Lakes DRI Development Order and Miromar Lakes MPD Zoning approvals; and

WHEREAS, the applicant filed a request to rehear the Miromar Lakes MPD zoning application prior to the finalization of the resolution to clarify the conditions pertaining to the length of hotel stays as outlined in Condition 33; and

WHEREAS, the case was reheard on February 16, 2004, to revise the text of Condition 33; and

WHEREAS, this resolution Z-02-072, is intended to supercede and replace zoning resolution Z-99-029.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

- (a) Notification of Proposed Change (NOPC) requesting to amend the Miromar Lakes DRI Development Order and the Miromar Lakes MPD zoning approvals as follows:
1. add 534± acres of land, 18 holes of golf; a golf clubhouse; a golf course maintenance facility; and a boat club with 250 dry slips of boat storage; and
 2. modify the Master Concept Plan (MCP), Schedule of Uses, and Property Development Regulations to reconfigure residential development areas and parameters of residential and commercial development; and

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- (b) Request for a determination by the Board as to whether the proposed changes to the Miromar Lakes DRI Development Order constitute a substantial deviation from the original development approvals warranting further DRI review.

The property is located in the University Community, Wetlands, and Density Reduction/Groundwater Resource Future Land Use Categories, and is legally described in attached Exhibit A.

The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

1. a. Development must be consistent with the:
 - i) MCP entitled "Miromar Lakes Master Concept Plan," dated January 20, 2004, and stamped received January 29, 2004 (Exhibit M), except as modified by the conditions below. Development must comply with the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development approval. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
 - ii) The Second Amendment to the Miromar Lakes DRI Development Order (Exhibit N).
- b. Development is limited to the following parameters:

USE	PARAMETERS OF DEVELOPMENT	TOTAL UNITS	ACRES
Single Family Residential	700 du	2,600	1042
Multi Family Residential	1,900 du		
Retail Commercial	250,000 sq. ft. (GFA)		114
Office	340,000 sq ft (GFA)		
Research & Development	40,000 sq ft (GFA)		
Hotel	450 rooms		
Lakes/Recreation/Buffers	N/A		312

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Conservation Areas	N/A		338
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Notes: 1) The beach club, tennis club and golf clubhouse uses may each include up to 10,000 square feet of retail uses, which are ancillary to the residential uses and do not count against the project's approved total commercial square footage.

2) Commercial uses within an Assisted Living Facility are limited to a total floor area not to exceed ten (10) percent of the total residential area contained therein, exclusive of vehicular parking and service areas.

c. The developer must obtain Final Plan Approval (FPA) when parcel development includes vertical (structural) development or when further deviations are requested. If FPA is required, then the developer must file an application prior to, or simultaneous with, a local development order that proposes vertical development. The purpose of this process is to ensure that vertical development is generally in compliance with the approved zoning resolution, MCP and DRI Development Order, while at the same time allowing flexibility in response to changing development practices.

d. The Application for Administrative Action for Final Plan Approval must include the following additional information:

- 1) Type and amount of uses, i.e. the number of residential dwelling units, total square feet of commercial uses, or other measures of intensity;
- 2) an ongoing tabulation of the total number of residential dwelling units, commercial square footage, and other measures of intensity that have received local development order approval;
- 3) location and dimensions of access points; internal roadways; buildings/structures and parking spaces/areas;
- 4) setbacks and building heights;
- 5) certified sketch of and description of perimeter boundary of tract;
- 6) adjacent zoning and land uses;
- 7) buffers and landscape strips required or proposed;
- 8) open space, including an ongoing tabulation of required open space; and
- 9) detail drawings showing the location and application of deviations.

2. The Schedule of Uses and Property Development Regulations are set forth in **Exhibits B and C** respectively.
3. Hurricane Mitigation
 - a. The developer must initiate the establishment of a property owner's or resident's association(s). The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and technical assistance for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
 - b. The developer must formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Office of Emergency Management prior to issuance of a local development order.
 - c. The developer's proportionate share payment of \$10.9 million for the development's impacts on significantly and adversely impacted roadway network, including Alico Road, will adequately mitigate the development's hurricane evacuation impacts.

[Formerly Condition 30 in Resolution Z-99-029]

4. If access to this development or into portions of this development is through a security gate or similar device, which is not manned twenty-four hours a day, the gate must be equipped with an override strip installed in a glass-covered box to be used by drivers of emergency vehicles to gain entry consistent with LDC § 34-1798.

[Formerly Condition 31 in Resolution Z-99-029]

5. If required by federal, state or local regulations:
 - a. The purchaser/end user of parcels that will be used to store, manufacture, or use hazardous materials, must contact the Lee County Office of Emergency Management Hazardous Material Representative, to discuss the proposed development in relation to the potential type, use, and storage of hazardous materials that will be located on the premises.
 - b. The purchaser/end user must prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of chemicals to the appropriate local fire district and to the Lee County Division of Public Safety.
 - c. The applicant must establish an emergency notification system to be used in the event of a hazardous material release.

[Formerly Condition 32 in Resolution Z-99-029]

6. **Agricultural Uses**

Agriculture is not approved as a permanent use in the Schedule of Uses. Agricultural uses must cease upon approval of the requested rezoning, EXCEPT as follows:

- a. Existing bona fide agricultural uses as shown on attached **Exhibit D** may continue and Plant Nurseries may be instituted until approval of a local development order for the area of the project containing those uses.
- b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
- c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

[Revised version of former Condition 33, Z-99-029]

7. Future land uses within Miromar Lakes must be consistent with the recommendations of the of the Federal Aviation Regulations Part 150 Noise Study for the Southwest Florida International Airport as adopted by the Board of County Commissioners on February 1, 1995. Upon the adoption by the Board of County Commissioners of regulations based on the 1995 Study, the developer will be subject to the adopted regulations, and not the adopted Study. The Study specifically provides that no residential living units, churches, libraries, schools, day care centers, hospitals, correctional institutions or nursing homes may be permitted within the area proposed for inclusion in Airport Noise Zone 3.

[Formerly Condition 34 in Resolution Z-99-029]

8. Commercial buildings, especially hotel and motel facilities located in the area proposed for inclusion in Airport Noise Zone 3, must consider the use of sound insulating materials.

[Formerly Condition 35 in Resolution Z-99-029]

9. As a condition of approval of a subdivision plat or issuance of a building permit for any property located in the area proposed for inclusion in Airport Noise Zone 3, the applicant/owner must sign and record a noise and aviation easement to the County. The easement must authorize any and all aircraft noise on and overflights of the property that might occur during the operation of the Southwest Florida International Airport at present and future operational levels.

[Formerly Condition 36 in Resolution Z-99-029]

10. The development must comply with LDC § 34-1008 for any tall structures including permanent buildings, antenna supporting structures, wireless communications facilities, and temporary construction cranes.

[Revised version of former Condition 37, Z-99-029]

11. The development of hellstop(s) within the Miromar Lakes MPD is subject to review and approval by the Florida Department of Transportation (FDOT) and the Lee County Port Authority.

[Formerly Condition 38 in Resolution Z-99-029]

12. Prior to local development order approval for property that includes Big Cypress Fox Squirrel habitat, the developer must amend the draft "Big Cypress Fox Squirrel Management Program" counter stamped July 6, 1998, as amended on January 2002, (Exhibit E) to meet the requirements of the Department of Community Affairs and the Southwest Regional Planning Council. The developer must provide evidence of the management plan approval and the finalized management plan must be adopted as part of the local development order. Prior to issuance of a Vegetation Removal Permit, the developer must resurvey the property south of Stewart Cypress Slough specifically for Big Cypress fox squirrel nests. The developer must barricade and maintain a 75-foot radius undisturbed buffer around all active nests until after all young fox squirrels leave the nest or the squirrels and nest are relocated. The developer must first coordinate with and must receive approval for any relocation activities from the Florida Fish and Wildlife Conservation Commission.

