

ADMINISTRATIVE AMENDMENT (PD) ADD2024-00129(A)

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

ADD2024-00129, issued on August 15, 2024, is hereby amended and replaced by this corrective resolution eliminating reference to Emily Lane in the first Whereas Clause.

WHEREAS, The Nancy Lane Association, Inc. filed an application for an administrative amendment to a Mobile Home Planned Development (MHPD) on a project known as Nancy Lane MHPD Administrative Amendment to allow the use of conventionally-built single-family residences with certain design standards on property located at Nancy Lane, described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution Z-86-216, with subsequent amendments in Resolutions Z-87-79 and Z-90-082, and case numbers ADD2014-00222 and ADD2023-00009; and

WHEREAS, the subject property is located in the Suburban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, Resolution Z-86-216 rezoned the subject property from Mobile Home (MHC-1) to Mobile Home Planned Development (MHPD) in order to bring an existing mobile home development into compliance with setback and lot size regulations (see Exhibit "D"); and

WHEREAS, Resolution Z-86-216 does not list a conventionally-built single-family residence as a permitted dwelling type; and

WHEREAS, Land Development Code (LDC) Section 34-2 defines building, conventional as a building, built upon the site and upon its own permanent foundation, constructed of basic materials such as wood, masonry or metal or minimally prefabricated components such as roof trusses, wall panels and bathroom/kitchen modules, and conformable to the locally adopted building, electrical, plumbing and other related codes; or a building manufactured off the site in conformance with F.S. ch. 553, pt. IV (or chapter 9B-1, Florida Administrative Code), subsequently transported to its site complete or in modules and fixed to its own foundation with no intention to relocate; and

WHEREAS, Nancy Lane Condo is located in the Coastal High Hazard area according to Lee Plan Map 5-A and Flood Insurance Rate Map Zone Coastal A (AE-EL11), assigned by FEMA on Flood Insurance Rate Map Panel 12071C0554F; and

WHEREAS, on September 28th, 2022, Hurricane Ian made landfall in Southwest Florida, causing extensive wind and flood damage across Lee County; and

WHEREAS, Nancy Lane Condo was severely impacted by Hurricane Ian's storm surge and wind, which caused substantial damage to the mobile home development; and

WHEREAS, the applicant requests the ability to optionally permit conventionally-built dwelling unit types for greater storm resilience (see Exhibit "B"); and

WHEREAS, the option to permit conventionally-built single-family dwelling units is customary in mobile home districts (see LDC Table 34-735); and

WHEREAS, Table 34-934 of the LDC establishes that conventionally-built single-family dwelling units are permissible in MHPD Districts; and

WHEREAS, the application requests to "maintain a minimum of 600 [square feet] of living space for each dwelling unit and require the U.S Department of Housing and Urban Development approval for mobile or manufactured homes"; and

WHEREAS, a minimum living area is not stipulated in the existing planned development approvals and LDC Section 34-4 provides that the County will not be responsible for the enforcement of private deed restrictions; and

WHEREAS, the request to establish a building code standard is outside of the purview of the subject zoning application, and current building code standards are effectuated in accordance with federal, state and local building code law at time of building permit review; and

WHEREAS, the subject application was initiated by the Home Owners Association and accompanied by a letter of opinion from a licensed Florida attorney in accordance with LDC Section 34-201(a) (see Exhibit "C"); and

WHEREAS, Resolution Z-86-216 was amended by the neighboring Emily Lane Condo Association, to include the use of conventionally built single-family residences in Case Number ADD2023-00009; and

WHEREAS, the Lee County Land Development Code (LDC) 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

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 the Mobile Home Planned Development (MHPD) is **APPROVED**.

Approval is subject to the following conditions:

1. **Resolution Z-86-216 is hereby amended to include “Dwelling Unit, Single-Family Residence” as a permitted use within the Nancy Lane Condo, as legally described in Exhibit “A.”**
2. **The terms and conditions of the original zoning resolutions, as amended, remain in full force and effect, except as amended herein.**
3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

APPROVED
ADD2024-00129
Elizabeth Workman, Planner, Principal
Lee County
August 20, 2024

Exhibits

Exhibit A: Legal Description
Exhibit B: Applicant's Narrative
Exhibit C: Application Initiation Documents
Exhibit D: Resolution Z-86-216

Exhibit A

**AMENDED AND RESTATED
DECLARATION OF CONDOMINIUM
OF**

NANCY LANE, A CONDOMINIUM

**SUBSTANTIAL REWORDING OF DECLARATION OF CONDOMINIUM-
SEE CURRENT DECLARATION OF CONDOMINIUM FOR CURRENT TEXT**

RECITALS:

In a Declaration of Condominium recorded at O.R. Book 1700, Pages 4622 et seq. of the Lee County Public Records on December 5, 1983. The Condominium Developer did submit to condominium ownership pursuant to Chapter 718, Florida Statutes, known as the Condominium Act, that property situated in Lee County, Florida, more particularly described as follows:

A TRACT OF LAND LYING IN GOVERNMENT LOT 4, SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, WHICH TRACT IS DESCRIBED AS FOLLOWS: FROM THE INTERSECTION OF THE EAST LINE OF SAID GOVERNMENT LOT 4 AND THE NORTHEASTERLY LINE OF MAIN STREET AS DESCRIBED IN DEED BOOK 137 AT PAGE 117 OF THE PUBLIC RECORDS OF LEE COUNTY, RUN N 55°19'00"W ALONG SAID NORTHERLY LINE OF MAIN STREET FOR 351.96 FEET; THENCE RUN N 37°41'18"E FOR 183.33 FEET TO THE APPROXIMATE CENTERLINE OF AN EXISTING WATERWAY TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT. FROM SAID POINT OF BEGINNING RUN S 37°41'18" W FOR 183.33 FEET TO SAID NORTHEASTERLY LINE OF MAIN STREET; THENCE RUN N 55°19'00"W ALONG SAID NORTHEASTERLY LIEN OF MAIN STREET FOR 244.30 FEET; THENCE RUN N 76°35'00" W ALONG SAID NORTHEASTERLY LINE OF MAIN STREET FOR 33.27 FEET; THENCE RUN N 1°19'37" W FOR 125.00 FEET; THENCE RUN S 76°35'00" E FOR 38.78 FEET TO THE APPROXIMATE CENTERLINE OF AN EXISTING WATERWAY; THENCE RUN N 0°07'24" W ALONG SAID APPROXIMATE CENTERLINE OF SAID WATERWAY FOR 1250 FEET MORE OR LESS TO A WESTERLY PROLONGATION OF THE WATERS OF HURRICANE BAY; THENCE RUN NORTHEASTERLY AND EASTERLY ALONG SAID PROLONGATION ALONG SAID WATERS AND ALONG A SOUTHEASTERLY PROLONGATION TO AN INTERSECTION WITH A LINE BEARING N 0°08'17" W PASSING THROUGH THE POINT OF BEGINNING; THENCE RUN S 0°08'17" E ALONG SAID LINE ALONG THE APPROXIMATE CENTERLINE OF AN EXISTING WATERWAY FOR 1370 FEET MORE OR LESS TO THE POINT OF BEGINNING. BEARING HEREINABOVE MENTIONED ARE FROM CONSIDERING THE LINE COMMON TO GOVERNMENT LOTS 3 AND 4 AS BEING NORTH-SOUTH.

