

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**DATE CRITICAL  
Blue Sheet No. 20050598**

**1. ACTION REQUESTED/PURPOSE:** Deny appeal of administrative interpretation (MUD2001-00097) under the Lee Plan single-family residence provision filed by Leonard Martin.

**2. WHAT ACTION ACCOMPLISHES:** Provides property owner with an opportunity to appeal the denial of a favorable administrative interpretation of the single-family residence provisions.

**3. MANAGEMENT RECOMMENDATION:** Uphold the determination that the property owner is not entitled to construct one single-family residence on the 11.53 acre subject parcel under the Lee Plan provisions.

**4. Departmental Category:**

*AD #1*

**5. Meeting Date:** *05-24-2005*

**6. Agenda:**  
 Consent  
 Administrative  
 Appeals (9:30 a.m.)  
 Public  
 Walk-On

**7. Requirement/Purpose: (specify)**  
 Statute  
 Ordinance  
 Admin. Code  
 Other

**8. Request Initiated:**  
 Commissioner \_\_\_\_\_  
 Department County Attorney  
 Division \_\_\_\_\_  
 By: *[Signature]*  
**Dawn E. Perry-Lehnert**  
 Assistant County Attorney

**9. Background:** Leonard Martin has filed an appeal of an unfavorable interpretation (MUD2001-00097) of the single-family residence provision issued for property located at 17410 Silver Panther Lane. The determination in question was issued by the County Attorney's Office in April 2003, and the applicant filed a timely appeal. However, the parties agreed to a series of delays in bringing the appeal forward. It is now appropriate to hear and decide the appeal.

In order to qualify for a favorable determination under the Lee Plan provisions, a legal description creating the subject parcel must be recorded in the public records prior to December 21, 1984.

(continued on page 2)

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
				<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	<i>RK 5/2</i>	<i>5/5/05</i>	<i>4/2/05</i>	<i>5/4/05</i>	<i>[Signature]</i>

**11. Commission Action:**

Approved  
 Deferred  
 Denied  
 Other

*County Attorney  
4/2/05*

REC'D	RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
	<i>4-29-05</i>
	<i>4-10</i>
COUNTY ADMIN FORM	COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
	<i>5/5/05</i>
	<i>3/11/05</i>

Based upon the information submitted and reviewed by the County Attorney's Office, the subject parcel was first described as two separate, approximately 6 acre, parcels in a deed recorded in 1999 at OR Book 3152, Page 2756. These two approximately 6 acre parcels were "combined" for purposes of the Minimum Use Determination Application to form the subject 11.53 acre parcel. In addition to the subject parcel, the 1999 deed to Mr. Martin also included contiguous lands totaling approximately 64 acres. The 1999 deed served to transfer a total of 76 contiguous acres to Mr. Martin. Prior to the 1999 deed, the 76 acres were part of a larger parent tract (322 acres) held by Mr. Martin's predecessor, Grand Chenier, Inc., As a result of the 1999 deed, one contiguous tract or parcel of land encompassing 76 acres was created.

The Minimum Use Determination Application only involves only 11.53 acres of the 76 acre tract owned by Mr. Martin at the time the application was filed.

As a basis for appeal the Applicant asserts a number of arguments.

1. *"If the administrative designee is correct in the assertion that the parcel should be viewed within the scope of the larger parcel, the lawfully existing 76 acre tract certainly meets the density requirement set forth within the Lee Plan and the parcel as a whole is therefore in compliance with the single-family residence provisions of the Lee Plan, and a determination of compliance should have been granted."*

The applicant is correct in stating that the 76 acre tract is a lawfully existing parcel. However, the application carved out and submitted for review only the 11.53 subject parcel. Separated from the parent tract (76 acres), the 11.53 acre parcel is not entitled to a favorable single-family interpretation because the 11.53 acre parcel did not lawfully exist as a separate parcel on December 21, 1984.

[Subsequent to filing the appeal, and at the applicant's request, our office issued the letter dated September 30, 2004, attached as Exhibit 4, which indicates that a potential three units can be constructed on the 76 acre parcel.]