[Revised version of former Condition 39, Z-99-039]

13. Prior to issuance of a local development order, the developer must:
- Resurvey the gopher tortoise habitat west of the preserve depicted within the area south of Stewart Cypress Slough and east of Ben Hill Griffin Parkway specifically for gopher tortoises and burrows; and
 - Delineate on the development order plans between Ben Hill Griffin Parkway and the wetland and hammock areas of the large wetland/upland preserve shown on the MCP, a permanent gopher tortoise preserve no less than three (3) acres in size that includes appropriate gopher tortoise habitat; and
 - Submit a final gopher tortoise management plan for the Division of Environmental Sciences Staff review and approval.

[Revised version of former Condition 40, Z-99-029]

14. The developer must provide educational materials describing the eastern indigo snake and regulations related to its protection/listed status to field survey and construction crews prior to commencement of construction activities. A qualified biologist must be present during the construction clearing phases of the project for the first week, with at least two (2) spot

checks per week thereafter, to survey ahead of clearing activities and to verify that appropriate steps are being followed to protect these snakes. If an Indigo snake is located, the clearing operations must cease until the developer secures the snake, relocates it to an appropriate preserve, and notifies the Division of Environmental Sciences Staff that an Indigo snake was found and relocated.

[Revised version of former Condition 41, Z-99-029]

15. At the time of local development order submittal, the "Miromar Lakes Snail Kite Management Plan" dated January 11, 1999 (Exhibit F) must be revised and provided for Division of Environmental Sciences' review and approval. The plan must include a narrative of how the cattails will be managed to allow more open waters within the borrow lakes to provide snail kite foraging areas. Commitments must be made to conduct the recommended management activities.

[Revised version of former Condition 42, Z-99-029]

16. All residents must be provided with an informational pamphlet regarding the protection of alligators and how to live with alligators. Prior to local development order approval, the developer must submit a copy of this pamphlet to the Division of Environmental Sciences staff for review and approval.

Two signs must be placed within the golf course south of Stewart Cypress Slough, one near the clubhouse and one half way through the course, that informs golfers of the presence of alligators and that it is illegal to feed or harass alligators. Prior to local development order approval, the development order plans must provide detail of the signs including wording and size, and the location of the signs must be delineated on the landscape plans.

[Revised version of former Condition 43, Z-99-029]

17. Prior to issuance of a local development order for property containing least terns or its habitat, suitable habitat for least terns must be re-surveyed during the least tern nesting season (April - August). If least tern nesting is documented on the property, the developer must submit a management plan per LDC § 10-474.

[Revised version of former Condition 44, Z-99-029]

18. Prior to local development order approval, the plans must include open space calculations and delineate how the required open space will be provided in compliance with the "Miromar Lakes Open Space and Indigenous Preservation" requirements attached as Exhibit G.

[Revised version of former Condition 45, Z-99-029]

19. The developer must make reasonable efforts to preserve existing native vegetation within common open space areas including the golf course and lakes in the final design. This requirement will not be interpreted in a manner to impair good golf course design, or to reduce the overall number of residential dwelling units approved for the project. The

developer must hold an onsite preconstruction meeting with Division of Environmental Sciences' Staff, prior to the issuance of a vegetation removal permit for any phase of development, to confirm preservation and barricading requirements prior to the initiation of site clearing.

20. The paving, grading and landscape plans must delineate for preservation the area dominated by cypress canopy and identified as FLUCCS code 621E1 on the ERP FLUCCS map and generally identified on Exhibit H prior to local development order approval.
21. Prior to approval of local development order, the plans must indicate the following:
 - a) The roadway abutting the conservation area ("CO") south and southeast of the FGCU campus must provide a wildlife underpass or bridge which will accommodate both Florida black bear and Florida panther. The wildlife underpass must, at a minimum, provide an area equivalent to two four-foot by 10-foot culverts placed side by side with a maximum 45-foot length (crossing under the road width); and
 - b) A single row native shrub hedge along both sides of the road (planted at a minimum 24-inch height; maintained at a minimum 6-foot height); and
 - c) Roadway signage including "Wildlife Crossing" signs and a maximum 20 mph speed limit signs along the portion of the road abutting the conservation area for all traffic. The design of the signs and location must be shown on the development order plans.
22. The use of the borrow pit lakes at the northwest boundary of the property for water quality and wet retention associated with mining operations must cease prior to development order approval for the hydrologic connection indicated on the MCP as "FUTURE POTENTIAL LAKE CONNECTION" in substantial compliance with the MCP.
23. Prior to issuance of a Certificate of Compliance for any local development order that requires a dumpster, the dumpsters must be wildlife-proofed to discourage bear foraging. The developer must provide information to employees and residents regarding Florida black bears including details of proper disposal of garbage to prevent bear foraging in dumpsters and garbage cans. Prior to local development order approval, a copy of the Florida black bear brochure must be submitted for the Division of Environmental Sciences' Staff for review and approval.
24. Outdoor seating in conjunction with consumption on premises is prohibited within 500 feet of a religious facility, school (noncommercial), day care center (child), park or dwelling unit under separate ownership except as approved by Deviation 3 or as an amendment to the MPD.

[Formerly Condition 46 in Resolution Z-99-029]
25. Additional conditions pertaining to vehicular or pedestrian traffic impacts may be required to obtain a local development order.

[Formerly Condition 47 in Resolution Z-99-029]

26. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

[Revised version of former Condition 48, Z-99-029]

27. DELETED AT PUBLIC HEARING.
28. DELETED AT PUBLIC HEARING.
29. Future access to County Road 951 will be subject to the recommendations set forth in the PD&E for that roadway.
30. The developer must use every reasonable effort to address the housing needs of students, faculty, administration, other University personnel and employees of the university's associated support development. Student housing and market rate rental housing will be provided on three parcels indicated by large, asterisk-shaped symbols on the MCP. A portion of the C-1 parcel (12.5 acres), located east of Ben Hill Griffin Parkway is planned for a 500-bed student housing project. A portion of the southernmost R parcel (13 acres), located west of Ben Hill Griffin Parkway, should be developed with student housing and/or market rate rental housing, and such housing must be within the affordable range of the student population. The residential portions of the University Village, the C-1 parcel located west of Ben Hill Griffin Parkway at the entrance to the University, should contain a mixture of market rate rental housing and "for sale" residential demonstrated to be affordable to University faculty and personnel, and to the employees of the University's associated support development.
31. The Golf Maintenance Facility use proposed in conjunction with the additional 18-hole golf course in the 534-acre addition must be landscaped and buffered from all proximate roadways in accordance with the three-page diagram package counter stamped April 7, 2003 (Exhibit I).
32. Each single-family lakefront lot is allowed to have one dock. Single-family lakefront lot docks may be converted to multiple-family slips for wet boat storage on a one for one (1:1) basis. An additional 250 (maximum) ancillary slips for wet boat storage are allowed on the lake. A maximum 400 slips for dry boat storage are allowed in conjunction with the Boat Club.
- All structures utilized for dry boat storage must comply with the design standards for commercial buildings provided in LDC § 10-620. In the alternative, and subject to review by the director in conjunction with final plan approval, the developer may construct the following buffers along any portion of the structure that does not comply with the commercial design standards:
1. Buffer on the west property line:

Minimum width 50 feet

Berm and Palms Palms must be planted in double staggered rows and spaced 10 feet on center. The combination of these required palms and any berm along the west property line must be between 26 feet and 30 feet at installation. Trees of no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting may substitute for some of the palms (1 tree = 2 palms).