The Condominium Property is further described at Condominium Plat Book 8, Pages 216 et seq., Lee County Public Records.

Amended and Restated Declaration of Condominium
(Page 1 of 34)

REVIEWED
ADD2024-00129
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/19/2024

LAW OFFICES
BECKER & POLIAKOFF, P.A. • 14241 METROPOLIS AVENUE, SUITE 100 • FT. MYERS, FLORIDA 33912
TELEPHONE (239) 433-7707
WWW.BECKER-POLIAKOFF.COM

NANCY LANE

CONDOMINIUM
PLAT BOOK PAGE

SHEET 2 OF 2

A CONDOMINIUM
LYING IN PART OF GOV'T. LOT 4 SECTION 19, T46S, R24E
FORT MYERS BEACH LEE COUNTY, FLORIDA

OCTOBER 1982
EXHIBIT "B"

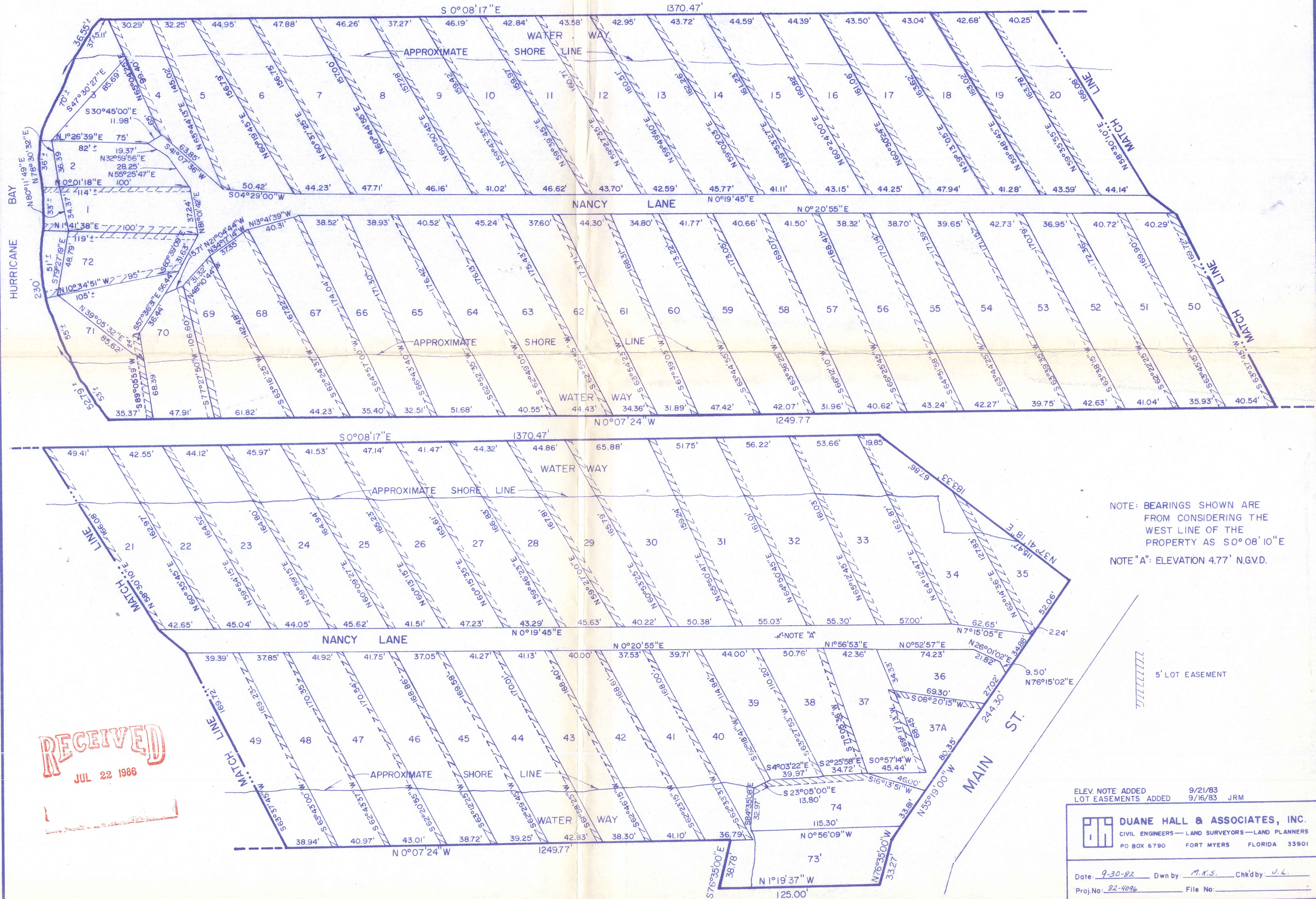
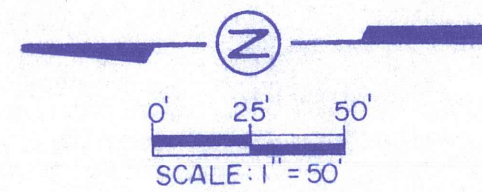
APPROVED

Master Concept Plan

Site Plan 86-218 Page 3 of 248

Subject to conditions in Resolution Z-86-216

Zoning Ord. 86-12-15.D.C.I.



