8/27/2014

Revised Z99-042 Conditions

Hidden Harbor RPD ADD2014-00127 (RWA project No. 040115.06.02)

1. The development of this project must be consistent with the ~~two~~one-page Master Concept Plan entitled "Hidden Harbor," stamped received ~~March 10, 1999,last revised 02/22/99~~ XXXXXX, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

~~2. The following Schedule of Uses supersedes the Schedule on the approved Master Concept Plan:~~

2. SCHEDULE OF USES

ALL USES LISTED AS PERMITIED IN THE RS-1 ZONING DISTRICT

~~CLUBS, Private~~

~~RECREATIONAL FACILITIES, Private- On-Site~~

DOCKS, SINGLE FAMILY (limited to 53) subject to compliance with Section 26-71 LDC

KAYAK LAUNCH subject to compliance with Section 26-73 LDC

~~BOAT RAMP (Non-Commercial) (Subject to limitations in Condition 4)~~

Model Homes (Limited to 4)

CLUBHOUSE AREA

CLUBS, Private

RECREATIONAL FACILITIES, Private- On-Site

Dock (1) subject to compliance with Section 26-71 LDC

~~The following Property Development Regulations supersede the regulations set forth on the approved Master Concept Plan:~~

3. PROPERTY DEVELOPMENT REGULATIONS:

SINGLE FAMILY Minimum Lot Area and Dimensions:

Area: 7,500 square feet

Width: 75 feet

Depth: 100 feet

Minimum Setbacks:

Street: ~~variable according to the functional classification of the street or road (Section 34-2191 et seq.)~~

14' from right of way line for homes with side loaded garages

20' from right of way line for homes with front loaded garages

Side: ~~7.5~~ 6 feet

Rear: 15 feet ~~(subject to Deviation (3))~~

Accessory Use and Structure setbacks must comply with LDC Sections 34-1171 et seq. and 34-2194.

Maximum Lot Coverage: 50 percent

Maximum Building Height: 35 feet

Water Body: 15 feet ~~(subject to Deviation (2))~~

CLUBHOUSE AREA DEVELOPMENT REGULATIONS:

0' from waterbody for docks, boardwalks, and a kayak launch

0' from retaining was for accessory structures

15' rear yard setback

7.5' side yard setback

20' front yard setback.

~~4. Only one boat ramp may be permitted within this planned development and must be located as shown on the approved Master Concept Plan. This boat ramp may not be permitted until the following is demonstrated:~~

~~a. Documentation must be submitted showing that the Florida Department of Environmental Protection finds that this project is not considered to be a Development of Regional Impact (DRI). If determined to be a DRI, no additional boat docks or ramps may be permitted until DRI approval is granted; and~~

~~b. The Developer provides the required off-street parking for the boat ramp, in accordance with LDC Section 34-2020.~~

5. A gopher tortoise species survey, species management plan and an offsite relocation permit from FWC must be submitted ~~P~~prior to local development order approval. ~~, a detailed gopher tortoise management plan must be provided by the development order applicant to the Division of Planning that follows the general guidelines of the conceptual gopher tortoise management plan submitted in letter form dated March 1, 1999. The plan must include the details addressing how tortoises will be protected during the infrastructure phase of development and during development of the individual single-family lots.~~

6. Prior to local development order approval, a detailed manatee management plan must be provided by the development order applicant to the Division of Planning that follows the general guidelines of the conceptual management plan submitted in letter form dated March 1, 1999. The manatee zone and no wake zone sign locations must be delineated on the development order plans. An educational brochure or kiosk must be made available to all of the landowners within the development to inform them of the presence and protection requirements of manatees.

~~7. The boat ramp facility must be designed to include a swale, exfiltration trench, or other engineering devices to prevent bilge water and associated parking lot run-off from flowing down the ramp and into the inlet for Ten Mile Canal. The ramp facility design must be approved as part of the local development order and building permit review for the facility.~~

8. Emergency Preparedness:

   a. The Applicant must initiate the establishment of a property owners' or residents' association for each residential component of this project. The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and technical assistance for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.

   b. The Applicant must formulate an emergency hurricane notification and evacuation plan for the development that will be subject to review and approval by the Lee County Office of Emergency Management.

   c. If access to this development or into portions of this development is through a security gate or similar device, which is not manned 24 hours a day, it must be equipped with an override strip installed in a glass-covered box to be used by drivers of emergency vehicles to gain entry consistent with LDC Section 34-1749.

9. All retaining walls must meet LDC Section 26-75 (c).

10. Any dock permit proposed along the inlet as depicted on the MCP, must include a title demonstrating there are no maintenance easements assigned to Lee County within the lot or project boundary.

11. All docks must comply with LDC Section 26-71 and all other applicable Local, State and Federal regulations.

~~9~~11. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

~~10~~12. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the 2020 Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b), of the Lee Plan.

~~11~~13. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

SECTION C. DEVIATIONS:

~~Deviation (1) seeks relief from LDC Section 10-296, Table 3, which requires a minimum 35-foot right-of-way for a privately maintained road with closed drainage system, to allow a 24-foot-wide right-of-way. This deviation is hereby APPROVED, SUBJECT TO the following conditions and, if necessary, to additional review and conditioning by the Director during the local development order process:~~

~~a) That there are no structural encroachments into easements required by the South Florida Water Management District (SFWMD) or into the minimum rear setbacks; and~~

~~b) That access for maintenance is provided.~~

~~Deviation (2) seeks relief from LDC Section 34-2194, which requires a minimum 25-foot setback from a waterbody, to allow a minimum waterbody setback of 15 feet. This deviation is hereby APPROVED, SUBJECT TO the following conditions and, if necessary, to additional review and conditioning by the Director during the local development order process:~~

~~a) That there are no structural encroachments into any easements required by the SFWMD or into the minimum rear setbacks; and~~

~~b) That access for maintenance is provided.~~

~~Deviation (3) seeks relief from LDC Section 34-695, which requires a minimum 20-foot setback from the rear property line, to allow a 15-foot setback. This deviation is hereby APPROVED, SUBJECT TO the following conditions and, if necessary, to additional review and conditioning by the Director during the local development order process:~~

~~a) That there are no structural encroachments into any easements required by the SFWMD or into the minimum rear setbacks; and~~

~~b) That access for maintenance is provided.~~

Deviation (~~4~~1) seeks relief from LDC Section 10-296(k), which requires a cul-de-sac at the end of a dead end street, to allow a hammerhead tum around. This deviation is hereby APPROVED.

~~Deviation (5) WITHDRAWN AT HEARING~~

Deviation (2) seeks relief from LDC Section 34-1954(d)(1) which states that model homes will be valid for a period of time not exceeding three years to allow model homes until the last lot is sold. This deviation is hereby APPROVED.

Deviation (3) seeks relief from LDC Section 34-1954(f) which requires model homes to provide parking onsite to allow parking for model homes to be located across the internal road as noted on MCP. This deviation is hereby APPROVED.

Deviation (4) seeks relief from LDC Section 26-75 (d) which requires certain criteria for riprap revement to allow the existing rip-rap and mangrove fringe to fulfill the criteria for riprap revetment. This deviation is hereby APPROVED with the following condition: The developer shall obtain a dock and shoreline permit to memorialize the existing riprap and any new riprap must meet LDC Section 26-75 (d).