Hedges Hedges must be planted in double staggered rows. Shrubs must be a minimum 10-gallon container size and be spaced 36 inches on center. They must be at least 48 inches in height at installation and maintained in perpetuity at a height of no less than 60 inches.

2. Buffer on the south property line:

Minimum width 25 feet

Berms and Palms Palms must be planted in double staggered rows and spaced 10 feet on center. The combination of these required palms and any berm along the west property line must be between 26 feet and 30 feet at installation. Trees of no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting may substitute for some of the palms (1 tree = 2 palms).

Hedges Hedges must be planted in double staggered rows. Shrubs must be a minimum 10-gallon container size and be spaced 36 inches on center. They must be at least 48 inches in height at installation and maintained in perpetuity at a height of no less than 60 inches.

3. The developer must provide a Type "D" buffer on the east property line.

4. No buffer is required along the water's edge (the north property line).

At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements must be native Florida species.

33. Any hotel located in the area identified as C-2 must be a luxury hotel. Guest, tenant and owner stays may not exceed 30 days in a calendar year. Hotel rooms and suites will not include kitchen facilities. All occupancies must be in conformity with the Noise Zone regulations set forth in the Lee Plan and Land Development Code.

34. Time-share units may be developed within the C-2 parcel if the legal description of the Airport Noise Zone 3 is amended so as to exclude the area occupied by the proposed luxury hotel, *subject to the following conditions:*
- A. The units must be in conjunction with a bona fide hotel use located in the southernmost portion of the C-2 parcel; and
 - B. The units must not exceed 25 percent of the total number of rooms being constructed in the hotel use; and
 - C. The units are subject to the same noise related conditions as the hotel.

SECTION C. DEVIATIONS:

- 1. Deviation (1) seeks relief from the LDC § 34-1954(d)(1) requirement to restrict model homes to a time limitation of three (3) years; to allow model homes within the Miromar Lakes development to be permitted until the build out of the project in 2009. This deviation is APPROVED for the entire project.
- 2. Deviation (2) seeks relief from the LDC § 34-1954(d)(2) requirement to restrict model units within a townhouse or multiple family building not to extend beyond the initial sale period for that phase; to allow the model units until project build out in 2009. This deviation is APPROVED for the entire project.
- 3. Deviation (3) seeks relief from the LDC § 34-1263(e) requirement to prohibit a package store or other establishment primarily engaged in the sale of alcoholic beverages for consumption on or off the premises from within 500 feet of any school (noncommercial) or dwelling unit; to allow a bar or cocktail lounge, package store and dwelling units on Tract C-1, which was approved by Resolution Z-99-029, but limited to Tract C-1 located on the west side of Ben Hill Griffin Parkway. This deviation is APPROVED SUBJECT TO the condition that any establishment primarily engaged in the sale of alcoholic beverages for consumption on or off the premises must be located a minimum of 500 feet from any residential unit located outside of Tract C-1.

[Approved by Resolution Z-99-029.]
- 4. Deviation (4) - Withdrawn.
- 5. Deviation (5) seeks relief from the LDC § 10-291(3)(b) (Access to Street) requirement to provide, where practical, two (2) or more means of ingress and egress to residential developments of at least five (5) acres in size; to allow only one (1) means of ingress and egress for those development parcels that are surrounded by golf course, water body, or conservation areas or any combination of thereof. This deviation is APPROVED SUBJECT TO the condition that the developer provides a full-sized cul-de-sac at the dead end, and also provided Emergency Service District approves in writing the ingress and egress of each development parcel in conjunction with the application for final plan approval.

6. Deviation (6) seeks relief from the LDC § 10-296(b), Table 3, requirement to provide a right-of-way width of 35 feet for two-way closed drainage, rear lot drainage or inverted crown; to allow a right-of-way width to coincide with the back of the curb for local private roads. This deviation is APPROVED for the entire project provided the required drainage and utility easements are located outside of the right-of-way and the developer makes adequate provisions for road drainage and utilities.
7. Deviation (7) seeks relief from the LDC § 10-296(d), Table 4(7)c, requirement to provide that wearing surfaces for local and access roads for Class A development must be 1.5-inch asphaltic concrete of Florida Department of Transportation Type S-1; to allow for cement concrete or decorative pavers within private local roadways within Miromar Lakes. This deviation is APPROVED for local private roads WITHIN THE ENTIRE PROJECT provided the structural number of the proposed alternate cross-section will equal or exceed the structural number of a "standard" Class A local road flexible pavement cross-section.
8. Deviation (8) - Withdrawn.
9. Deviation (9) seeks relief from the LDC § 10-296(m)(4)(a) requirement that allows privately maintained access ways that meet criteria as outlined in Item 4(a) to be exempt from minimum right-of-way widths as specified in LDC § 10-296(b); to permit access ways providing access up to 100 residential units to be exempt from the minimum roadway widths as specified in LDC § 10-296(b). This deviation is APPROVED for the entire project subject to the following conditions:
 - (a) the design and posted speed will be 20 mph or less;
 - (b) this deviation will apply to private access ways only; and
 - (c) where determined to be practical by the design engineer, the developer will provide traffic calming devices identified in the ITE Residential Street Design and Traffic Control book.
10. Deviation (10) seeks relief from LDC § 10-329(e)(1)(a)(3), which requires a minimum 50-foot setback from a water retention or detention excavation to private property lines under separate ownership; to allow a zero-foot setback limited to the property line contiguous to Miromar Lakes and Alico, Inc. in the north mining lake. This deviation is APPROVED.

[Approved by Resolution Z-99-029.]
11. Deviation (11) seeks relief from the LDC § 10-329(e)(1)a.2. requirement to provide a minimum 50-foot setback from a water retention or detention excavation to existing or proposed rights-of-way or easements for an arterial or collector streets; to permit a 25-foot setback subject to the developer providing elements for the protection of wayward vehicles in accordance with LDC § 10-329(e)(1)a.2., as well as a Type "F" curb at the locations. This deviation is APPROVED for the entire project.

[Approved by Resolution Z-99-029.]

12. Deviation (12) - **Withdrawn.**

13. Deviation (13) seeks relief from the LDC § 10-355 requirement to provide a 10-foot public utility easement on both sides of a roadway; to allow the public utility easement on one side only provided the applicable utility companies agree to the elimination of the easement in writing. This deviation is **APPROVED** for the entire project.

[Approved by Resolution Z-99-029.]

14. Deviation (14) seeks relief from the LDC § 10-415(a) requirement that open space be calculated as a percentage of development area; to require open space based on the area of development excluding that portion of the development consisting of the existing mining lakes, as approved by Resolution Z-99-029 with the following condition:

The entire acreage of the existing mining lakes located on the east side of Ben Hill Griffin Parkway is exempt from open space requirements. These lakes may not be used to satisfy open space requirements on the site.

This deviation is **APPROVED** for the entire project.