RECEIVED
JUL 22 1986

REVIEWED
ADD2024-00129
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/19/2024

ELEV. NOTE ADDED 9/21/83
LOT EASEMENTS ADDED 9/16/83 JRM



DUANE HALL & ASSOCIATES, INC.
CIVIL ENGINEERS—LAND SURVEYORS—LAND PLANNERS
PO BOX 6790 FORT MYERS FLORIDA 33901

Date: 9-30-82 Dwn by: M.K.S. Chkd by: J.L.
Proj. No: 82-4096 File No:

CANAL PT TRAILER PARK

Exhibit B



Kathleen "Katie" O. Berkey, AICP
Shareholder and Certified Land Planner
Board Certified Attorney, City, County, and
Local Government Law
Phone: 239.628.4919 Fax: 239.433.5933
KBerkey@beckerlawyers.com

Becker & Poliakoff
Six Mile Corporate Park
12140 Carissa Commerce Court, Suite 200
Fort Myers, Florida 33966

Northern Trust Building
4001 Tamiami Trail North, Suite 270
Naples, Florida 34103

June 21, 2024

VIA eCONNECT

Adam Mendez, Senior Planner, Zoning Section
Lee County Community Development
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

**Re: The Nancy Lane Association, Inc. / Application for Administratively Amend a
Mobile Home Planned Development ("MHPD")**

Dear Mr. Mendez:

My Firm represents The Nancy Lane Association, Inc., a condominium association located at 35 Nancy Lane, Fort Myers Beach, Florida 33931 on San Carlos Island in unincorporated Lee County (the "Applicant"). The Condominium Property, which includes 74 residential Condominium Units, is generally located on the north side of Main Street, northwest of the Key West Express parking lot.

In the wake of Hurricane Ian, the Applicant wishes to rebuild the Condominium Property, and to allow individual Unit Owners to rebuild their respective Units, stronger and safer from future casualty events. For these reasons, the Applicant is seeking an administrative amendment to an existing Mobile Home Planned Development ("MHPD") to:

- (1) allow for the construction of conventionally built or modular single-family dwelling units as alternatives to mobile home development currently permitted under Zoning Resolution No. Z-86-216 (as amended);
- (2) maintain a minimum of six hundred (600) square feet of living space for each dwelling unit; and
- (3) require U.S. Department of Housing and Urban Development approval for mobile or manufactured homes.

Lee County Community Development

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No deviations are proposed as part of this request.

Consistent with ADD2023-00009 issued for Emily Lane as part of the Canal Pointe MHPD, the request herein qualifies for an administrative relief and maintains the original MHPD's compliance with the Lee Plan and the Lee County Land Development Code (the "Code"), pursuant to Section 34-174(i) of the Code, because the request will not: (1) increase the height, density, or intensity of the existing MHPD or adversely impact surrounding land uses; (2) affect public resources and public infrastructure committed to the support of the existing MHPD; (3) result in any reduction of total open space as shown on the approved Master Concept Plan (*enclosed* herein for ease of reference) or required by the Code, or require an amendment to the approved Master Concept Plan; (4) decrease the amount of indigenous native vegetation preservation required by the Code; or (5) change any buffer or landscaping areas. The proposed amendment, if approved, will also allow for development alternatives that are compatible with the surrounding area, as there are other conventionally built or modular single-family dwelling units already existing in the vicinity of the Condominium Property (e.g., 1529 Main Street and 792 Oak Street, Fort Myers Beach, Florida 33931).

Enclosed, please find the completed Application to Administratively Amend the MHPD and the following submittal requirements:

- Affidavit of Authorization Form;
- Disclosure of Interest Form;
- List of the Condominium Unit Owners' names, Unit numbers, addresses, folio numbers, and STRAP numbers;
- Written Consent to Application to Administratively Amend the MHPD Forms executed by no less than seventy-five percent (75%) of the Condominium Unit Owners and an Affidavit of Notice to the Unit Owners Form to reflect compliance with Section 34-201(a)(1)(c) of the Lee County Land Development Code;
- The metes and bounds legal description for the property submitted to condominium ownership recorded in the Lee County Public Records as part of the Amended and Restated Declaration of Condominium of Nancy Lane, a Condominium, at Official Record Book 4411 at Page 1994 *et seq.* on August 27, 2004 (the "Declaration");
- The Nancy Lane Condominium Plat recorded in the Lee County Public Records on August 27, 2004, as Exhibit "A" to the Declaration,¹ restating the metes and bounds legal description for the condominium property and containing the surveyor's certification;
- A copy of the Nancy Lane approved Master Concept Plan pursuant to Zoning Resolution

¹ Also recorded in the Lee County Public Records at Condominium Plat Book 8, Pages 216 *et seq.*

Lee County Community Development

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No. Z-86-216; and

- The Covenant of Unified Control recorded in the Lee County Public Records on January 24, 1989, related to the original MHPD rezoning action pursuant to Zoning Resolution No. Z-86-216.

The \$1,500.00 filing fee will be processed through eConnect. Thank you, and we look forward to working with you.

Very truly yours,



Kathleen O. Berkey

For the Firm

KOB/ ma

Enclosures

cc: Board of Directors, The Nancy Lane Association, Inc.

James Robert Caves, III
Shareholder
Board Certified Specialist in Condominium and
Planned Development Law
Phone: 239.628.4928 Fax: 239.433.5933
rcaves@beckerlawyers.com

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Six Mile Corporate Park
12140 Carissa Commerce Court, Suite 200
Fort Myers, Florida 33966

Northern Trust Building
4001 Tamiami Trail North, Suite 270
Naples, Florida 34103

July 30, 2023

VIA E-MAIL ONLY: amendez@leegov.com

Lee County Department of Community Development
Attn: Adam Mendez

Re: Nancy Lane Association, Inc./Opinion Letter Regarding Association's Zoning Application (ADD2024-00129)

Dear Mr. Mendez,

Please be advised this Law Firm represents the Nancy Lane Association, Inc. (the "Association"). In that capacity we have been directed to provide this opinion letter to Lee County concerning the Association's zoning application. The County is requesting an opinion as required by Section 34-201(a)(1) f. of the Lee County Code.

