



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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County Attorney

Diana M. Parker
County Hearing Examiner

December 18, 2009

MR. BARRY ERNST, AICP
WCI COMMUNITIES, INC
24301 WALDEN CENTER DR
BONITA SPRINGS, FL 34134

RE: **GULF HARBOUR YACHT AND COUNTRY**
DCI2007-00053 - PDA Application (PD Amendment)

Dear MR. BARRY ERNST, AICP :

Due to inactivity the above referenced request has been withdrawn. Additional information was requested on September 18, 2009 that needs to be provided before proceeding with the public hearing. We have not received this information, nor have we heard how you wish to proceed; therefore, the request is considered withdrawn.

No further action will be taken on the above noted case. Any further information filed in regards to the subject property must be resubmitted as a new application with the required documentation and fees associated with a new application.

Please feel free to contact us if you require clarification or additional information.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Nettie M Richardson
Principal Planner

cc: Pam Houck, Director Zoning Division
Michael Jacob, CAO
Tina Boone, Legal Administrative Secretary
Robert Price, TIS Reviewer
Becky Penfield, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Jamie Prining, DCD Admin
Zoning File

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 29, 30 AND 31 TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(GULF HARBOUR)

LINE	BEARING	DISTANCE
L1	N49°27'05"E	202.49'
L2	N88°51'11"E	65.45'
L3	N01°07'54"W	221.20'
L4	N65°09'03"E	163.03'
L5	S40°32'55"E	164.14'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	2212.00'	03°40'11"	141.67'	N47°37'00"E	141.65'

O.R. INDICATES OFFICIAL RECORDS BOOK,
LEE COUNTY PUBLIC RECORDS

PG INDICATES PAGE

L1 INDICATES LINE NUMBER

C1 INDICATES CURVE NUMBER

THIS SKETCH
OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

THOMAS R. LEHNERT, JR., P.S.M.
FLORIDA CERTIFICATION NO. 5541

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

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COMMUNITY DEVELOPMENT
DCI 2007-00053

Applicant's Survey Checked
by Jm 9/11/01

Banks Engineering, Inc.
PROFESSIONAL ENGINEERS, PLANNERS & LAND SURVEYORS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(941) 839-5490

SHEET 3 OF 3

Applicant's Legal Checked
by [Signature] 9/27/2007

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 31; THENCE N.88°51'11"E. ALONG THE SOUTH BOUNDARY LINE OF SAID CONDOMINIUM LANDS AND THE SOUTH LINE OF SAID FRACTIONAL SECTION FOR 593.45 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID CONDOMINIUM LAND; THENCE CONTINUE N88°51'11"E ALONG THE SOUTH LINE OF SAID FRACTIONAL SECTION FOR 65.45 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 31; THENCE S01°09'19"E ALONG THE WESTERLY LINE OF SAID FRACTION OF SECTION 31 FOR 666.27 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION OF SECTION 31; THENCE N88°55'32"E ALONG THE SOUTHERLY LINE OF SAID FRACTION SECTION 31 FOR 659.51 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 31; THENCE N89°11'55"E ALONG THE SOUTHERLY LINE OF SAID FRACTIONAL SECTION FOR 542.56 FEET; THENCE N01°07'54"W ALONG THE WESTERLY BOUNDARY LINE OF LANDS CONVEYED BY DEED RECORDED IN OFFICIAL RECORD BOOK 2125, PAGE 2439, FOR 221.20 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE N65°09'03"E ALONG THE NORTHWESTERLY BOUNDARY LINE OF SAID LANDS FOR 163.03 FEET TO THE MOST NORTHERLY CORNER OF SAID LANDS; THENCE S40°32'55"E ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID LANDS, ALONG A LINE PERPENDICULAR WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD FOR 164.14 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (80 FEET FROM CENTERLINE), BEING THE NORTHWESTERLY LINE OF LANDS CONVEYED BY DEED RECORDED IN RECORD BOOK 1837, PAGE 2982 OF SAID PUBLIC RECORDS; THENCE N49°27'05"E ALONG SAID RIGHT-OF-WAY LINE FOR 1826.43 FEET TO THE SOUTH LINE OF SAID SECTION 30 AND THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTH EAST QUARTER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING S.89°19'35"W.

SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

DESCRIPTION PREPARED 7/31/01.

LEGAL DESCRIPTION
Property located in Lee County, Florida

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Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

COMMUNITY DEVELOPMENT

DCI 2007-00053

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 29, 30, & 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(GULF HARBOUR)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 29, 30, AND 31, TOWNSHIP 45 SOUTH RANGE 24 EAST, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE S89°19'35"W. (BEARINGS BASED ON THE FLORIDA COORDINATE SYSTEM, WEST ZONE) ALONG THE SOUTH LINE OF SAID SECTION 30 FOR 425.34 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (80 FEET FROM CENTERLINE), BEING THE NORTHWESTERLY LINE OF LANDS CONVEYED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1837, PAGE 2982 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING, THENCE N49°27'05"E ALONG SAID RIGHT-OF-WAY 556.64 TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION 30; THENCE CONTINUING N49°27'05"E ALONG SAID RIGHT-OF-WAY LINE INTO SAID SECTION 29 FOR 202.49 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST AND SAID RIGHT-OF-WAY LINE FOR 141.67 FEET, RADIUS 2212.00 FEET, CHORD OF 141.65 FEET BEARING N47°37'00"E; THENCE N45°46'55"E ALONG SAID RIGHT-OF-WAY LINE FOR 1444.31 FEET; THENCE N00°44'41"W, LEAVING SAID RIGHT-OF-WAY, ALONG THE WESTERLY LINE OF TRACT "B" PALMETTO POINT, AS RECORDED IN PLAT BOOK 29, PAGES 21 THROUGH 23 OF SAID PUBLIC RECORDS, AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF GRIFFIN BOULEVARD (50 FEET WIDE) FOR 3603.97 FEET; THENCE N89°37'45"W, LEAVING SAID RIGHT-OF-WAY LINE PARALLEL WITH AND 100 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 29 FOR 1279.05 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID SECTION 30; THENCE N89°37'45"W PARALLEL WITH AND 100 FEET SOUTH OF THE NORTHERLY LINE OF SAID SECTION 30 FOR 554 FEET, MORE OR LESS, TO THE WATERS OF THE CALOOSAHATCHEE RIVER, THEN SOUTHWESTERLY AND WESTERLY ALONG THE WATERS OF THE CALOOSAHATCHEE RIVER FOR 6690 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 30 WHICH BEARS N01°03'43"W FROM THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE S01°03'43"E ALONG THE WESTERLY LINE OF SAID SECTION 30 FOR 2049 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE N88°46'47"E ALONG THE SOUTHERLY LINE OF SAID SECTION 30 FOR 1317.12 FEET TO THE SOUTHEAST CORNER OF GOVERNMENT LOT 2; THENCE S01°06'09" ALONG THE WESTERLY BOUNDARY LINE OF THE LANDS OF RIVER'S EDGE 3, A CONDOMINIUM AS RECORDED IN OFFICIAL RECORD BOOK 1783, PAGE 3709 OF SAID PUBLIC RECORDS, FOR 665.51 FEET TO THE SOUTHWEST CORNER OF

Applicant's Legal Checked
by 294 8/27/2007

PH3C1

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[Signature]
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COMMUNITY DEVELOPMENT

**APPLICATION FOR PUBLIC HEARING
FOR ZONING ACTION
UNINCORPORATED AREAS ONLY**

Applicant's Name: WCI Communities, Inc.

Project Name: Gulf Harbour Yacht and Country Club

STRAP Number(s): Various (See Attached list)

TYPE OF APPLICATION

- ☐ Special Exception (attach Supplement A)
☐ Variance (attach Supplement B)
☐ Conventional Zoning (attach Supplement C)
☐ Planned Development (not PRFPD) (attach Supplement D)
☒ Amendment to built Planned Development (Supplement D may be required)
☐ Private Recreational Facilities Planned Development (attach Supplement D)
☐ Extension of a Master Concept Plan (attach Supplement E)
☐ Reinstatement of a Master Concept Plan (attach Supplement F)
☐ N/A DRI - with rezoning (submit completed DRI Application Form {do not use this form} and Supplement D)
☐ N/A DRI - without rezoning (submit completed DRI Application Form {do not use this form})

Is this project located in the Estero Planning Community, or the Captiva Planning Community, or in the Caloosahatchee Shores Planning Community? NO

STAFF USE ONLY

Case Number: DCI 2007-00053 Commission District: 3
Current Zoning: PUD Fee Amount: 5000.00
Land Use Classification: Suburban Intake by: *[Signature]*
Planning Community: Clara McEggen

**LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585 PART 1**

DCI 2007-00053

The Gulf Harbour Development of Regional Impact (DRI) (formerly River's Edge Yacht & County Club) and Planned Unit Development (PUD) were originally approved by the Lee County Board of County Commissioners in May of 1982. As originally approved, the community was to consist of 4,380 residential units (both multi-family and single-family), a 200-room hotel, a restaurant, a 250-wet slip marina, an 18-hole golf course and clubhouse, 15,000 square feet of neighborhood commercial space (office or retail), and 50,000 square feet of retail space. On two occasions the DRI development parameters for residential and commercial/hotel were reduced and/or eliminated.

The PUD ordinance/master concept plan and attendant Master Development Plan (MDP) were approved and later amended setting forth the design criteria for the water retention areas (Section 3.03.c.). Addressed in the MDP were bulkheads, side slopes, lake depth, and littoral shelves. The location of the bulkheads/hardened shorelines and littoral plantings were generally depicted on the MDP.

Development of the Gulf Harbour Community commenced in the early 1980's. Initially the lakes were dug, infrastructure was installed, and golf holes were carved out of the former Gladiolus fields. In the late 1980's & early 1990's the original developer completed three and most of a fourth neighborhood in the southwestern portion of the property, then construction halted.

In 1994, WCI's predecessor, Florida Design Communities, purchased the community from the Resolution Trust Corporation and proceeded with a substantial redesign of the existing golf course and few of the internal roads. Some lakes were modified as part of the redesign however several were left in the original configuration as they were approved and Certified Complete by Lee County through the development order process. Construction of the Community continued through the late 1990's and the last residential neighborhoods were completed in 2006. The community is now essentially built-out with only a handful of vacant single-family lots remaining.

Attached are a series of aerial photos documenting the development over a twenty-year time span (1986-2006). As noted above, several lakes built by the previous developer were finalized by Lee County several years prior to the purchase by WCI. Others were enlarged or reconfigured by WCI. Of note, some internal lakes were not designed or constructed by WCI nor are they owned or controlled by WCI and therefore are not a part of this application. These lakes are portions of lakes AB, C, G, and all of E, P, Q, & R.

As with many water retention lakes throughout Lee County, overtime the shorelines erode and naturally evolve. Previously approved and built lake shorelines develop ledges and steeper slopes. These shoreline conditions were brought to the attention of Lee County staff. Code violation notifications were issued to various owners of property including WCI.

In an effort to resolve the shorelines issues on property owned & controlled by WCI, the applicant has created a revised 18-sheet MDP identifying existing conditions, instituting

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various innovative shoreline treatments with an acknowledgement of existing hardened structures. The MDP maintains the same percentage of littoral plantings and hardened shoreline (rip rap & bulkhead) from the previous approval.

This PUD amendment application requests a modification to the approved MDP reflecting the following:

- Re-grading and/or rebuilding the slope from the existing slope conditions to a variable stepped slope consisting of planted tubes or similar application resulting in an approximate 2:1 slope
- Acknowledgment of existing rip rap and bulkheads as constructed with a maximum 1:1 slope with additional floating littoral plantings
- Percentage of hardened structures and littoral plantings to remain the same but modification of installation locations

The applicant has been diligently working with Lee County staff through meetings, site visits, and correspondence to identify existing problems and determine an equitable and feasible solution to the shoreline issues. WCI has explored the various new shoreline remediation techniques and is prepared for their installation when this Amendment is approved. The methods include the stabilization of shoreline where erosion has occurred and the provision of innovative vegetative tube remediation techniques.

The applicant submits that this application includes proposals that provide solutions to address both the cumulative erosion issues and the protection of public safety.

The request is consistent with the goals, objectives, policies and intent of the Lee Plan including **Objective 61.3: General Surface Water Management Standards** and **Policy 61.3.8:** The banks of wet retention and detention areas must be sloped to promote growth of vegetation and safeguard against accidents.

In summary, while providing flexibility in developing and maintaining water retention lakes, these modifications and design standards will not be detrimental to the public interest and will bring the lakes closer into conformance with current regulations. The PUD will be enhanced while protecting the health, safety and welfare of the residents/public. Approval will potentially reduce hazards to persons and property by decreasing the probability or degree of erosion or other danger, and will not impose a nuisance on surrounding land uses or negatively impact the public's interest through emission of water pollutants.

**PART 1
APPLICANT\AGENT INFORMATION**

A. Name of applicant: WCI Communities, Inc.

Address: Street : 12701 Commonwealth Drive # 5

City: Fort Myers State: Fl Zip: 33913

Phone: Area Code: 239 Number: 498.8534 Ext:

Fax: Area Code: 239 Number: 498.8268

E-mail address: BarryErnst@WCICommunities.com

B. Relationship of Applicant to owner (check one):

 Applicant (including an individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]

 Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2. (See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]

 X Applicant has been authorized by the owner(s) to represent them for this action.

 Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2. (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]

 Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

 Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2. [34-202(b)(1)c.] (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)

 Application is County initiated. BOCC authorization is attached as Exhibit PH-1.B.3

C. Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: WCI Communities, Inc.

Contact Person: Barry Ernst AICP

Address: Street : 12701 Commonwealth Drive #5

City: Fort Myers State: Fl Zip: 33912

Phone: Area Code: 239 Number: 498.8534 Ext:

Fax: Area Code: 239 Number: 498.8268

E-mail address: BarryErnst@WCICommunities.com

C.2. X Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit PH-1.C.2. [34-202(b)(1)c.]

**PART 2
PROPERTY OWNERSHIP**

A. Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]

A.1.	Name:	n/a					
	Mailing Address:	Street:					
			City:		State:		Zip:
	Phone:	Area Code:			Number:		Ext:
	Fax:	Area Code:			Number:		
	E-mail:						
B.	Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].						
B.1.	X	Disclosure of (Ownership) Interests Form is attached as Exhibit PH-2.B.1. [34-201(b)2]					
C.	Multiple parcels						
C.1.	X	Property owners list is attached as Exhibit PH-2.C.1. [34-202(a)(5)]					
C.2.	X	Property owners map is attached as Exhibit PH-2.C.2. [34-202(a)(5)]					
D.	Date property was acquired by present owner(s):				1994		

**PART 3
PROPERTY INFORMATION**

A.	STRAP Number(s):	See attached list	
B.	Street Address of Property:	14900 McGregor Blvd.	
C.	Legal Description		
	X	Legal description (on 8 1/2" by 11" paper) is attached as Exhibit PH-3.C.1. [34-202(a)(1)]	
	X	Sealed sketch of the legal description is attached as Exhibit PH-3.C.2. [34-202(a)(1)]	
D.	Boundary Survey: waiver approved		
		A Boundary survey, tied to the state plane coordinate system, is attached as Exhibit PH-3.D.1. [34-202(a)(2)]	
		The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as Exhibit PH-3.D.2. [34-202(a)(2)]	
E.	Planning Community:	Iona-McGregor	
F.	General Location of Property: On the northwest side of McGregor Boulevard between Griffin Blvd and Iona Road		
F.1.	X	Area location map (for all applications other than Planned Developments) is attached as Exhibit PH-3.F. [34-202(a)(4)] {NOTE: For Planned Development Applications see Supplement D [34-373(a)(4)b.]}	
F.2.	Directions to property:		

From the City of Fort Myers: South on McGregor Blvd. just past Griffin Blvd on the right hand side.						
G. Surrounding property owners:						
G.1.	X	List of surrounding & internal property owners is attached as Exhibit PH-3.G.1. [34-202(a)(6)]				
G.2.	X	Map of surrounding & internal property owners is attached as Exhibit PH-3.G.2. [34-202(a)(7)]				
G.3.	X	2 sets of mailing labels are attached as Exhibit PH-3.G.3. [34-202(a)(6)]				
H.	Current Zoning of Property:		PUD			
I.	Current use of property:					
I.1.		Current use(s) of the property are:				
		Residential, golf, marina, and other recreational facilities				
I.2.	X	If buildings or structures exist on the property, an affidavit is required stating that buildings & structures will be removed or that the proposed use of buildings, structures and land is or will be in compliance with all requirements of the LCLDC. Attach as Exhibit PH-3.I.2. and entitle "Affidavit Regarding Proposed Use". [34-202(b)(3)]				
I.3.	n/a	If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval an Existing Agricultural Use Affidavit is attached as Exhibit PH-3.I.3. and entitled "Agricultural Uses at Time of Zoning Application". [34-202(b)(7)]				
J.	Land Use Classification approximations:					
		Suburban	530+/-	Acres	96.7	% of total
		Environmentally Critical Areas - Wetlands	18 +/-	Acres	3.3	% of total
				Acres		% of total
				Acres		% of total
K.	Flood Hazard (write NA if not applicable) [34-202(a)(8)]					
	X	The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.				
		The minimum elevation required for the first habitable floor is		8/10 feet	NGVD (MSL)	
L.	Deed Restrictions [34-202(b)(2)]					
L.1.	X	There are no deed restrictions or other covenants on this property that affect this request. [34-202(b)(2)]				
L.2.		Deed restrictions\ covenants that may affect this request are attached as Exhibit PH-3.L.2. [34-202(b)(2)]				
L.3.		A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as Exhibit PH-3.L.3 [34-202(b)(2)]				

M.	Property Dimensions [34-202(a)(8)]				
	1.	Width (average if irregular parcel):	6700	Feet	
	2.	Depth (average if irregular parcel):	4000	Feet	
	3.	Total area:	548	Acres	
	4.	Frontage on road or street:	4475	Feet on	McGregor Blvd
		2 nd Frontage on road or street:	3670	Feet on	Griffin Blvd.

**PART 4
ACTION REQUESTED**

A.	Action Requested: [check applicable action(s)]				
		Special Exception for			Attached is Supplement A
		Variance for			Attached is Supplement B
		Conventional Rezoning from:		to	Attached is Supplement C
		Planned Development Rezoning from		to	
			DCI - Major: Attached is Supplement D		
			DCI - Minor: Attached is Supplement D		
			Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area. Attached is Supplement D		
	☒	Planned Development Amendment. (PUD) Attached is Supplement D			
B.	Excavations:				
	n/a	No blasting will be used in the excavation of lakes or other site elements.			
		If blasting is proposed, Information Regarding Proposed Blasting (including soil borings, a map indicating the general location of the proposed blasting, and other required information) is attached as Exhibit PH-4.B [34-202(b)(6)]			
C.	Bonus Density: (put NA if not applicable)				
	n/a	Bonus density will be used. Attached is Exhibit PH-4.C showing calculations. [34-202(b)(5)]			
D.	Hazardous materials: (put NA if not applicable)				
	n/a	A Hazardous materials emergency plan is attached as Exhibit PH-4.D [34-202(b)(4)]			
E.	Mobile Home Park: (put NA if not applicable)				
	n/a	Request includes rezoning of a Mobile Home Park. Attached is Exhibit PH-4.E [34-203(d)]			

	F. Aviation Hazard: (put NA if not applicable)
n/a	Property is subject to Airport Hazard District regulations. Attached is Exhibit PH-4.F [34-1001 et seq]
	A tall structures permit will be required.
	Property is located within Noise zone:

G. Estero Planning Community (put NA if not applicable)
n/a A summary of public informational session. Attached is Exhibit PH-4.G [34-373(a)(10); Lee Plan Policy 19.5.3]

H. Captiva Planning Community (put NA if not applicable)
n/a A summary of public informational session. Attached is Exhibit PH-4.H [Lee Plan Policy 13.1.7]

I. Caloosahatchee Shores Community Plan (put NA if not applicable)
n/a A summary of public informational session. Attached is Exhibit PH-4.I [Lee Plan Policy 21.6.3]

J. Waivers from Application Submission Requirements: The following waivers, approved by the Director of Zoning Services, are attached as Exhibit PH-4.J [Section 34-202(a)]

Section Number	Name of item
[34-373(a)(4)h.]	Historical or Archaeological sites
[34-373(a)(4)a.]	Boundary Survey
[34-373(a)(4)g.]	Public Transit
[34-373(a)(4)e.i.]	Soils Map
[34-373(a)(4)e.ii]	FLUCCS
[34-373(a)(4)e.iv]	Topographic Map
[34-373(a)(7)]	Traffic Impact Statement
[34-373(b)(3)]	Protected Species Survey

K. Potable Water & Central Sewer. Will the project be connected to potable water and central sewer as part of any development of the property? ☒ YES.
If the answer is NO , please explain why the connection to potable water and/or central sewer is not planned. Label explanation as Exhibit PH 4-K .
If the answer is YES , please indicate the name of the Utility to which the connection(s) are proposed. <u>Lee County Utilities</u> [BOCC POLICY]

**PART 6
SUBMITTAL REQUIREMENTS**

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

Number of Copies*			Exhibit Number	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PDs		
1	1	15	✓	Completed application for Public Hearing [34-201(b)]
1	1	1		Filing Fee - [34-202(a)(9)]

Var.	Conv. Rez. or Spe. Exc.	PDs	SUP	SUPPLEMENTAL FORMS (select applicable request/form)
0	1	0	SUP A	Special Exception request
1	0	0	SUP B	Variance request
0	1	0	SUP C	Conventional Rezoning request
0	0	15	SUP D	Planned Development Rezoning request
0	0	15	✓ SUP D	Planned Development Amendment request
0	0	15	SUP D	PRFPD in in Overlay Area Rezoning request
0	0	8	SUP E	Master Concept Plan Extension request
0	0	8	SUP F	Master Concept Plan Reinstatement request

Var.	Conv. Rez. or Spe. Exc.	PDs	Exhibit Number	SUBMITTAL ITEMS
1	1	3	✓ PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	1	1	✓ PH-1.B.3	BOCC authorization (if applicable)
1	1	15	✓ PH-1.C.2	Additional Agents [34-202(b)(1)c.]
1	1	3	✓ PH-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
1	1	3	✓ PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	1	3	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
1	1	15	✓ PH-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
2	2	5	PH-3.C.1	Legal Description (2 originals required) [34-202(a)(1)]
2	2	5	PH-3.C.2	Sealed Sketch of the Legal Description (2 originals required) [34-202(a)(1)]
1	1	5	✓ PH-3.D.1	Boundary Survey (tied to State Plane Coordinate System) (2 originals required) [34-202(a)(2)] (NOTE: This is a required submittal for all Planned Development Applications (see Supplement D for that requirement)) [34-373(a)(4)a.]]
1	1	N/A	PH-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	0	PH-3.F	Area Location Map on 8 by 11 paper pursuant to LCLDC Section 34-202(a)(4). (Non Planned Developments)
0	0	15		Area Location Map for Planned Developments - see Supplement D [34-373(a)(4)b.]