15. Deviation (15) seeks relief from the LDC §§ 10-416(d)(1) and 10-421(a)(5) requirements that no portion of a buffer area consisting of trees and shrubs be located in an easement; to allow planted buffers in easements, as approved by Resolution Z-99-029, provided that, if any required buffer or landscape strip plantings installed within easements must be removed, then the property owner's association or Uniform Community Development District (UCDD) must replace the plantings with like size and species at no expense to Lee County. The requirement must be clearly stated in each property owner's documents. This deviation is **APPROVED, BUT LIMITED** to those portions of the project that received final plan approval and local development orders prior to November 13, 2001. This deviation is **DENIED** for the proposed 534-acre addition to the property.

16. Deviation (16) seeks relief from LDC § 10-415(b) that requires 50 percent of the required open space to incorporate existing indigenous vegetation; to allow all of the required indigenous vegetation to be provided in the conservation areas shown on the MCP and to permit all of the restored vegetation within the wetland slough to count toward the required indigenous vegetation requirement. This deviation was approved by Resolution Z-99-029 with the condition that existing indigenous preservation requirements be met within the Conservation Area shown on the MCP last revised August 16, 1999. This deviation is **APPROVED** for the 534-acre addition to the project, **SUBJECT TO** the condition set forth below:

In conjunction with an application for local development order approval, the developer must submit a detailed invasive exotic removal and replanting plan for the Division of Environmental Sciences' Staff review and approval. The developer must delineate on the local development order plans a minimum of 111 acres of indigenous preservation and 47.7 acres of restoration consistent with the MCP.

17. Deviation (17) seeks relief from the LDC §§ 10-418(d)(1) and 10-421(a)(5) requirements to prohibit the planting of trees and shrubs within any right-of-way; to allow these plantings within the right-of-way. This deviation is APPROVED for those portions of the Miromar Lakes project that received final plan approval and local development orders prior to November 13, 2001, but is limited to private local roads, provided the plantings are in compliance with LDC § 34-3131(visibility), and are properly maintained by the developer or property owner's association. This Deviation is DENIED for the 534-acre addition to the project.
18. Deviation (18) seeks relief from the LDC § 10-418(a)(2)b. requirement that requires a minimum number of native wetland herbaceous plants per linear foot of lake shoreline; to allow required plants in compliance with the Lake Management Plan and Lake Shoreline Planting Plan [Exhibit J], approved by Resolution Z-99-029, provided that herbaceous plant requirements per LDC § 10-418 are calculated on the entire length of the lake shoreline, including bulkhead portions. The developer may substitute wetland trees and shrubs for up to 50 percent of the total number of herbaceous plants required, at a ratio of one (1) tree or two (2) shrubs for ten (10) herbaceous plants.
- [Approved by Resolution Z-99-029.]
19. Deviation (19) - Withdrawn.
20. Deviation (20) seeks relief from the LDC § 34-2194(c)(1)(a) requirement that the Board of County Commissioners may grant less stringent setbacks from bodies of water when the development surrounding the entire body of water is under unified control; so as to allow the development of buildings and accessory structures within zero (0) feet of the mining lake adjacent to Tract C-2 when the development surrounding the entire body of water will not be under the unified control of Miromar. This deviation is approved, but is limited to the 1,500 linear feet of lake frontage adjacent to this tract.
- [Approved by Resolution Z-99-029.]
21. Deviation (21) - Withdrawn.
22. Deviation (22) seeks relief from the LDC § 10-285 requirement to provide a minimum of 125-foot separation between driveway access points to a local road; to allow two connections for each short cul-de-sac (eyebrows) at a spacing less than 125 feet. This deviation is APPROVED for the entire project subject to the following conditions:
- (a) each "eyebrow" must be provided with signage indicating one-way traffic in a counter-clockwise direction;
 - (b) the minimum separation will be 60 feet;
 - (c) It applies only to private local roads; and
 - (d) It is approved only for those typical situations including, but to limited to, those designated in the graphic submitted for this deviation.

23. Deviation (23) - **Withdrawn.**
24. Deviation (24) seeks relief from the LDC § 10-416(d)(3) requirement that commercial developments adjoining existing residential development provide a buffer including a fence or wall between the uses; to allow commercial developments to provide alternative means of separation that may include no buffers, fencing or walls. This deviation is **APPROVED** subject to the following conditions:
- a. The southern boundary of Tract C-2 and the internal areas of Tract C-1 (University Village) intended to contain a mixture of residential and commercial uses in a "town center" design.
 - b. Between the Miromar Lakes Sales Center and the abutting Miromar Lakes residential tracts.
 - c. Between the Miromar Lakes C1 west of Ben Hill Griffin Parkway and the abutting Miromar Lakes residential tracts.
 - d. Between the Miromar Lakes C2 tract and the abutting Miromar Lakes residential tract.
- [Approved by Resolution Z-99-029.]
- 24.A. Deviation (24A) seeks relief from LDC § 10-416(d)(3), which requires multi-family and commercial developments that adjoin a right-of-way to provide a Type D buffer; to require no buffer for a small commercial parcel and a small residential parcel abutting FGCU's northerly access road. This deviation is **APPROVED**.
- [Approved by Resolution Z-99-029.]
- 24.B. Deviation (24B) seeks relief from LDC § 10-416(d)(3), which requires multi-family uses adjoining existing single family uses to provide a buffer including a fence or wall between the uses; to allow alternative means of separating internal residential uses including no buffers, fencing or walls. This deviation is **APPROVED**.
- [Approved by Resolution Z-99-029.]
25. Deviation (25) - **Withdrawn.**
26. Deviation (26) - **Withdrawn.**
27. Deviation (27) - **Withdrawn.**
28. Deviation (28) seeks relief from LDC § 34-935(f)(3)(e), which limits building heights in the University Community future land use category to 45 feet above minimum flood elevation with no more than three (3) habitable stories. Deviation 28 was previously approved by Resolution Z-99-029. The previously approved MCP indicated three areas where the deviation was allowed, specifically:

1. The "R" residential area in the northerly portion of the project lying westerly of Ben Hill Griffin Parkway (BHGP),
2. The "R" residential areas associated with the "Beach Club", and
3. The "C2" area in the northerly portion of the project lying easterly of BHGP and south of Alico Road.

This deviation is APPROVED for the entire project subject to the following conditions:

1. The MCP must be revised to eliminate the deviation from the first "R" area described above because it is currently developed with single family homes; and
2. The deviation is revised and extended to allow heights not to exceed 65 feet, as set forth in the revised property development regulations-in the remaining "R" areas lying to the east of BHGP and north of the FGCU, and the areas specifically oriented toward student and moderate income housing, as indicated with large open asterisk-shaped symbols on the MCP, to allow the applicant additional flexibility to accomplish Condition 30; and
3. Heights exceeding 45 feet may be allowed in areas set back a minimum of 800 feet from FGCU and 800 feet from DR/GR areas, which may only be relaxed in conjunction with the following:

At the time of final plan approval (FPA), the mandatory 800-foot setback for buildings and structures exceeding 45 feet in height may be relaxed if the proposed final development plan demonstrates that it satisfies at least one of the following conditions:

- a. The DR/GR designated area adjacent to the area for which final plan approval is requested is an existing lake, the width of which measured at right angles from the DR/GR boundary-is a minimum of 800 feet wide along the entire boundary with the DR/GR.
- b. The development area proposed for final plan approval must provide a minimum 100-foot-wide linear park, measured perpendicularly, along the DR/GR boundary with the proposed development area. To satisfy this requirement, the linear park must:
 1. include a six-foot-wide boardwalk, sidewalk or similarly ADA-accessible pedestrian way to provide recreational opportunities;
 2. include benches, native species and ecosystem interpretation facilities; and
 3. be planted in random fashion with the following native vegetation for every 5,000 square feet of upland area:

- (a) a minimum of ten (10) trees (minimum 10-foot canopy trees with four-inch caliper; palms may be substituted for 50 percent of the trees on a three palms per one tree (3:1) ratio;
- (b) a minimum of thirty (30) forty-eight-inch (48") shrubs; and
- (c) a minimum of seventy (70) twenty-four-inch (24"), three-gallon container size shrubs.