Specifically, Section 34-201(a)(1) f. provides as follows:

(a) *Initiation of application.* An application for a rezoning, mine excavation planned development under chapter 12, special exception, or variance may be initiated by:

(1) A landowner, or his authorized agent, for his own property. Where there is more than one owner, either legal or equitable, then all owners must jointly initiate the application or petition. Provided, however, that: ...

f. In addition to the authorization required under subsection e, applications that include property that is individually owned by homeowners, condominium unit owners, or timeshare unit owners must be accompanied by a letter of opinion from a licensed Florida attorney, who must attest that he has examined the declaration of condominium, the bylaws of the condominium or homeowners' association documents, and all other relevant legal documents or timeshare documents, as applicable, and concluded that the act of applying or petitioning to the County violates none of the provisions therein, or any federal or state law regulating condominiums, timeshare plans, or homeowners associations, or the rights of any

Lee County Department of Community Development

July 30, 2023

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of the unit/homeowners owners, as derived from such documents and laws, and that approval of the requested act by the County would violate no such rights.

This opinion letter is intended to comply with Section 34-201(a)(1) f., cited above, confirming that following our examination of the Declaration of Condominium, the Articles of Incorporation, and Bylaws for the Association, there is no prohibition in such documents concerning the Association's authority to submit the subject application. Nor does the subject application violate any rights of a Unit Owner contained in the foregoing documents.

Further, there is no federal or state law regulating condominiums which would prohibit the Association with filing the subject application.

We express no opinion in this letter as to any consent, approval, authorization, or other action or filing necessary for future assertions by the Association.

We express no opinion as to the laws of any jurisdiction other than the laws of the State of Florida and the laws of the United States of America.

The opinions expressed above concern only the effect of the laws (excluding the principles of conflict of laws) of the State of Florida and the United States of America as currently in effect. We assume no obligation to supplement this opinion if any applicable laws change after the date of this opinion, or if we become aware of any facts that might change the opinions expressed above after the date of this opinion.

This opinion is given solely for the use and benefit only of Lee County and is limited in its use to reliance by Lee County and may not be relied upon by any other parties, furnished to any other party, quoted, or otherwise used without the prior express written consent of the undersigned firm. This opinion is as of the date hereof and we disclaim any obligation to advise you of any change which hereafter may be brought to our attention.

Very truly yours,



James Robert Caves, III
For the Firm

JRC1/plr

cc: Board of Directors
Kathleen O. Berkey, Esquire

AFFIDAVIT OF NOTICE TO UNIT OWNERS**THE NANCY LANE ASSOCIATION, INC.**

I, the undersigned, Secretary of the Association whose name appears at the bottom of this affidavit do hereby swear and affirm the following:

1. The Condominium Property is currently zoned Mobile Home Planned Development ("MHPD"), which permits mobile home development only.
2. The Board desires to administratively amend the existing MHPD to allow Unit Owners to utilize traditional and modular methods of construction for single-story single-family dwelling Units, as an alternative to mobile home development currently permitted within the MHPD. Lee County also requires a minimum of six hundred (600) square feet of livable space per dwelling unit, and U.S. Department of Housing and Urban Development approval for mobile/manufactured homes.
3. In accordance with Lee County Land Development Code, Section 34-201(a)(1)(c), the Association provided adequate notice to each Unit Owner to summarize the desired administrative MHPD amendment, and no less than seventy-five percent (75%) of the Unit Owners must consent to the Association filing the application for an administrative MHPD amendment with the County.
4. The Secretary swears and affirms that notice to each Unit Owner was given and that 44 of the total 74 Unit Owners (or Eighty three percent (83%) of the total Unit Owners) consented to the administrative MHPD application as reflected in the **enclosed** Written Consents.

Sworn this 21 day of June 2024.

THE NANCY LANE ASSOCIATION, INC.

BY: Laura Danner
Laura Danner, Secretary

STATE OF Florida :
COUNTY OF Lee :

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or _____ online notarization this 21st day of June 2024, by Laura Danner as Secretary of **The Nancy Lane Association, Inc.**, a Florida Not-For-Profit Corporation, on behalf of the corporation. She is _____ personally _____ known _____ to me or _____ has produced _____ (type of identification) as identification.

Teresa Andre
Notary Public

Printed Name Teresa Andre

My commission expires: 1/23/27

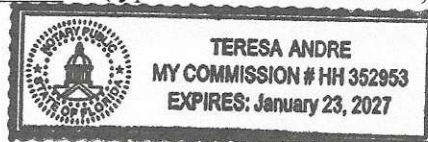


Exhibit D

OFF
REC 1910 PG 1321

RESOLUTION NUMBER Z-86-216

2258570

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, Canal Point Trailer Park has properly filed an application for:

A rezoning from MH-2 to Mobile Home Planned Development, to change the zoning of an existing mobile home development containing 246 dwellings not exceeding 15 feet above average grade, on 25.54± total acres of land. The development includes an administrative office and a maintenance building housing a non-potable water system. No additional units are planned. The current lot sizes and setbacks in this development do not conform with the minimum requirements of Section 438.06 (for the MHC-1 mobile home conservation district) or Section 439 (for development of new mobile home parks). This request is to allow the legal continuation of uses, lot sizes, setbacks, etc., as are presently existing, and to allow the replacement of units when desired or required.

NOTE:

If approved, the Master Concept Plan (available for inspection at 1831 Hendry Street in Fort Myers) will deviate from the following Lee County standards:

- (1) Minimum lot area of 2,800 square feet and lot width of 40 feet in an MHC-1 district (438.01.A), to a lot area of 1,200 square feet and no required minimum lot width;
- (2) Requirement in an MHC-1 district that individual mobile homes or attached appurtenances shall be set back 30 feet from off-site streets and 5 feet from internal park streets (438.01.B.1 and 202.15.B.2), to 5 feet from any street pavement;
- (3) Minimum setback in an MHC-1 district between an individual mobile home or attached appurtenance and a side lot line of 5 feet (438.01.B.2.a and 431.C.2.b.1), to 0 feet, but with a minimum of 10 feet separating individual mobile homes or attached appurtenances;
- (4) Minimum setback in an MHC-1 district from an individual mobile home or attached appurtenance to a water body of 5 feet (438.01.B.3), to 0 feet;
- (5) Maximum lot coverage in an MHC-1 district of 65 percent (438.01.C), to 70 percent;
- (6) Minimum common open space requirement in an MHPD district of 40 percent (431.C.4.a), to 0 percent;

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

1-26-87

- (7) Minimum setback between accessory structures and side or rear property lines of 5 feet or other accessory building of 10 feet (501.B.1.a.1), to 5 feet;
- (8) Minimum setback between accessory structures and a water body of 5 feet (501.B.1.c.1), to 0 feet; and
- (9) Requirement that no accessory structure shall be located closer to the centerline of a street right-of-way line or easement than the required street setback of 1/2 right-of-way plus 20 feet (Section 501.B.1.c.2.), to 5 feet from internal street pavement.