Number of Copies*			Exhibit Number	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PDs		
1	1	3 ✓	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	3 ✓	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	2 ✓	PH-3.G.3	Mailing labels [34-202(a)(6)]
1	1	3 ✓	PH-3.I.2.	Affidavit Regarding Proposed Use (if applicable) [34-202(b)(3)]
1	1	3	PH-3.I.3.	Affidavit entitled " <u>Agricultural Uses at Time of Zoning Application</u> " (if applicable) [34-202(b)(7)]
1	1	3 <i>no charge</i>	PH-3.L.2	Deed Restrictions\Covenants (if applicable) [34-202(b)(2)]
1	1	3 <i>N/A</i>	PH-3.L.3	Narrative addressing effect of Deed Restrictions (if applicable) [34-202(b)(2)]
1	1	15		Completed Supplement Form appropriate to the action requested (see Supplemental Forms above)
1	1	15 <i>N/A</i>	PH-4.B	Information Regarding Proposed Blasting (if applicable). [34-202(b)(6)]
0	0	4 <i>N/A</i>	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	1	4 <i>N/A</i>	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	1	4 <i>N/A</i>	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	1	4 <i>N/A</i>	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
0	0	4 <i>N/A</i>	PH-4.G	Summary of Public Informational Session for Planned Development Applications located within Estero Planning Community [34-373-(a)(10); Lee Plan Policy 19.5.3]
1	1	4 <i>N/A</i>	PH-4.H	Summary of Public Informational Session for rezoning, special exception and variance applications located within Captiva Planning Community [Lee Plan Policy 13.1.7)
0	0	4 <i>N/A</i>	PH-4.I	Summary of Public Informational Session for Planned Development Applications located within Caloosahatchee Shores Planning Community [Lee Plan Policy 21.6.3]
1	1	15 ✓	PH-4.J	Approved Waivers.(if applicable) [34-202(a)]
0	0	4 <i>for plan</i>	PH-4.K	Potable Water & Central Sewer. If the answer to Item 6.D was NO, an explanation must be attached providing the reason(s) why connection to potable water and central sewer system is not proposed as part of any development of the parcel subject to the rezoning request. [BOCC POLICY]

* At least one copy must be an original.

PART 7 - SUBMITTAL REQUIREMENTS

Copies* Required	Exhibits	Item
		PUBLIC HEARING APPLICATION FORM
15		Public Hearing Application Form (Application for Public Hearing for Zoning Action Form, OR, if a DRI with Rezoning, submit Application for Public Hearing for a DRI Form). [34-373(a)(1)]
1		Application Fee. [34-373(a)(2)] 5,000.00
		DESCRIPTION OF EXISTING CONDITIONS
4	D-1-B	Historical or Archaeological sites: The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. [34-373(a)(4)h.] <i>Waiver</i>
	D-1-C	Public Transit. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.] <i>Waiver</i>
	D-7-A	A Boundary Survey , prepared and sealed by a professional surveyor, that meets the minimum technical standards set forth in chapter 61G-17-6, F.A.C. The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. (2 originals required) [34-373(a)(4)a.] <i>Waiver</i>
15	D-7-B	Area Location Map (on 8.5" x 11" paper). A map marked to show the location of the property to be developed in relation to arterial and collector streets <u>as well as the location of existing easements and rights-of-way on or abutting the property.</u> [34-373(a)(4)b.]
15	D-7-C	Existing Zoning and Current Land Uses. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]
15	D-7-D	Aerial Photograph with the site clearly delineated. [34-373(a)(4)d.] Originals only - photocopies are not acceptable.
	D-7-E	Soils Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)e.i.] <i>Waiver</i>
	D-7-F	FLUCCS Map. A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)e.ii.] <i>Waiver</i>
4	D-7-G	Rare & Unique Upland Habitat Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)e.iii.]
	D-7-H	Topographic Map. A County topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.iv.] <i>Waiver</i>
4	D-7-I	Existing and Historic Flow-Ways Map. Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)e.v.]

PART 7 - SUBMITTAL REQUIREMENTS

Copies* Required	Exhibits	Item
		PUBLIC HEARING APPLICATION FORM
15		Public Hearing Application Form (Application for Public Hearing for Zoning Action Form, OR, if a DRI with Rezoning, submit Application for Public Hearing for a DRI Form). [34-373(a)(1)]
1		Application Fee. [34-373(a)(2)]
		DESCRIPTION OF EXISTING CONDITIONS
4	D-1-B	Historical or Archaeological sites: The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. [34-373(a)(4)h.]
15	D-1-C	Public Transit. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.]
5	D-7-A	A Boundary Survey , prepared and sealed by a professional surveyor, that meets the minimum technical standards set forth in chapter 61G-17-6, F.A.C. The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-373(a)(4)a.]
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15	D-7-D	Aerial Photograph with the site clearly delineated. [34-373(a)(4)d.] Originals only - photocopies are not acceptable.
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4	D-7-F	FLUCCS Map. A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)e.ii.]
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4	D-7-I	Existing and Historic Flow-Ways Map. Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)e.v.]

**EXHIBIT PH-1.C.2
ADDITIONAL AGENTS**

RECEIVED

AUG 23 2007

COMMUNITY DEVELOPMENT

DCI 2007-00053

Company Name:		Pavese Law					
Contact Person:		Neale Montgomery, Esq.					
Address:		Street : 1833 Hendry Street					
		City:		State:		Zip:	
		Fort Myers		Florida		33901	
Phone: Area Code:		239		Number:		336.6235	
Fax: Area Code:		239		Number:		336.2243	
E-mail address:		Nealemontgomery@paveselaw.com					

Company Name:		Vanasse & Daylor, LLP					
Contact Person:		David Beal, PE					
Address:		Street : 12730 New Brittany Blvd.					
		City:		State:		Zip:	
		Fort Myers		FL		33908	
Phone: Area Code:		239		Number:		437.4601	
Fax: Area Code:		239		Number:		437.4636	
E-mail address:		Dbeal@Vanday.com					

Company Name:							
Contact Person:							
Address:		Street :					
		City:		State:		Zip:	
Phone: Area Code:				Number:		Ext:	
Fax: Area Code:				Number:			
E-mail address:							

Company Name:							
Contact Person:							
Address:		Street :					
		City:		State:		Zip:	
Phone: Area Code:				Number:		Ext:	
Fax: Area Code:				Number:			
E-mail address:							

Copies* Required	Exhibits	Item
NARRATIVE COMPLIANCE STATEMENTS		
15	D-7-J	LEE Plan Compliance. A narrative explanation as to how the proposed development complies with the LEE Plan. [34-373(a)(5)]
3	D-7-K	Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411. [34-373(a)(5)]
3	D-7-L	Decision-Making Compliance. A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in LCLDC Sections 34-145(c)(2)a & e. and 34-145(d)(3). [34-373(a)(5)]
MASTER CONCEPT PLAN		
24 X 36 & 11 X 17 2 & 15	D-7-M.1 (24 X 36) & D-7-M.2 (11 X 17)	Master Concept Plan, Non-PRFPD. A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a - i. Copies of the Master Concept Plan must be provided in two sizes, 24" x 36" (2 copies), and 11" x 17" (15 copies - 2 originals required) in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. {See Instructions, Part 7, below.} [34-373(a)(6)]
2	D-7-N	Master Concept Plan, PRFPD: A clearly legible drawing, no less than 24" x 36" in size and drawn at a scale sufficient to adequately show and identify the information required by LCLDC Section 34-941(g). (2 originals required) {See Instructions, Part 7, below.} [34-941(g)]
5	D-7-O	Traffic Impact Statement. A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. [34-373(a)(7)] TIS is not required for an existing development. [34-341(b)(2)d.1.]
5	D-7-P	Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8). [34-373(a)(8)]
15	D-7-Q	Schedule of Deviations and Written Justification. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan. The location of each requested deviation must be located/shown on the Master Concept Plan. Deviation documentation and detail drawings including sample detail drawings must be provided illustrating how each deviation will operate to the benefit, or at least not to the detriment, of the public interest. [34-373(a)(9); 34-412(a)]
ADDITIONAL REQUIREMENTS FOR MAJOR PDs		
4	D-7-R	Surface Water Management Plan A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1)a. - e. [34-373(b)(1)]
15	D-7-S	Phasing program. If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. [34-373(b)(3)]
ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS		
4	D-7-T	Protected species survey. A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. [34-373(b)(2)]
ADDITIONAL REQUIREMENTS FOR AMENDMENTS TO BUILT PLANNED DEVELOPMENTS		
4	D-7-U	Notice of Notice to Other Property Owners. The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. [34-373(c)]

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Copies* Required	Exhibits	Item
ADDITIONAL REQUIREMENTS FOR DRIs		
15	D-7-V	Binding letter of interpretation from DCA or a complete and sufficient ADA (See also Application for Public Hearing for DRI Form) [34-373(d)(2)]
ADDITIONAL EXHIBITS - PRFPDs		
4	D-7-W	Conceptual Surface Water Management Plan. A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. [34-941(d)(3)b.i.1)]
15	D-7-X	Well Drawdown Information. If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. [34-941(d)(3)d.]
15	D-7-Y	Preliminary Indigenous Restoration Plan. A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. [34-941(e)(5)f.iii.]
15	D-7-Z	Environmental Assessment. An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. [34-941(g)(2)]
15+	D-7-AA	Demonstration of Compatibility. Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. [34-941(g)(4)]

* At least one copy must be an original.

ADDITIONAL REQUIREMENTS FOR DRIs		
15	D-7-V	Binding letter of interpretation from DCA or a complete and sufficient ADA (See also Application for Public Hearing for DRI Form) [34-373(d)(2)]
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* At least one copy must be an original.



REQUEST FOR PUBLIC HEARING SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings (and other administrative applications) where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (Indicate the appropriate application type)

- ☒ Public Hearing - General Requirements (34-202)
☒ Public Hearing - Additional Requirements for:
 ☐ Development of Regional Impact (34-203(a))
 ☒ Planned Developments (34-203(b))
 ☐ Master Concept Plan Extension (34-381(c))
 ☐ Master Concept Plan Reinstatement (34-381(d))
 ☐ Rezoning other than Planned Developments (34-203 (c))
 ☐ Mobile Home Park (34-203(d))
 ☐ Special Exception (34-203(e))
 ☐ Variances (34-203(f))
☐ Administrative Action Requirements

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JUN 21 2007

JMS
COMMUNITY DEVELOPMENT

RECEIVED
AUG 23 2007

PLEASE PRINT OR TYPE:

COMMUNITY DEVELOPMENT

STRAP Number:	See attached list				
Name of Project:	Gulf Harbour Yacht & Country Club / River's Edge Yacht & Country Club				
Name of Agent:	Neale Montgomery - Pavese Law				
Street Address:	1833 Hendry Street				
City:	Fort Myers	FL	Zip:	33901	
Phone #:	239.336.6235	Fax #:	239.	336.2243	
E-mail:	Nealemontgomery@paveselaw.com				
Name of Applicant*:	WCI Communities, Inc				
Street Address:	12701 Commonwealth Drive #5				
City:	Fort Myers	FL	Zip:	33193	
Phone #:	239.498.8534	Fax #:	239	498.8268	
E-mail:	BarryErnst@WCICommunities.com				
* If applicant is not the owner, a letter of authorization from the owner must be submitted.					

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

DCI 2007-00053

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:		
Section Number		Requirement
#1 [34-373(a)(4)h.]		Historical or Archaeological sites
#2 [34-373(a)(4)g.]		Public Transit
#3 [34-373(a)(4)a.]		Boundary Survey
#4 [34-373(a)(4)c.]		Existing Zoning & Current land Use
#5 [34-373(a)(4)e.i.]		Soils Map
#6 [34-373(a)(4)e.ii.]		FLUCCS
#7 [34-373(a)(4)e.iv.]		Topographic Map
#8 [34-373(a)(7)]		Traffic Impact Statement
#9 [34-373(b)(3)]		Protected Species Survey

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

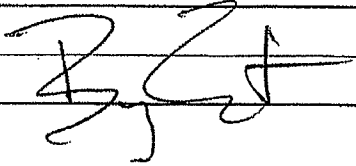
The project involves a request to modify existing lake banks that will address slopes, littorals & hardened structures. The Community is essentially built out with less than ten vacant /undeveloped single family lots remaining. None of the above supplemental documents or studies appear relevant for the review of this minor PUD Amendment application. The legal description of the property/PUD has remained unchanged since 1982. In order to provide for a thorough review by staff a detailed set of plans from our consulting engineer will be submitted to address the lake issues as they relate to safety and bank erosion.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

See next page
Signature of Applicant

Directors Decision:	☒	Request Approved	☒	Request Denied
Comments:	1, 2, 3, 5, 6, 7, 8, 9 - approved 4, denied			

Don Hand
2.11.03

Signature: 		Date: 6/13/07	
--	--	---------------	--



**PUBLIC HEARING
SUPPLEMENT D**

**ADDITIONAL REQUIRED INFORMATION FOR
A PLANNED DEVELOPMENT APPLICATION
UNINCORPORATED LEE COUNTY**

RECEIVED
AUG 23 2007

Case Number: _____

Project Name: Gulf Harbour Yacht and Country Club

COMMUNITY DEVELOPMENT

Applicant's Name: WCI Communities, Inc.

DCI 2007-00053

STRAP Number(s): See attached list

Select one application type only

- ☐ DRI (rezoning required)
☐ DCI-Major
☐ DCI-Minor
☐ DCI-Minor - Existing Development ⁽¹⁾
☐ DCI-Minor - Amendment to approved Master Concept Plan ⁽²⁾
☒ Amendment to built Planned Development meeting DCI threshold ⁽³⁾
☐ PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2))]

Notes:

- (1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a Planned Development classification. It will be reviewed in the same manner as a minor Planned Development except that a Traffic Impact Statement will not be required. [34-341(b)(2)d.1.]
- (2) Amendments to approved Master Concept Plan. Application to amend an approved major or minor Master Concept Plan or its attendant documentation, or for the extension of a vacated Master Concept Plan originally approved prior to December 2, 1991 will be treated procedurally as minor Planned Developments. These applications will require only as much information, as deemed necessary by the Director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]

- (3) Amendments to built Planned Developments (PD). Any part or all of a Planned Development which is built may be the subject of an application for a variance or other approval covered by the provisions of the Lee County Land Development Code (LCLDC) wherein the subject property is the only part of the original Planned Development for which the approval is sought. If the subject property meets the threshold for a Development of County Impact (DCI), it will be reviewed in accordance with the provisions in the LCLDC which apply to Developments of County Impact. If the subject property is not a Development of County Impact, it will be reviewed in accordance with the provisions in the LCLDC which apply to conventional zoning districts. In either case, the applicant will be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved Master Concept Plan have been constructed and acknowledged by the County as complete. In the case of Residential Planned Developments or Mixed Developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots. [34-373(c)]

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

PART 1 **GENERAL INFORMATION**

A. Comprehensive Plan Amendments (check one):				
	X	There are NO LEE Plan Amendments pending that could affect the future use of this property.		
		The following LEE Plan Amendments ARE pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):		
B. Archaeological/Historical (check one): Waiver approved				
	X	There are NO known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. [34-373(a)(4)h.]		
		There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. Attached as Exhibit D-1-B is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate extent of archaeological sites. [34-373(a)(4)h.]		
C. Public Transit (check one): Waiver approved				
		Property is NOT within the Lee Tran public transit service area.		
	X	Property is within the Lee Tran public transit service area. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops must be provided. Label as Exhibit D-1-C .		
D. Density - Community is built				
		There are no new residential dwelling units proposed for this development. This is a built Planned Development		
	n/a	The property is located within one or more Future Land Use categories. Density has been calculated in Part 3 of this application and is summarized below:		
		Intensive Development		Proposed dwelling units
		Central Urban		Proposed dwelling units
		Urban Community		Proposed dwelling units
		Suburban		Proposed dwelling units
		Outlying Suburban		Proposed dwelling units
		TOTAL		Proposed dwelling units

PART 2
TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel)				Acres
1.	Submerged land subject to tidal influence:		Acres	
2.	Other non-freshwater Wetlands:		Acres	
3.	R-O-W providing access to non-residential uses:		Acres	
4.	Non-residential use areas ⁽¹⁾		Acres	
B.	Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.			Acres
C.	Gross residential acres. (A minus B) ⁽²⁾			Acres
D.	Gross residential acres by Land Use Category			
1.	a. Intensive development - upland		Acres	
	b. Intensive development - freshwater wetland		Acres	
2.	a. Central Urban - upland		Acres	
	b. Central Urban - freshwater wetland		Acres	
3.	a. Urban Community or Suburban - upland		Acres	
	b. Urban Community or Suburban freshwater wetland		Acres	
4.	a. Outlying Suburban - upland		Acres	
	b. Outlying Suburban - freshwater wetland		Acres	
5.	a. Rural, Outer Island, Rural Community Preserve - upland		Acres	
	b. Rural, Outer Island, Rural Community Preserve - freshwater wetland		Acres	
6.	a. Open Lands - upland		Acres	
	b. Open Lands - freshwater wetland		Acres	
7.	a. DR/GR - upland		Acres	
	b. DR/GR - freshwater wetland		Acres	
8.	a. Wetlands - freshwater		Acres	
	b. Wetlands - not freshwater		Acres	
9.	a. New Community - Upland		Acres	
	b. New Community - freshwater wetland		Acres	
10.	a. University Community - upland		Acres	
	b. University Community - freshwater wetland		Acres	
11.	TOTAL (should equal "C" above)		Acres	

NOTES:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.
- (2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

**PART 3
RESIDENTIAL DEVELOPMENTS
PRELIMINARY DENSITY CALCULATIONS***

- * Note: i. Complete only if living units are proposed in a Future Land Use Category.
 ii. If more than one classification, calculations for each classification must be submitted.
 iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category					
1.	Preliminary Standard Units		Maximum standard density		Units
	a.	Total upland Acres (from Part 2, D.1.a.)		times 14 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.1.b.)		times 14 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾			
2.	Maximum Permitted Units		Maximum permitted		Units
	a.	Total upland Acres (from Part 2, D.1.a.)		times 18 equals	
3.	Total allowed standard units (A.1.c. or A.2.a., whichever is less)				
4.	Bonus Units ⁽²⁾				
	a.	Low-moderate housing density:			
	b.	TDR units:			
	c.	Sub-total (A.4.a. plus A.4.b.)			
5.	Total Permitted Units (A.3. plus A.4.c.): ⁽¹⁾				

B. Central Urban Category					
1.	Preliminary Standard Units		Maximum standard density		Units
	a.	Total upland Acres (from Part 2, D.2.a.)		times 10 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.2.b.)		times 10 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾			
2.	Maximum Permitted Units		Maximum permitted		Units
	a.	Total upland Acres (from Part 2, D.2.a.)		times 12.5 equals	
3.	Total allowed standard units (B.1.c. or B.2.a., whichever is less)				
4.	Bonus Units ⁽²⁾				
	a.	Low-moderate housing density:			
	b.	TDR units:			
	c.	Sub-total (B.4.a. plus B.4.b.)			
5.	Total Permitted Units (B.3. plus B.4.c.): ⁽¹⁾				

Notes:

(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

(2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

C. Urban Community Category					
1.	Preliminary Standard Units		Maximum standard density		Units
	a.	Total upland Acres (from Part 2, D.3.a.)		times 6 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.3.b.)		times 6 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾			
2.	Maximum Permitted Units		Maximum permitted		Units
	a.	Total upland Acres (from Part 2, D.3.a.)		times 8 equals	
3.	Total allowed standard units (C.1.c. or C.2.a, whichever is less)				
4.	Bonus Units ⁽²⁾				
	a.	Low-moderate housing density:			
	b.	TDR units:			
	c.	Sub-total (D.4.a. plus D.4.b.)			
5.	Total Permitted Units (C.3. plus C.4.c.): ⁽¹⁾				

Notes:

(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

(2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban Category				
1.	Preliminary Standard Units		Maximum standard density	Units
	a.	Total upland Acres (from Part 2, D.3.a.)	times 6 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.3.b.)	times 6 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2.	Maximum Permitted Units		Maximum permitted	Units
	a.	Total upland Acres (from Part 2, D.3.a.)	times 8 equals	
3.	Total allowed standard units (D.1.c. or D.2.a., whichever is less)			

E. Outlying Suburban Category				
1.	Preliminary Standard Units		Maximum standard density	Units
	a.	Total upland Acres (from Part 2, D.4.a.)	times 3 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.4.b.)	times 3 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2.	Maximum Permitted Units		Maximum permitted	Units
	a.	Total upland Acres (from Part 2, D.4.a.)	times 4 equals ⁽¹⁾	
3.	Total allowed standard units (E.1.c. or E.2.a., whichever is less)			

Notes:

(1) Outlying Suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the LEE Plan): the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

PART 4
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES,
HOTELS & MOTELS
PRELIMINARY INTENSITY CALCULATIONS

A.	Commercial		Habitable Stories	Height	Total Floor Area	
A.1.		Medical				Sq. Ft.
A.2.		General Office				Sq. Ft.
A.3.		Retail				Sq. Ft.
A.4.		Other				Sq. Ft.
A.5.		TOTAL FLOOR AREA				Sq. Ft.
B.	Industrial		Habitable Stories	Height	Total Floor Area	
B.1.		Under Roof				Sq. Ft.
B.2.		Not under Roof	NA			Sq. Ft.
B.3.		TOTAL FLOOR AREA				Sq. Ft.
C.	Mining			Depth	Total Acres	
C1.		Area to be excavated	NA			Acres
D.	Assisted Living Facilities					
			Habitable Stories	Height	Total Number of Beds/Units	
D.1.		Dependent Living Units				Beds/Units
D.2.		Independent Living Units				Beds/Units
D.3.		TOTAL BEDS/UNITS				Beds/Units
E.	Hotels/Motels					
		Room Size	Habitable Stories	Height	Number of Rental Units	
E.1.		< 425 sq. ft.				Units
E.2.		426-725 sq. ft.				Units
E.3.		725 < sq. ft.				Units
E.4.		TOTAL UNITS				Units

**PART 5
ENVIRONMENTAL ISSUES**

A. Topography: Describe the range of surface elevations of the property: Waiver approved

n/a This is a built Planned Development

B. Sensitive Lands: Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473]. Waiver approved

n/a This is a built Planned Development

--

continued

C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 4.B. above will be protected by the completed project:

n/a This is a built Planned Development

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

n/a This is a built Planned Development

PART 6
SANITARY SEWER & POTABLE WATER FACILITIES

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

n/a

- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

n/a

2. Quality of the effluent:

3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

continued

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

n/a

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

**EXHIBIT PH-1.C.2
ADDITIONAL AGENTS**

Company Name:		Pavese Law					
Contact Person:		Neale Montgomery, Esq.					
Address:		Street :	1833 Hendry Street				
		City:	Fort Myers	State:	Florida	Zip:	33901
Phone: Area Code:		239	Number:	336.6235	Ext:		
Fax: Area Code:		239	Number:	336.2243			
E-mail address:		Nealemontgomery@paveselaw.com					

Company Name:		Vanasse & Daylor, LLP					
Contact Person:		David Beal, PE					
Address:		Street :	12730 New Brittany Blvd.				
		City:	Fort Myers	State:	FL	Zip:	33908
Phone: Area Code:		239	Number:	437.4601	Ext:		
Fax: Area Code:		239	Number:	437.4636			
E-mail address:		Dbeal@Vanday.com					

Company Name:							
Contact Person:							
Address:		Street :					
		City:		State:		Zip:	
Phone: Area Code:			Number:		Ext:		
Fax: Area Code:			Number:				
E-mail address:							

Company Name:							
Contact Person:							
Address:		Street :					
		City:		State:		Zip:	
Phone: Area Code:			Number:		Ext:		
Fax: Area Code:			Number:				
E-mail address:							

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DELETED FILE III

AUG 13 2007

COMMUNITY DEVELOPMENT

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COMMUNITY DEVELOPMENT

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2007-0005

2/25/86



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MAR 31 1987
COASTAL DEVELOPMENT
DCI 2007-00053

2006

Gulf Harbor



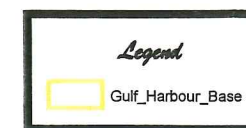
Gulf Harbour Aerial
2006



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WCI®

Ft Myers, Florida



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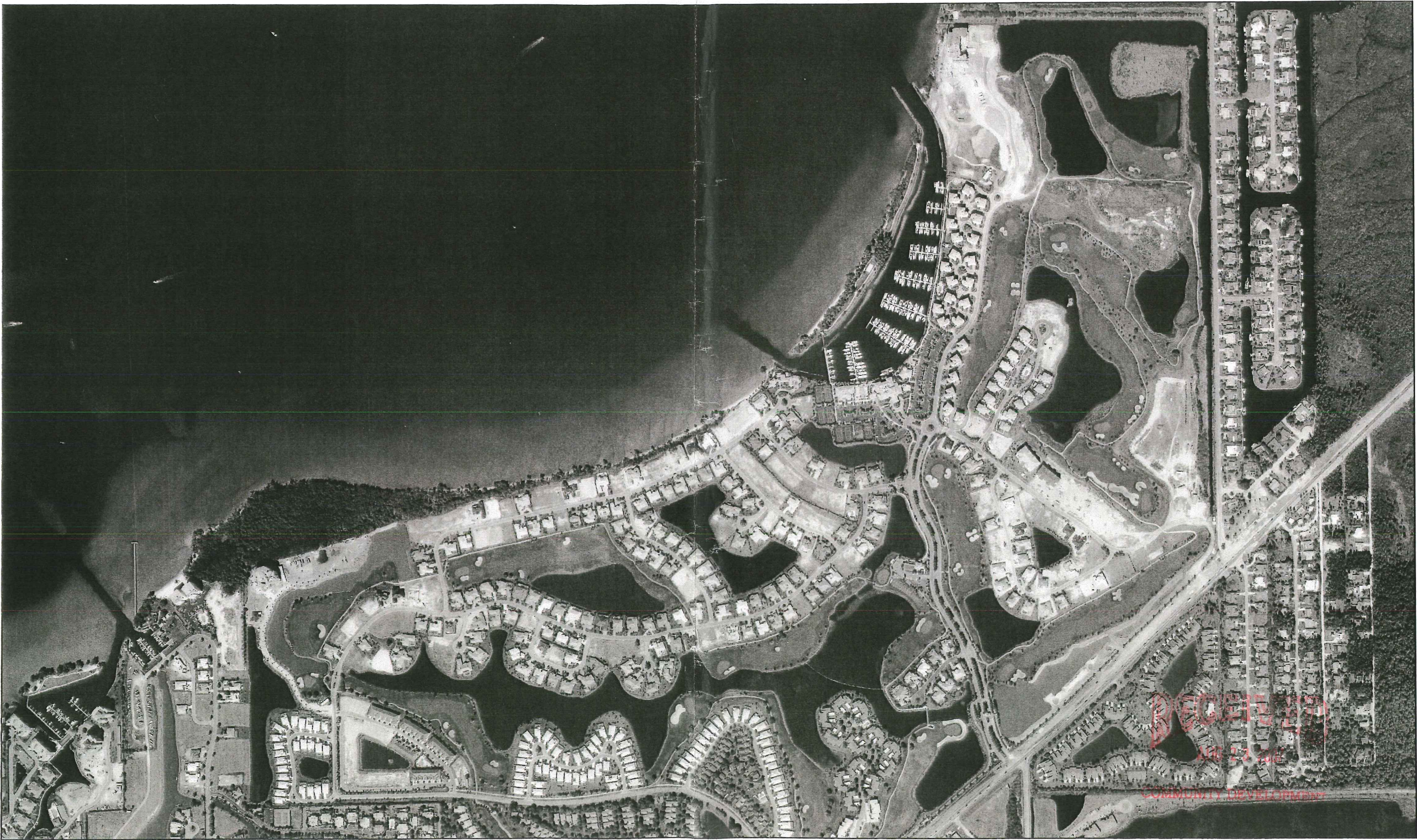
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D.O.T. Gulf Harbour Aerial, Jan 2005

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D.O.T. Gulf Harbour Aerial, Feb 99



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Bryan Kelner, Principal Planner

LC Public hearing for Planned Development
Application –Supplement D Checklist (Ord 05-29)

10d) Area location Map (on 8.5" by 11" paper). A map marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property must be submitted. [34-373(a) (4) b.]