The above must contain a minimum of three (3) tree species and three (3) shrub species.

A waterway interconnection may be included within the linear park, but a minimum 50-foot-wide continuous or ADA-accessible, interconnected upland area must be planted as prescribed in (3) above. The shoreline must be planted with one (1) seven-gallon container native wetland tree no less than six (6) feet in height at a minimum quantity of one tree for every 10 linear feet of shoreline.

29. Deviation (29) seeks relief from the LDC § 34-381(a)(2)c. requirement that a MCP approved after March 8, 2001 is vacated if development orders for a substantial portion of the project are not approved within five (5) years of the date of the approval of the planned development; to allow the duration of the rights conferred by the adopted MCP for each development phase to continue through December 31st of the year(s) indicated for each phase on the "Preliminary Phasing Plan," counter stamped July 25, 2003 (Exhibit K). This deviation is APPROVED for the entire Miromar Lakes project SUBJECT TO the condition that final plan approval and a local development order for a particular phase must be obtained prior to January 1st of the year following the year indicated for that phase.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description of the property
- Exhibit B: Schedule of Uses
- Exhibit C: Property Development Regulations
- Exhibit D: Areas of Existing AG Uses
- Exhibit E: Big Cypress Fox Squirrel Management Program, amended 1/2002
- Exhibit F: Snail Kite Management Plan dated 01/11/99
- Exhibit G: Open Space and Indigenous Preservation Commitments
- Exhibit H: Proposed Cypress Canopy Preservation Area
- Exhibit I: Golf Maintenance Facility Landscape Plan
- Exhibit J: Lake Management Plan and Lake Shoreline Planning Plan
- Exhibit K: Preliminary Phasing Plan
- Exhibit L: Zoning Map (subject parcel identified with shading)
- Exhibit M: The Master Concept Plan dated January 20, 2004
- Exhibit N: The Second Amendment to the Miromar Lakes DRI Development Order

The applicant has indicated that the STRAP numbers for the subject property are:

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Z-02-072
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14-46-25-00-00001.0000
15-46-25-00-00005.0000
11-46-25-00-00001.0040
12-46-25-00-00001.0010
13-46-25-00-00001.0020
23-46-25-00-00001.0050
14-46-25-00-00001.0020
10-46-25-00-00001.0020
13-46-25-00-00001.0030
13-46-25-00-00001.0040
13-46-25-00-00001.0050
23-46-25-00-00001.0060
13-46-25-00-00001.0060
23-46-25-00-00001.0000
24-46-25-00-00001.0030

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the MPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
2. The MPD rezoning, as conditioned:
 - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The approval of this MPD rezoning request satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan will be available and adequate to serve the

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proposed land use.

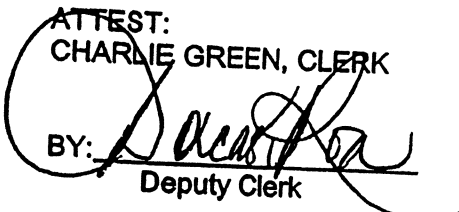
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Janes, and, when put to a vote, the result was as follows:

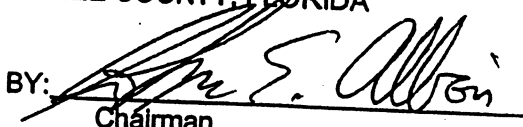
Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 16th day of February 2004.

ATTEST:
CHARLIE GREEN, CLERK

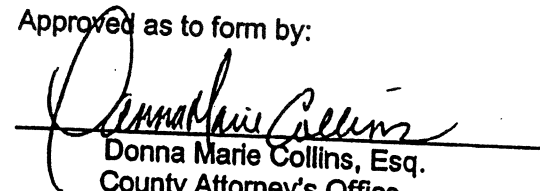
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman



Approved as to form by:


Donna Marie Collins, Esq.
County Attorney's Office

CASE #'s DRI2001-00004 & DCI2001-00033

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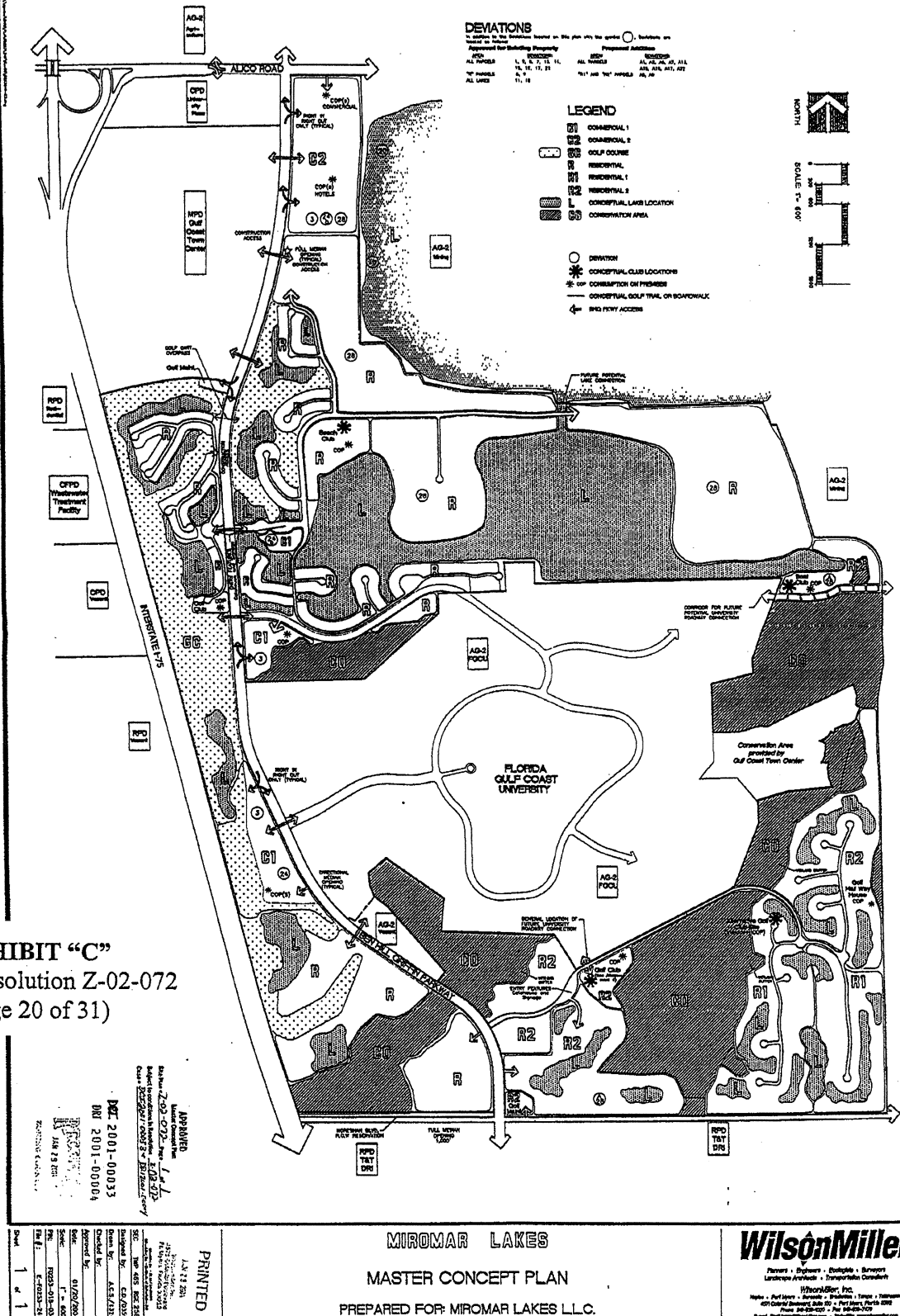