2. *"The administrative interpretation is unreasonable and arbitrary. It fails to take into consideration the other property (approximately 200 acres) owned by the applicant."*

The Lee Plan provisions allow the County to render a decision only as to the property that is identified in the application. If the applicant seeks to have the entirety of his property considered for purposes of establishing density, then a process other than a Minimum Use Determination is more appropriate, such as submittal of a rezoning or development order application.

3. *"There are no residential structures within a 20 acre diameter of the subject parcel."*

This argument would require the County to consider property not subject to the Minimum Use Determination Application. In this instance, much of the 20 acres to which the applicant refers is not under the ownership and control of the applicant.

**Blue Sheet #:** 20050598  
**Page #:** 2  
**Subject:** Appeal of Administrative Interpretation (MUD2001-00097)

4. *The denial of a favorable interpretation is tantamount to a taking without compensation.*

The Lee Plan provisions regarding wetland and DRGR density requirements existed prior to the date Mr. Martin obtained title to the subject parcel. Therefore, no taking has occurred. He purchased 76 contiguous acres of land as a single parcel. This land can be put to minimum use for the construction of potentially three dwelling units.

5. *"A factual dispute exists pertaining to the actual date the 11.53 acre parcel was created."*

No additional information or evidence was submitted to substantiate this claim.

The provisions governing the Board's consideration of this appeal are set forth in Lee Plan Chapter XIII.b.C.4. These provisions indicate:

The Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied to the facts presented and the standards set forth in the plan for such administrative interpretation. No additional evidence will be considered by the Board.

The documentation that may be considered by the Board is attached to this bluesheet.

Based upon the available information, the County Attorney's Office believes the applicant has failed to demonstrate a factual or legal basis for the relief requested. Therefore, staff recommends that the Board deny the appeal.

#### Attachments

1. Amended Administrative Interpretation of the Single-Family Residence Provision of the Lee Plan
2. Appeal
3. Application
4. September 2004 Letter Regarding Use
5. Lee Plan Provisions

cc: Mr. Garry O. Hurless  
Mr. Leonard Martin  
Mary Gibbs, Director, DCD  
Pam Houck, Director, Zoning Division  
Peter Blackwell, Planner, DCD

**AMENDED**  
**ADMINISTRATIVE INTERPRETATION OF**  
**THE SINGLE FAMILY RESIDENCE PROVISIONS OF**  
**THE LEE PLAN**

CASE NO.: MUD2001-00097

DATE OF  
APPLICATION: 9/18/01

APPLICANT/  
OWNER: LEONARD MARTIN  
9211Lanthorn Way  
Estero, FL 33928

PROPERTY IN  
QUESTION: 17410 Silver Panther Lane, more particularly described as:

A portion of those lands described in Official Record Book 3152, Page 2756, Lee County, Florida, being described as follows:

Commencing at a concrete monument, the north 1/4 corner of Section 11, Township 46 South, Range 27 East, Lee County, Florida; run North 88°23'19" East on the north boundary of Section 11, 565.51 feet to a point on the centerline of a 60 foot easement, thence South 00°13'05" West on the centerline of the 60 foot easement, 2201 feet to the intersection of 60 foot easements the Point of Beginning; thence South 88°23'19" West 556.44 feet to the point on the centerline of a 60 foot easement, thence South 00°01'06" East 30 feet, continue South 00°01'06" East 745.47 feet, thence North 88°23'19" East 674.06 feet, thence North 00°01'06" West 745.47 feet, continue North 00°01'06" West, 30 feet to a point on the centerline of a 60 foot easement; thence South 88°23'19" West 117.62 feet to the Point of Beginning, less the North 30 feet reserved for access and utility easement. Together with a non-exclusive easement for ingress, egress and utilities, as described in that certain easement from Wildcat Farms, LTD. to Grand Chenier, Inc., as recorded in O.R. Book 1379, Page 477, Public Records of Lee County, Florida.

STRAP NO.: 11-46-27-00-00001.1740

FINDINGS OF  
FACT: The application requests a determination concerning an 11.53± acre parcel acquired by the owner in May 1999 via a Corporate Warranty Deed recorded at OR Book 3152, Page 2756. This 11.53 acre parcel

is a portion of the larger tract of land (approximately 76 acres) transferred to the owner in 1999 via the same deed. No documentation was provided in the application to substantiate the existence of the subject 11.53 acre parcel as a bonafide previously subdivided separate lot or parcel prior to May of 1999.