An Area Location Map is attached.

10l1 Lee Plan Compliance. A narrative explanation as to how the proposed development complies with the Lee Plan must be submitted [34-373(a) (5)]

You provided a brief narrative with respect to Lee Plan Objective 61.3 and Policy 61.3.8. However, no mention is made to 61.3.13.

Policy 61.3.13 is not applicable to this request. The community is built-out and new construction is not occurring. The only new development activities will be those coincidental with the approval of this application and companion LDO. The installation of approved lake bank features will need to comply with all applicable erosion control regulations in effect at that time.

10l2 Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in the LDLDC Section 34-411 must be submitted. [34-373(a) (5)]

The Design Standards are applicable to new Planned Developments or Planned Developments still under planning, design & construction. Gulf Harbour is a built out PUD subject to existing PUD regulations and the approved ordinance as amended.

10l3 Decision-Making Compliance. A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in LDLDC Sections 34-145(c) (2) a & e. and 34-145(d) (3). [34-373(a) (5)]

Decision Making Compliance: Section 34-145 c(2)a and e, and 34-145(d)(3), and 34-373(a)(5)

1. Section 34-145(c) (2), Lee County Land Development Code sets forth those items that must be considered in evaluating amendments. The considerations are:

A. Whether there exist changed or changing conditions that make approval of the request appropriate.

There are changed or changing circumstances. The lakes were built largely by prior developers, in accordance with the then regulations, and

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the lakes have experienced erosion in some instances, and in others there are concerns that someone falling into the lakes could not get out of the lakes. Thus, the drainage exhibit previously adopted by the county needs to be amended to reflect the changes that are necessary to provide better stabilization and safety for the water management system.

B. Whether the request is consistent with the goals, objectives, and policies of the Lee Plan.

i. Policy 61.3.8: The banks of wet retention and detention areas must be sloped to promote growth of vegetation and safeguard against accidents. (Amended by Ordinance No. 00-22)

ii: Policy 61.3.13: Installation of erosion control devices for development activities adjacent to waterbodies, water courses, and wetlands will be required. Such control devices must be maintained to ensure operational effectiveness. (Amended by Ordinance No. 00-22)

iii: The above policies were adopted after the adoption of the River's Edge n/k/a Gulf Harbor DRI. The proposed changes will bring the existing lakes more into compliance with the above policies.

C. Whether the request meets or exceeds all performance and locations standards set forth for the proposed use.

i: This requirement isn't directly applicable. The applicant is not all requesting a new use, so there is no need to evaluate whether the use meets or exceeds performance and location standards.

ii: The request is an amendment to a PUD to provide for adjustments to an existing permitted use to bring something that we permitted over twenty years ago, more into compliance with today's standards.

D. Will the request protect, conserve, or preserve environmentally critical areas and natural resources?

The request will not have any impact on any environmentally critical areas or natural resources.

E. Will the request be compatible with existing or planned uses?

Most of Gulf Harbor is already developed, and the lakes were developed years ago. The people who bought, bought with the knowledge that there are lakes. There is no issue with the use.

F. Will the request cause damage, hazard, nuisance or other detriment?

No, the request is meant to address a situation which the county submits can be detrimental.

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The applicant has already addressed entitlement under the Lee Plan, and compliance with performance standards in the section above.

A. Does the request include bonus densities or TDRs?

No.

B. Is the request compatible?

Yes, the intent is to make the lakes more stable, and safer, which makes them more compatible with the surrounding residential and golf course development.

C. Will the request place an undue burden on existing transportation infrastructure?

No, the request will have no impact on the transportation network.

D. Will the request adversely impact environmentally critical areas and natural resources?

No, the lakes are already developed, and the amount of littoral zone has already been established. The applicant will provide the amount of littoral zone originally required, and the stability and safety of the existing lakes will be improved.

E. Will urban services be available?

Urban services are available within Gulf Harbor.

3. Section 34-373(a)(5): Narrative Explanation as to how the proposed development complies with the Lee Plan.

Please see the discussion regarding policies 61.3.8, and 61.3.13.

4. Section 34-411:

The design criteria apply to all planned development. Gulf Harbor is not a planned development. The design criteria do not apply. Gulf Harbor is a Planned Unit Development (PUD) and it was adopted as its own ordinance, separate and apart from the Land Development Code. We are seeking to amend the PUD Ordinance to address the county's concerns.

11. Master Concept Plan, Non-PRFPD. A graphic illustration (Master Concept Plan) of the proposed development , showing and identifying the following information required by LDLDC Section 34-373(a)(6)a. – (a)(6)i. must be submitted in both 24" X 36" size and 11" X 17" size. [34-373(a) (6)]

This requirement is applicable to new Planned Developments or Planned Developments

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still under planning, design & construction. Gulf Harbour is a built out PUD with an approved Master Plan. No changes are being requested to the Master Plan. The Master Development Plan (MDP) is being modified to reflect the existing conditions and proposed improvements and structures in and around the lakes owned and controlled by WCI.

Only a reduced copy of the Master Development Plan and Master Concept Plan (11" X 17") were provided. Please provide full sized copies.

Full sized copies are attached.

Please provide copies of the latest approved Master Development Plan and Master Concept Plan and related approval documents.

Copies of the MDP and Master Plan are attached.

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22) Miscellaneous Items.

A. Please provide a copy of the PUD Ordinance 82-14 and all amendments thereto.

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Copies of the Ordinance and Amendments are attached.

B. The submitted narrative reference Section 3.03.c. of the PUD Ordinance and reference is made to bulkheads, side slopes, lake depth, and littoral shelves. Therefore, will the applicant be bringing the lakes into compliance with the PUD Ordinance, deviating from compliance with the PUD Ordinance, amending the PUD Ordinance, or amending the MPD to bring it into compliance with the PUD Ordinance.

Amending the PUD Ordinance where applicable and revising the MDP to reflect existing conditions and lake bank improvements.

C. Application for Public Hearing, Page 1 of 12, STRAP Numbers: The notation "Various (See Attached list)" is not a sufficient reference. What list? Please provide an exhibit number that will reference this list.

A revised list of STRAPS is attached and is referenced as Attachment XX.

Since our application submittal' STRAP # 30-45-24-07-0000B.0010 that indicated ownership by Gulf Harbour Golf & Country Club, Inc. and included the club facility, golf course and lakes has now been split. The club & golf course will remain in this original strap and the large string of lakes under WCI Communities, Inc. (WCI) ownership will be now be depicted on the new STRAP # 30-45-24-07-0000B.0050.

D. Supplement D, Page 1 of 14, STRAP Number(s): The notation "Various (See Attached list)" is not a sufficient reference. What is list? Please provide an exhibit number that will reference this list.

See response in C above.

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- E. Disclosure of Interest Form: The form, under STRAP NO., makes reference to "Various (See Attached)" What list? Please provide an exhibit number that will reference this list.

See response in C above.

- F. Disclosure of Interest Form: references WCI Communities, Inc. which appears to reference Exhibit PH-3.A.1. in the submittal package. However, staff has reviewed these STRAP Numbers against the Property Appraiser's records and STRAP Number 30-45-24-07-0000B.0010, appears to be in the name of Gulf Harbour Golf and Country Club, Inc. Therefore, an additional Disclosure of Interest Form must be provided for Gulf Harbour Golf and Country Club, Inc.

See response in C above.

- G. The Affidavit for Public Hearing PH-1.B.2 makes reference to WCI Communities however no affidavit is provided for Gulf Harbour Golf and Country Club, Inc. Please provide the required affidavit.

See response in C above.

- H. WCI Communities, Inc.: Staff has located two additional STRAP Numbers for WCI Communities, Inc. within the overall development: 30-45-24-07-0000B.0050 and 30-45-24-07-000EE.00CE. Please verify if these two STRAP Numbers are or are not outside the area affected by the proposed lake improvements.

STRAP # 30-45-24-07-0000B.0050 is owned by WCI and includes the large string of lakes. This strap is on the list of STRAPS referenced as attachment XX. Parcel 30-45-24-07-000EE.00CE is a landlocked remainder property that is not part of this application.

- I. References is made in the submitted narrative that states, "Of note, some internal lakes were not designed or constructed by WCI Communities nor owned or controlled by WCI and therefore are not a part of this application. These lakes are portions of lakes AB, C, G, and all of E, P, Q, & R. "Please show on the Gulf Harbour Lakes: Lake Bank Treatment plans for ownership separation for lakes AB, C, and G.

Ownership delineation has now been more clearly depicted with revised graphic shading.

- J. See attached comments from natural Resources dated September 7, 2007.
"Those proposed geo tubes rip open. We need to ask the applicant about maintenance schedule and what they plan to do when they get open, how they fix them in place. Also, I did not see "proposed" cross sections on some of the profiles shown."

A maintenance program with scheduled inspections & will be developed to insure the success of these lake bank treatments.

- K. See attached comments from the School District of Lee County, dated September 12, 2007.

No impacts noted by School District staff. No response necessary.

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Memo from Charlie DiFelice, Development Review Manager

Applicant needs to provide a revised Master Concept Plan (MCP) showing proposed deviations and locations of dock and shore line structures. This revised MCP must show the dimensions of these structures.

The Master Development Plan will depict the proposed location of lake bank stabilization improvements, existing bulkheads and Rip Rap to remain, and additional littoral plantings. There no docks located within the bounds of this application.

Please explain how hardened structure modifications proposed, such as Rip Rap installation behind single family residences would not create a health, safety, or welfare problem for the Gulf Harbour residents and the public.

There are no proposed changes to the existing rip rap or bulkheads located in the rear of the multi-family or single family residential units.

The applicant must provide a boundary survey and depict all easements and properties that will be affected by this application. Does the original MCP show a 20-foot maintenance easement around the lakes? If this maintenance easement is affected, please explain how it is affected and how the proposed changes will better serve public interests.

A boundary survey is not required. The original approved Master Plan was conceptual in nature and did not require the depiction of lake maintenance or utility easements. The changes proposed within this application intend to stabilize the shoreline to further protect the erosion of soil, protect buildings and accessory structures, and

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lessen the angle of the slopes.

Are there properties owned by other parties that would be affected by the proposed modifications? If so, are they part of the application?

Properties not owned by WCI have not been included in this application. WCI must own and control the property in order to insure that improvements can be made. Adjacent and nearby properties will not be negatively affected by the improvements proposed in this application.

Please provide a detail of the proposed Rip Rap that includes the average size of the Rip Rap that would be used, how the rip rap would be toed in and where and what type of fabric would be placed under the Rip Rap.

There are no areas where new or proposed Rip Rap will be installed. The location of the existing Rip Rap has been depicted on the MDP.

All plans submitted must be signed and sealed by a licensed engineer.

Zoning plans and exhibits are not required to be signed and sealed by an engineer at this juncture. This was agreed upon at our meeting. We understand that the LDO submittal will require signed & sealed plans for development approval.

Do the plans submitted reflect an accurate depiction of existing conditions and proposed changes? Why does the proposed drawing for Lake I show hardened structures taking up dedicated parking and part of the tennis courts?

The plans have been modified to more accurately depict existing conditions and proposed changes. The Plan now reflects Rip Rap outside the parking area and tennis courts.

Please explain what the proposed solutions for the over excavation of Lake E1, Lake D (was Lake T) and Lake E will be resolved. Please also provide an analysis of how the proposed solution will be in the best interest of the public.

The MDP reflects existing conditions of the lake bounds.

Will the proposed modifications including the over excavation, require modifications to the South Florida Water Management District (SFWMD) Permit? Please provide a letter from SFWMD that they have reviewed these comments and your proposed modifications. This letter should also indicate whether the proposed changes will require modifications to the SFWMD permit.

The detail requested will be provided with the LDO resubmittal.

Please provide a copy of the original Master Development Plan (MDP).

A copy of the MDP is attached.

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Please provide a detail plan of how the proposed variable tube system will provide a 4 horizontal to 1 vertical slope as required in the original development order plans. Please indicate whether the 4 to 1 slope will be maintained to a point 4 feet below control elevation. If these slope requirements are proposed to be modified, please request a deviation and explanation how the modifications would be in the best interest of the health, safety and welfare of the homeowners and the public.

The tube system will bring the slopes closer to the original slope approvals; however a 4:1 slope will not be achieved. Making the slope more gradual by installing lake bank stabilization structures will encourage plant growth, enlarge the area for animal habitat, and provide for a safer situation for residents to enjoy their waterfront yard.

Please explain how the proposed Rip Rap revetment of 1.5 or 2.0 horizontal to 1 vertical would be in the best interest of the health, safety and welfare of Gulf Harbour residents and the public.

There are no areas where proposed Rip Rap will be installed. The location of the existing Rip Rap has been depicted on the MDP.

Please provide the safety measures that will be taken in areas where proposed retainment walls would be placed to prevent people from falling off into the lake or how they would be able to get out of the lake in these areas.

The depth of the lakes adjacent to bulkheads in residential areas has been further analyzed. These areas have been surveyed and cross sections provided. As depicted, the depth of the lake in these areas is no more that two feet. A person entering the lake would be able to walk safely to solid ground.

Please provide an explanation as to why all the plans submitted state "Not owned by WCI, INC."

The plans have been modified to more accurately depict the delineation of property lines

Please provide a bathymetric survey of existing shoreline conditions and the lake profile for each lake.

A bathometric survey will not be provided.

Memo from Carol A. Lis, Senior Environmental Planner

Please provide deviations from the following LDC section and justification as to why the code cannot be met in the following three areas: percent of shoreline covered by hardened structures, structures adjacent to single family uses and compensatory littoral zones.

The current PUD MDP approval is the applicable document to reference. The MDP will be modified to reflect proposed lake bank stabilization, existing hardened structures and floating littoral planting locations.

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Per LDC section 10-418 (3), "Bulkheads, riprap revetments or other hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline. Hardened shoreline structures cannot be used adjacent to single-family residential uses. A compensatory littoral zone equal to the linear footage of the bulkhead must be provided within the same lake meeting the following criteria. . ."

The current PUD MDP approval is the applicable document to reference. The MDP will be modified to reflect proposed lake bank stabilization, existing hardened structures and floating littoral planting locations.

Please include an analysis of how the proposed hardened structures for the lake are compliant with Lee Plan Policy 61.3.12.

There are no areas where proposed Bulkheads or Rip Rap will be installed. The location of the existing Bulkheads and Rip Rap has been depicted on the MDP. Lakes have been constructed utilizing sinuous shoreline design.

Please provide a map that delineates and provides cross sections of the existing and proposed shoreline structures and the existing and proposed littoral areas.

The MDP plan delineates the location of existing rip-rap and bulkheads. There is no proposed rip-rap or bulkhead. Cross sections are provided at the existing rip-rap bulkhead locations.

Please provide more detailed information on the Filtrexx system proposed to be installed. Please include an analysis on how the Filtrexx is consistent with Lee Plan policy 60.5.1 and 61.3.13.

Attached is more detailed information regarding Filtrexx as well as other potential lake bank stabilizations solutions. Installation instructions are included.

60.5.1 Not a new development

Policy 61.3.13 is not applicable to this request. The community is built-out and new construction is not occurring. The only new development activities will be those coincidental with the approval of this application and companion LDO. The installation of approved lake bank features will need to comply with all applicable erosion control regulations in effect at that time.

It appears that the same vegetated shoreline solution is used on all lakes. Please provide a map that delineates where the Filtrexx will be used and where other alternatives will be used.

The shoreline stabilization measures, vendors, and installation locations will be chosen at the time of LDO submittal. Similar technologies not yet developed or available at this time may be prove to be the best solution.

Please explain and provide cross sections of the lake slopes below the planted Filtrexx tubes. Are the tubes installed at the waterline in all cases? Where are they in relation the control elevation?

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The non-woven geotextile tubes are to be installed at the waterline in all cases.

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Please address how the existing rip rap that was installed without permits will be brought into compliance with the Land Development Code (LDC) and the Lee Plan. Please indicate where the rip rap will be removed and address how the shoreline will be stabilized to prevent erosion.

The PUD Ordinance and Amendment permits flexibility in property development regulations. Our narrative explains how this request complies with applicable regulations and Comprehensive Plan policies. Rip Rap will remain in place at locations depicted on the MDP.

Please provide the exact locations of the shoreline stabilization for each lake. It appears that many of these structures are located or proposed to be installed on private property. If so, please provide authorization for shoreline installation from the property owner. Also, delineate the 20' maintenance easement on each lake.

The MDP depicts the location of proposed shoreline stabilization. To install shoreline stabilization devices access agreements may need to be requested from and granted by property owners. In addition some of the installation may be conducted from floating barges. Authorizations will be requested at time of construction.

20' maintenance easements are delineated on the plans.

Please resubmit plans that are signed and sealed by an engineer, drawn to scale and accurately depict what is existing and what is proposed for each lake. For example, the existing rip rap for lake I is shown to be located in the tennis courts and parking places.

PUD amendment MDP plans will not need to be signed & sealed.

A portion of lake G is proposed to be stabilized. Please provide the STRAP number and authorization from the Florida DOT, the property owner, to allow for the proposed improvements.

The MDP has been modified to more accurately depict lands owned by WCI and where improvements will be made. WCI intends to make improvements on property under WCI control. Authorization by FDOT will not be pursued.

Please explain how and where littoral shelves will be installed on all of the lakes, particularly those lakes with existing unpermitted rip rap and bulkheads. Provide cross sections of these planting areas and delineate which are existing and which are proposed. Please note that floating littoral mats do not meet the LDC requirements for littorals.

The general location of the littoral planting will be depicted on the MDP. Exact locations will be shown on the LDO. The intent of this PUD application is to provide flexibility and alternatives to the current LDC standards. Floating littoral mats will provide an innovative approach to existing hardened shoreline surfaces.

Please address the over excavated area in lake D, formerly called lake "T" with the zoning application.

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The current existing lake configuration is part of the proposed PUD amendment and MDP.

If you are not addressing lake E or portions of lakes C and AB, why are there plans with cross sections submitted in this application? According to the STRAP numbers these are not owned by WCI. Please remove those sections from the submitted plans, which are not proposed to be included or addressed with this application.

Plans have been modified to reflect only lakes that are owned and controlled by WCI.

It appears that the existing rip rap on lake D at Marblehead Manor is to be removed and a geo tube is to be installed. Please verify and indicate this on the plans.

The existing rip rap in this area will not be removed and replaced by a geo tube. This error has been corrected.

Please remove "not owned by WCI" from the legend of each plan sheet. It is not delineated on any of the plans.

Property owned and controlled by WCI has now been more clearly delineated.

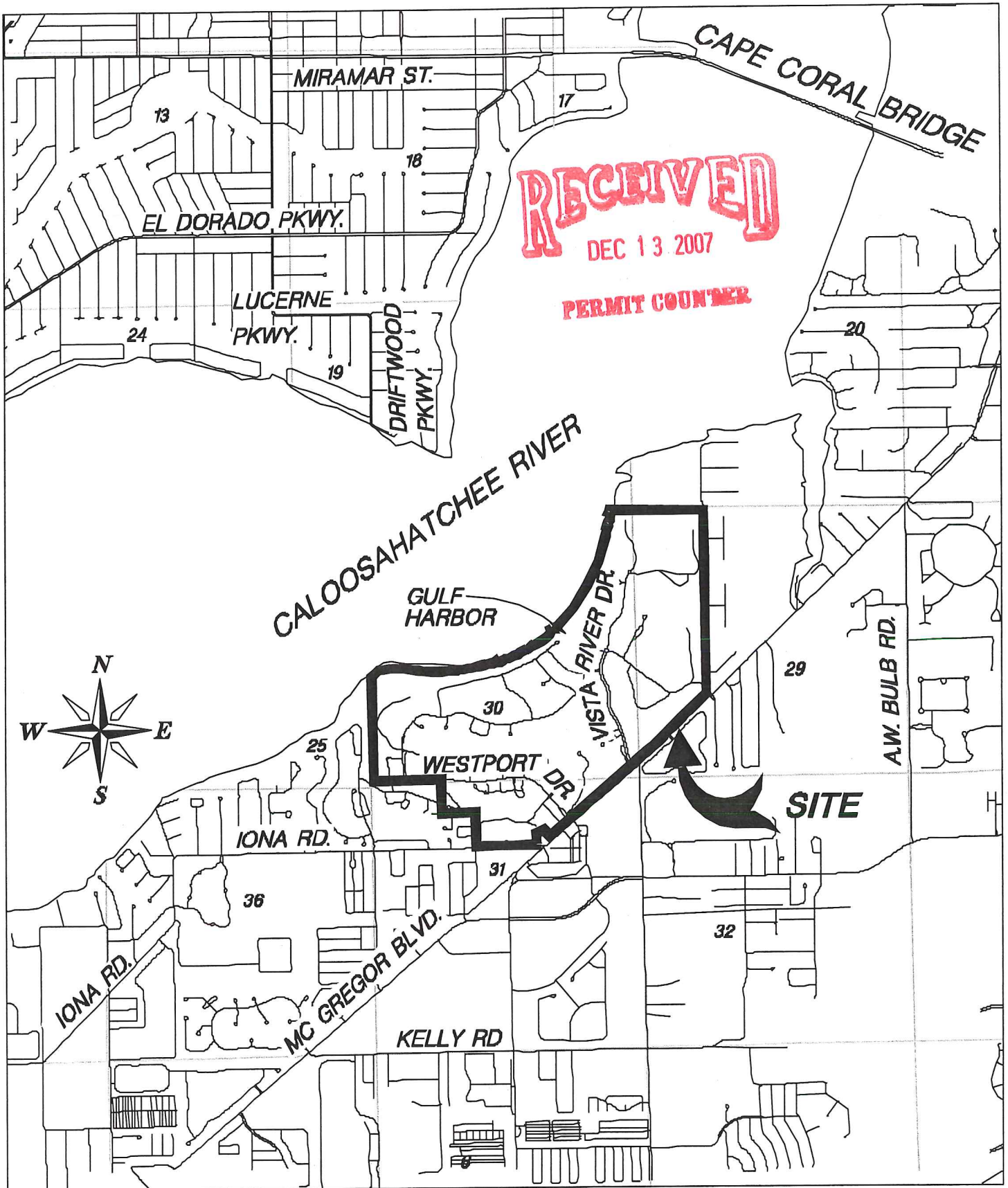
Please provide the correct STRAP number for Lakes D, D1 and H.