WHEREAS, the subject property is located on the north side of Main Street on San Carlos Island near Fort Myers Beach, beginning approximately 1400 feet east of San Carlos Boulevard and running approximately 1100 feet along Main Street (which forms the southerly boundary), to the waters of Hurricane Bay which form the northerly boundary, all in Section 19, Township 46 South, Range 24 East, Lee County, Florida. (District #3), described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

Certain land lying in Section 19, Township 46 South, Range 24 East more particularly described, to wit:

Nancy Lane, a condominium according to the declaration thereof recorded in OR Book 1700, Page 4622, a Condo PB 8, Page 262, all of the public records of Lee County, Florida, and

Emily Lane, a condominium, according to the declaration thereof recorded in OR Book 1724, Page 1128, public records of Lee County, Florida, and

Helen Lane, a condominium, according to the Declaration thereof recorded in OR Book 1789, at Page 0556, Public Records of Lee County, Florida, and

A tract or parcel of land in Government Lot 3, Section 19, Township 46 South, Range 24 East, San Carlos Island, Lee County, Florida, which tract or parcel is described as follows: From the intersection of the east line of Main Street as described in Deed Book 137 at Page 117 of the Public Records of Lee County, run S 55° 19' 00" W along said northeasterly line of Main Street (50 feet wide) for 346.28 feet to the point of beginning; From said Point of Beginning run N 34° 41' 00" E for 21.39 feet to a point of curvature; thence run northeasterly and northerly along the arc of a curve of radius 135.00 feet for 82.51 feet to a point of tangency; thence run N 00° 20' 00" W for 756.69 feet to a point on the northerly face of an existing concrete seawall; thence run S 76° 37' 11" E along said northerly face of said seawall for 75.55 feet to an intersection with said east line of the west 60 feet of the east half (E-1/2) of the west half (W-1/2) of Government Lot 3; thence run south for 907.22 feet to an intersection with said northeasterly line of Main Street; thence run N 55° 19' 00" W along said northeasterly line of Main Street for 127.99 feet to the Point of Beginning. Containing 1.49 acres more or less.

Bearing mentioned are from assuming the west line of Government Lot 3 bears north.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:

19-46-24-34-00000-0000
19-46-24-37-00000.0000
19-46-24-00-00020.0000
19-46-24-00-B0021.0030
19-46-24-00-00020.0000; and

WHEREAS, proper authorization has been given to Earle W. Rossiter, by Raymond C. Heinold, President of the Nancy Lane Association, Inc., Ross Swager, Secretary of Emily Lane Association, Inc., and Marie Barach, President of Helen Lane Association, Inc., the owners of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter and recommended approval, based on the analysis contained in the Staff Report of November 21, 1986 and the testimony given at the December 4th 1986 Planning and Zoning Commission Hearing; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons:

LEGISLATIVE HISTORY:

The applicants are requesting a rezoning from MH-2 to Mobile Home Planned Development, to change the zoning of an existing mobile home development containing 246 dwellings not exceeding 15 feet above average grade, on 25.54 more or less total acres of land. This request would allow the legal continuation of uses, lot sizes, setbacks, etc., as are presently existing, and to allow the replacement of units when desired or required. At the January 12, 1987 Board of County Commissioners hearing, the Board moved to defer this case to January 26, 1987 hearing to allow for further review by staff. At the January 26, 1987, Board approved the request, with the deviations outlined in staff's report of January 7, 1987, and conditions presented by the County Attorney's Office.

The Board also waived the \$1,000 fee for the amendment to be reapplied for with respect to the perimeter deviation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE with conditions and requested deviations, as follows:

DEVIATIONS

- (1) Minimum lot area of 2,800 square feet and lot width of 40 feet in an MHC-1 district (438.01.A), to a lot area of 1,200 square feet and no required minimum lot width;
- (2) Requirement in an MHC-1 district that individual mobile homes or attached appurtenances shall be set back 30 feet from off-site streets and 5 feet from internal park streets (438.01.B.1 and 202.15.B.2), to 5 feet from any street pavement;
- (3) Minimum setback in an MHC-1 district between an individual mobile home or attached appurtenance and a side lot line of 5 feet (438.01.B.2.a and 431.C.2.b.1), to 0 feet, but with a minimum of 10 feet separating individual mobile homes or attached appurtenances;
- (4) Minimum setback in an MHC-1 district from an individual mobile home or attached appurtenance to a water body of 5 feet (438.01.B.3), to 0 feet;
- (5) Maximum lot coverage in an MHC-1 district of 65 percent (438.01.C), to 70 percent;
- (6) Minimum common open space requirement in an MHPD district of 40 percent (431.C.4.a), to 0 percent;
- (7) Minimum setback between accessory structures and side or rear property lines of 5 feet or other accessory buildings of 10 feet (501.B.1.a.1), to 5 feet;
- (8) Minimum setback between accessory structures and a water body of 5 feet (501.B.1.c.1), to 0 feet; and
- (9) Requirement that no accessory structure shall be located closer to the centerline of a street right-of-way line or easement than the required street setback of 1/2 right-of-way plus 20 feet (Section 501.B.1.c.2.), to 5 feet from internal street pavement.

