

ADMINISTRATIVE AMENDMENT (PD) ADD2003-00081

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Burgess Island Associates, Inc. filed an application for an administrative approval to a Residential Planned Development on a project known as Little Bokeelia Island to increase lot sizes for lots 6-18, creation of two 10-foot trails and elimination of another trail, addition of a note regarding common area structures, and make minor lot line adjustments, on property located at Little Bokeelia Island in Pine Island Sound, described more particularly as:

LEGAL DESCRIPTION: In Sections 25, 26, 35 and 36, Township 43 South, Range 21 East, Lee County, Florida:

See attached Exhibit "A".

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 property was originally rezoned in resolution Z-93-078 (93-10-19-DCI-19) with subsequent amendments in case numbers AA-PD-95-29 (95-08-231.13A), AA-PD-97-15 (95-08-231.13A); and

WHEREAS, the subject property is located within the Little Bokeelia Island Residential Planned Development,

WHEREAS, the Little Bokeelia Residential Planned Development contains 104 acres and 29 residential dwelling units; and

WHEREAS, the owners of the property have authorized Russell P. Schropp, Esq. to represent them in this application; and

WHEREAS, the applicant has requested changes to the Master Concept Plan including increased lot sizes for lots 6-18, creation of two 10-foot trails and elimination of another trail, addition of a note regarding common area structures, and minor lot line adjustments; and

WHEREAS, the plans show changes in common areas, lot configurations, lot numbering and other changes; 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, the subject application and plans were reviewed by the Division of Environmental Sciences and Historic Preservation staff, who do not have any issues with regard to the proposed changes; 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 an amendment to Residential Planned Development is **APPROVED**.

**Approval is subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, dated June 25, 2003. Master Concept Plan for ADD2003-00081 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

DULY SIGNED this 21<sup>st</sup> day of July, A.D., 2003.

BY: \_\_\_\_\_

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

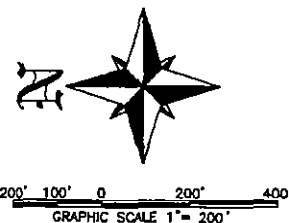
**ADD2003-00081**

**PROPERTY DESCRIPTION  
EXHIBIT "A"**

IN SECTIONS 25, 26, 35 AND 36, TOWNSHIP 43 SOUTH, RANGE 21 EAST, LEE COUNTY, FLORIDA:

GOVERNMENT LOTS 1 AND 2 IN SECTION 35; GOVERNMENT LOT 2 IN SECTION 26; AND THAT PART OF GOVERNMENT LOT 3 IN SECTION 25 BEING LOCATED ON BURGESS ISLAND AND THAT PART OF SECTION 36 LOCATED ON BURGESS ISLAND, ALL IN TOWNSHIP 43 SOUTH, RANGE 21 EAST, LEE COUNTY, FLORIDA.

Applicant's Legal Checked  
by *AMM* 07AUG03



APPROXIMATE MEAN HIGH WATER LINE  
(ELEVATION 10.00 (TYP.)  
FROM FIELD TEST AND AERIAL PHOTOGRAPH

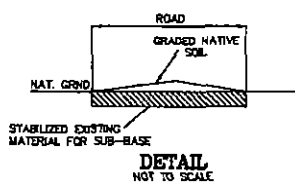
JUG CREEK

TOM BAY

LITTLE BOKEELIA BAY

APPROXIMATE MEAN HIGH WATER LINE  
(ELEVATION 10.00 (TYP.)  
FROM FIELD TEST AND AERIAL PHOTOGRAPH

- ⑤ INDICATES PROPOSED LOT NUMBER  
● INDICATES SHORE WOUNDS



**SITE DATA**  
REQUEST: AG-2 TO RPD (MINOR RESIDENTIAL PLANNED DEVELOPMENT)

ACREAGES:	UPLAND AREA#1	23.5 AC.±
	AREA#2	.51 AC.±
	AREA#3	.01 AC.±
	POND#1	.35 AC.±
	POND#2	.14 AC.±
	POND#3	.23 AC.±
	TOTAL UPLAND	28.94 AC.±
	TRANSITION	1.00 AC.±
	RESOURCE PROTECTION AREAS	78.06 AC.±