EXHIBIT B

SCHEDULE OF USES

RESIDENTIAL "R"

PERMITTED USES AND STRUCTURES

Accessory Uses and Structures

Administrative Offices

Agricultural Uses and Agricultural Accessory Uses (limited to existing only and subject to Condition # 6)

Assisted Living Facility - Density in accordance with § 34-1494

Churches, Synagogues, and other Places of Worship

Club: Beach, private and public

Accessory uses including but not limited to:

Bait Shop

Boat Dock

Boat Ramp

Consumption on premises including outdoor seating (subject to Z-99-029, Condition # 46)

Day Care Center

Fishing Pier

Food and Beverage Service

Locker Rooms

Personal Services, limited to ATM, barber or beauty shop, health club, steam bath and massage establishment

Rental or leasing establishment, Group I, (limited to beach chairs umbrellas, boats, and other beach related items etc. excluding jet skis, wave runners, sea doos and other similar personal water craft)

School, commercial, limited to boating and water skiing

Specialty Retail Shop

Club: Country, private and public

Accessory uses including but not limited to:

Consumption on premises including outdoor seating (subject to Z-99-029, Condition # 46)

Personal Services, limited to ATM, barber or beauty shop, health club, steam bath and massage establishment)

Pro Shop

Tennis Courts

Consumption on Premises, limited to within the clubhouse(s)

Continuing Care Facility

Cultural Facilities

Customary accessory uses and structures, including but not limited to

Private garages

Swimming pools

Dwelling Units:

Single Family, detached

Duplex

Multiple Family Building

Townhouse

Two-Family attached

Zero lot line

Dormitory

EXHIBIT "C"

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Day Care Centers adult and child (when compatible with adjacent uses)
 Entrance Gates and Gatehouse (subject to Z-99-029, Condition # 31)
 Essential Services
 Essential Service Facilities, Group I
 Excavation - Water Retention
 Fraternity House/Sorority House
 Golf Courses, Golf Course Accessory uses, including but not limited to:
 Consumption on premises, including outdoor seating on the golf course and
 in the Snack Bar at the ninth hole or other appropriate location
 Cart barn
 Clubhouse, including Restaurant, Group III, with outdoor seating
 Food and beverage service limited
 Locker Rooms
 Maintenance Facility
 Personal Services, (limited to beauty shop, photo agent, health club, massage
 establishment accessory to the clubhouse)
 Pro Shop
 Snack Bar at the ninth hole or other appropriate location
 Specialty Retail Shop, accessory to clubhouse only
 Helistop (subject to Z-99-029, Condition # 38)
 Home Occupations (in accordance with LDC § 34-1772)
 Model Homes, Model Units and Model Display Center and Speculative Homes
 (limited to residential uses within Miromar Lakes)
 Parking lot, accessory only to Model Homes, Model Units and Model Display Center
 Plant Nurseries [subject to Condition 6 (previously Condition 33, Z-99-029)]
 Public and private parks, playgrounds, play fields and commonly owned
 open space
 Real Estate Sales and Rental office for Miromar Lakes project only
 Recreational Facilities, personal and private including but not limited to:
 Fishing Piers
 Boardwalks
 Swimming Pools
 Tennis Courts
 Horseshoe Pits
 Shuffleboard Courts
 Vita Course
 Picnic Areas
 Bike Paths
 Nature Trails
 Boat Docks
 Boat Ramps
 Parks
 Playground
 Bocce Courts
 Jogging Paths
 Recreational Hall, private
 Residential Accessory Uses, including but not limited to:
 Docks
 Private garages, carports and parking areas
 Private swimming pools and enclosures
 Private tennis courts
 Signs, in compliance with LDC Chapter 30
 Temporary Sales and/or Construction Office
 Water Taxi Stand

Any activity comparable in nature with the foregoing uses and which the Director of
 the Lee County Department of Community Development determines to be
 compatible in "R" District.

RESIDENTIAL "R 1"
PERMITTED USES AND STRUCTURES

Accessory Uses and Structures
 Administrative Offices
 Agricultural Uses and Agricultural Accessory Uses (limited to existing only and subject to Condition #6)
 Assisted Living Facility- Density in accordance with § 34-1494
 Churches, Synagogues and other Places of Worship
 Civic and Cultural Facilities
 Club, Country, private and public including tennis club.
 Accessory uses including but not limited to:
 Consumption on premises including outdoor seating (subject to Condition #24)
 Day Care Center
 Food and beverage service
 Restaurant(s) Standard includes outdoor seating (subject to Condition #24)
 Locker Rooms Pro Shops Personal services, limited to ATM's, barbershops or beauty clubs, steam baths, massage and the like.
 Snack Bar at an appropriate location
 Specialty Retail Shops
 Tennis Courts
 Cultural Facilities
 Dwelling Units
 Single Family, detached
 Duplex
 Townhouse
 Two family attached
 Zero lot line
 Entrance Gates and Gatehouses (subject to Condition # 4)
 Essential Services
 Essential Services Facilities, Group I
 Excavation - Water Retention
 Golf Courses, Golf Clubhouse, Golf Course Accessory and Associated Uses, including but not limited to:
 Consumption on premises in the Clubhouse including outdoor seating on the Golf Course and in the Snack Bar at the ninth hole or other appropriate location\
 Cart barns
 Food and Beverage
 Service Locker rooms
 Maintenance facility (subject to Condition 31 and in accordance with the landscape buffering diagrams, Exhibit B hereto)
 Restrooms and other uses which are normal and accessory to the golf course
 Snack Bar at the ninth hole or other appropriate location
 Pro Shop
 Specialty retail shops, accessory to clubhouse only
 Restaurant(s) including outdoor seating
 Personal service, limited to ATM's, barbershops or beauty shops, photo agents, health clubs, steam baths, massage and the like.
 Home Occupations (subject to standards in LDC § 34-1772)
 Models: Model Display Center, Model Homes and Model Units, (limited to residential uses within Miromar Lakes)
 Parking Lot: accessory
 Plant Nurseries [subject to Condition 6 (previously Condition 33, Z99-029)]
 Real Estate Sales and Rental Office for Miromar Lakes project only

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Recreation facilities, personal and private to include the following or other comparable uses:

Fishing Piers

Boardwalks

Swimming pools

Horseshoe pits

Shuffleboard courts

Vita Course

Picnic areas

Bike paths

Nature Trails

Tennis Courts

Parks

Playgrounds

Bocce courts

Jogging paths

Recreational Hall, private

Residential accessory uses, including but not limited to:

Private garages, carports and parking areas, Private swimming pools and enclosures, Private tennis courts

Signs in compliance with LDC Chapter 30.

Temporary Sales and/or Construction Office

Any activity comparable in nature with the foregoing uses and which the Director of Lee County Department of Community Development determines to be compatible in the Miromar Lakes "R1" District.