CONDITIONS

1. All deviations are granted.
2. Deviation from Section 431.C.2.a.1 is not granted, as it has not been advertised.
3. This zoning is pursuant to the Master Concept Plan, which in this case is defined to be:
 - a) Documents as recorded in the Official Records Book 1700, page 4650, Official Records Book 1724, pages 1145 and 1146, Official Records Book 1789, page 575 and 576, and Condominium Plat Book Volume 8, page 261 to 262; AS MODIFIED BY the individual condominium plot plan drawings which are part of the record with respect to lots 3 and 4 on Emily as shown in those documents and with respect to lot 88 where modifications are to be found by referring to lot 87 Emily and lot 35 Nancy. In that fashion all lots are to be reconciled so that lots can be located by the Zoning Division.

REC 1910PG1331

4. Notwithstanding the existing structures which would not meet minimum regulations but for the deviations which have been granted, if any of these structures are to be replaced, for whatever reason, they will comply with the following minimum conditions:

a. Street setbacks:

- 1) Internal parks street - 10 feet as measured from street to pavement for a mobile home or enclosed appurtenance thereto
- 2) Perimeter boundary street - 10 feet as measured from the right-of-way

PROVIDED HOWEVER, that carports or other unenclosed appurtenances may be replaced with a setback of 5 feet from the street pavement or right-of-way.

b. Side Setbacks:

- 1) Internal park lot - 0 (zero) feet on one side but with a minimum of 10 feet separating individual mobile homes and enclosed appurtenances (on the other side)
- 2) Park perimeter setback - 5 feet.

c. Rear Setbacks:

- 1) Internal parks lot - 5 feet
- 2) Park perimeter boundary - 25 feet (if adjacent to another mobile home park, recreational vehicle park, commercial, or industrial use, this rear setback may be reduced to 5 feet).

d. Waterbody - 5 feet

- e. Maximum lot coverage - 70 percent which shall include the off-street parking area.

5. Condominium units or mobile home rental spaces which are vacant as of the date of the adoption of this zoning resolution may be developed only under the minimum conditions in Condition #4 above.

Site Plan 86-216 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

OFF
REC 1910 PG 1332

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Fussell, and seconded by Commissioner Slisher and, upon being put to a vote, the result was as follows:

Porter J. Goss	Absent
Charles L. Bigelow, Jr.	Aye
Mary Ann Wallace	Nay
Bill Fussell	Aye
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 26th day of January, A.D., 1987.

ATTEST:
CHARLIE GREEN, CLERK

BY: Lisa J. Pierce
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

Approved as to form by:

County Attorney's Office

FILED

APR 7 1987

CLERK CIRCUIT COURT
BY: Lisa J. Pierce D.C.

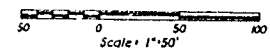
OFF 1910PG1333
REC

HELEN LANE
A CONDOMINIUM
IN GOVERNMENT LOTS 3 AND 4
SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
DECEMBER, 1984
JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS LAND SURVEYORS
FORT MYERS, FLORIDA

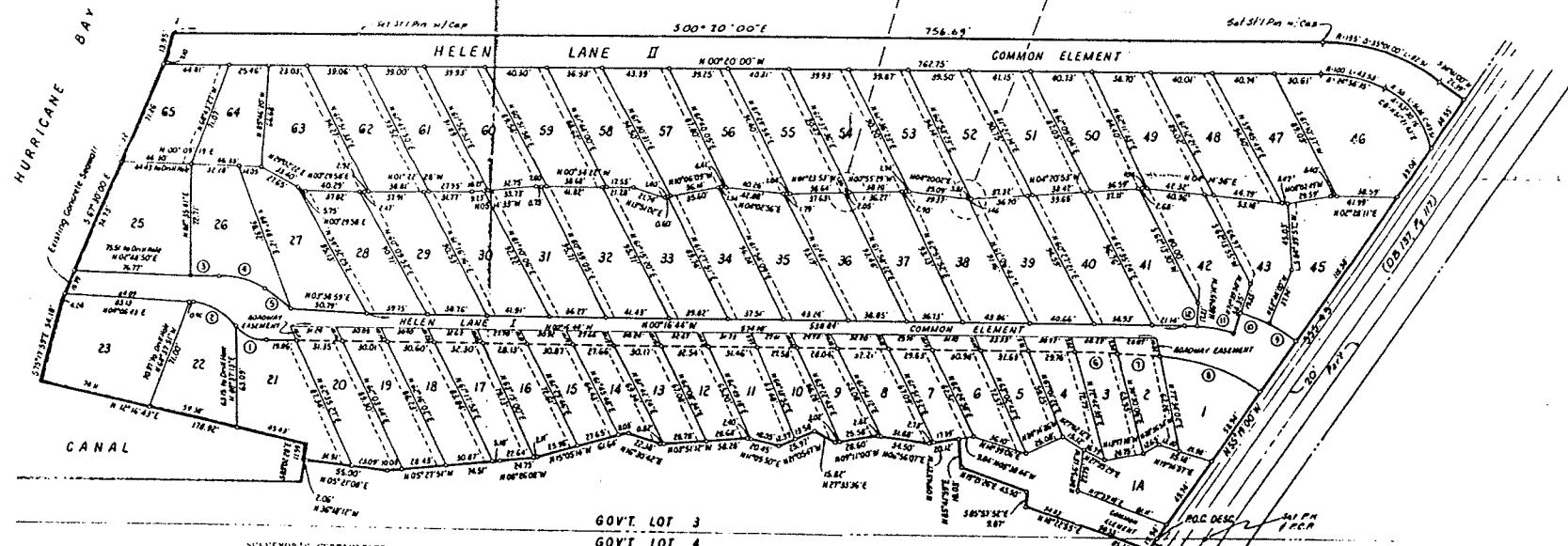
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JUL 22 1985

APPROVED
Master Concept Plan

Site Plan # 86-218 Page 2 of 2
Subject to conditions in Resolution 2-66-218
Zoning Case # 86-12-15 DeC



LOT	SQ FEET	LOT	SQ FEET	LOT	SQ FEET	LOT	SQ FEET
1	2624	15	2132	32	3503	49	3028
1-A	2722	16	2239	33	3319	50	3087
		17	2515	34	3112	51	3178
		18	2634	35	3591	52	3173
2	1817	19	2591	36	3234	53	3296
3	2048	20	2797	37	3122	54	3182
4	1908	21	3601	38	3447	55	3224
5	2038	22	3124	39	3251	56	3116
6	2119	23	4994	40	3356	57	3459
7	1943			41	3191	58	2961
8	2157	25	4381	42	3417	59	3099
9	1909	26	3538	43	2634	60	3252
10	1817	27	3616			61	3201
11	2109	28	3198	45	3740	62	3248
12	2172	29	3149	46	5043	63	3756
13	2077	30	3348	47	3161	64	2382
14	1836	31	2978	48	3309	65	3006



SURVEYOR'S CERTIFICATE

The undersigned, a surveyor duly authorized to practice under the laws of the State of Florida, hereby certifies that the provisions of the Declaration describing the condominium property relating to matters of survey is an accurate representation of the location and dimensions of the mobile home sites, including but not limited to access to the unit and the common element facilities serving those units in the mobile home site on which they are located, and that the identification, location and dimensions of the mobile home sites can be determined from this plan.