The STRAP number for the above noted lakes is 30-45-24-07-0000B.0050

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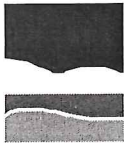
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PROJECT NO.
80856
ADD. NO.
80856-LM01
DRAWN BY
JN

**Vanasse
Daylor**



Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366
12730 New Brittany Boulevard, Suite 600
Fort Myers, FL 33907
T 239.437.4601 F 239.437.4636
W vanday.com

PREPARED FOR
WCI Communities, Inc.
24301 Walden Center Drive
Bonita Springs, FL 34134

DATE
N.T.S.

DATE
12-03-07

PLANNED FOR
Gulf Harbour Lakes

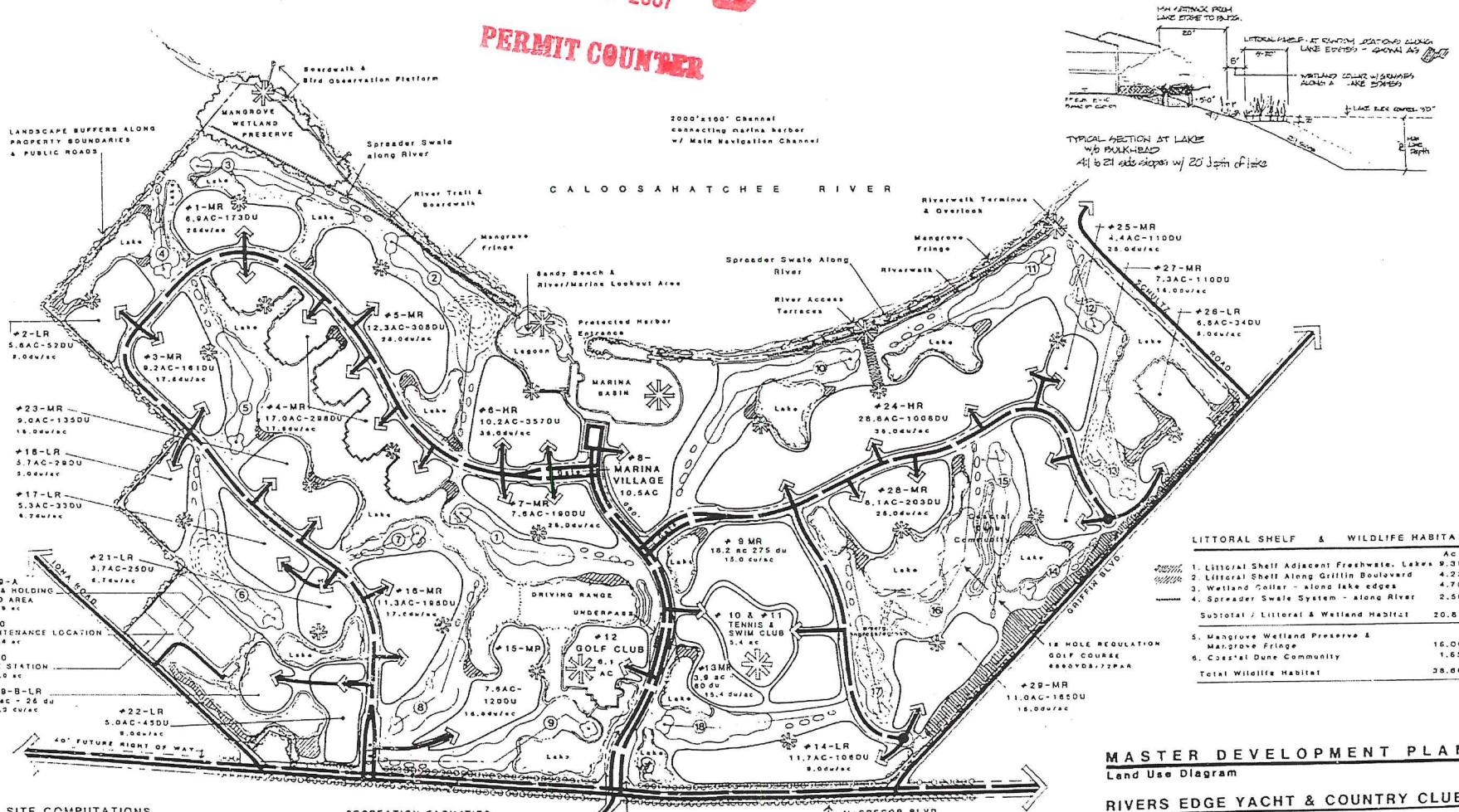
Location Map

Sheet No. **1** of **1**

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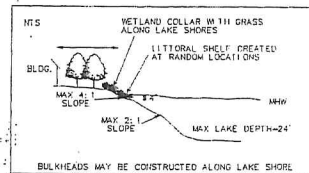
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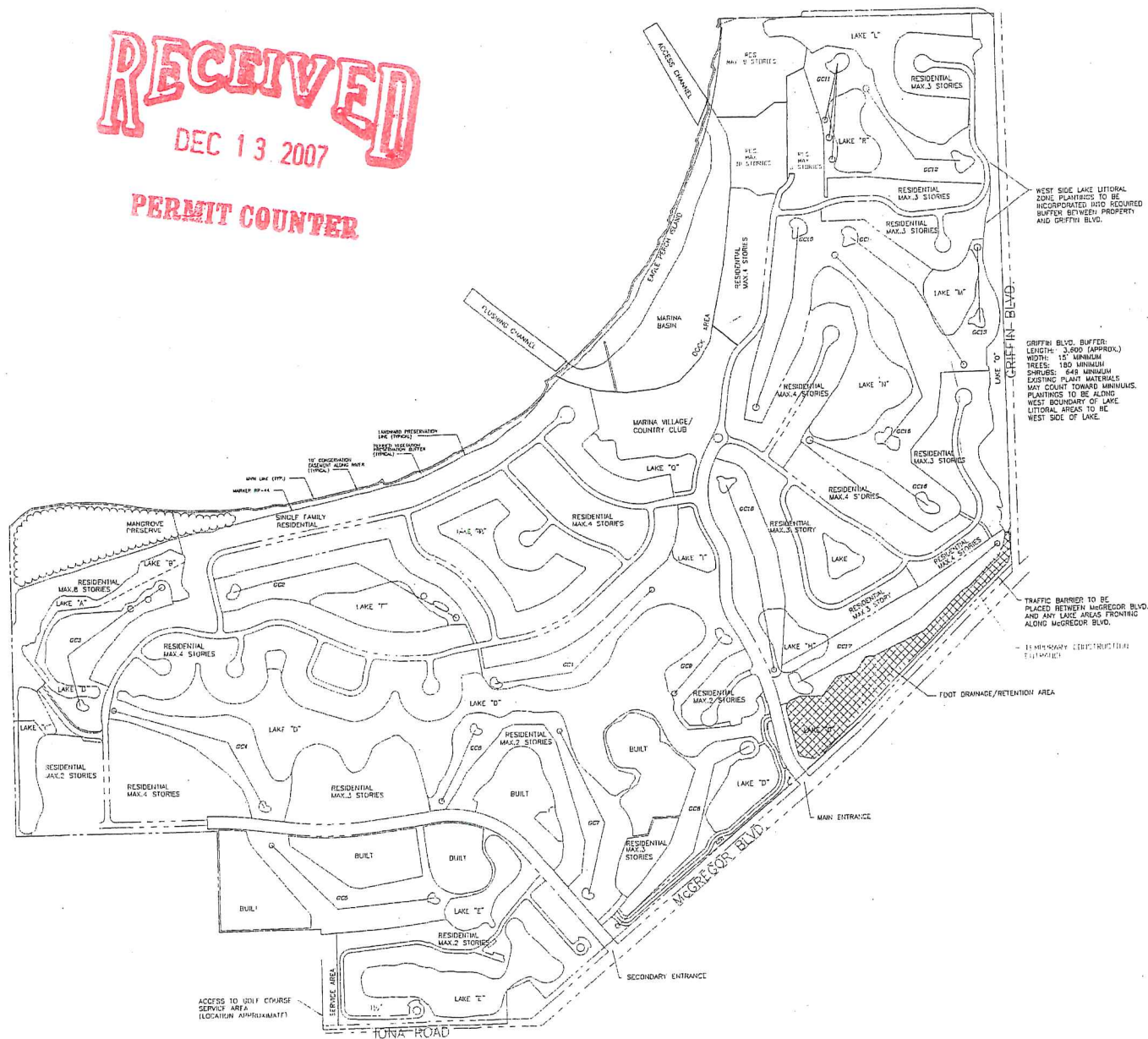
[illegible]

LAND USE	ACREAGE
RESIDENTIAL (INCLUDES EXISTING RESIDENTIAL, PROPOSED RESIDENTIAL, MARINA VILLAGE, LESS PRIVATE OPEN SPACE)	187.7
INTERNAL ROAD PAVEMENT (APPROXIMATE)	12.0
LAKES (WATER MANAGEMENT)	70.0
MARINA BASIN AND MITIGATION AREAS	17.2
OPEN SPACE (INCLUDES VEGETATION/PRESERVATION BUFFER, PRIVATE OPEN SPACE, MANOVORE PRESERVATION, OTHER OPEN SPACE)	250.7
TOTAL ACREAGE	547.6

PREVIOUSLY CONSTRUCTED (AREAS LABELLED "BUILT"):	215
TOTAL UNITS APPROVED BY 1992 AMENDMENT:	2,071
TOTAL UNITS PROPOSED BY 1999 AMENDMENT:	1,967



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WEST SIDE LAKE LITORAL
ZONE PLANTINGS TO BE
INCORPORATED INTO REQUIRED
BUFFER BETWEEN PROPERTY
AND GRIFFIN BLVD.

GRIFFIN BLVD. BUFFER:
 LENGTH: 3,600 (APPROX.)
 WIDTH: 15' MINIMUM
 TREES: 180 MINIMUM
 SHRUBS: 648 MINIMUM
 EXISTING PLANT MATERIALS
 MAY COUNT TOWARD MINIMUMS
 PLANTINGS TO BE ALONG
 WEST BOUNDARY OF LAKE
 LITTORAL AREAS TO BE
 WEST SIDE OF LAKE

TRAFFIC BARRIER TO BE
PLACED BETWEEN MCGREGOR BLVD.
AND ANY LAKE AREAS FRONTING
ALONG MCGREGOR BLVD.

— 15 NOV 1962Y (CHICAGO) 1100
T 110000

FOOT DRAINAGE/RETENTION AREA

MAIN ENTRANCE

RESIDENTIAL

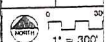
BLVD

ACCESS TO GOLF COURSE
SERVICE AREA
(LOCATION APPROXIMATE)

DATE	REVISION
04-04-95	FDC AVENUE 12
08-20-96	WISC. REV.
10-07-96	MARINA BERTHS
11-06-96	WISC. REVISIONS
12-02-97	WISC. REV.
	APPEND B-3

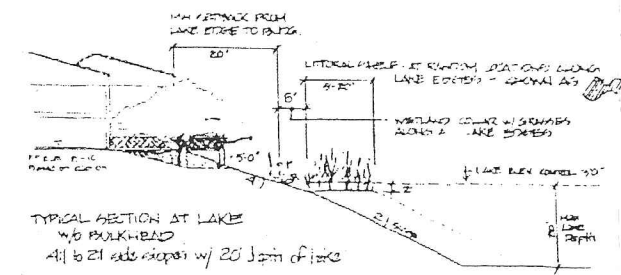
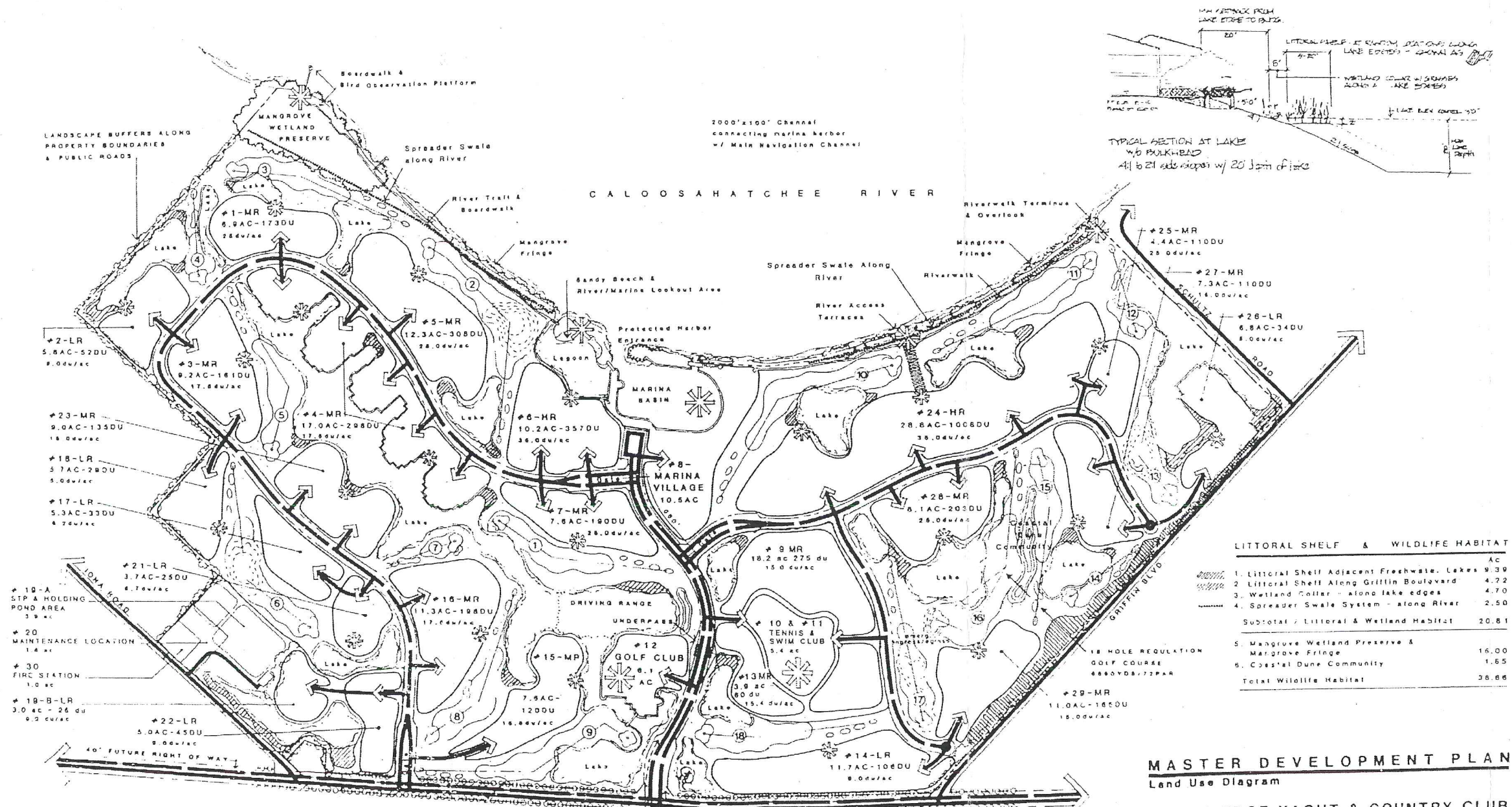
WALL

GULF HARBOUR YACHT AND COUNTRY CLUB
(Formerly River's Edge Yacht and Country Club)



SIR L

D-7-m.2



LITTORAL SHELF & WILDLIFE HABITAT	
	AC
1. Littoral Shelf Adjacent Freshwater Lakes	9.39
2. Littoral Shelf Along Griffin Boulevard	4.72
3. Wetland Collar - along lake edges	4.70
4. Spreader Swale System - along River	2.50
Subtotal / Littoral & Wetland Habitat	20.81
5. Mangrove Wetland Preserve & Mangrove Fringe	16.00
6. Coastal Dune Community	1.65
Total Wildlife Habitat	38.66

MASTER DEVELOPMENT PLAN Land Use Diagram

RIVERS EDGE YACHT & COUNTRY CLUB LEE COUNTY, FLORIDA

The Ramar Group Companies, Inc. Developers
The SWA Group Land Planners
Post, Buckley, Schuh & Jernigan Engineers
Ronald M. Galt Golf Course Architect

RGC-403
MARCH 18, 1985

SITE COMPUTATIONS

Site Acreage	547.48
Gross Project Density	8.0 DU/AC
Total Residential Units	4380
Total Open Space & Recreational Amenities	320.0 AC

LR	LOW DENSITY RESIDENTIAL	359 DU - 47.9 AC
MR	MEDIUM DENSITY RESIDENTIAL	2106 DU - 123.6 AC
HR	HIGH DENSITY RESIDENTIAL	1344 DU - 39.0 AC
	UNITS OVER COMMERCIAL/	16000

RECREATION FACILITIES

- Major Community Centers w/ Public Access
- River Oriented Amenities
- Individual Community Amenities
- Freshwater Lakes
- Marina, Lagoon & Beach
- 18 Hole Golf Course
- Golf Club & Tennis/Swim Club
- Pedestrian & Bicycle Pathway System
- Riverwalk, Boardwalks & Interpretive Preserve Areas

NOTE:
REQUIRED PARKING RATIO:
Residential 1 1/2 : 1
Marine 2 : 3 Slips
Restaurant 16 : 1000sf
Commercial 1 : 200sf

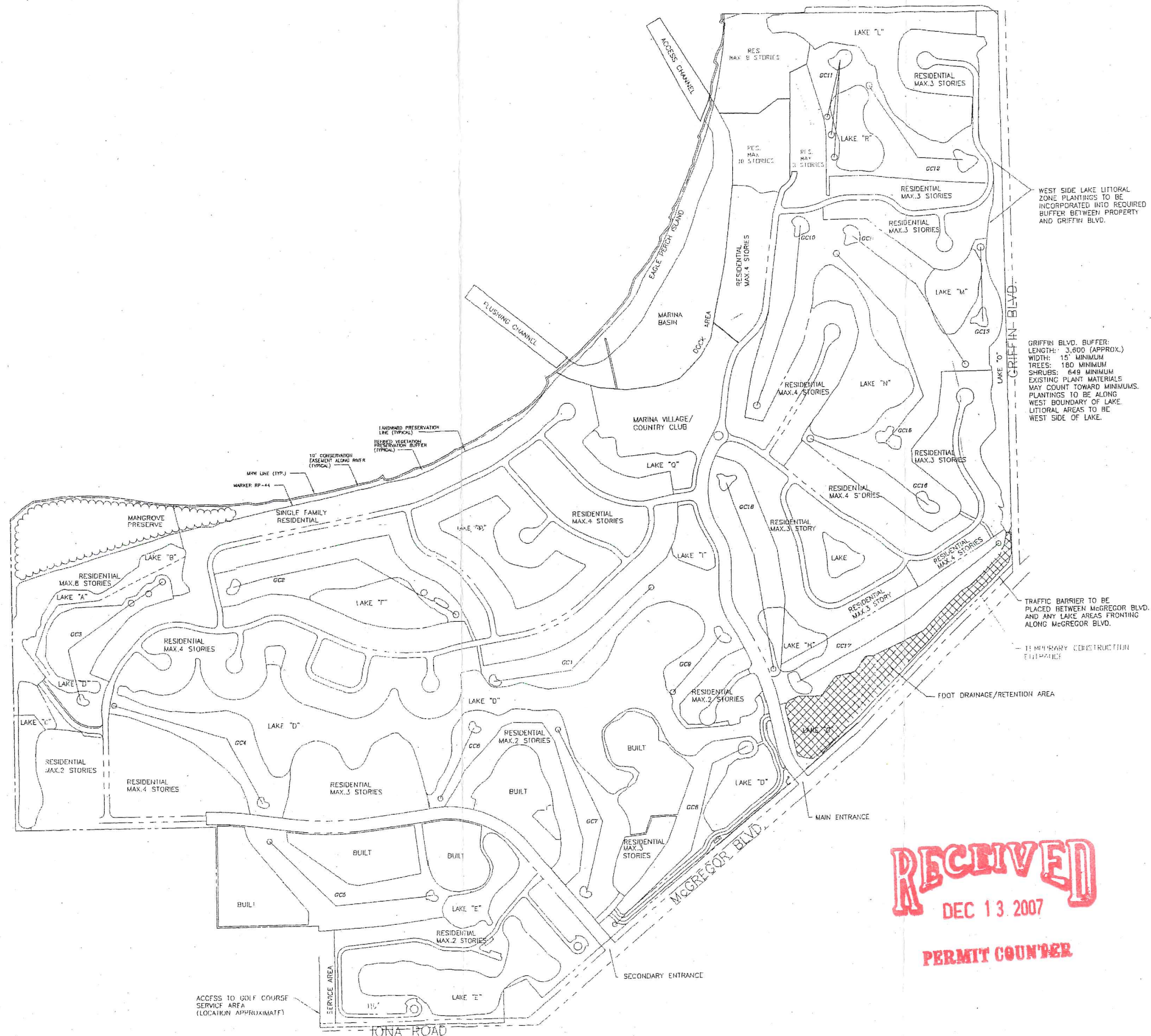
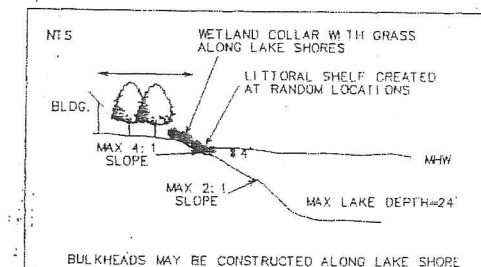
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1. RESIDENTIAL TRACTS WILL NOT EXCEED DENSITIES AND HEIGHT LIMITATIONS SET FORTH IN ORDINANCE 84-16, AS MAY BE AMENDED.
2. A CONSERVATION EASEMENT HAS BEEN CONVEYED TO THE STATE ALONG THE PROJECT'S CALOOSAHATCHEE RIVER FRONTAGE TO A DEPTH OF TEN FEET MEASURED FROM MHW.
3. THE PREVIOUSLY APPROVED GOLF CLUB AND TENNIS/SWIM CLUB FACILITIES WILL BE LOCATED AS SHOWN WITHIN THE MARINA VILLAGE. THESE FACILITIES INCLUDE THE MARINA ADMINISTRATION, MARINA AND MARINA SUPPLY SALES, FUEL SALES, THE GOLF CLUB PRO SHOP, THE TENNIS CLUB PRO SHOP, THE GOLF CLUB DINING, LOUNGE, AND HEALTH CLUB FACILITIES, AND PROJECT SALES AND ADMINISTRATION OFFICES.
4. PROJECT ENTRANCE LOCATIONS CONFORM TO THE JUNE 12, 1984 APPROVED PLAN. GATEWAYS ARE PERMITTED AT THE PROJECT ENTRANCES AND INDIVIDUAL TRACT ENTRANCES.
5. THE MAXIMUM HEIGHT OF ANY BUILDINGS IN THIS PLAN IS 10 STORIES.
6. THE MARINA BASIN AND MITIGATION AREAS, AS SHOWN ON THESE PLANS, SHALL CONFORM TO THE PERMIT REQUIREMENTS SET FORTH IN THE PERMIT NUMBER 3510651748 ISSUED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION (DER) AS MAY BE AMENDED FROM TIME TO TIME, WHERE NOT IN CONFLICT WITH OTHER CONDITIONS OF THE CORRESPONDING DEVELOPMENT ORDER CONDITIONS FOR THIS PROJECT.
7. RESIDENTIAL, LAKE, AND GOLF COURSE AREA LINES SHOWN ON THIS PLAN ARE INTENDED FOR CONCEPTUAL ILLUSTRATION PURPOSES ONLY. FINAL AREA LINES SHALL BE DETERMINED AT THE TIME OF LOCAL DEVELOPMENT ORDER PERMITTING; PROVIDED, HOWEVER, THAT THE TOTAL NUMBER OF ACRES DEVOTED TO PARTICULAR USES SHALL BE CONSISTENT WITH THE DRI DEVELOPMENT SUMMARY ACREAGE AMOUNTS SET FORTH HEREIN; AND PROVIDED, FURTHER, THAT THE MANGROVE PRESERVE AREA SHALL BE LOCATED AS DEPICTED HEREIN, AND THE MARINA BASIN SHALL BE LOCATED AT THE LOCATION IN ACCORDANCE WITH THE FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION PERMIT #3510651748, AS MAY BE AMENDED FROM TIME TO TIME, IT IS THE INTENT OF THE DEVELOPER TO BE ABLE TO LOCATE LAKES, GOLF COURSE AREAS, ROADS, AND RESIDENTIAL PRODUCT TYPES IN ITS SOLE DISCRETION WITHIN THE BOUNDARIES OF THE DEVELOPMENT SUBJECT TO THE MINIMUM TOTALS REQUIRED AND/OR ALLOWED FOR LAKES, OPEN SPACE, AND SPECIFIC RESIDENTIAL PRODUCT TYPES AS SET FORTH IN THE DEVELOPMENT SUMMARY.
8. LOT SETBACK:
 - LOCAL STREETS - 15'
 - COLLECTOR/ARTERIAL STREETS - 25'
 - SIDE - 5' MIN.
 - REAR - 10'
 - MANMADE WATER BODIES - 10'
 - NATURAL WATER BODIES - 25'
 - MARINA - 0'