The subject parcel is zoned AG-2 and is located in the Wetlands and Density Reduction/Groundwater Resource (DR/GR) Land Use Categories. According to the County Property Appraiser's GIS records, 58% (or 6.69 acres) of the 11.53 acres is within the Wetlands Category; the balance (42% or 4.84 acres) is within DR/GR. The Lee Plan requires a minimum of 20 acres per dwelling unit in the Wetlands Category and a minimum of 10 acres per dwelling unit in the DR/GR Category.

Review of the May 1999 deed reveals an apparent attempt to subdivide the 72 acre tract into 5 separate parcels. Two of these parcels comprise the 11.53 acre subject parcel. This attempted subdivision of land fails because it does not comply with county regulations pertaining to the subdivision of land.

#### DETERMINATION:

In accordance with the Findings of Facts:

- 1) The subject parcel is not a bonafide and lawfully existing parcel created prior to December 1984; and
- 2) The subject parcel is not a legally existing separate parcel of land. Instead it is a portion of an existing 72 acre tract; and
- 3) The subject parcel, even if lawfully created, would not meet the density requirement set forth in the Lee Plan for Wetlands and/or DR/GR because it contains both insufficient acreage and uplands to meet the stated density requirements.

Based upon the above, the applicant is not entitled to construct a single family residence on the subject parcel under the Lee Plan provisions of Chapter XIII, Section b.B.4.a(1), (2) & (3). Therefore, this application for a determination of compliance with the single-family residence provisions of Lee Plan, Chapter XIII is denied.

This determinatin supersedes and replaces the Administrative Interpretation of the Single-Family Residence Provisions of the Lee Plan issued March 25, 2003.

**THIS DETERMINATION IS NOT A PERMIT TO BUILD A SINGLE FAMILY RESIDENCE OR TO CONSTRUCT ANY IMPROVEMENTS TO LAND, INCLUDING A ROAD.**

**Applications for building permits or development orders must comply with all applicable County, State, and Federal regulations as those regulations exist at the time each application is submitted.**

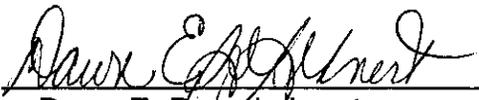
**APPEAL PROCEDURE:**

"An administrative interpretation may be appealed to the Board of County Commissioners by filing a written request within fifteen (15) days after the administrative interpretation has been made. In reviewing such an appeal, the Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied, to the facts presented, the standards set forth in the Plan for such administrative interpretations. No additional evidence will be considered by the Board. The Board of County Commissioners will conduct such appellate review at a public hearing."

Based upon this quoted language, if you disagree with this administrative interpretation, you have the right to an appeal to the Board of County Commissioners. In order to exercise this right of appeal, a written Notice of Appeal must be delivered to the County Attorney's Office, at 2115 Second Street, Fort Myers, Florida, no later than 15 days from the date of this Administrative Interpretation, stating the reasons for your disagreement.

Dated this 30th day of April, 2003.

LEE COUNTY ATTORNEY'S OFFICE  
AS ADMINISTRATIVE DESIGNEE

BY:   
Dawn E. Perry-Lehnert  
Assistant County Attorney

DPL/pr

cc: Timothy Jones, Chief Assistant County Attorney  
Donald D. Stilwell, County Manager  
Paul O'Connor, Director, Planning Division  
Peter Blackwell, Planning Division  
Julie Dalton, Property Appraiser's Office  
Debbie Carpenter, Zoning  
Tidemark

Leonard L. Martin  
P.O. Box 237  
New Philadelphia, Ohio 44663

May 9, 2003

Board of County Commissioners of Lee County  
C/O Lee County Attorney's Office  
2115 Second Street  
Fort Myers, Florida 33901

*Via Certified Mail &  
Fax*

03 MAY 15 PM 12:24  
RECEIVED BY  
LEE CO. ATTORNEY

**RE: REQUEST FOR APPEAL, MINIMUM USE DETERMINATION CASE # MUD2001-00097**

Dear Ladies and Gentlemen of the Board of County Commissioners of Lee County,

The purpose of this letter is to notify you that I wish to appeal the decision rendered by the Administrative Designee as delineated within the Designee's "Amended Administrative Interpretation of the Single Family Residence Provisions of the Lee Plan" concerning the above referenced Minimum Use Determination. This appeal is appropriate and necessary as I disagree with the Administrative Interpretation for the following reasons:

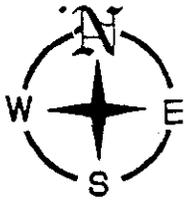
1. The Designee states within the Amended Interpretation that the subject parcel is not a bonafide and lawfully existing parcel created prior to 1984, and further states that it is instead a portion of an existing 72 [sic] acre tract. Further the Designee states that ". . . This attempted subdivision of land fails because it does not comply with county regulations pertaining to the subdivision of land." If the Administrative Designee is correct in the assertion that the parcel should be viewed within the scope of the larger parcel, the lawfully existing 76 acre tract certainly meets the density requirements set forth within the Lee Plan and the parcel as a whole is therefore in compliance with the single family residence provisions of the Lee Plan, and a determination of compliance should have been granted.
2. The subject parcel adjoins and is part of a contiguous assortment of over 200 acres under my ownership. Therefore, the density requirement of the Lee Plan as the Designee is attempting to apply it, represents an "unreasonable and arbitrary ordinance" as the construction of a single family residential unit would not affect the benefit of the "health, safety, and morals" of the community surrounding the subject parcel. Therefore, a determination of compliance should have been granted by the Designee.
3. There are no other single family residential structures within a 20 acre diameter of the subject parcel, therefore, the density requirement as stipulated within policy 84.1.1 of the Lee Plan is met, and a determination of compliance should have been granted by the Designee regardless of the issue of whether or not the "smaller" parcel was "lawfully" created prior to 1984.
4. This misinterpretation of the density requirements contained in the Lee Plan, in light of the circumstances outlined above, affects my quiet enjoyment of the property and represents an apparent attempt to publicly enter upon and encumber private real property by effectively placing a conservation easement upon the title of the property without just compensation to the Landowner.
5. An outstanding factual dispute exists pertaining to the actual date the "smaller" parcel(s) in question were created and accepted by Lee County authorities.

