



MERCHANTS CROSSING CPD

ZONING CONDITIONS

Changes are presented in strikethrough and underline format amending Z-18-035, as amended by ADD2019-00089:

A. Conditions:

1. Development of this project must be in accordance with the one-page Zoning Master Concept Plan entitled "Master Concept" prepared by Morris-Depew Associates, date-stamped received by May 31, 2012, dated APPROVED on June 18, 2012, attached as EXHIBIT C in Resolution Z-18-035, and the Open Space Calculations Plan, Drawing No. C-37, last revised 27-Apr-92 date-stamped received December 9, 1992, attached as EXHIBIT D, except as modified by the conditions in the DRI Development Order and the conditions below. Development may also utilize the Master Concept Plan alternate titled "Merchants Crossing CPD Master Concept Plan" prepared by Waldrop Engineering approved as part of ADD2019-00089.

This development must comply with all requirements of the 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.

The development is limited to a maximum of 570,000 square feet of retail/commercial uses of which 26,000 square feet is dedicated to the perimeter parcels. See Condition II.B.1 of Zoning Resolution Z-08-027 which specifically states:

The development is limited to a maximum of 570,000 square feet of retail/commercial uses of which 41,181 square feet is dedicated to the perimeter parcels for the previously approved 555,000 square feet of total retail/commercial uses. Of that 41,181 square feet, 4,750 square feet is allocated to parcel R.

A property Owner within the Merchants Crossing Commercial Planned Development may convert unused commercial retail square footage to multiple family dwelling units in accordance with the Land Use Conversion rate of 1 multiple-family dwelling unit equals 147 square feet of commercial retail area. In no case shall the number of multiple family dwelling units exceed 2803 dwelling units.

Resolutions Z-90-034, Z-91-092, PD-92-003, Z-93-002, Z-93-023, PD-93-019, PD-96-028, PD-98-039, ADD2004-00002, ADD2005-00114, ADD2005-00244, ADD2006-00056, ADD2007-00104, Z-08-027, ~~and~~ ADD2012-00018, and

ADD2019-00089 are incorporated into this zoning action and are hereby deemed null and void and are superseded by this zoning action.

2. Property development regulations and uses for this development are limited as follows:

Retail and Entertainment Center

Accessory uses and structures Administrative Offices

ATM

Auto Parts Store (as limited by definition) Banks and Financial Institutions,

Groups I and II Boat Parts Store (as limited by definition)

Building Material, Sales (as limited by LDC and Chapter 34, Article VII, Div. 36 and no open or outdoor storage)

Business Services, Group I, limited only to the Lee County Tax Collector branch office to be located on Tract I, See Condition 23

Clinic, Animal: Tract I only (no outdoor kennels or runs) See Condition 22

Clothing Stores, General

Consumption-on-Premises

Up to seven (7) may be approved by the director; pending review (pursuant to LDC Section 34-1264, et seq. on a case-by-case basis

Department Store Essential Services

Essential Service facilities, Group I Excavation, Water retention

Drive-thru Drug Store

Dwelling Units: multiple family buildings not to exceed 2803 dwelling units

Hardware store

Food Stores, Group I (except as limited by Condition 12) Hobby, Toy and Game Shops

Household/Office Furnishings, Groups I and II Insurance Companies

Laundry and dry cleaning, Group I Lawn and Garden Supply Leasing Office, temporary

(One temporary leasing office to serve the entire project, not to exceed 1,800 square feet, shall be permitted on site. The use must be removed within thirty days of the day of final inspection for the project.)

Medical Office Model Units Music Store

Package Store (subject to compliance with LDC Section 34-1263 et seq. Paint, Glass and Wallpaper Store

Parking lot, accessory

Personal Services, Group I and II (Group II, Tract I only, limited to: Beauty spas with massage establishments (df), health clubs or spas)

Pharmacy

Pet Shop (no kennels)

Real estate sales office, accessory

Recreation facilities, Commercial, limited to Groups I, II and IV Recreation facilities, private, on-site

Repair Shops, Group I and II

Residential accessory uses

Restaurant, Standard; Groups I, II and III Rental Establishments, Group II only

Schools, Commercial (excluding Aviation) Shopping Center

Signs, in compliance with LDC Chapter 30 except as permitted by Deviation

(9) approval
Social Services, Group I Specialty Retail Shops, All Groups Temporary Uses
Variety Store
Vehicle and Equipment Dealers, Groups I, II, and III (As limited by LDC Section
34-1352 et seq. and Chapter 34, Article VII, Div. 36)

Perimeter Parcels

Automobile Repair and Service, Group I only as limited by LDC Section 34-
1351 ATM
Automobile Service Station/Self Service Fuel Pumps/Convenience Food and
Beverage Store (one location only)
Banks & Financial Institutions, Group I
Building material sales (as limited by LDC Section Chapter 34, Article VII, Div.
36 and also, no open or outdoor storage)
Business Services, Group I Essential Services Facilities, Group I Excavation,
Water retention
Drive thru Drug Store
Food and Beverage Service, limited:
The provision of food and/or beverages for members and guests of a
private club or recreational center, but not available to the general
public
Hardware Store
(One use only, in conjunction with Lawn and Garden Supply (no
propagation or growing of plants)
Hobby, Toy and Game Shops Insurance Companies
Leasing Office, temporary
(One temporary leasing office to serve the entire project, not to exceed
1,800 square feet, shall be permitted on site. The use shall be removed
within thirty days of the day of final inspection for the project.
Package Store
Paint, Glass and Wallpaper Store Personal Services, Group I
Pet Shop (no boarding or kennels)
Recreation, Commercial, Groups I, II and IV only (one use from this only)
Rental and Leasing Establishments, Group II
Repair shops, Group I & II Restaurants, Fast Food, limited to 3
Restaurant, Standard, Group III, limited to two
Signs in compliance with LDC Chapter 30, except as permitted by Deviation
(9) approval
Vehicle and Equipment Dealers, Group I, II & III (as limited by LDC Sections
34- 1352 et seq. and Chapter 34, Article VII, Div. 36) (only one use from
this activity)

Site Development Regulations

Minimum Lot Area and Dimensions:

The lot lines depicted on the zoning master concept plan are conceptual and
intended to depict the preliminary arrangement of parcels within the project.
They may be subject to modification. Final lot dimensions will be presented at
the time of local development order approval.

Minimum Setbacks:

Street External: In accordance with section 34-2192(a) of the Lee County Land Development Code

Street Internal: 25 feet

Side: 15 feet

Rear: 20 feet, except where a greater setback may be required i.e. external streets, buffers, etc.

Water Body: 25 feet

Development Perimeter Setback: 25 feet, except where a greater setback may be required i.e. external streets, buffers, etc.

Minimum Building Separation: 20 feet

Maximum Lot Coverage: 60 percent

Maximum Building Height:

The maximum height above road elevation of the buildings in each tract is as follows:

Retail, Entertainment - 50 feet (measured from base flood elevation for multi-family residential buildings);

Perimeter Parcels - 50 feet

Building exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).

Zoning Conditions 3-34 – No changes