I further certify that the construction of the improvements is substantially complete so that the material, together with the provisions of the Declaration describing the condominium property, is an accurate representation of the location and dimensions of the improvements, and that the identification, location, and dimensions of the common elements and of each unit can be determined from these materials.

LELAND F. DYBARD
Registered Land Surveyor
Florida Certificate No. 3459

CURVE NO.	RADIUS	ARC	DELTA	CHORD	CHORD BEARING	TANGENT
1	22.72	20.50	57° 41' 11"	18.81	N 23° 33' 48"E	11.01'
2	41.79	34.69	47° 17' 38"	33.52	N 07° 45' 32"E	18.30'
3	194.69	18.56	05° 27' 42"	18.55	S 02° 04' 59"W	5.29'
4	52.88	32.02	34° 41' 25"	31.53	S 14° 41' 50"W	16.52'
5	305.76	20.76	03° 53' 26"	20.76	S 23° 59' 16"W	10.58'
6	990.07	27.75	01° 36' 22"	27.75	N 02° 32' 03"E	13.88'
7	990.07	27.81	01° 36' 33"	27.81	N 02° 09' 44"E	13.90'
8	117.32	70.08	34° 13' 28"	68.04	N 27° 04' 08"E	36.12'
9	117.00	22.84	11° 11' 07"	22.80	N 27° 24' 26"E	11.46'
10	117.00	17.36	08° 30' 03"	17.34	N 22° 33' 51"E	8.70'
11	102.00	21.20	15° 16' 41"	21.12	N 10° 49' 06"E	13.68'
12	102.00	6.16	03° 27' 30"	6.16	N 04° 27' 01"E	3.08'

- NOTES**
- Dashed Lines parallel with some lot lines are 5 foot easements for access from the contiguous lot for Mobile Home Maintenance, Overhangs, and existing encroachments.
 - Helen Lane Associates Inc., the Condominium Association, reserves a Blanket Easement for Utilities
 - All lots are residential
 - All improvements are existing.

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Canal/Helen Lane
19-46-24

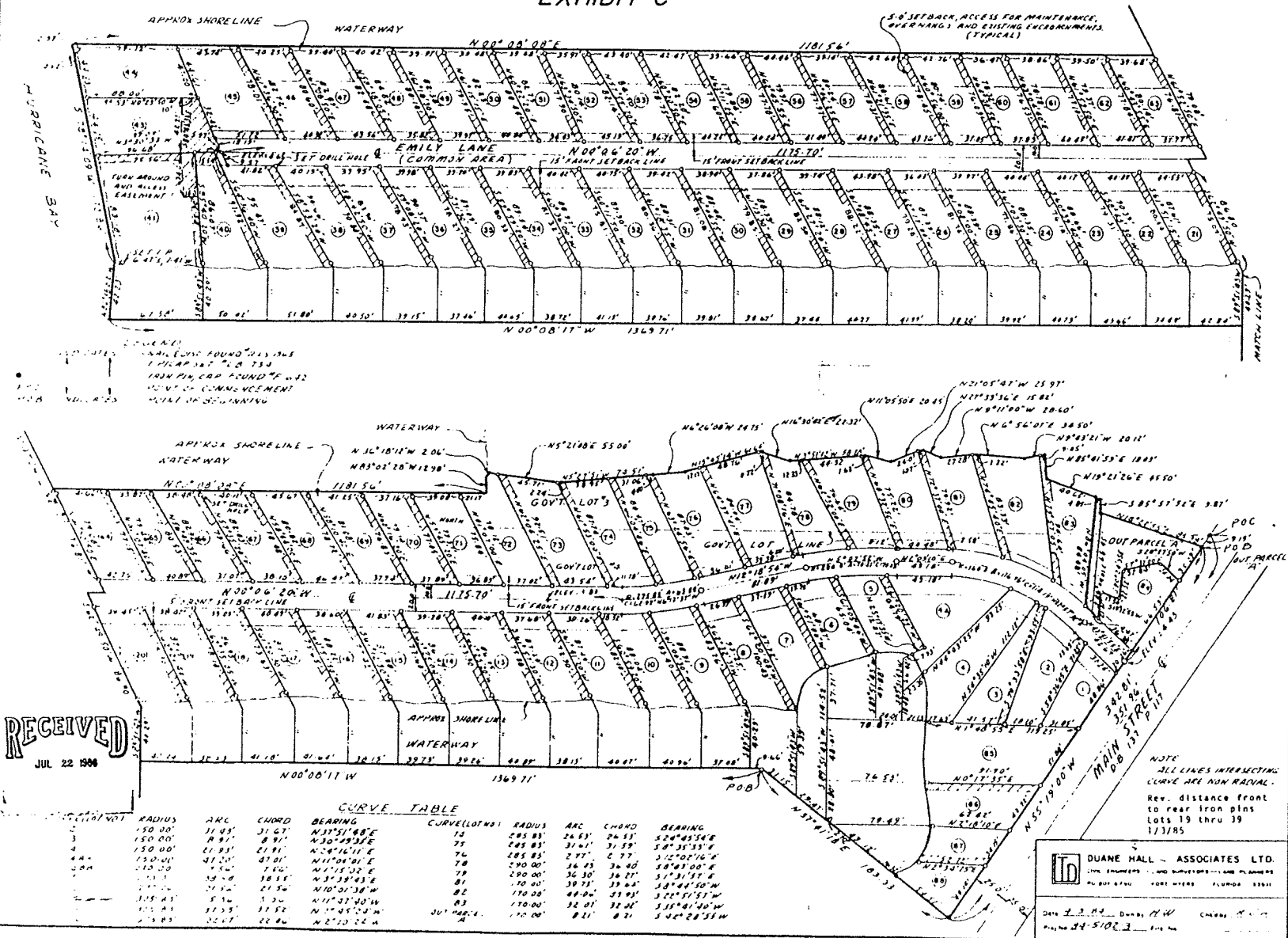
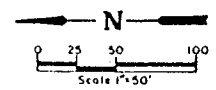
OFF 1910 PG 1334
REC