LAND USE	ACREAGE
RESIDENTIAL (INCLUDES EXISTING RESIDENTIAL, PROPOSED RESIDENTIAL, MARINA VILLAGE, LESS PRIVATE OPEN SPACE)	197.7
INTERNAL ROAD PAVEMENT (APPROXIMATE)	12.0
LAKE (WATER MANAGEMENT)	70.0
MARINA BASIN AND MITIGATION AREAS	17.2
OPEN SPACE (INCLUDES VEGETATION/PRESERVATION BUFFER, PRIVATE OPEN SPACE, MANGROVE PRESERVATION, OTHER OPEN SPACE)	250.7
TOTAL ACREAGE	547.6

PREVIOUSLY CONSTRUCTED (AREAS LABELLED "BUILT"):	215
TOTAL UNITS APPROVED BY 1992 AMENDMENT:	2,071
TOTAL UNITS PROPOSED BY 1999 AMENDMENT:	1,987

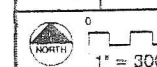


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DATE	REVISION
04-04-95	FOC AMEND #2
08-20-96	MISC. REV.
10-07-96	MARINA BERTHS
11-06-96	MISC. REVISIONS
12-02-97	MISC. REV.
	AMEND #3

AXON

GULF HARBOUR YACHT AND COUNTRY CLUB
(Formerly River's Edge Yacht and Country Club)



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PUD APPROVAL DOCUMENTS

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LEE COUNTY ORDINANCE NO. 82-14/RESOLUTION NUMBER Z-82-112

LEE COUNTY ORDINANCE NO. 84-16

LEE COUNTY ORDINANCE NO. 84-30

RESOLUTION NO. 93-09-70

LEE COUNTY ORDINANCE NO. 93-26

ADMINISTRATIVE AMENDMENT PUD-97-059

ADMINISTRATIVE AMENDMENT PUD-98-007

ADMINISTRATIVE AMENDMENT PUD-98-009

ADMINISTRATIVE AMENDMENT (PD) ADD2003-00109

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

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

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

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

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

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

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

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

SECTION "A":

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

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STATEMENT OF COMPLIANCE

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

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

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SECTION I

PROPERTY OWNERSHIP & LEGAL DESCRIPTION

1.01 INTRODUCTION AND PURPOSE

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

1.02 NAME

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

1.03 LEGAL DESCRIPTION

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

and

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

and

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

and

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

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

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

and

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

and

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

and

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

and

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

1.04 TITLE TO PROPERTY

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

1.05 DEFINITIONS

CLUSTER DEVELOPMENT

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

CONTRIBUTE

Same as "Participate." See Definition of Participate.

DIRECTOR

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

DEVELOPMENT PLAN

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

PARTICIPATE

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

BUILDING PARCEL

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

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SECTION II
PROJECT DEVELOPMENT

2.01 PURPOSE

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

2.02 GENERAL PLAN OF DEVELOPMENT

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

2.03 COMPLIANCE WITH APPLICABLE ORDINANCES

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

2.04 FRACTIONALIZATION OF TRACTS

a. When the developer sells an entire tract or a building parcel (fraction of a tract) to a subsequent owner, or proposes development of such property himself, the developer shall provide to the Director for approval or denial, prior to the sale of such property, a boundary drawing showing the tract and the building parcel therein (when applicable) and in the case of a residential area, the number of dwelling units of each residential type assigned to the property being sold.

b. In the event any residential tract or building parcel is sold by any subsequent owner, as identified in Section 2.04(a), in fractional parts to other parties for development, the subsequent owner shall provide to the Director for approval or denial, prior to the sale of a fractional part, a boundary drawing showing his originally purchased tract or building parcel and the fractional parts therein and the number of dwelling units assigned to each of the fractional parts.

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

c. In the event a commercial tract or building parcel is sold by any subsequent owner, as identified in Section 2.04(a), in fractional parts to other parties for development, the subsequent owner shall provide to the Director for approval or denial, prior to the sale of a fractional part, a boundary drawing showing his originally purchased tract or building parcel and the fractional parts therein. The drawing shall also show the location and size of access to those fractional parts that do not abut a public street.

d. In evaluating the fractionalization plans, the Director's decision for approval or denial shall be based on compliance with the criteria and the development intent as set forth in this document, conformance with allowable numbers of residential units and the reasonable accessibility of the fractional parts to public or private roadways, common areas or other means of ingress and egress.

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

2.05 SITE PLAN APPROVAL

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

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

2.06 LAND USES

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



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2.07 PROJECT DENSITY

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

2.08 DEVELOPMENT SEQUENCE AND SCHEDULE

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

2.09 PRESERVATION OF NATURAL VEGETATION AND TREE REMOVAL

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

2.10 DEFINITIONS

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

2.11 ESSENTIAL SERVICES

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

2.12 EASEMENTS FOR UTILITIES

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

2.13 SIGNS

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

2.14 CONCEPTUAL DESIGN PLAN

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

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

2.15 WATER

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

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

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SECTION III

RESIDENTIAL PORTIONS OF THE
PLANNED UNIT DEVELOPMENT DISTRICT**PERMIT COUNTER**3.01 PURPOSE

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

3.02 MAXIMUM DWELLING UNITS

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

3.03 PERMITTED USES

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

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

3.04 MINIMUM SETBACKS

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

3.05 OFF-STREET PARKING

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

SECTION IV

COMMERCIAL AND MARINA PORTIONS OF THE
PLANNED UNIT DEVELOPMENT DISTRICT

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4.01 PURPOSE

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

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4.02 PERMITTED USES

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

A. Permitted Principal Uses:

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

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

B. Permitted Accessory Uses And Structures

1. Accessory uses and structures customarily associated with the uses permitted in this district.
2. Signs as permitted by the Lee County Development Code and/or Lee County Zoning Ordinance.

4.03 MINIMUM SETBACKS

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

4.04 OFF-STREET PARKING

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

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SECTION V
PRESERVATION AREA

5.01 PURPOSE

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

5.02 PERMITTED USES

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

A. Permitted Principal Uses Requiring Site Plan Approval:

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

B. Permitted Accessory Uses And Structures

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

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SECTION VI
RECREATION

6.01 PURPOSE

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

6.02 PERMITTED USES

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

A. Permitted Principal Uses And Structures

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

B. Permitted Accessory Uses And Structures

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

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SECTION VII
GENERAL DESIGN CRITERIA

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

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

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Lois Kurtz
DEPUTY CLERK

BY: Ernest A. Powell
CHAIRMAN



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APPROVED AS TO FORM

By [Signature]
OFFICE OF COUNTY ATTORNEY

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LIST OF EXHIBITS

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

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EXHIBIT A

MASTER DEVELOPMENT PLAN
(SEE ATTACHED MAP)

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EXHIBIT B
RIVER'S EDGE DRI
CONSTRUCTION PHASING PLAN

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

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EXHIBIT C
DEVELOPMENT ORDER
FOR
RIVER'S EDGE YACHT AND COUNTRY CLUB
A DEVELOPMENT OF REGIONAL IMPACT

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

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

- A. The application is in accordance with Chapter 380, Florida Statutes;
- B. The development is not in an area designated as an area of critical state concern pursuant to the provisions of Chapter 380, Florida Statutes;
- C. The development is consistent with the Comprehensive Plan for Lee County;
- D. The development is consistent with the local land development regulations and with the report and recommendations of the Southwest Florida Regional Planning Council submitted pursuant to Chapter 380, Florida Statutes; and,

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

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

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

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

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

and

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

and

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

and

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

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

and

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

and

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

and

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

and

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

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

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

a. ENERGY

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

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

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b. TRANSPORTATION

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

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

REQUIRED IMPROVEMENTS
TO MAINTAIN LOS "C"
(Lanes)

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

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

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

c. AIR QUALITY

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

d. FIRE PROTECTION

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

e. PARKS

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

f. SCHOOLS

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

g. WATER SUPPLY

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

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

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

h. STORM REFUGE

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

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

i. COMPLIANCE/MONITORING

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

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

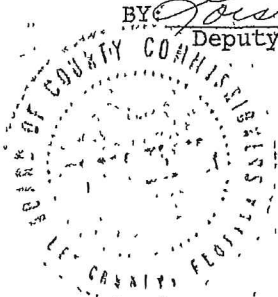
DULY PASSED AND ADOPTED this 5th day of May, 1982.

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Lois Kurt*
Deputy Clerk

BY: *Emmett A. Gwalt*
Chairman



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(182-A)

[Signature]
OFFICE OF COUNTY ATTORNEY



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

May 18, 1982

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

Attention: Lois Kurtz

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

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

Cordially,

Nancy Kavanaugh

(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/

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FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

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

FLORIDA
STATE OF
THE ARTS

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



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

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LEE COUNTY ORDINANCE 93-26

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AN ORDINANCE RESTATING THE LEE COUNTY RIVER'S EDGE YACHT & COUNTRY CLUB PUD ORDINANCE NO. 82-14, AS AMENDED BY ORDINANCES 84-16 and 84-30, PROVIDING ZONING REGULATIONS FOR A SPECIFIC PARCEL IN THE UNINCORPORATED AREA OF LEE COUNTY, FLORIDA, PROVIDING FOR SHORT TITLE, AUTHORITY, ZONING DESIGNATION AND STATEMENT OF COMPLIANCE; PROVIDING FOR PROPERTY OWNERSHIP AND LEGAL DESCRIPTION; PROVIDING FOR PROJECT DEVELOPMENT; PROVIDING FOR USES PERMITTED AND SUPPLEMENTAL DEVELOPMENT REGULATIONS; PROVIDING FOR PRESERVATION AREA; PROVIDING FOR RECREATION; PROVIDING FOR GENERAL DESIGN CRITERIA; PROVIDING FOR CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, PROVIDING FOR CONFLICTS WITH OTHER LAWS, SEVERABILITY, REPEALER AND AN EFFECTIVE DATE.

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

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

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

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

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

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

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NOW, THEREFORE, be it ordained by the Board of County Commissioners of Lee County, Florida: **PERMIT COUNTER**

SECTION ONE: SHORT TITLE, AUTHORITY, ZONING DESIGNATION AND STATEMENT OF COMPLIANCE

This ordinance shall be known and may be cited as the "River's Edge Yacht and Country Club PUD Ordinance."

The Board of County Commissioners of Lee County has the authority to adopt this ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapters 125, 163 and 380, Florida Statutes.

1. The zoning classification of the property described in Section 1.03 is hereby changed to a Planned Unit Development (PUD) and is subject to all conditions as hereinafter described.

2. This Planned Unit Development (PUD) shall serve as the official zoning ordinance for the development. The primary function of this ordinance is to provide the applicant, Florida Design Communities, and its successors or assigns, maximum latitude in designing the PUD, as well as to insure that the applicant, future owners, and Lee County are afforded full information regarding the manner in which the project is to be developed.

3. The approved Development Orders, as may be amended from time to time, shall be incorporated by reference as fully set forth herein.

STATEMENT OF COMPLIANCE

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

1. The project site is located in a developed area of Lee County.
2. An arterial roadway is in existence along the project's easterly boundary.

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

SECTION TWO: PROPERTY OWNERSHIP & LEGAL DESCRIPTION

2.01 INTRODUCTION AND PURPOSE

It is the intent of Florida Design Communities, and its successors or assigns (hereinafter called "applicant" or

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

2.02 NAME

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

2.03 LEGAL DESCRIPTION

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

and

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

and

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

and

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

1. From the Southwest corner of said Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of said Section 31, run North 88°57'56" East along the South line of said fraction of a section for 542.85 feet; thence run North 01°07'16" West for 28.29 feet to a steel pin and the point of beginning.

2. From said point of beginning continue North 01°07'16" West for 190.44 feet to a concrete monument; thence run North 65°11'10" East for 162.71 feet to a concrete monument; thence run South 40°34'21" East for 204.09 feet to a steel pin marking the intersection with the Northwesterly line (40 feet

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from the centerline) of McGregor Boulevard (State Road S-867); thence run South 49°25'39" West for 154.71 feet to a nail marking the intersection with the Northerly line of Iona Road; thence run South 88°54'23" West along said Northerly line for 159.21 feet to the point of beginning;

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

and

All that part of the West half (W½) of the West half (W½) of Section 29, Township 45 South, Range 24 East, Lee County, Florida, lying Westerly of Griffin Boulevard and Northwesterly of McGregor Boulevard, LESS the North 100 feet thereof; Lee County, Florida;

and

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

and

That part of the East half (E½) of the Southeast quarter (SE¼), of Section 30, Township 45 South, Range 24 East, Lee County, Florida, located Northwesterly of McGregor Boulevard;

and

All that part of the Northeast quarter (NE¼) of the Northeast (NE¼) of Section 31, Township 45 South, Range 24 East, Lee County, Florida, lying Northwesterly of McGregor Boulevard.

2.04 TITLE TO PROPERTY

The real property within this development is under the unified control of Florida Design Communities, whose present address is P.O. Box 2270 Plant City, Florida 33564, and compliance with this Chapter shall be maintained and enforced by Florida Design Communities, and its successors or assigns, through covenants that run with the land.

2.05 DEFINITIONS

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings in specific areas on the

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site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

CONTRIBUTE: Same as "Participate." See Definition of Participate.

DIRECTOR: Is the head of the Department of Community Development or his or her designated official.

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

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

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

SECTION THREE: PROJECT DEVELOPMENT

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

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

3.03 COMPLIANCE WITH APPLICABLE ORDINANCES: The property shall be in compliance with the applicable Lee County general zoning and subdivision regulations as well as other Lee County Development Codes in effect at the time permits and/or plats are requested, except as specifically mentioned herein:

A. Section and Quarter Section Line Setbacks: The minimum setback from section and quarter-section lines required by the Lee County Zoning Regulations is hereby waived and no minimum setback from the section and quarter-section lines shall be required provided development occurs in substantial compliance with the requirements of this ordinance and the approved (revised) Master Development Plan.

B. Navigation Channel: The proposed navigable channel connecting the marina with the main navigation channel of



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

a. The final location of the channel is in substantial compliance with the location depicted on the Master Development Plan; and

b. The location complies with all applicable State and Federal Regulations.

C. Water Retention Areas - Design Criteria: Man-made water retention areas are a permitted use in the development. All man-made water bodies shall comply with the following design criteria.

1) Bulkheads shall be permitted at locations indicated on the Master Development Plan provided the location is approved by the South Florida Water Management District.

2) Maximum depth of any man-made body of water shall be twenty (20) feet below the lake control elevation.

3) Side slopes shall not exceed one (1) foot vertical for every four (4) feet horizontal to a depth at least two (2) feet below the lake control elevation.

4) Side slopes shall not exceed one (1) foot vertical for every two (2) feet horizontal from a depth of two (2) feet below the lake control elevation to the permitted depth of the lake or water body.

5) Littoral shelves shall be constructed at random locations along lake edges as indicated on the Master Development Plan with a maximum depth of two (2) feet below the lake control elevation, and shall be planted with native wetland vegetation.

3.04 SITE PLAN APPROVAL: Final site plan approval for each construction phase shall adhere to the following procedures:

a. A written request for final site plan approval including variances from any development regulations contained herein, shall be submitted to the Director for approval or denial. The request shall include materials necessary to demonstrate that the approval of the site plan will be in harmony with the general intent and purpose of this document. Such

material may include, but is not limited to the following, where applicable:

1. Site plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading areas, yards and other open spaces.

2. Locations of proposed utilities.

3. Plans for screening and buffering.

4. Plans for proposed signs and lighting.

5. In the case of clustered buildings and/or zero lot line with common architectural theme, required property development regulations may be waived or reduced provided a site plan is approved under this section.

6. Approval or denial shall be issued within a reasonable time period, consistent with other similar projects, but in any event not to exceed 45 calendar days.

7. If denial is issued, the Developer may appeal the request to the Lee County Hearing Examiner pursuant to Chapter IX of the Lee County Zoning Ordinance.

b. The above procedure is intended to apply specifically to the process of final site plan approval. For approval of engineering and design details, submittals shall be made in accordance with the adopted procedures contained within the Lee County Development Standards Ordinance, as may be amended from time to time, so long as such submittals are not in conflict with any specific procedures or development criteria contained herein.

3.05 LAND USES: The arrangement of land use types shall be as depicted on the Master Development Plan as adopted by the Development of Regional Impact Development Order (#), as may be amended from time to time. A copy of the current Master Development Plan is attached hereto for illustrative purposes. Variations in building location and acreages shall be permitted at the time of final site plan approval. The specific location and size of individual tracts and the assignment of dwelling units thereto shall be submitted to the Director for approval or denial. If approval or denial is not issued within twenty-one (21) working days of submission, the submission shall be considered automatically approved.

3.06 PROJECT DENSITY/INTENSITY: The total acreage of River's Edge Yacht and Country Club property is approximately 547.58 acres. The maximum number of dwelling units, gross floor area of non-residential uses, types and extent of preservation uses, types and extent of recreational uses, and extent of uses normally accessory to all of the permitted uses, including model

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homes, construction trailers, offices and yards, signs, sales offices, project administration offices, pro shops, maintenance facilities, etc., shall be controlled by the Development of Regional Impact (DRI) Development Order, as may be amended from time to time. Where the DRI Development Order is silent with regard to an issue related to uses within the River's Edge Yacht and Country Club, the applicable Lee County Ordinance shall control. In the instance that neither the DRI Development Order nor Lee County Ordinances address a use issue, the Director shall have the ability to administratively approve or disapprove a proposed use subject to the right of the Developer to appeal that administrative decision to the Lee County Hearing Examiner pursuant to Chapter IX of the Lee County Zoning Ordinance.

3.07 DEVELOPMENT SEQUENCE AND SCHEDULE: The construction of RIVER'S EDGE YACHT AND COUNTRY CLUB is expected to take place in accordance with the adopted schedule of development as contained in the most recent DRI Development Order, as it may be amended from time to time.

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

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

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

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

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

3.13 MASTER DEVELOPMENT PLAN

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

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

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

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

SECTION FOUR: USES PERMITTED AND SUPPLEMENTAL DEVELOPMENT REGULATIONS

4.01 PURPOSE: The purpose of this Section is to set forth the uses and supplemental development regulations for the River's Edge Yacht and Country Club Master Development Plan. All development within the River's Edge Yacht and Country Club shall be consistent with the adopted DRI Development Order, as it may be amended from time to time. Uses, acreages, floor area, building heights, and any other development standards contained within the DRI Development Order shall be controlling with regard to activities permitted within the project.

4.02 USES:

A. MAXIMUM DWELLING UNITS: A maximum number for the entire development shall be consistent with the DRI Development Order, as it may be amended from time to time.

B. Uses within the River's Edge Yacht and Country Club shall be consistent with those contained in the DRI Development Order as may be amended from time to time.

4.03 TEMPORARY USES

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A. Model homes shall be permitted in conjunction with the promotion for the development and signs as permitted by the Lee County Development Code.

B. Temporary construction yards, buildings, trailers.

C. Offices for sales, management, and development purposes.

4.04 MINIMUM SETBACKS

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

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

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

2. Distances between residential structures, including single family, townhouse, two family, zero lot line, and cluster housing, shall be not less than five (5) feet from individual lot lines, or, if individual lot lines are not a part of the particular development phase, not less than ten (10) feet. This is intended to apply to principal structures, only; accessory structures may not be closer than five (5) feet from property lines or, if property lines are not a part of the particular development phase, five (5) feet from an adjoining principal or accessory structure.

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

4. Man-made water bodies - ten (10) feet.

5. Notwithstanding the foregoing, no setback from any water bodies in the Marina development area will be required for principal non-residential structures within the Marina development area so long as the design and construction of said structures is done in accordance with all applicable State and Federal water quality regulations. Storm water run off from impervious surfaces having a zero setback from water bodies shall be directed into retention/detention facilities in order that water quality standards be maintained in accordance with adopted requirements.

4.05 OFF-STREET PARKING: Off-street parking spaces shall be provided to each permitted use in accordance with the DRI Development Order or appropriate Lee County regulations in force at the time of permitting.

SECTION FIVE: PRESERVATION AREA

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

5.02 PERMITTED USES: No building or structure, or part thereof, shall be erected, altered, or used or land or water used, in whole or in part, for other than those uses delineated within and consistent with the DRI Development Order, as it may be amended from time to time. In the event the DRI Development Order does not address a particular issue within the preservation areas, the Lee County land development regulations shall apply.

SECTION SIX: RECREATION

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

6.02 PERMITTED USES: No building or structure, or part thereof, shall be erected, altered, or used or land or water used, in whole or in part, for other than those uses delineated within and consistent with the DRI Development Order, as it may be amended from time to time. In the event the DRI Development Order does not address a particular issue within the recreation areas, the Lee County land development regulations shall apply.

SECTION SEVEN: GENERAL DESIGN CRITERIA

7.01 Overall site design shall be harmonious in terms of landscaping, enclosure of structures, location of access streets and parking areas, and location and treatment of buffer areas.

7.02 Buildings shall be set back a minimum of twenty-five (25) feet from residential districts which abut the perimeter property line of the Rivers Edge Yacht and Country Club and the setback area shall be landscaped and maintained to act as a buffer zone.

7.03 Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference. —

7.04 A site plan shall be provided showing pertinent structure locations.



7.05 Construction shall be in accordance with the approved plans.

7.06 The boundary of the golf course tract may be recorded in the same manner as a subdivision plat.

7.07 Building heights shall be consistent with those contained in the DRI Development Order, as may be amended from time to time.