RESIDENTIAL "R 2"

PERMITTED USES AND STRUCTURES

All of the permitted uses and structures listed for the R-1 Residential District (subject to conditions)

Assisted Living Facility- Density in accordance with § 34-1494

Club, Boat and accessory uses including but not limited to:

Bait and tackle shop

Boat docks

Boat ramps

Boat dry storage

Consumption on premises including outdoor seating subject to Condition #24)

Fishing piers

Locker rooms

Food and beverage service

Specialty retail shops

School, commercial, limited to boating and water skiing,

Rental or leasing establishment, Group I (limited to beach chairs, umbrellas, boats and other beach related items etc., excluding jet skis, wave runners, sea doos and other personal watercraft)

Continuing Care Facility

Cultural Facilities

Dwelling Units - Multi-family Building

Dormitory

Day Care Centers child, adult (where compatible with adjacent uses)

Plant Nurseries [subject to Condition 6 (previously Condition 33, Z99-029)]

Recreation facilities, personal and private to include the following or other comparable uses:

Fishing Piers

Boat docks

Bike paths

Boat ramps

Residential accessory uses, including but not limited to Boat Docks

Water Taxi/Stand

EXHIBIT "C"

Zoning Resolution Z-02-072

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Any activity comparable in nature with the foregoing uses and which the Director of Lee County Department of Community Development determines to be compatible in the Miromar Lakes "R2" District.

COMMERCIAL "C-1"

PERMITTED USES AND STRUCTURES

Accessory Uses and Structures customarily associated with the uses permitted in this district.

Administrative Offices

Agriculture Uses and Agricultural Accessory Uses (limited to existing only and subject to Condition 33)

Animals: Clinic

Antenna-Supporting Structures (in accordance with LDC § 34-1441 *et seq.*)

Assisted Living Facility

ATM (Automatic Teller Machine)

Automobile Service Station

Banks and Financial Establishments, Groups I and II

Bar and Cocktail Lounge (Limited to one and subject to conditions of Deviation #5)

Bed and Breakfast

Broadcast Studio, Commercial Radio and Television

Business Services, Group I (excluding: bail bonding and blood donor, stations) and Group II

Car Wash

Caretaker's Residence

Civic and Governmental Services

Cleaning and Maintenance Services

Clothing Stores

Clubs, Country, Commercial, Fraternal and Private. Accessory uses include but are not limited to the following:

Consumption on premises

Day Care Center

Food and beverage service

Restaurant(s), Standard includes outdoor seating (subject to Z-99-029, Condition # 46)

Locker Rooms

Pro Shops

Personal services, limited to ATM's, barbershops or beauty clubs, steam baths, massage and the like.

Restrooms and other uses which are normal and accessory to the golf course

Snack Bar at an appropriate location

Specialty Retail Shops

Computer and Data Processing

Consumption on Premises

Continuing Care Facility

Convenience Food and Beverage Stores (limited to a total of three, one on each commercial tract)

Cultural Facilities

Day Care Center, Adult, Child

Department Store

Dormitories

Drive-Through Facility for any Permitted Use

Drug Store, Pharmacy

EXHIBIT "C"

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Dwelling Units including:
 Zero lot line
 Duplex
 Two family attached
 Townhouse
 Multi-family
 Emergency Medical Service (ambulance station)
 Entrance Gates and Gatehouses (subject to Z-99-029, Condition # 4)
 Essential Services
 Essential Service Facilities, Group I
 Excavation: Water Retention
 Fences, Walls
 Food Stores, Group I and II
 Fraternity/Sorority House
 Gasoline Dispensing System, Special
 Gift and Souvenir Shop
 Hardware Store
 Health Care Facility, Group I, II, III and IV
 Helistop (subject to Z-99-029, Condition 38)
 Hobby, Toy, Game Shops
 Home occupation
 Hospice
 Hotel, Motel and accessory uses including but are not limited to the following:
 Consumption on premises
 Restaurant(s), Standard Groups I, II, III and IV (includes outdoor seating,
 subject to Z-99-029, Condition # 46)
 Specialty retail shops
 Day care center
 Personal services, limited to ATM's barbershops or beauty shops, photo
 agents, health clubs, steam baths, massage and the like.
 Household and Office Furnishings, Groups I and II
 Insurance Companies
 Laundry or Dry Cleaning, Group I (excluding Plant)
 Lawn and Garden Supply Store
 Library
 Medical Office
 Model Homes, Model Units and Model Display Center (limited to residential uses
 within the Miromar Lakes project only)
 Non-Store Retailers, All Groups
 Outdoor Display of Merchandise
 Package Store (Limited to one, subject to conditions of Z-99-029, Deviation # 5)
 Paint, Glass and Wallpaper
 Parcel and Express Service
 Parks, Public, Groups I and II
 Parking Lot:
 Accessory
 Commercial
 Garage, Public
 Temporary (Subject to LDC § 34-2022)
 Personal Services:
 Group I
 Group II (Excluding Massage Establishments, Massage Parlors, Steam or
 Turkish Baths)

EXHIBIT "C"

Group III, Group IV (Excluding Escort Services, Palm Readers, Fortune Teller
or Card Reader and Tattoo Parlors)

Pet Services
Pet Shop
Pharmacy
Photo Finishing Laboratory
Place of Worship
Plant Nurseries [subject to Condition 6 (previously Condition 33, Z99-029)]
Post Office
Printing and Publishing
Recreation - Personal
Recreation - Private, On-site, Off-site
Recreation Commercial: Groups I, II, III and IV
Recreation Hall
Religious Facilities
Rental and Leasing Establishments, Group I, II and III
Repair Shops, Groups I and II
Restaurant(s) Fast Food (includes outdoor seating, subject to Z-99-029, Condition #
46)
Restaurant(s), Standard Groups I, II, III and IV (includes outdoor seating, subject to
Z-99-029, Condition # 46)
Schools, Commercial
Schools, Non-Commercial
Self Service Fuel Pumps
Signs
Social Services: Groups I, II and III
Specialty Retail Shops, Groups I, II, III and IV
Storage, indoor only
Studios
Taxi stand
Temporary Uses (LDC § 34-3041)
Theater, indoor
Time Share Unit
Used Merchandise Store: Groups I and II
Variety Store
Wireless Communications Facilities (in accordance with LDC § 34-1441 *et seq.*)
Wholesale Establishment, Group III

Any commercial use or professional service which is comparable in nature with the
forgoing uses and which the Director of the Lee County Department of
Community Development determines to be compatible in the Miromar Lakes
"C-1" district.

COMMERCIAL "C-2"

PERMITTED USES AND STRUCTURES

All of the permitted uses and structures, as conditioned, listed for the C-1
Commercial Area, including Time Share Units, which are restricted to the hotel
in the southernmost portion of the C-2 parcel, subject to Condition 33.

In addition, the parcel area designated as commercial C-2 may not include the
following uses:

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Assisted Living Facility
Bed and Breakfast
Continuing Care Facility
Caretakers Residence
Day Care Center, Adult, Child
Dormitories
Dwelling Units
Fraternity/Sorority House
Health Care Facility, Group II, III and IV
Home occupation
Hospice
Library
Place of Worship
Religious Facilities
Schools, Commercial
Schools, Non-Commercial
Social Services: Group III

The following additional uses are also permitted in the parcel designated as Commercial C-2:

Accessory Uses and Structures including Boat docking and fueling facility, Boat rental and sale of fuel.