Very Truly Yours,

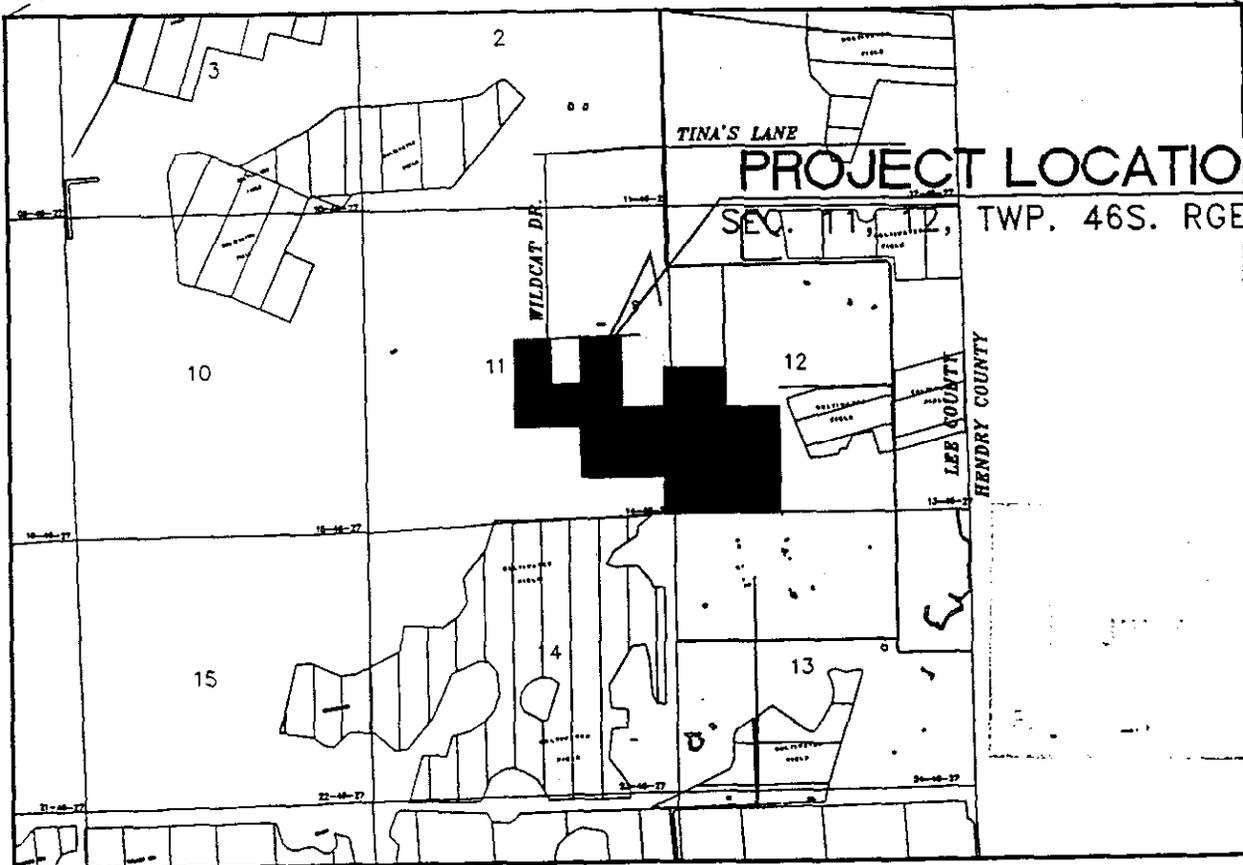
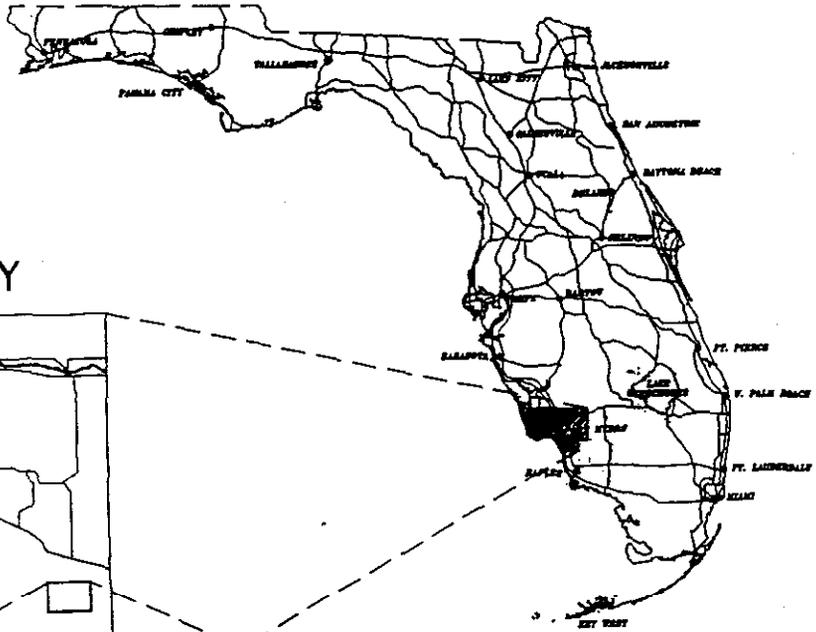
  
Leonard L. Martin







# LEE COUNTY



## PROJECT LOCATION

SEC. 11, 12, TWP. 46S. RGE. 27E.

LATITUDE 26°29'20", LONGITUDE 81°35'04"

### CIRCLE "M" PARCEL LOCATION MAP

SIGNED & SEALED

APPLICATION NUMBER

*Andrew D. V. [Signature]*  
JUL 17 2000

000519 10

EB 692

Attachment 2  
Page 3 of 10

**JOHNSON ENGINEERING, INC.**  
ENGINEERS, SURVEYORS AND ECOLOGISTS  
2158 JOHNSON STREET, POST OFFICE BOX 1550, FORT MYERS, FLORIDA 33902-1550, PHONE (813) 334-0048