SECTION EIGHT: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Lee County Code; and that sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or his designee, without need of public hearing, by filing a corrected or recodified copy of same with the Clerk of Circuit Court.

SECTION NINE: CONFLICT WITH OTHER LAWS

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the most restrictive requirements shall apply.

SECTION TEN: SEVERABILITY

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

SECTION ELEVEN: REPEALER

The following Lee County Ordinances are hereby repealed and are declared null and void and of no further effect, except as to any zoning, building or other development approval or final development order issued by Lee County wherein compliance with these ordinances was mandated; in which case the specific ordinance or amendment shall control and remain in full force and

effect as to that development approval or other development approval. Repealed are Lee County Ordinance Numbers 82-14, 84-16, and 84-30.

SECTION TWELVE: EFFECTIVE DATE

This Ordinance shall take effect immediately upon receipt by the Board of County Commissioners of Lee County, Florida, of the official acknowledgment from the Secretary of State of Florida that it has been filed with that office.

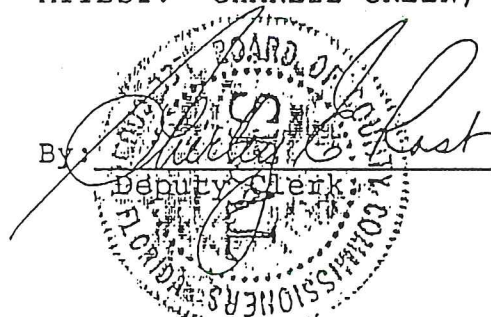
The foregoing Ordinance was offered by Commissioner Ray Judah who moved its adoption. The motion was seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the vote was as follows:

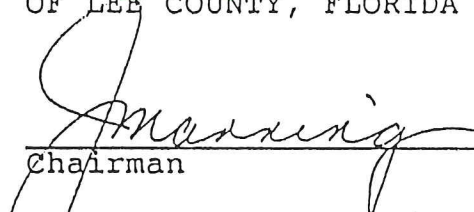
DOUGLAS R. ST. CERNY	<u>Aye</u>
JOHN E. ALBION	<u>Aye</u>
FRANKLIN B. MANN	<u>Aye</u>
RAY JUDAH	<u>Aye</u>
JOHN E. MANNING	<u>Aye</u>

DONE AND ADOPTED this 6th day of October, 1993.

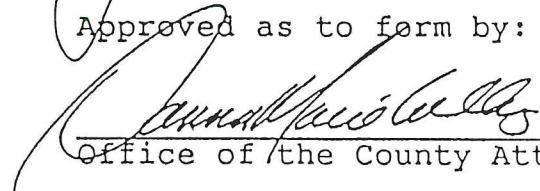
ATTEST: CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: 
Deputy Clerk


Chairman

Approved as to form by:


Office of the County Attorney

(7686D/O)

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Charlie Green

Clerk Of Circuit Court
Lee County, Florida

STATE OF FLORIDA

COUNTY OF LEE

I, Charlie Green, Clerk of the Circuit Court, for Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that acknowledgment has been received from the Secretary of State on this 18th day of October, 1993, at 6:51 a.m., of the filing of Lee County Ordinance No. 93-26 duly adopted by the Board of Lee County Commissioners, at their meeting held on the 6th day of October, 1993 and same filed in the Ordinance Book.

Given under my hand and seal, at Fort Myers, Florida, this 18th day of October, 1993.

CHARLIE GREEN, CLERK
Clerk of Circuit Court

By: *Paula J. [Signature]*
Deputy Clerk

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RESOLUTION NUMBER Z-82-112

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

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

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

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

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

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

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

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

EXCEPTING THEREFROM the following described parcel:

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION NUMBER Z-82-112

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

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(152A-F-3,4)

APPROVED AS

TO FORM.

BY 
COUNTY ATTORNEY

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LEE COUNTY ORDINANCE NO. 84-16

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 82-14 WHICH CHANGED THE ZONING DISTRICT CLASSIFICATION TO PLANNED UNIT DEVELOPMENT FOR THE RIVER'S EDGE YACHT AND COUNTRY CLUB; PROVIDING FOR A STATEMENT OF COMPLIANCE, FOR DEFINITIONS, FOR A CO-ORDINATED METHOD FOR SITE PLAN REVIEW AND FRACTIONALIZATION OF TRACTS, FOR AN AMENDED MASTER DEVELOPMENT PLAN, AND FOR AN EFFECTIVE DATE.

WHEREAS, Ramar Group Companies, Inc. has submitted a revised Master Development Plan for their River's Edge Yacht and Country Club and desires its incorporation into prior approvals for this development; and

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

WHEREAS, subsequent adoption of land development regulations requires certain modifications to be made to Lee County Ordinance No. 82-14; and

WHEREAS, the Board of County Commissioners of Lee County has previously adopted a Development Order pursuant to Section 380.06, Florida Statutes, approving with conditions the Application for Development Approval for the River's Edge Yacht and Country Club; and

WHEREAS, said Development Order appeared as "Exhibit C" in Lee County Ordinance No. 82-14, and

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

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

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

SECTION ONE:

The Board of County Commissioners hereby makes the following findings of fact:

A. The revised Master Development Plan does not change the number of dwelling units or constitute a major redistribution of density.

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B. The revised Master Development Plan does not decrease the area set aside for common open space by more than 5 percent of the total land area.

C. The revised Master Development Plan does not increase the floor area proposed for non-residential use by more than 5 percent.

D. The revised Master Development Plan does not create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by the Southwest Florida Regional Planning Council.

E. In accordance with the above findings, adoption of the revised Master Development Plan is not a substantial deviation from the previously approved Development Order for the River's Edge Yacht and Country Club.

SECTION TWO:

Exhibit A of Lee County Ordinance No. 82-14, the previously adopted Master Development Plan, is hereby repealed. Exhibit A of this Ordinance is hereby adopted as the Master Development Plan for the River's Edge Yacht and Country Club.

SECTION THREE:

Sections 2.04, 2.05, and 2.06 of Lee County Ordinance No. 82-14 are hereby amended by deleting the crossed-out portions and adding the underscored portions as follows:

2.04 FRACTIONALIZATION OF TRACTS

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

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

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- c. In the event a commercial tract or building parcel is sold by any subsequent owner, as identified in Section 2.04(a), in fractional parts to other parties for development, the subsequent owner shall provide to the Director for approval or denial, prior to the sale of a fractional part, a boundary drawing showing his originally purchased tract or building parcel and the fractional parts therein. The drawing shall also show the location and size of access to those fractional parts that do not abut a public street.
- d. In evaluating the fractionalization plans, the Director's decision for approval or denial shall be based on compliance with the criteria and the development intent as set forth in this document, conformance with allowable numbers of residential units and the reasonable accessibility of the fractional parts to public or private roadways, common areas or other means of ingress and egress.
- e. The developer of any tract or building parcel must submit, at the time of application for a building permit, a detailed site plan for his tract or parcel. Such site plan shall include, but not be limited to, showing the proposed location of all building, access roads, offstreet parking and off-street loading areas, refuse and service areas, and other open spaces, locations for utilities hook-up, screening and buffering, signs, lighting, landscape plan, other accessory uses and structures and such other items as are necessary at the time of building permit approval.
- f. If approval or denial is not issued within ~~ten~~ twenty-one (21) working days, the submission shall be considered automatically approved.

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2.05 SITE PLAN APPROVAL

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

- a. A written request for final site plan approval including variances from any development regulations contained herein, shall be submitted to the Director for approval or denial. The request shall include materials necessary to demonstrate that the approval of the site plan will be in harmony with the general intent and purpose of this document. Such material may include, but is not limited to the following, where applicable:
 - 1. Site plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading areas, yards and other open spaces.
 - 2. Locations of proposed utilities.
 - 3. Plans for screening and buffering.
 - 4. Plans for proposed signs and lighting.
 - 5. In the case of clustered buildings and or zero lot line with common architectural theme, required property development regulations may be waived or reduced provided a site plan is approved under this section.
 - 6. If approval or denial is not issued within ~~ten~~ twenty-one (21) working days of submission, the submission shall be considered automatically approved.

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7. If denial is issued, Rivers Edge may appeal the request to the Lee County Board of Commissioners if done within ten (10) working days.

2.06 LAND USES

The arrangement of land use types is shown on Exhibit "A", the Master Development Plan. Variations in building location and acreages shall be permitted at the time of final site plan approval. The specific location and size of individual tracts and the assignment of dwelling units thereto shall be submitted to the Director for approval or denial. If approval or denial is not issued within ~~thirty~~ (15) twenty-one (21) working days of submission, the submission shall be considered automatically approved.

SECTION FOUR:

Building heights shall be consistent with those delineated on the original site plan approved May 5, 1982. No building at any location on the site plan shall be higher than that shown on the original site plan at the same general location.

SECTION FIVE:

Notice of this modification to an adopted D.R.I. Development Order shall be recorded by Ramar Group Companies, Inc., with the Clerk of the Circuit Court as required by Section 380.06, Florida Statutes.

SECTION SIX: Severability

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

SECTION SEVEN: Effective Date

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

DONE AND ADOPTED THIS 18th day of June, 1984.

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Jois Kurt
Deputy Clerk

By: B. E. Edwards
Chairman

(151-D)

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Approved as to form
Susan C. Hartsell

ORDINANCE 84-30

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

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

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

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

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

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

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

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

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

SECTION ONE

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

2.03 COMPLIANCE WITH APPLICABLE ORDINANCES

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

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requested / , except as specifically mentioned herein:

A. Section and Quarter Section Line Setbacks

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

B. Navigation Channel

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

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

C Water Retention Areas - Design Criteria

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

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

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

SECTION TWO. SEVERABILITY

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

SECTION THREE: EFFECTIVE DATE

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

DONE AND ADOPTED THIS 5th day of December, 1984

ATTEST:

CHARLIE GREEN,
CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:

Chris Thomas
Deputy Clerk

BY:

[Signature]
Chairman

Approved Go to form:
[Signature]

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RESOLUTION NO. 93-09-70

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

WHEREAS, Florida Design Communities, is the owner and developer of a proposed residential community located in Section 30, Township 45S, Range 24E, Lee County, Florida, consisting of 547.48 acres (hereinafter referred to as "subject property"); and

WHEREAS, Resolution Number 90-08-50 established that on the northern range of the subject property, in an Australian pine (Casuarina sp.) there is a Southern Bald Eagle nest (LE-38), as defined in Lee County Ordinance No. 86-15, as amended (hereinafter referred to as "the Eagle Protection Ordinance"); and

WHEREAS, Resolution Number 90-08-50 established specific preservation measures for the eagle nest on the northern edge of the subject property; and

WHEREAS, this eagle nest has not been inhabited by eagles for the purpose of hatching and nurturing since prior to December 31, 1990; and

WHEREAS, the Florida Game and Fresh Water Fish Commission has declared this nest abandoned; and

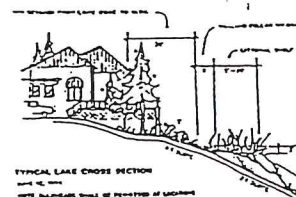
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WHEREAS, the Eagle Protection Ordinance provides that the determination of the Florida Game and Fresh Water Fish Commission controls with respect to the determination of nest occupancy; and

WHEREAS, the Eagle Technical Advisory Committee by unanimous vote on July 27, 1993, recommended that, in the event that the Florida Game and Fresh Water Fish Commission determined the nest to be abandoned that the nest would be considered abandoned for purposes of implementing the Eagle Habitat Management Plan; and

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LAND USE	ACREAGE
RESIDENTIAL (Includes Existing Residential, Proposed Residential, Marina Village Residential - 7.5 acres, Less Private Open Space)	169.7
MARINA VILLAGE (COMMERCIAL)	10.5
INTERNAL ROAD PAVEMENT (APPROXIMATE)	12.0
LAKES (WATER MANAGEMENT)	* 70.0
MARINA BASIN AND MITIGATION AREAS	14.7
OPEN SPACE (Includes Vegetation/Preservation Buffer, Private Open Space, Mangrove Preserve, Other Open Space)	250.7
TOTAL ACREAGE	547.8

1. Perched tracks will not encroach ditches and
hedge boundaries but both in Ordinance 54-10
2. A conservation easement has been conveyed to
the state along the project's Calaveras shrike
Purser thicket to a depth of ten feet measured
from 54-99
3. The previously approved oak chile
and tamarisk chile facilities will be located on
Whitten in the Marine Valley.
4. Project resource locations conform to the June
12, 1994 approved Plan. Gatehouses are
permitted at the project entrances and
individual tract entrances.
5. The problems of the Plan's EIR (austen
Bald) "Management Plan are incorporated

6. The maximum height of any buildings in this Phase is 8 stories.
7. The Marine Basin and Mitigation Areas, as shown on these plans, shall conform to the permit requirements set forth in permit number SD 00017-09 issued by the Florida Department of Environmental Regulation (DER), where not in conflict with other conditions of the corresponding 1001 development order. Conditions for this project, particular as they relate to listed plant and Eagle Nest/Finch preservation areas and their management, including the preservation of the Australian Pied Bald Eagle Nest Tree.



FLORIDA LAND PLANNING

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NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County that: 1) Eagle's Nest LE-38, located at the northern edge of the subject property, has been abandoned; 2) The need for a preservation plan for Eagle's Nest LE-38 no longer exists; 3) Resolution 90-08-50 is hereby repealed and of no further effect with respect to Eagle Nest LE-38; and 4) The developer should create both short and long term plans designed to encourage Southern Bald Eagles to continue utilizing the subject property for perching and feeding. .

The foregoing Resolution was offered by Commissioner Albion, who moved its adoption. The motion was seconded by Commissioner St. Cerny and, being put to a vote, the vote was as follows:

JOHN E. MANNING	<u>AYE</u>
DOUGLAS R. ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANKLIN MANN	<u>ABSENT</u>
JOHN ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED this 29th day of September, 1993.

ATTEST:
CHARLIE GREEN, CLERK

By: Charlie Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: John Manning
Chairman

APPROVED AS TO FORM:

By: David G. Smith
Office of County Attorney

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ADMINISTRATIVE AMENDMENT PUD-97-059

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Florida Design Communities, Inc. filed an application for administrative approval of a Final Site Plan and administrative approval of a deviation from LDC Section 10-355(a)(1) to a Planned Unit Development on a project known as Gulf Harbour, Unit 7, described more particularly as:

LEGAL DESCRIPTION (Gulf Harbour, Unit 7): In Section 29, Township 45 South, Range 24 East, Lee County, Florida:

Parcel 1:

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 29, Township 45 South, Range 24 East, being a part of Tract "B", Gulf Harbour Yacht and Country Club, as recorded in Plat Book 55, Pages 6 through 27, Lee County Public Records being further bounded and described as follows:

Commencing at the Northerlymost corner of Tract "A", HARBOUR LANDINGS SUBDIVISION, as recorded in Plat Book 57, Pages 46 and 47, Lee County Public Records;

THENCE S03°02'24"E, along the Easterly line of said Tract "A", for 51.11 feet to the Point of Curvature of a curve to the left, having a radius of 87.00 feet, a central angle of 27°42'36", a chord bearing of S16°53'42"E and a chord length of 41.67 feet;

THENCE along the arc of said curve and said Easterly line, an arc length of 42.08 feet to the point of reverse curvature of a curve to the right, having a radius of 55.50 feet, a central angle of 09°26'55", a chord bearing of S26°01'33"E, and a chord length of 9.14 feet;

THENCE along the arc of said curve and said Easterly line, an arc length of 9.15 feet to the Point of Reverse Curvature of a curve to the left having a radius of 50.00 feet, a central angle of 50°13'28", a chord bearing of S46°24'50"E and a chord length of 42.44 feet;

THENCE along the arc of said curve, an arc length of 43.83 feet to the Point of Tangency of said curve;

THENCE S71°31'34"E, for 198.52 feet to the POINT OF BEGINNING;

THENCE N02°18'27"E, for 82.49 feet;

THENCE S89°31'30"E, for 20.00 feet;

THENCE N00°28'30"E, for 115.08 feet;

THENCE N89°20'45"E, for 85.21 feet;

THENCE N03°13'52"E, for 133.27 feet;

THENCE N88°17'54"E, for 376.67 feet;

THENCE S22°46'35"E, for 36.24 feet to the Point of Curvature of a curve to the left having a radius of 200.00 feet, a central angle of 67°05'54", a chord bearing of S56°19'32"E and a chord length of 221.06 feet;

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THENCE along the arc of said curve, an arc length of 234.22 feet to the Point of Tangency of said curve;
 THENCE S89°52'29"E for 28.84 feet;
 THENCE S47°37'55"E for 38.06 feet;
 THENCE S86°59'04"E, for 230.99 feet;
 THENCE N56°03'09"E, for 72.61 feet;
 THENCE N89°15'19"E, for 22.99 feet;
 THENCE S00°27'45"E, for 123.78 feet to the Point of Curvature of a curve to the right having a radius of 200.00 feet, a central angle of 98°04'42", a chord bearing of S48°34'36"W, and a chord length of 302.06 feet;
 THENCE along the arc of said curve, an arc length of 342.36 feet to the Point of Tangency of said curve;
 THENCE N82°23'03"W, for 114.95 feet to the Point of Curvature of a curve to the left, having a radius of 435.00 feet, a central angle of 20°49'02", a chord bearing of S87°12'26"W and a chord length of 157.18 feet;
 THENCE along the arc of said curve, an arc length of 158.05 feet to the Point of Tangency of said curve;
 THENCE S76°47'55"W, for 64.43 feet to the Point of Curvature of a curve to the right having a radius of 165.00 feet, a central angle of 48°51'09", a chord bearing of N78°46'31"W and a chord length of 136.46 feet;
 THENCE along the arc of said curve, an arc length of 140.69 feet to the Point of Tangency of said curve and point "A";
 THENCE N54°20'56"W, for 30.29 feet to the Point of Curvature of a curve to the left having a radius of 235.00 feet, a central angle of 34°09'55", a chord bearing of N71°25'54"W, and a chord length of 138.06 feet;
 THENCE along the arc of said curve, an arc length of 140.13 feet to the Point of Reverse Curvature of a curve to the right having a radius of 400.00 feet, a central angle of 16°59'17", a chord bearing of N80°01'13"W and a chord length of 118.16 feet;
 THENCE along the arc of said curve, an arc length of 118.60 feet to the Point of Tangency of said curve;
 THENCE N71°31'34"W, for 102.76 feet to the POINT OF BEGINNING.
 Parcel 1 contains 353,559 square feet or 8.12 acres, more or less.

AND ALSO

Parcel 2:

Commencing at said point "A";
 THENCE S19°39'26"E, for 53.04 feet to the POINT OF BEGINNING, being a point on a curve to the left from which a radial line bears S23°03'24"W having a radius of 200.00 feet, a central angle of 36°15'29", a chord bearing of S85°04'21"E, a chord length of 124.46 feet;
 THENCE along the arc of said curve, an arc length of 126.56 feet to the Point of Tangency of said curve;
 THENCE N76°47'55"E, for 64.43 feet to the Point of Curvature of a curve to the right having a radius of 400.00 feet, a central angle of 20°49'02", a chord bearing of N87°12'26"E and a chord length of 144.53 feet;

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THENCE along the arc of said curve, an arc length of 145.33 feet to the Point of Tangency of said curve;

THENCE S82°23'03"E, for 114.95 feet to the Point of Curvature of a curve to the left having a radius of 235.00 feet, a central angle of 65°47'00", a chord bearing of N64°43'27"E, and a chord length of 255.23 feet;

THENCE along the arc of said curve, an arc length of 269.81 feet to the end of said curve;

THENCE S58°10'03"E, for 22.67 feet to a point on a curve to the left from which a radial line bears S75°12'14"E having a radius of 525.00 feet, a central angle of 07°33'16", a chord bearing of S11°01'08"W and a chord length of 69.17 feet;

THENCE along the arc of said curve, an arc length of 69.22 feet to the point of compound curvature of a curve to the left having a radius of 4,075.13 feet, a central angle of 01°19'08", a chord bearing of S06°34'56"W, and a chord length of 93.80 feet;

THENCE along the arc of said curve, an arc length of 93.81 feet to the end of said curve;

THENCE S87°43'44"W, for 92.94 feet;

THENCE S09°43'39"W, for 52.42 feet to a point on a curve to the left from which a radial line bears S09°43'39"W having a radius of 25.00 feet, a central angle of 68°32'31", a chord bearing of S65°27'23"W and a chord length of 28.16 feet;

THENCE along the arc of said curve, an arc length of 29.91 feet to the Point of Tangency of said curve;

THENCE S31°08'08"W, for 81.87 feet to the Point of Curvature of a curve to the right having a radius of 125.00 feet, a central angle of 58°18'19", a chord bearing of S60°17'17"W and a chord length of 121.78 feet;

THENCE along the arc of said curve, an arc length of 127.20 feet to the point of reverse curvature of a curve to the left having a radius of 125.00 feet, a central angle of 46°15'57", a chord bearing of S66°18'28"W and a chord length of 98.22 feet;

THENCE along the arc of said curve, an arc length of 100.94 feet to the end of said curve;

THENCE N37°23'03"W, for 205.78 feet;

THENCE N54°20'56"W, for 227.31 feet;

THENCE N23°03'24"E, for 10.00 feet to the POINT OF BEGINNING

Parcel 2 contains 117,677 square feet or 2.70± acres.

Bearings are based on the West line of the Northwest Quarter (NW¼) of said Section 29 as bearing N00°22'34"W.

Total area for Parcels 1 and 2 contains 471,441 square feet or 10.82± acres.

WHEREAS, the property was originally rezoned in case number 81-9-8-DRI [with subsequent amendments in case numbers 81-9-8-DRI(a), 81-9-8-DRI(b), 81-9-8-DRI(c), 95-01-089.04A, 95-01-089.13A 01.01, 95-01-089.13A 02.01, 95-01-089.13A 03.01, 95-01-089.13A 04.01, 95-01-089.13A 05.01, 95-01-089.13A 06.01, 95-01-089.13A 07.01, 95-01-089.13A 07.02, 95-01-089.13A 08.01, 95-01-089.13A 09.01, 95-01-089.13A 10.01, 95-01-089.13A 11.01 and 95-01-089.13A 12.01; and

DCI 2007-00053

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WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned unit development final development plans; and

WHEREAS, the applicant has requested administrative approval for Final Site Plan Approval for Gulf Harbour, Unit 7; and

WHEREAS, the applicant has requested administrative approval of a deviation from LDC Section 10-355(a)(1) which requires a 10 foot wide public utility easement on both sides of all streets; to allow a 12 foot wide public utility easement on only one side of the street for Gulf Harbour, Unit 7; and

WHEREAS, the deviation is necessary to preclude the establishment of the required public utility easement adjacent to the right-of-way which abuts property that will not include vertical development; is part of a required buffer area; and separates the right-of-way from an existing lake; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for Final Site Plan Approval and a deviation from LDC Section 10-355(a)(1) which requires a 10 foot wide public utility easement on both sides of all streets to allow a 12 foot wide public utility easement on only one side of the street for Gulf Harbour, Unit 7, is **APPROVED**.

Approval is subject to the following conditions:

1. The development of Gulf Harbour, Unit 7, must comply with the plan entitled "Unit 7, Gulf Harbour Yacht and Country Club" as prepared by Morris-Depew Associates, Inc., dated November 26, 1997, and stamped received at the permit counter on December 3, 1997.
2. The terms and conditions of the original zoning resolution and any amending resolutions remain in full force and effect.
3. The deviation from LDC Section LDC Section 10-355(a)(1) is approved only for Gulf Harbour, Unit 7, and is subject to the written consent of all affected utility companies.

DCI 2007-00053

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4. Site Plan PUD-97-059 is hereby APPROVED and adopted. A reduced copy is attached hereto. **PERMIT COUNTER**

DULY SIGNED this 27th day of January, A.D., 1997.