LAND USE CLASSIFICATION: OUTER ISLAND, RPD AND TZ

#### SCHEDULE OF USES

DWELLING UNITS: 28 single family residences  
CLUB: private  
ESSENTIAL SERVICE FACILITIES - GROUP I & II (Sections 1001.13 & 202.12)  
MODEL HOMES & MODEL UNITS (Section 520)  
MODIFICATION OF SECTION LINE (Section 202.15.B.3)  
RECREATION CENTER  
RECREATION FACILITIES, PERSONAL (pf) and PRIVATE (pr)  
Including: Dockage  
Fishing Piers  
Swimming Pools  
Tennis Courts  
Nature Trails  
RESIDENTIAL ACCESSORY USES (Sections 501 & 1001.42)  
SIGNS which are in compliance with the Lee County Sign Ordinance  
TEMPORARY CONSTRUCTION and/or sales office

**EXISTING NON-CONFORMING STRUCTURES**  
ALL EXISTING NON-CONFORMING STRUCTURES ARE EXEMPT FROM THE DEVELOPMENT REGULATIONS FOR LITTLE BOKEELIA ISLAND RPD

ALL STRUCTURES SHOWN IN COMMON AREAS SHALL NOT BE USED FOR PRIVATE RESIDENTIAL PURPOSES. THESE STRUCTURES WILL BE USED FOR RESIDENTIAL ACCESSORY PURPOSES AND WILL REMAIN AS COMMON AREA IN PERPETUITY.

#### SCHEDULE OF DEVIATIONS LITTLE BOKEELIA ISLAND MINOR RPD

D-1 DEVIATION FROM THE REQUIREMENT THAT LOTS ABUT AND HAVE ACCESS TO A PUBLIC STREET DESIGNED IN ACCORDANCE WITH TABLE 9-3 OF THE DEVELOPMENT STANDARDS ORDINANCE TO REFLECT NO STREETS ON LITTLE BOKEELIA ISLAND AND TO REFLECT THE PERMANENT POST-CONSTRUCTION PROHIBITION OF MOTOR VEHICLES OF ALL KINDS EXCEPT THOSE OWNED BY THE HOMEOWNERS ASSOCIATION. ACCESS ON LITTLE BOKEELIA ISLAND WILL BE BY THE 10 FOOT WIDE NATURALLY STABILIZED ACCESSWAY AND UTILITY EASEMENT SHOWN ON THE MASTER CONCEPT PLAN. DRAINAGE WILL BE UNALTERED. NATURAL DRAINAGE ACCOMMODATED THROUGH EXISTING SWALES AND LEADING TOWARD THE ORIGINAL PERIMETER ROADWAY WHICH HAS SERVED AS A RETENTION FACILITY FOR AT LEAST 65 YEARS.

D-2 DEVIATION FROM THE REQUIREMENT THAT R.P.A. LANDS MAY NOT BE ALTERED EXCEPT IN INSTANCES OF OVERHANGING PUBLIC INTEREST. (SECTION 6.01 AND 6.01, OF LEE COUNTY ORDINANCE 98-33, SECTION C.1.2.4.6, AND SECTION 202.15.B.3, TO ACKNOWLEDGE THE EXISTENCE OF A SERVICEABLE DOCK AND EXISTING 20 FOOT PATHWAY TO IT AS SHOWN ON THE WESTERN PORTION OF THE MASTER CONCEPT PLAN.

D-3 DEVIATION FROM THE DEFINITION FOR "LOT LINE" (DEVELOPMENT STANDARDS ORDINANCE) TO ALLOW FRONT, SIDE AND REAR LOT LINES TO BE OTHER THAN SINGLE STRAIGHT LINE SEGMENTS. THIS DEVIATION IS REQUESTED BECAUSE OF THE UNIQUE AND UNUSUAL SIZE AND SHAPE OF THE LOTS, THE LOCATION OF EXISTING STRUCTURES AND HISTORIC AND NATURAL SITE FEATURES AS SHOWN ON THE MASTER CONCEPT PLAN. THIS DEVIATION IS REQUESTED IN ORDER TO ALLOW THE PROPOSED MINOR PLANNED DEVELOPMENT TO COMPLY WITH SECTION 7B OF THE DEVELOPMENT STANDARDS ORDINANCE, WHICH REQUIRE THAT THE SIZE, SHAPE AND ORIENTATION OF LOTS BE DESIGNED TO PROVIDE DEVELOPMENT LOGICALLY RELATED TO TREES, TOPOGRAPHY, SOLAR ORIENTATION AND NATURAL FEATURES AND TO MAXIMIZE THE PRESERVATION OF NATURAL FEATURES. TREES, TREE MASSES, AND SITES WHICH HAVE HISTORICAL SIGNIFICANCE AND SCENIC VIEWS. THE APPLICANT HAS SELECTED A BUILDING SITE ON EACH LOT ON LITTLE BOKEELIA ISLAND AND HAS DESIGNED THE LOT LINES TO ACCOMMODATE ALL OF THE BUILDING SITES, AND THIS PROCESS HAS REQUIRED SOME LOT LINES WHICH ARE NOT SINGLE STRAIGHT LINES.