Auto Part Store

Boat Ramp

Boat Rental, Sale of Bait, Fuel and Related Supplies

Boating Schools and Clubs

Hotel, Motel and accessory uses including but are not limited to the following:

Consumption on premises

Restaurant(s), Standard Groups I, II, III and IV (includes outdoor seating, subject to Z-99-029, Condition # 46)

Specialty retail shops

Fishing piers

Boat docking and Fueling Facility

Boat ramps

Boating clubs/lessons

Water skiing clubs/lessons

Boat and Vehicle Storage

Rentals/leasing of inflatables, boats, cabanas, beach equipment, fishing rods, bicycles and the like.

Personal services, limited to ATM's barbershops or beauty shops, photo agents, health clubs, steam baths, massage and the like.

Mini-Warehouse

Motion Picture Production Studio

Research and Development Laboratories, Groups I, II, III and IV

Vehicle and Equipment Dealers, Group II only.

Water Skiing Schools and Clubs

Water Taxi/Stand

Any commercial use or professional service that is comparable in nature with the foregoing uses and that the Director of the Lee County Department of Community Development determines to be compatible in the Miromar Lakes Commercial "C-2" district.

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CONSERVATION AREA "CO"

PERMITTED USES AND STRUCTURES

Interpretive centers, rain shelters, gazebos

Nature and foot trails including boardwalks and jogging paths

Paths, boardwalks and bridges to provide access from the uplands to the wetlands and to allow fishing piers, observation towers and golf cart crossings.

Recreational shelters, restroom facilities, passive parks, and picnic areas.

Signs

Water Management Facilities

Wildlife Management

Mitigation Activities

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

Other activities which are comparable in nature with the foregoing uses and which the Director of the Lee County Department of Community Development determines to be compatible with the Miromar Lakes "CO" district.

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2 pages

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Attachment 2a

RESIDENTIAL PROPERTY DEVELOPMENT REGULATIONS

These regulations apply to all of the areas marked "R", "R1" and "R2" on the Master Concept Plan

LAND USES	Minimum Lot or Tract			Minimum Building Setbacks (ft)					Max. # of Habitable Floors/Max Building Height ²		Min. Bldg Separation (ft)	Max. Lot Cover
	Area (sq ft)	Depth (ft)	Width	Side Incl. Corner	Rear abut Lots	Rear abut CO/Golf	Front ²	Water Body ^{5a}	Between I-75 and BHG Pkwy	East of BHG Pkwy		
SINGLE FAMILY RESIDENTIAL USES												
Single Family Detached	5,500	70	50	5	20	10	12 ⁴ or 20	0 ^{5a} or 20	3/45	3/45	10	55%
Patio/Cluster Homes	3,500	70	35	5	10	10	12 ⁴ or 20	0 ^{5a} or 20	3/45	3/45	10	55%
Zero Lot Line, Single Family Attached or Townhouse	2,800	70	25	0 or 5	10	10	12 ⁴ or 20	0 ^{5a} or 20	3/45	3/45	10	55%
Overwater Residential Uses ⁶	3,500	70	35	0 ⁶ or 5	0 ⁶ or 10	n/a	12 ⁴ or 20	0 ^{5a} or 20	3/45	3/45	0 or 10	55%
MULTI FAMILY RESIDENTIAL USES												
Multi-Family and Student Housing	6,000	100	n/a	10	20	10	20	0 ^{5a} or 20	3/45 or 5/65 ³	3/45 or 5/65 ³	10	55%
Overwater Residential Uses ⁶	6,000	100	n/a	0 ⁶ or 10	0 ⁶ or 20	n/a	20	0 ^{5a} or 20	3/45	3/45 or 5/65 ³	20	55%
Assisted Living Facility	10,000	100	100	12 1/2	20	10	20	20	3/45	3/45 or 5/65 ³	25	55%
OTHER USES												
Clubhouse and Dry Boat Storage	n/a	n/a	n/a	5	20	10	n/a	0 ^{5a} or 20	45	45	10	n/a
Accessory Structures	n/a	n/a	n/a	5	10	10	n/a	0 ^{5a} or 20	45	45	n/a	n/a

Notes (apply to both Residential and Commercial Tables):

¹ Pie-shaped lots and flag lots are not required to meet minimum lot widths.

² Measured from back of curb where the back of curb is at the ROW or street easement.

³ Five stories over one story of parking, with a maximum building height of 65 feet, where allowed by Deviation 28. See Deviation 28 and Master Concept Plan for the location of the buildings with heights greater than 45 feet.

⁴ The 12' setback applies only to the non-garaged part of a house or for units with a e entry garage.

⁵ A maximum of 1,500 linear feet of lake frontage will have a 0' setback for buildings and accessory uses.

⁶ Structures, including residential and commercial buildings, may extend on pilings over the man-made lakes within Miromar Lakes so long as they do not extend past than the platted property lines.

⁷ Conversion of uses restricted as set out in Section II.D.2.d.7 of the DRI Development Order.

COMMERCIAL PROPERTY DEVELOPMENT REGULATIONS

These regulations apply to all of the areas marked "C1 and C2" on the Master Concept Plan

Attachment 2b

LAND USES	Minimum Lot or Tract			Minimum Building Setbacks (ft)					Max. Bldg Height ²		Min. Bldg Separation (ft)	Max. Lot Cover
	Area (sq ft)	Depth (ft)	Width ¹ (ft)	Side Incl. Corner	Rear abut Lots	Rear abut CO/Golf	Front ¹	Water Body ^{3,4,5}	C-1	C-2		
CONVENTIONAL DEVELOPMENT TRACTS												
Commercial Use	10,000	100	100	0 or 15	20	10	15	0 ^{5,6} or 20	3/45	6/75 ⁷	0 or 1/2 bldg. Height	55%
Hotel and Office Use	10,000	100	100	0 or 15	20	10	15	0 ^{5,6} or 20	3/45	6/75 ⁷	0 or 1/2 bldg. Height	55%
Overwater Uses ⁸	10,000	100	100	0 ⁶ or 15	0 ⁶ or 20	n/a	15	0 ^{5,6} or 20	3/45	6/75 ⁷	0 or 1/2 bldg. Height	55%
LOTS WITHIN DEVELOPMENT TRACTS												
All Uses	1,300	65	20	0 or 5	0 or 20	10	15	0 ^{5,6}	3/45	6/75 ⁷	0 or 1/2 bldg. Height	100%
OTHER USES												
Accessory Structures	n/a	n/a	n/a	5	10	10	n/a	0 ^{5,6}	n/a	n/a	n/a	n/a

Notes (apply to both Residential and Commercial Tables):

Notes (apply to both Residential and Commercial Tables):

¹ Pie-shaped lots and flag lots are not required to meet minimum lot widths.

² Measured from back of curb where the back of curb is at the ROW or street easement.

³ Deviation 28 and Master Concept Plan for the location of the buildings with heights greater than 45 feet.

⁴ The 12' setback applies only to the non-garaged part of a house or for units with a side entry garage.

⁵ A maximum of 1,500 linear feet of lake frontage will have a 0' setback for buildings and accessory uses.

⁶ Structures, including residential and commercial buildings, may extend on pilings over the man-made lakes within Miramar Lakes so long as they do not extend past the platted property lines.

⁷ Six stories over one story of parking, with a maximum building height of 75 feet.

⁸ Conversion of uses restricted as set out in Section II.D.2.d.7 of the DRI Development Order.

EXHIBIT "C"

Zoning Resolution Z-02-072

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