BY: Mary Gibbs
Mary Gibbs, Director
Department of Community Development

GENERAL:

PROPOSED IS A SITE PLAN, APPROVAL PURSUANT TO LEE COUNTY ORDINANCE 93-25, SECTION 3.04

SCHEDULE OF USES:

MULTI-FAMILY RESIDENTIAL, 212 UNITS
TEMPORARY SALES OFFICE
MODEL UNITS

SCHEDULE OF DEVIATIONS:

1) DEVIATION FROM L.D.C. 10-355(a)1 WHICH REQUIRES A 10' P.U.E. ON BOTH SIDES OF ALL STREETS, TO ALLOW 12' ON ONE SIDE OF THE STREET

SITE PARAMETERS:

ZONING = P.U.D.
COMP. PLAN CATEGORY = SUBURBAN
MAX. BUILDING HEIGHT = 3 STORIES OVER PARKING = 70'
OPEN SPACE = 30% OVER ENTIRE P.U.D.

STRUCTURE SETBACK:

EAST PROPERTY LINE = 200'
(STRUCTURE 3 OR MORE STORIES)
REAR = 10'
SIDE = 5'
MANMADE WATER BODIES = 10'
LOCAL STREET = 15'
COLLECTOR / ARTERIAL STREET = 25'
SF AND LAKE MAINTENANCE ESMT. = 20'

PARKING CALCULATIONS:

REQ'D. = 2 SPACES / UNIT + 10% GUEST
TOTAL DWELLING UNITS = 212 UNITS
2 SPACES PER UNIT = 424 SPACES
10% GUEST PARKING SPACES = 42
TOTAL REQUIRED = 466
TOTAL PROVIDED = 466+
(INCLUDES MIN. 9 HANDICAP SPACES)

PARKING SPACES PROVIDED BY PARKING GARAGE AND OUTSIDE PARKING SPACES.

LEGEND:

----- PROPERTY LINE
----- RIGHT-OF-WAY
----- CENTER LINE
----- PAVEMENT
----- EXISTING PAVEMENT
----- UTILITY EASEMENT
----- LANDSCAPE STRIP
----- SWALE CENTER-LINE

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MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS - PLANNERS - ENVIRONMENTAL SCIENTISTS
MD

CONCEPTUAL SITE PLAN
UNIT 7
GULF HARBOUR YACHT AND COUNTRY CLUB
LEE COUNTY, FLORIDA

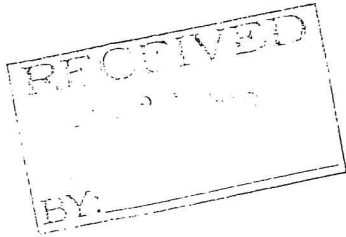
APPROVED
Subject to conditions in Resolution
Issuing Date: 12/13/07
Date: 12/13/07

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PROJECT # 001-2007-00053
PROJECT TYPE

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ADMINISTRATIVE AMENDMENT PUD-98-007

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Florida Design Communities, Inc. filed an application for administrative approval to amend a previously approved Final Site Plan and to include a deviation from LDC Section 10-285(a) on a project known as Gulf Harbour, Unit 5, in Gulf Harbour Yacht and Country Club, described more particularly as:

LEGAL DESCRIPTION: In Sections 29 & 30, Township 45 South, Range 24 East, Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Sections 29 and 30, Township 45 South, Range 24 East, being a part of Tract "B", Gulf Harbour Yacht and Country Club, Plat Book 55, Pages 6-27, Lee County Public Records and being further bounded and described as follows:

Commencing at the centerline intersection of Harbour Yacht Court and Harbour Estates circle, between lots 4 and 32, as shown on the record plat of the Estates at Gulf Harbour Yacht and Country Club, as recorded in Plat Book 59, Pages 20-22, said Lee County Public Records;

THENCE N51°29'58"W, along said centerline for 58.13 feet;

THENCE N38°30'02"E, for 17.50 feet to the Northerly right of way line of said Harbour Yacht Court and the POINT OF BEGINNING;

THENCE N38°30'02"E for 263.37 feet;

THENCE S50°12'53"E for 377.81 feet;

THENCE S52°23'23"E for 164.93 feet;

THENCE S64°41'50"E for 58.20 feet;

THENCE S51°29'58"E for 409.78 feet;

THENCE N56°35'27"E for 251.32 feet;

THENCE S33°24'33"E for 75.65 feet to a point on a non-tangent curve to the right, concave to the Southwest, from which a radial line bears S13°00'26"W, having a radius of 50.92 feet, a central angle of 40°36'49", a chord bearing of S56°41'09"E, and a chord length of 35.34 feet;

THENCE along the arc of said curve, an arc length of 36.09 feet to a point on a non-tangent curve to the right, concave to the Northwest, from which a radial line bears N60°36'17"W, having a radius of 100.00 feet, a central angle of 27°11'44", a chord bearing of S42°59'35"W, and a chord length of 47.02 feet;

THENCE along the arc of said curve, an arc length of 47.47 feet to the point of tangency of said curve;

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THENCE S56°35'27"W for 281.92 feet to the point of curvature of a curve to the right, having a radius of 210.00 feet, a central angle of 72°29'20", a chord bearing of N87°09'53"W, and a chord length of 248.32 feet;

THENCE along the arc of said curve and the northerly right of way line of said Harbour Yacht Court, an arc length of 265.69 feet to the point of tangency of said curve;

THENCE N50°55'13"W, along said Northerly right of way line for 158.77 feet to the point of curvature of a curve to the left, having a radius of 490.00 feet, a central angle of 07°17'24", a chord bearing of N54°33'55"W, and a chord length of 62.30 feet;

THENCE along the arc of said curve and along said Northerly right of way line, an arc length of 62.34 feet to the point of tangency of said curve;

THENCE N58°12'36"W, along said Northerly right of way line, for 210.12 feet to the point of curvature of a curve to the right, having a radius of 500.00 feet, a central angle of 06°42'39", a chord bearing of N54°51'17"W, and a chord length of 58.53 feet;

THENCE along the arc of said curve and along said Northerly right of way line, an arc length of 58.56 feet to the point of tangency of said curve;

THENCE N51°29'58"W, along said Northerly right-of-way line, for 413.16 feet to the POINT OF BEGINNING.

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 29, Township 45 South, Range 24 East, being a part of tract "B", Gulf Harbour Yacht and Country Club, Plat Book 55, Pages 6-27, Lee County Public Records and being further bounded and described as follows:

Beginning at the Southeast corner of Lot 20, the Estates at Gulf Harbour Yacht and Country Club, as recorded in Plat Book 59, Pages 20-22, said Lee County Public Records;

THENCE N21°12'00"W, along the East line of said Lot 20 for 137.72 feet to the Northeast corner of said Lot 20, being a point on a non-tangent curve to the left, concave to the Northwest, from which a radial line bears N07°30'31"W, having a radius of 245.00 feet, a central angle of 25°54'02", a chord bearing of N69°32'28"E, and a chord length of 109.81 feet;

THENCE along the arc of said curve and the Southerly right of way line of said Harbour Yacht Court, an arc length of 110.75 feet to the point of tangency of said curve;

THENCE N56°35'27"E for 281.92 feet to the point of curvature of a curve to the left, having a radius of 135.00 feet, a central angle of 55°39'24", a chord bearing of N28°45'45"E, and a chord length of 126.04 feet;

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THENCE along the arc of said curve, an arc length of 131.14 feet;
THENCE N00°56'03"E for 33.69 feet to a point on a non-tangent curve to the right, concave to the Southwest from which a radial line bears S02°02'13"E, having a radius of 87.00 feet, a central angle of 80°11'18", a chord bearing of S51°56'33"E, and a chord length of 112.06 feet;
THENCE along the arc of said curve, an arc length of 121.76 feet to the point of tangency of said curve;
THENCE S11°50'54"E for 74.03 feet to the point of curvature of a curve to the left, concave to the Northeast, having a radius of 35.00 feet, a central angle of 21°33'39", a chord bearing of S22°37'44"E, and a chord length of 13.09 feet;
THENCE along the arc of said curve, an arc length of 13.17 feet to the point of tangency of said curve;
THENCE S33°24'33"E for 17.86 feet;
THENCE S56°35'27"W for 487.74 feet;
THENCE N33°24'33"W for 9.17 feet;
THENCE S56°35'27"W for 66.79 feet to the POINT OF BEGINNING.

Parcel "A" and Parcel "B" contain a total of 369,971 square feet or 8.49 acres, more or less.

WHEREAS, the property was originally rezoned in case number 81-09-08-DRI [with subsequent amendments in case numbers 81-09-08-DRI(a), 81-09-08-DRI(b), 81-09-08-DRI(c), 81-09-08-DRI(d), 95-01-089.13A 01.01, 95-01-089.13A 02.01, 95-01-089.13A 03.01, 95-01-089.13A 04.01, 95-01-089.13A 05.01, 95-01-089.13A 06.01, 95-01-089.13A 07.01, 01-089.13A 08.01, 95-01-089.13A 08.01, 95-01-089.13A 10.01, 95-01-089.13A 01.11, 95-01-089.13A 12.01 and 95-01-089.13A 13.01]; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned unit development final development plans; and

WHEREAS, Gulf Harbour, Unit 5 was previously granted Final Plan Approval in accordance with PUD 97-047; and

WHEREAS, the applicant desires to amend the previous approval to increase the total parcel area, to change the type and number of dwelling units from 100 to 120, and to reconfigure and relocate the proposed buildings and parking areas; and

WHEREAS, the applicant has requested a deviation from LDC Section 10-285(a) which requires a minimum intersection separation of 125 feet on local streets, to allow separations of 58, 62±, 74±, 78±, and 92±, for driveways and parking lot entrances accessory to Unit 5; and

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WHEREAS, the street that is the subject of the deviation is a low volume, privately maintained street within a gated community, and "dead ends" approximately 700 feet north of the development; and

WHEREAS, the center garage units access drive and the end garage units access drives are necessary because the building design requires separate access points for the garage units located underneath the buildings; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to amend a previously approved Final Site Plan to:

- 1) increase the total parcel area, change the type and number of dwelling units from 100 to 120, and reconfigure and relocate the proposed buildings and parking areas; and
- 2) to grant a deviation from LDC Section 10-285(a) which requires a minimum intersection separation of 125 feet on local streets, to allow separations of 58±, 62±, 74±, 78±, and 92±, for driveways and parking lot entrances accessory to Unit 5,

is **APPROVED**.

Approval is subject to the following conditions:

1. The development of the subject property must be in compliance with the approved site plan which is a one page document entitled "Gulf Harbour, Unit 5", prepared by Morris-Depew Associates, Inc., dated October 9, 1997, last revised on January 16, 1998, and stamped received at the permit counter on January 16, 1998, is hereby **APPROVED** and adopted. A reduced copy is attached hereto.
2. The terms and conditions of the original zoning resolution and subsequent amendments remain in full force and effect.
3. The deviation from LDC Section 10-285(a) is approved only for Gulf Harbour, Unit 5, and only for those access points shown on the approved site plan.

DCI 2007-00053

4. Site Plan PUD-98-007 is hereby APPROVED and adopted. A reduced copy is attached hereto.

DULY SIGNED this 20th day of February, A.D., 1998.

BY: Mary Gibbs
Mary Gibbs, Director
Department of Community Development

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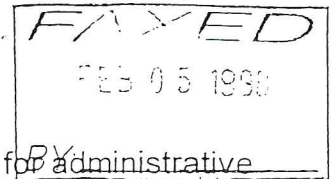
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ADMINISTRATIVE AMENDMENT PUD-98-009

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA



WHEREAS, Florida Design Communities, Inc. filed an application for Administrative approval to adopt a revised Master Concept Plan for a Planned Unit Development known as Gulf Harbour Yacht and Country Club described more particularly as:

LEGAL DESCRIPTION:

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

AND

The East Half (E ½) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 31, Township 45 South, Range 24 East, Lee County, Florida;

AND

The Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 31, Township 45 South, Range 24 East, Lee County, Florida;

AND

All that part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section 31, Township 45 South, Range 24 East, Lee County, Florida lying Northwesterly from McGregor Boulevard;

EXCEPTING THEREFROM the following described parcel:

From the Southwest corner of said Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of said Section 31, run N88°57'56"E along the South line of said fraction of a section for 542.85 feet;

THENCE run N01°07'16"W for 28.29 feet to a steel pin and the POINT OF BEGINNING;

From said point of beginning continue N01°07'16"W for 190.44 feet to a concrete monument;

THENCE run N65°11'10"E for 162.71 feet to a concrete monument;

THENCE run S40°34'21"E for 204.09 feet to a steel pin marking the intersection with the Northwesterly line (40 feet from the centerline) of McGregor Boulevard (State Road S-867);

THENCE run S49°25'39"W for 154.71 feet to a nail marking the intersection with the Northerly line of Iona Road;

THENCE run S88°54'23"W along said Northerly line for 159.21 feet to the POINT OF BEGINNING;

Subject to the right-of-way for Iona Road.

AND

All that part of the West Half (W½) of the West Half (W½) of Section 29, Township 45 South, Range 24 East, Lee County, Florida, lying Westerly of Griffin Boulevard

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and Northwesterly of McGregor Boulevard, **LESS** the North 100 feet thereof, Lee County, Florida;

AND

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

AND

That part of the East Half (E½) of the Southeast Quarter (SE¼), of Section 30, Township 45 South, Range 24 East, Lee County, Florida, located Northwesterly of McGregor Boulevard;

AND

All that part of the Northeast Quarter (NE¼) of the Northeast (NE¼) of Section 31, Township 45 South, Range 24 East, Lee County, Florida, lying Northwesterly of McGregor Boulevard.

WHEREAS, the property was originally rezoned in case number 81-9-8-DRI [with subsequent amendments in case numbers 81-9-8-DRI(a), 81-9-8-DRI(b), 81-9-8-DRI(c), 95-01-089.04A, 95-01-089.13A 01.01, 95-01-089.13A 02.01, 95-01-089.13A 03.01, 95-01-089.13A 04.01, 95-01-089.13A 05.01, 95-01-089.13A 06.01, 95-01-089.13A 07.01, 95-01-089.13A 07.02, 95-01-089.13A 08.01, 95-01-089.13A 09.01, 95-01-089.13A 10.01, 95-01-089.13A 11.01 and 95-01-089.13A 12.01; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned unit development master concept plans; and

WHEREAS, the applicant has requested administrative approval to adopt a revised Master Concept Plan for Gulf Harbour Yacht and Country Club which accurately reflects changes and approvals which have occurred subsequent to the most recent DRI amendment approved in conjunction with case number 81-9-8-DRI(c); and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to adopt a revised Master Concept Plan for a Planned Unit Development known as Gulf Harbour Yacht and Country Club is **Approved**.

Approval is subject to the following conditions:

1. The Development must be in compliance with the amended Master Concept Plan, entitled "Gulf Harbour Yacht and Country Club" as prepared by Morris-Depew Associates, Inc., dated June 8, 1994, last revised January 16, 1998, and stamped received at the permit counter on January 16, 1998.

001 2007-00053

2. Site Plan PUD-98-009 is hereby APPROVED and adopted. A reduced copy is attached hereto.

DULY SIGNED this 30th day of January, A.D., 1998.

BY: Mary Gibbs
Mary Gibbs, Director
Department of Community Development

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NOTES:

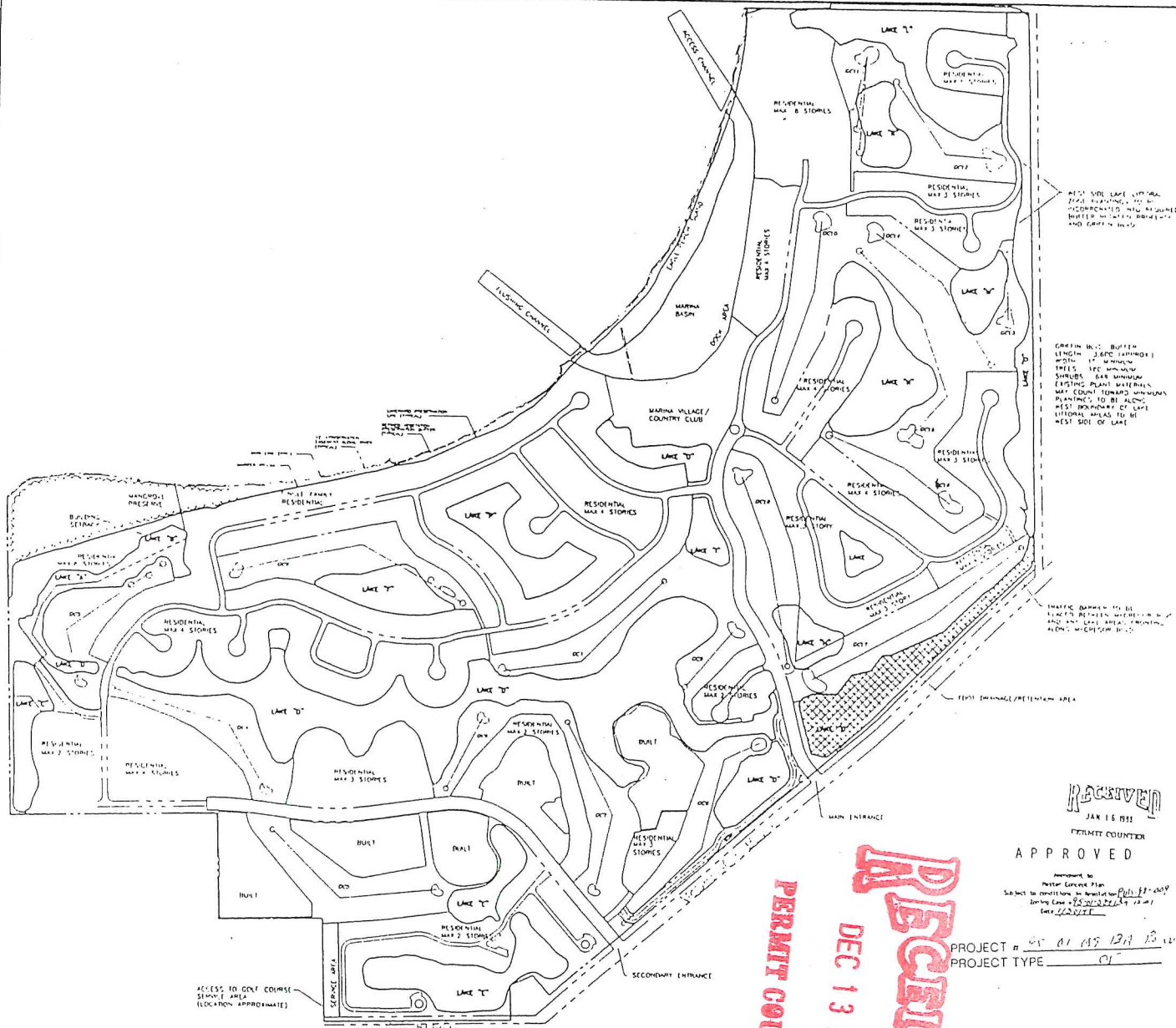
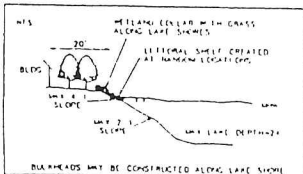
1. RESIDENTIAL TRACTS WILL NOT EXCEED DENSITIES AND HEIGHT LIMITATIONS SET FORTH IN ORDINANCE 111C AS MAY BE AMENDED. A COMPLETION EASEMENT HAS BEEN COMPLETED TO THE STATE ALONG THE PROJECT'S CALOOGUAWATCHER RIVER FRONTAGE TO A DEPTH OF 100 FEET MEASURED FROM HIGH WATER.
2. THE PREVIOUSLY APPROVED GOLF CLUB AND TENNIS/SPRINT CLUB FACILITIES WILL BE LOCATED AS SHOWN WITHIN THE MARINA VILLAGE. THESE FACILITIES INCLUDE THE MARINA RESTAURANT/CLUBHOUSE, MARINA CLUBHOUSE, GOLF SHOP, THE GOLF CLUB HOUSE, THE GOLF CLUB PRO SHOP, THE GOLF CLUB RANGE, LIGHTS, AND HEALTH CLUB FACILITIES AND PROJECT SALES AND ADMINISTRATION OFFICES.
3. PROJECT ENTRANCE LOCATIONS CONFORM TO THE APRIL 12, 1984 APPROVED PLAN. ENTRANCES ARE PERMITTED AT THE PROJECT ENTRANCES AND PROPOSED TRUCK ENTRANCES.
4. THE MAXIMUM HEIGHT OF ANY BUILDINGS IN THIS PLAN IS 8 STORIES. THE MARINA BASIN AND WILSONS AREAS AS SHOWN IN THESE PLANS SHALL CONFORM TO THE PERMIT REQUIREMENTS SET FORTH IN THE PERMIT NUMBER 38101748 ISSUED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION (DER) AS MAY BE AMENDED FROM TIME TO TIME, WHERE NOT IN CONFLICT WITH OTHER CONDITIONS OF THE CORRESPONDING DEVELOPMENT ORDER CONDITIONS FOR THIS PROJECT.
5. RESIDENTIAL LAKE AND GOLF COURSE AREA LINES SHOWN ON THIS PLAN ARE INCLUDED FOR CONCEPTUAL ILLUSTRATION PURPOSES ONLY. FINAL AREA LINES SHALL BE DETERMINED AT THE TIME OF LOCAL DEVELOPMENT ORDER PERMITTING. PROVIDED HOWEVER THAT THE TOTAL NUMBER OF ACRES DEVOTED TO PARTICULAR USES SHALL BE CONSISTENT HEREIN AND PROVIDED FURTHER THAT THE WILSONS PRESERVE AREA SHALL BE LOCATED AS DEPICTED HEREIN AND THE MARINA BASIN SHALL BE BUILT AT THE LOCATION IN ACCORDANCE WITH THE FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION PERMIT 38101748 AS MAY BE AMENDED FROM TIME TO TIME. IT IS THE INTENT OF THE DEVELOPER TO BE ABLE TO LOCATE LAKES, GOLF COURSE AREAS, ROADS AND RESIDENTIAL PRODUCT TYPES IN ITS SOLE DISCRETION WITHIN THE BOUNDARIES OF THE DEVELOPMENT SUBJECT TO THE MINIMUM FOLLOWS RESIDENTIAL PRODUCT TYPES AS SET FORTH IN THE DEVELOPMENT SUMMARY.
6. LOT SETBACKS:
LOCAL STREETS - 15'
COLLECTOR/ARTERIAL STREETS - 25'
SIDE - 5' MIN.
REAR - 10'
WATERWAY WATER BODIES - 10'
WATERWAY WATER BODIES - 25'
WATERWAY - 0'

DEVELOPMENT SUMMARY:

LAND USE	ACREAGE
RESIDENTIAL (INCLUDES EXISTING RESIDENTIAL, PROPOSED RESIDENTIAL, MARINA VILLAGE, LESS PRIVATE OPEN SPACE)	187.1
WATERWAY WATER BODIES (WATERWAY)	12.0
WATERWAY WATER BODIES (WATERWAY)	70.0
WATERWAY BASIN AND WILSONS AREAS	17.2
OPEN SPACE (INCLUDES WILSONS PRESERVE AREA, B-10, PRIVATE OPEN SPACE, WILSONS PRESERVE AREA, OTHER OPEN SPACE)	250.9
TOTAL ACREAGE	547.2

NOTES:

PREVIOUSLY CONSTRUCTED LAKES LABELED "BUILT" 215
TOTAL UNITS APPROVED BY 1992 AMENDMENT 7011



MORRIS - DEWE ASSOCIATES, INC.