EMILY LANE

A CONDOMINIUM
LYING IN GOV'T. LOTS 3 & 4
SECTION 19, T46S, R24E
FORT MYERS BEACH-LEE COUNTY, FLORIDA
EXHIBIT C

CONDOMINIUM
PLAT BOOK PAGE
SHEET 2 OF 2

APPROVED
Master Concept Plan
Site Plan # 86-48 Page 2 of 24
Subject to conditions in Resolution 2-86-216
Zoning Case # 86-12-15 DC



RECORDED AND RECORD VERIFIED

Charles J. Jones

CLERK CIRCUIT COURT
LEE COUNTY FLA

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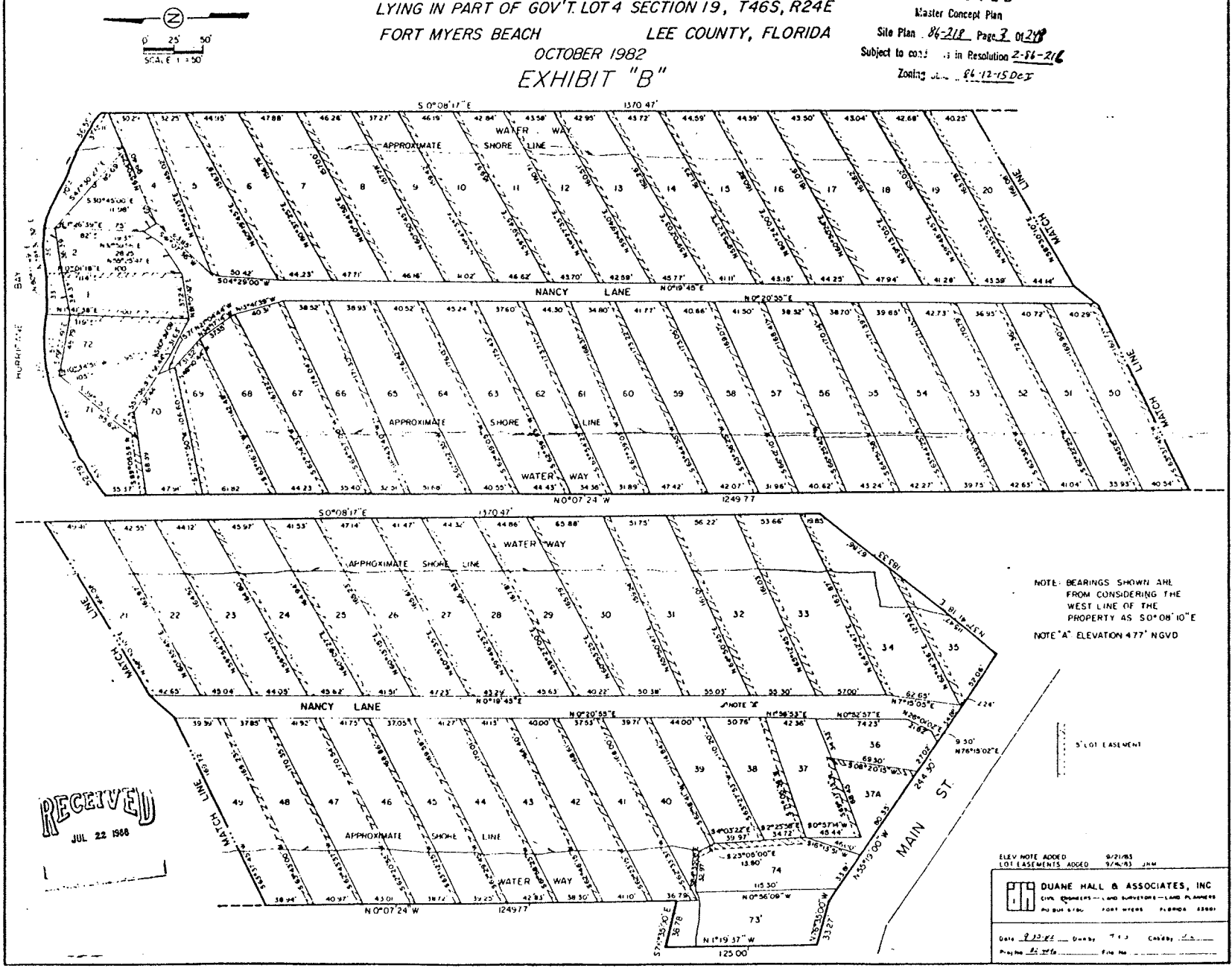
NANCY LANE

A CONDOMINIUM
LYING IN PART OF GOV'T LOT 4 SECTION 19, T46S, R24E
FORT MYERS BEACH LEE COUNTY, FLORIDA
OCTOBER 1982
EXHIBIT "B"

CONDOMINIUM
PLAT BOOK PAGE
SHEET 2 OF 2

APPROVED

Master Concept Plan
Site Plan 86-218 Page 2 of 2
Subject to conditions in Resolution 2-66-216
Zoning Ordinance 64-12-15 DeS



NOTE: BEARINGS SHOWN ARE FROM CONSIDERING THE WEST LINE OF THE PROPERTY AS S0°08'10"E
NOTE "A" ELEVATION 477' NGVD

RECEIVED
JUL 22 1988

ELEV NOTE ADDED 9/21/83
LOT EASEMENTS ADDED 9/24/83 JHM

DUANE HALL & ASSOCIATES, INC
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
P.O. BOX 5100 FORT MYERS FLORIDA 33901

Date 8-22-86 Drawn by T.J.S. Checked J.S.
Project 86-218 File No.