PRIOR TO ISSUANCE OF ANY DEVELOPMENT ORDER, THE MASTER CONCEPT PLAN SHALL BE AMENDED TO REFLECT THE FOLLOWING PROPERTY DEVELOPMENT REGULATIONS:

#### DEVELOPMENT REGULATIONS

##### MINIMUM LOT AREA AND DIMENSIONS

AREA: 7,500 SQUARE FEET  
WIDTH: 60 FEET  
DEPTH: 100 FEET

##### MINIMUM STRUCTURAL SETBACKS

ROADWAY: 10 FEET  
SIDE: 7 FEET  
REAR: 15 FEET  
WATER BODY: 25 FEET FROM THE MEAN HIGH WATER LINE  
RPA/TZ: 25 FEET

##### MINIMUM ACCESSORY STRUCTURE SETBACK

ROADWAY: 10 FEET  
SIDE: 7 FEET  
REAR: 5 FEET  
WATER BODY: SEE SECTION 202.15.B.4 OF THE LEE COUNTY ZONING REGULATIONS, EXCEPT FOR THE COMMUNITY POOL, WHICH SHALL SET BACK 15 FEET FROM THE MEAN HIGH WATER LINE  
RPA/TZ: 25 FEET

BUILDINGS AND ACCESSORY STRUCTURES EXISTING PRIOR TO JANUARY 1, 1982 SHALL NOT BE REQUIRED TO COMPLY WITH THE MINIMUM STRUCTURAL AND ACCESSORY STRUCTURE SETBACKS CONTAINED WITHIN THESE DEVELOPMENT REGULATIONS.

##### SETBACK MEASUREMENT

ALL SETBACKS SHALL BE MEASURED TO THE NEAREST POINT OF A BUILDING OR STRUCTURE. ENCROACHMENT INTO THE SETBACK SHALL BE PERMITTED AS FOLLOWS:

##### A. WINGWALLS

A WINGWALL WHICH IS PART OF A BUILDING MAY BE PERMITTED TO ENCROACH INTO A SIDE OR REAR SETBACK, PROVIDED THAT SAID ENCROACHMENT IS NO HIGHER THAN WOULD BE PERMITTED FOR A FENCE OR WALL. WHEN MEASURING THE SETBACK FOR A WINGWALL, THE SETBACK SHALL BE MEASURED FROM THE PROPERTY LINE TO THE NEAREST POINT OF THE WINGWALL, WHICH MEETS THE MAXIMUM HEIGHT PERMITTED FOR A FENCE OR WALL WITHIN SAID SIDE OR REAR SETBACKS.

##### B. OVERHANGS

AN OVERHANG WHICH IS PART OF A BUILDING MAY BE PERMITTED TO ENCROACH INTO ANY SETBACK AS LONG AS THE OVERHANG DOES NOT EXTEND MORE THAN THREE FEET INTO THE SETBACK AND DOES NOT PERMIT ANY BALCONY, PORCH, OR LIVING SPACE LOCATED ABOVE THE OVERHANG TO EXTEND INTO THE SETBACK.

##### C. SHUTTERS

A SHUTTER WHICH IS ATTACHED TO A BUILDING MAY BE PERMITTED TO ENCROACH ONE FOOT INTO THE SETBACKS.

##### LOT COVERAGE

MAXIMUM STRUCTURAL LOT COVERAGE OF THE TOTAL LOT OR A COMBINATION OF LOTS SHALL BE 45 PERCENT.

##### BUILDING HEIGHT

MAXIMUM BUILDING HEIGHT SHALL BE 45 FEET ABOVE THE HIGHEST ELEVATION ON EACH LOT OR 45 FEET ABOVE THE MINIMUM FLOOD ELEVATION, WHICHEVER IS GREATER.

##### OFF-STREET PARKING

THERE SHALL BE NO OFF-STREET PARKING REQUIREMENTS.

**APPROVED**  
Amendment to  
Master Concept Plan  
Subject to Case # 40D3003-00081  
Date July 31, 2003

ADD 2003-00081

MASTER CONCEPT PLAN

**Banka Engineering, Inc.**  
Professional Engineers, Planners & Land Surveyors  
FORT MYERS • NAPLES • SARASOTA  
10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33912  
PHONE: (239) 939-5490 FAX: (239) 939-2523  
ENGINEERING LICENSE # 13 6489  
SURVEY LICENSE # 13 6580

MASTER CONCEPT PLAN  
LITTLE BOKEELIA ISLAND  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
4/25/2003	1018	MCPT018D	RJP	RJP	RSB	200	1	1	35-43-21