MD

MASTER CONCEPT PLAN
GULF HARBOR YACHT AND COUNTRY CLUB
(Formerly River's Edge Yacht and Country Club)
SECTION 20.01, 10/20/2007, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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APPROVED

PROJECT # 45 01 121 13 14
PROJECT TYPE 01

PERMIT COUNTER

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PERMIT COUNTER

ADMINISTRATIVE AMENDMENT (PD) ADD2003-00109

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Gary Muller, AICP filed an application for administrative approval to a Residential Planned Development on a project known as Hoffman Residence in Edgewater Subdivision at Gulf Harbour (fka River's Edge) for two deviations which are as follows:

Deviation #1 from Section 4.04(4) of Lee County Ordinance 93-26 , Rivers Edge Yacht & Country Club P.U.D. which requires a 10' (ten foot) setback from man-made waterbodies to allow a zero-foot setback from the existing seawall to a porch and screen enclosure as depicted on the attached Exhibit "A".

Deviation #2 from Section 4.04(2) of Lee County Ordinance 93-26, Rivers Edge Yacht & Country Club P.U.D. which requires a 10' (ten foot) setback from man-made waterbodies to allow a one-foot setback from the existing seawall to allow a building addition as depicted on the attached Exhibit "A".

WHEREAS, the subject property is located at 11200 & 11210 Longwater Chase Ct., described more particularly as:

LEGAL DESCRIPTION: In Section 30, Township 45 South, Range 24 East, Lee County, Florida:

Lots 13 & 14, GULF HARBOUR YACHT & COUNTRY CLUB, as recorded in Plat Book 56, Pages 1-4, of the Public Records of Lee County, Florida, lying in Section 30, Township 45 South, Range 24 East, Lee County, FL.

WHEREAS, the property was originally rezoned in case number 81-09-08-DRI (with subsequent amendments in case numbers 81-09-08-DRI(a), 81-09-08-DRI(b), 81-09-08-DRI(c), 81-09-08-DRI(d), 95-01-089.13A 01.010, 95-01-089.13A 02.01, 95-01-089.13A 02.02, 95-01-089.13A 03.01, 95-01-089.13A 04.01, 95-01-089.13A 06.01, 95-01-089.13A 07.01, 95-01-089.13A 08.01, 95-01-089.13A 09.01, 95-01-089.13A 10.01, 95-01-089.13A 11.01, 95-01-089.13A 12.01, 95-01-089.13A 13.01, 95-01-089.13A 14.01, 95-01-089.13A 15.01, 95-01-089.13A 16.01, 95-01-089.13A 17.01, DRI961967, ADD2001-00053 and DRI2001-00053); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

BCI 2007-00053

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval of the following two deviations:

Deviation #1 from Section 4.04(4) of Lee County Ordinance 93-26 , Rivers Edge Yacht & Country Club P.U.D. which requires a 10' (ten foot) setback from man-made waterbodies to allow a zero-foot setback from the existing seawall for a porch and screen porch enclosure as depicted on the attached Exhibit "A".

Deviation #2 from Section 4.04(2) of Lee County Ordinance 93-26, Rivers Edge Yacht & Country Club P.U.D. which requires a 10' (ten foot) setback from man-made waterbodies to allow a one-foot setback from the existing seawall to allow a building addition as depicted on the attached Exhibit "A".

to the Planned Unit Development is **APPROVED**.

Approval is subject to the following conditions:

1. **The Development must be in compliance with the site plan, stamped "Received, August 5, 2003, Zoning" and attached as Exhibit "A".**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

DULY SIGNED this 13th day of August, A.D., 2003.

BY: Pam Houck
Pam Houck, Director
Division of Zoning
Department of Community Development

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DEC 13 2007

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AUG 05 2003
ZONING

APPROVED
Plan

Subject to Case # ADD 2003-00109
Date Aug. 13, 2003

MARINA

79

REVISIONS		
NO.	DESC.	DATE

ART CASTELLANOS
ARCHITECT
LICENSE NO. AR0015473
17462 MEADOW LAKE CIRCLE
FORT MYERS, FLORIDA 33912
239-246-1764

ADDITION TO THE RESIDENCE OF:
MR. & MRS. HOFFMAN
AT
GULF HARBOUR
11200 LONGWATER CHASE CT.
LEE COUNTY, FLORIDA

PROJECT NUMBER:
LOT:

DRAWN BY: ACKG
CHECKED BY: ACKG
CHECK SET: 6/30/03
PERMIT SET: --/--/--

SEAL

SHEET TITLE:
SITE PLAN

SHEET NO:

C-1

EXHIBIT A

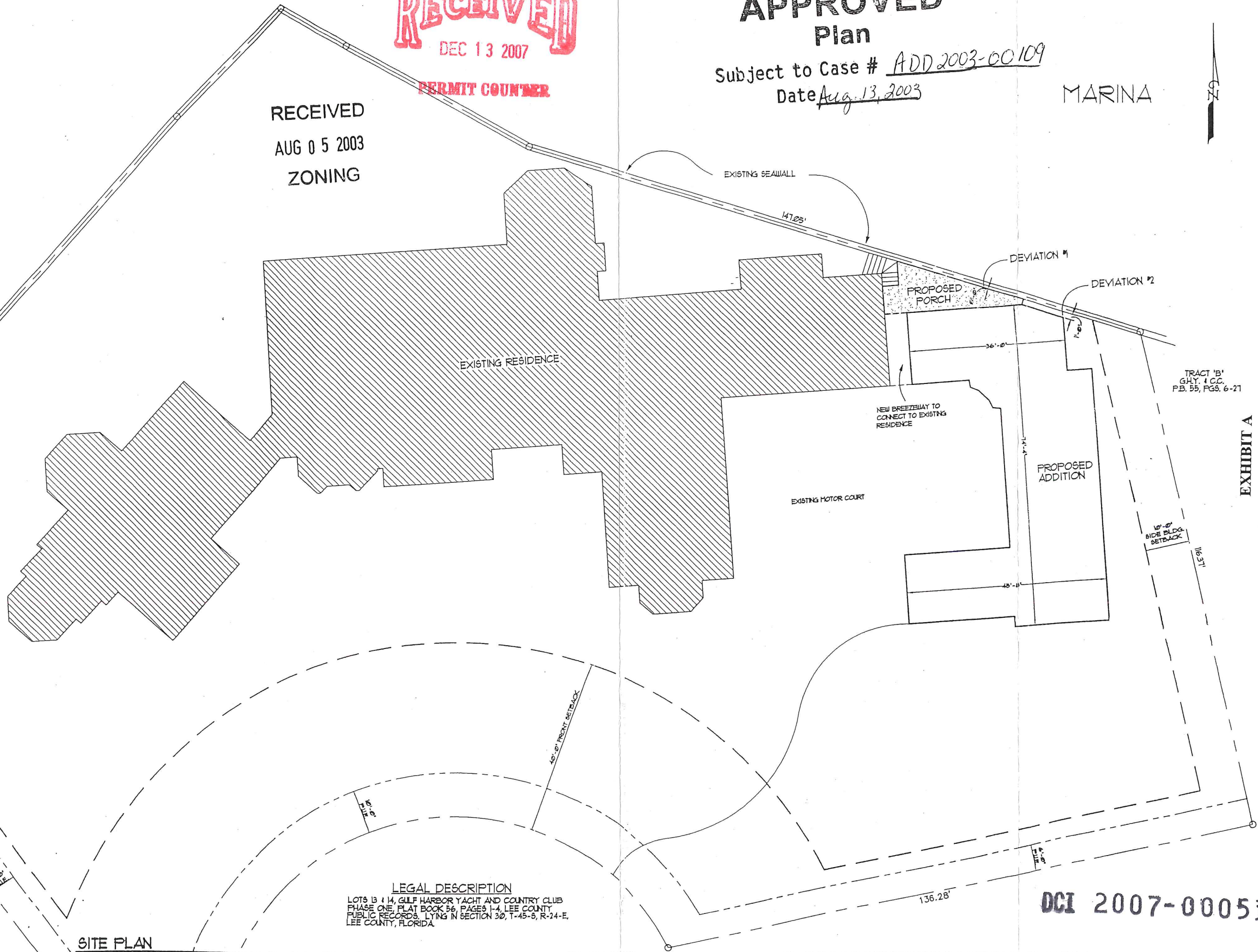
TRACT 'B'
G.H.T. 4 C.C.
P.B. 55, PGS. 6-21

LEGAL DESCRIPTION
LOTS 13 & 14, GULF HARBOR YACHT AND COUNTRY CLUB
PHASE ONE, PLAT BOOK 56, PAGES 1-4, LEE COUNTY
PUBLIC RECORDS, LYING IN SECTION 30, T-45-S, R-24-E,
LEE COUNTY, FLORIDA

DCI 2007-00053

SCALE 1"=10'-0"

SITE PLAN



LOT 15

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 29, 30 AND 31 TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(GULF HARBOUR)

LINE	BEARING	DISTANCE
L1	N49°27'05"E	202.49'
L2	N88°51'11"E	65.45'
L3	N01°07'54"W	221.20'
L4	N65°09'03"E	163.03'
L5	S40°32'55"E	164.14'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	2212.00'	03°40'11"	141.67'	N47°37'00"E	141.65'

O.R. INDICATES OFFICIAL RECORDS BOOK,
LEE COUNTY PUBLIC RECORDS
PG INDICATES PAGE
L1 INDICATES LINE NUMBER
C1 INDICATES CURVE NUMBER

THIS SKETCH
OF DESCRIPTION
IS NOT A BOUNDARY SURVEY
SEE SHEETS 1-3' OF 4
FOR COMPLETE METES AND BOUNDS DESCRIPTION

THM 9-10-01
THOMAS R. LEHNERT, JR., P.S.M.
FLORIDA CERTIFICATION NO. 5541

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

TRACT "B",
PALMETTO POINT
PLAT BOOK 29, PAGES 21 - 23

Applicant's Survey Checked
by gmc 9/11/01

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, PLANNERS & LAND SURVEYORS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(941) 839-5490

SHEET 3 OF 3

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PH-3.A.1

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304524070000B.0050

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PERMIT COUNTER

Gulf Harbour Yacht and Country Club is a master planned community that was originally approved as a DRI and PUD in the early 1980's. The development was originally named River's Edge Yacht & Country Club, and as initially approved the development approval included 4,380 dwelling units, 200 hotel units, 65,000 SF of commercial, 250 boat slips and 18 holes of golf. Several amendments to the DRI have reduced the development parameters to the currently approved 1,987 dwelling units, a 30,000 SF clubhouse, a health and fitness center, 190 boat slips and ancillary ship's store, and 18 holes of golf.

The original developer, the Ramar Group, started construction of infrastructure, which included the construction of water management lakes. The work commenced in the mid 1980's. The original developer proceeded based on zoning, DRI, development order, water management and other necessary approvals. If one reviews historic aerials, it is clear that by February of 1986 the majority of the lakes were dug. Many of these lakes are in the same general configuration as they are today. By 1990, an 18 hole golf course and four neighborhoods (two fronting existing lakes consisting of 215 units) were constructed.

According to approval records, the property in the early 1990's had changed hands and was under control/ownership of Sundial River's Edge, Inc. It appears from county records that little or no development activity occurred due to financial issues. This was the era of the Savings and Loan crises, and this development, along with others was assumed by the Resolution Trust Corporation (RTC). The property was then sold by the RTC to Florida Design Communities, Inc. (FDC) in 1994. FDC applied for and received approval to relocate golf holes, modify interior roads, reconfigure and further refine some of the existing lakes, as well as dig additional lakes. It was not until 1997 that WCI Communities, Inc. assumed ownership of the undeveloped portion of the Community. Since that time additional infrastructure, subdivision, and water management improvements have been made. As of today the community is essentially built-out with all infrastructure in place. Only a handful of vacant single family lots owned by individuals other than WCI are yet to be developed.

In the 1984 the County approved a Planned Unit Development (PUD) ordinance, which included a Master Development Plan. The County also approved a Development of Regional Impact (DRI) development order. The River's Edge DRI, as originally named, was one of a handful of stand alone ordinances. The PUD master development plan included information on the lakes and drainage, and it included language detailing and depicting criteria for hardened structures, slopes, as well as littoral plantings. The PUD, with the incorporated MDP plan is the applicable governing development document. There has been some confusion as to the controlling standard. The controlling standard is the approved PUD and DRI. Based on numerous meetings it was determined that the appropriate manner of processing the adjustments to the lake, drainage, and shoreline criteria is to amend the PUD and the MDP. The lakes cannot be brought into compliance with today's codes for a variety of reasons, and the appropriate manner of addressing the lakes is the amendment to the PUD.

This PUD amendment application is being filed as a result of several lake shoreline code violations noted by Lee County Development Services. In the meetings with the staff it has been clear that there are two primary goals, one is to ensure appropriate shoreline stabilization so all owners within Gulf Harbor along the lakes do not experience undue erosion. It is recognized

DCI 2007-00053

that proper maintenance will be required into the future to ensure continued appropriate shoreline stabilization. The second goal is to provide shorelines that are built to restrict access to the lakes, and to provide a way of escape should someone fall into the lake. Even though WCI did not build most of the lakes, and even though WCI is essentially built out, WCI has spent a lot of time researching ways to stabilize the existing shorelines under WCI ownership. Due to the lack of ownership of many of the properties abutting the lake, and restricted access, WCI has explored new and innovative technology. The innovative yet proven lake stabilization techniques will be utilized to soften the slopes to further this goal. This proposed technique is expected to result in minimal intrusion into existing lakeside neighborhoods.

The applicant is confident that approval of the revised MDP with minor PUD text changes will accomplish the goals of stabilization and public safety. The amount of littoral zone required by the original PUD will be provided. The amount of littoral zones required by today's code will not be provided, as it is impossible to meet today's regulations.

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COMMUNITIES, INC.®

24301 WALDEN CENTER DRIVE
BONITA SPRINGS, FLORIDA 34134
TEL (239) 498-8200
wci-communities.com

FEB 04 2009

January 30, 2009

Ms. Nettie Richardson
Principal Planner
Lee County Zoning Division
Department of Community Development
1500 Monroe Street, Second Floor
Fort Myers, FL 33902-0398

Re: Gulf Harbour Yacht and County Club

DCI2007-00053 PDA Application (PUD Amendment)

Dear Ms. Richardson:

Please accept this letter as a formal resubmittal responding to Ms. Derheimer's sufficiency email comment dated October 22, 2008. We appreciate your understanding in this matter and thank you for allowing us time to investigate the background history of the lakes as well as to explore various opportunities to repair lake slopes.

Since our last submittal, WCI representatives & engineers from Vanasse & Daylor conducted site visits to Heritage Palms (HP) to determine if and how well various lake bank treatments have succeeded. After speaking with HP representatives and touring the community it was readily apparent that the solution to a great deal of the lake slope issues at Gulf Harbour could be handled in the same manner. Over the past two years HP had worked closely with SFWMD to devise a remedial plan acceptable to both the District and the residents. The majority of the repair involved the installation of GeoFilter tubes with a "step" at the leading edge of the tubing that did not exceed 9" in height. Also in other areas, minimal rip rap was either installed or repaired.

On January 27th we resubmitted the LDO plans reflecting minor adjustments to the geotextile installation. You should have received a copy by now.

The Experience Is Everything.

With regard to littoral plantings, we understand plantings need to be installed in certain locations, however many of these lakes were constructed under development orders that did not require plantings as they are required per today's code. Our original Master Development Plan does depict littoral plantings and we intend to provide plantings as was originally intended and approved, however flexibility in planting number and location is necessary in this now entirely built environment.

Per your request we have been and are still are attempting to determine what previous approvals can be located. It now appears some of these documents are no longer available. We believe that it would be appropriate to review existing conditions and supplement areas that are appropriate for plantings and acknowledge or provide exceptions in other areas. With the PUD approval we then can move forward and apply for approval from the County through LDO & shoreline permits as well as SFWMD.

In summary, we feel confident that the proposed solution is the most cost efficient, cost effective, durable, and least intrusive fix to the lake bank issue.

Sincerely,



Barry Ernst *AICP*

Director of Planning & Permitting

Cc. David Beal, Neale Montgomery, Pete Eckenrode

12730 New Brittany Boulevard, Suite 600
Fort Myers, Florida 33907
tel: (239) 437-4601 fax: (239) 437-4636
www.vanday.com



Project 80856.06
June 10, 2009

Ms. Nettie Richardson
Lee County Development Services
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398

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JUN 10 2009

RE: Gulf Harbour Yacht and Country Club
DCI2007-00053

DCI 2007-00053

Dear Ms. Richardson:

The following is our response to comments contained in your letter dated October 27, 2008 regarding the submittal of the above referenced PUD Amendment. Enclosed please find the following items for your review:

- Fifteen (15) copies response letter
- Fifteen (15) copies of Exhibit A, depicting the previously approved hardened shoreline structures for the project.

Additionally, we offer the following responses to comments contained in your letter:

ES Staff Sufficiency Comments

The approved Zoning Resolution Section One C. 1. states bulkheads shall be permitted at location indicated on the master Development Plan (MPD) provided the location is approved by the South Florida Water management District.

The applicant has responded to ES staff comments that many of the hardened structures have been authorized by development orders approvals.

Please provide an exhibit depicting all lake shoreline hardened structures with linear footage (existing and proposed) and label whether the hardened structure is approved through the approved MDP, an approved LDO/DOS, and South Florida Water Management District approved ERP. Provide LDO/DOS # and SFWMD ERP # approving the linear footage of shoreline hardened structure.

ES staff will require this information to review for littoral planting requirements.

Susie Derheimer, Environmental Planner

Response:

Exhibit A is attached. All of the hardened shoreline structures are existing. Please note that with the exception of ERP Application No. 050705-30, none of the previously approved permits specified the linear footage of hardened shoreline structure. The linear footage given on Exhibit A is the linear footage of the existing hardened shoreline structure.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,
VanasseDaylor, a *Weston & Sampson* company



David Beal
Project Engineer

DCI 2007-00053
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JUN 10 2009



VanasseDaylor
A Weston&Sampson® COMPANY FL 366

Project 80856.06 / 2090177

August 28, 2009

Ms. Nettie Richardson
Lee County Development Services
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398



**RE: Gulf Harbour Yacht and Country Club
DCI2007-00053**

Dear Ms. Richardson:

The following is our response to comments contained in your letter dated June 29, 2009 regarding the submittal of the above referenced PUD Amendment. We have repeated your comments below in regular font followed by our response in **bold**. Enclosed please find the following items for your review:

- Fifteen (15) copies response letter
- Fifteen (15) copies of revised Exhibit A

LC Public Hearing for Planned Development

22) Miscellaneous items.

a. A key legend is needed to reflect what the different lines are around the lakes. Some make reference to a bulkhead, some are retaining wall and some are not labeled. Provide a key legend.

A key legend has been added to Exhibit A as requested.

b. What are the dark lines around Lake AB, Lake F, Lake F1, Lake I, and Lake D (near Long Pond Village) suppose to represent?

The darkening represents areas of existing rip-rap, and are identified in the key legend and the linear footage is shown on Exhibit A.

c. Indicate the area on the map that have been over excavated.

DCI 2007-00053

Massachusetts

Peabody (HQ)

Foxborough

Woburn

Bourne

Chatham

Connecticut

Rocky Hill

Rhode Island

Coventry

New Hampshire

Portsmouth

Maine

York

Vermont

Waterbury

New York

Poughkeepsie

New Jersey

Cinnaminson

Edison

Pennsylvania

Pottstown

Florida

Fort Myers

Sarasota

The bathymetric survey conducted by Hans Wilson & Associates shows that there are no lake depths greater than 20'. Comparisons of aerial photographs and approved permit drawings show that no lakes extend beyond their approved boundaries.

d. Indicate what deviations are needed for this project.

Technically, there are no deviations from the Lee County LDC requested as part of this application. Rather we are requesting a revision to the River's Edge PD, which includes a modification to the Master Development Plan.

e. The October 27, 2008 email requested the following: 1) "all lake shoreline hardened structures with the linear footage (existing and proposed); 2) label how the hardened structures were approved; and 3) provide the LDO/DO case number and the SFWMD ERP case # that approved the linear footage of the hardened structures". The June 10, 2009 map does not provide this information. Please show on the map where all of the existing rip rap, bulkheads, and retaining walls are located. If a permit was not acquired, indicate that on the plan.

Exhibit A has been revised to label all hardened shoreline structures as requested.

f. See attached comments from Environmental Sciences, dated June 25, 2009.

See below.

g. As stated in the October 27, 2008 letter, upon receipt of the map that provides the information staff has requested, then Staff will continue with the review of the documentation submitted on October 12, 2008.

Acknowledged.

ES Staff Sufficiency Comments

The approved Zoning Resolution Section One C. 1. states bulkheads shall be permitted at location indicated on the Master Development Plan (MPD) provided the location is approved by the South Florida Water management District. The applicant has responded to ES staff comments that many of the hardened structures have been authorized by development orders approvals.

Please provide an exhibit depicting all lake shoreline hardened structures (vertical bulkhead, geotextile tube, rip rap, etc.) existing and proposed with linear footage. Label whether the hardened structure is approved through the approved MDP, an approved LDO/DOS, and South Florida Water Management District approved ERP. If so, provide LDO/DOS # and SFWMD ERP # approving the linear footage of shoreline hardened structure for each lake.

DCI 2007-00053

Exhibit A has been revised to label all hardened shoreline structures as requested.

Please clarify each type of structure shown on the exhibit and provide a mapping key that illustrates all of the existing structures: bulkheads, geotextile tubes, rip rap, etc. and whether they are permitted or not permitted. Also, identify all of the proposed structures for the additional lakes that still require shoreline slope repairs to be brought into compliance and include them in the mapping key.

These areas of existing rip-rap and proposed improvements are identified in the key legend and the linear footage is shown on Exhibit A.

The following lakes have no description of the shoreline structures shown on the plan: Lakes AB, C, part of D, D1, E1, F, F1 and I. Please provide the total length in feet of the existing structures, the type of structure and if the structure is existing or proposed.

These areas of existing rip-rap are identified in the key legend and the linear footage is shown on Exhibit A.

Please ensure that the lengths of all existing permitted hardened shoreline structures actually reflect the length permitted. If the structure length is different, please identify it on the plan. Several discrepancies were noted on the previously submitted plan. For example, the length of the wall adjacent to the sales center.

Exhibit A has been revised to show actual permitted length whenever that information is available. If the approved permit plans do not specify a length for a shoreline structure the label will reflect that.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,
VanasseDaylor, a *Weston & Sampson Company*



David Beal
Project Engineer

cc: Barry Ernst, WCI

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AUG 28 2009
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WCI

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WCI
LISTED
NYSE

24301 WALDEN CENTER DRIVE
BONITA SPRINGS, FLORIDA 34134
TEL (239) 498-8200
wci-communities.com

September 30, 2008

Ms. Pam Houck
Lee County
Department of Community Development
1500 Monroe Street, Second Floor
Fort Myers, FL 33902-0398

Re: Gulf Harbour Yacht and County Club

DCI2007-00053 PDA Application (PUD Amendment)

Dear Ms. Houck:

Please accept the attached resubmittal containing detailed responses to Bryan Kelner's sufficiency comment letter dated February 1, 2008. We appreciate your understanding in this matter and thank you for allowing us to extend the resubmittal dates thereby giving ample time to incorporate the bathymetric results into the plans.

Since our last submittal, Pete Eckenrode has been coordinating meetings and communicating with Gulf Harbour Master Association's engineer and Vanasse Daylor who is representing WCI. At this time I believe a good deal of headway has been made in getting closer to a point of mutual understanding. In the next month or so, engineering representatives from WCI & the Gulf Harbour Master HOA will conduct site visits at locations throughout the area to determine how various lake bank treatments have succeeded. This information will assist us in determining the most efficient, cost effective, durable, and least intrusive fix to the lake bank issue.

As you know WCI has had some recent financial distractions. Although WCI has had to reorganize, we still intend on going forward with this application to address outstanding lake bank issues to the best of our ability given the current financial circumstances.

Question...with Bryan's departure who will be handling this case?



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AMERICA'S BEST BUILDER
BY NATIONAL ASSOCIATION
OF HOME BUILDERS AND
BUILDER MAGAZINE

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Sincerely,

A handwritten signature in blue ink, appearing to read 'Barry Ernst'.

Barry Ernst *A/CP*

Director of Planning & Permitting

Cc. David Beal, Neale Montgomery, Pete Eckenrode

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OCT 01 2008

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