

Exhibit C

Siesta V (ADD2024-00060)

Exhibit C – Conditions and Deviations

Section A. - Conditions

1. The development of this project must be consistent with one-page Master Concept Plan (MCP) entitled “Siesta V”, prepared by Barraco and Associates, Inc. dated 08/13/2024, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a maximum of 36 dwelling units and 41 residential boat slips with each lot limited to one boat slip subject to the conditions enumerated herein.

2. The following limits apply to the project and uses:

- a. **Schedule of Uses**

- Residential Uses

- Accessory uses, buildings, and structures

- Accessory Apartments (only by Special Exception)

- Dwelling unit: Single-family Detached (maximum of 36 units)

- Essential services

- Essential service facilities: Group I

- Home Occupation, no outside help

- Models (by Administrative Approval Only)

- Residential Accessory Uses

- Recreational Facilities

- Signs

- Temporary Uses limited to one contractor's office and equipment storage shed to be located on Lot 1 or Lots 6 through 13, and on-site real estate sales

- Wetland Uses

- Water Retention

- All uses permitted in the Environmentally Critical Zoning District (LDC Section 34-983) EXCEPT Single-Family Uses

- b. **Site Development Regulations**

- Lot Area and Dimension:

- Minimum Width: 75 feet

- Minimum Depth: 90 feet

- Minimum Area: 6,750 square feet

- Building Height

- Maximum Height: 35 feet

Building Setbacks

Private Street (Local)	15 feet
Side	5 feet
Rear (Waterbody)	15 feet
Rear (Accessory Waterbody)	5 feet from 25-foot natural waterway buffer
Minimum Building Separation	20 feet
Natural Waterway	50 feet
Waterbody	20 feet
Lot Coverage	Maximum 70 percent including pools and accessory structures

3. Prior to local development order approval, a draft copy of the amended Conservation Easement dedicated to the Department of Environmental Protection and Lee County for the approximately 44.96-acre mangrove preserve, including mangrove trimming limitations must be submitted for review by the County Attorney's office. Prior to the issuance of a Certificate of Compliance for the subdivision/infrastructure development, a copy of the amended and recorded Conservation Easement must be submitted.
4. The development order plans must depict ±250 lineal feet of mangroves abutting Lots 15-18 pursuant to the Department of Environmental Protection requirements for planting and monitoring in the Environmental Protection Resource Permit.
5. Mangrove trimming limitations must be included in the Deed Restrictions. Prior to plat or replat approval, a copy of the Deed Restrictions must be submitted for the Development Services Environmental Sciences staff to review for consistency with the mangrove trimming limitations detailed in Deviation 5 and the 28.02-foot-wide natural waterway buffer as detailed in Deviation 11.
6. A maximum of 41 residential boat slips are permitted. Residential lots are limited to one boat slip per dock, except for Lots 24 through 36 and the natural waterway buffer of Lot 23 where boat slips, docks, or fishing/observation piers are prohibited.
7. Prior to issuance of a Vegetation Removal Permit, the developer must coordinate an on-site inspection of the clearing limits with Development Services Environmental Sciences staff and the Florida Department of Environmental Protection staff.
8. 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.
9. All agricultural uses and their accessory uses are prohibited.
10. Prop guards or equivalent must be used on all motorized watercraft with motors of 25 HP or greater.
11. The development order plans must be in substantial compliance with the site development plan prepared by Barraco & Associates, Inc. attached hereto as Exhibit "B".

Section B. – Deviations

1. **Deviation (1)** seeks relief from Lee County Land Development Code (LDC) Section 10-296(k)(1)b., which requires the diameter of the right-of-way for curb and gutter sections to be 110 feet, to allow 103-foot-wide right-of-way diameter.

Deviation 1 is **APPROVED**.

2. **Deviation (2) – WITHDRAWN.**

3. **Deviation (3) – WITHDRAWN.**

4. **Deviation (4) – WITHDRAWN.**

5. **Deviation (5)** seeks relief from LDC Section 10-416(9), which requires the retention of existing vegetation within the natural waterway buffer, to allow trimming of lateral branches and no topping of mangroves within 50 percent of the buffer, and to allow trimming of lateral branches and topping of mangroves to a height of no less than 10-feet in the remaining 50 percent of the buffer.

Deviation 5 is **APPROVED, SUBJECT TO** Conditions 3 and 5.

6. **Deviation (6)** seeks relief from LDC Section 10-296(b)Table 2, establishing a 40-foot-wide minimum right-of-way standard for privately maintained roads and streets, to allow a minimum right-of-way width of 26 feet.

Deviation 6 is **APPROVED**.

7. **Deviation (7) – WITHDRAWN.**

8. **Deviation (8)** seeks relief from LDC Section 34-2192(a), which requires all buildings and structures be set back 20 feet from the edge of the right-of-way or street easement line, to allow a street setback of 15 feet.

Deviation 7 is **APPROVED**.

9. **Deviation (9) – WITHDRAWN.**

10. **Deviation (10)** seeks relief from LDC Section 10-416(d)(9), which requires a 50-foot-wide vegetative buffer landward of non-seawalled natural waterways as measured from the mean high-water line or top of bank, whichever is further landward, to allow a previously approved 25-foot-wide vegetative buffer along the non-seawalled shoreline of Lot 23 and Lots 24 through 36.

Deviation 10 is **APPROVED**.

11. **Deviation (11)** seeks relief from LDC Section 10-416(d)(9)a., which requires the vegetative buffer landward of non-seawalled natural waterways in residential subdivisions to be located within a common area or tract, and outside of all private property boundaries, to allow the 28.02-foot-wide vegetative buffer along the non-seawalled shoreline of Lot 23 and Lots 24 through 36, which is subject to a recorded conservation easement granted to

the Florida Department of Environmental Protection, and restricted as a conservation easement in the recorded Deed Restrictions, to be part of the private boundaries.

Deviation 11 is **APPROVED, SUBJECT TO** Condition 5.

12. **Deviation (12)** seeks relief from LDC Section 10-328(b), which requires a 15-foot-wide drainage easement for closed drainage, to allow ten-foot-wide easement for closed drainage.

Deviation 12 is **APPROVED, SUBJECT TO** Condition 12.