DATE MAY 2000	PROJECT NO. 20002019	FILE NO. 11,12-46-27	SCALE N.T.S.	SHEET 1 OF 3
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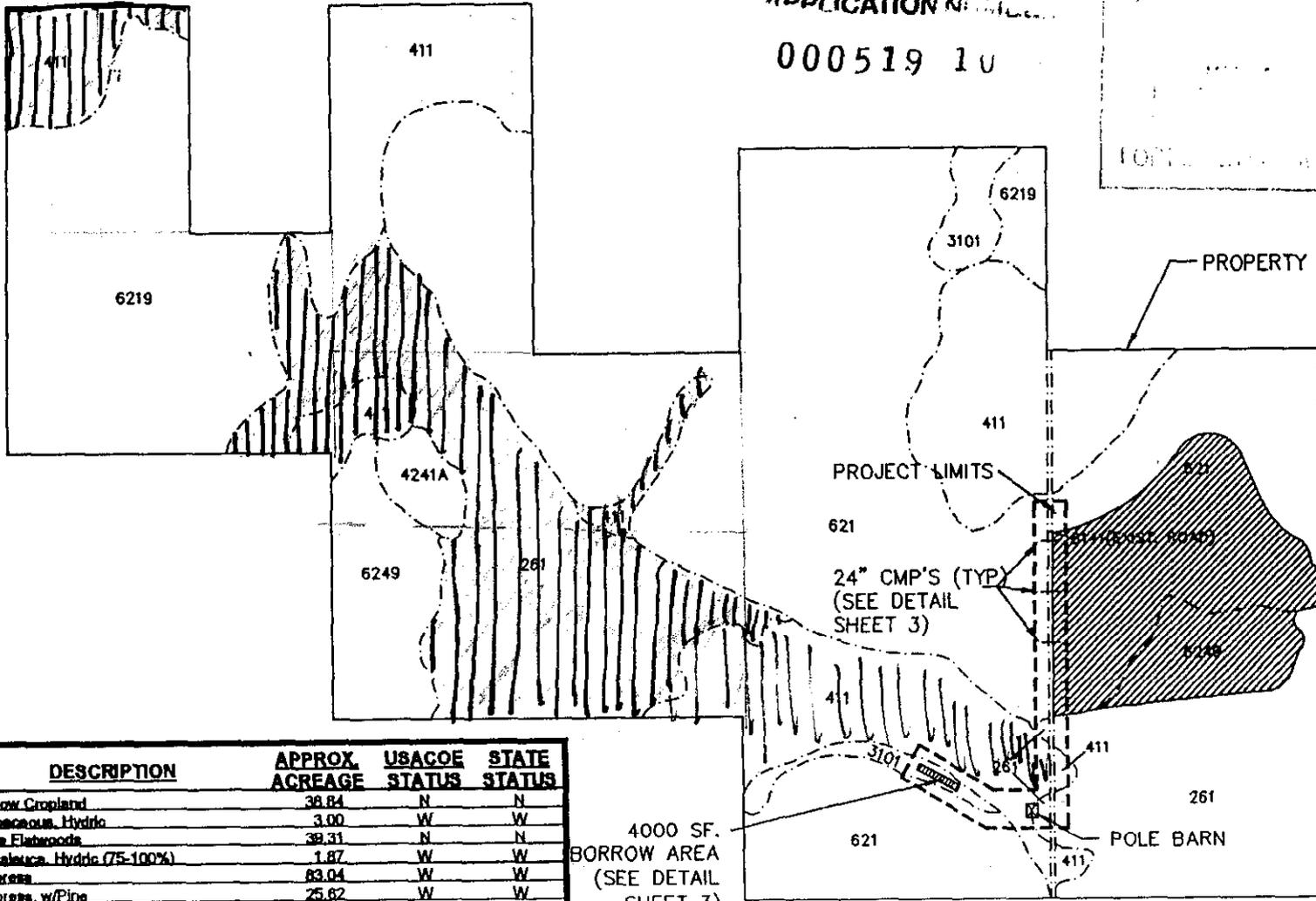
# EXHIBIT 2

Hand  
Delivery  
7-30-03  
Dm

J:\20002019\002019LOC\MAP.DWG\MAB

**EXHIBIT 1**

APPLICATION NUMBER  
000519 10



PROPERTY LINE (TYP.)

PROJECT LIMITS

24" CMP'S (TYP)  
(SEE DETAIL SHEET 3)

4000 SF.  
BORROW AREA  
(SEE DETAIL SHEET 3)

POLE BARN

FLUCFCS CODE	DESCRIPTION	APPROX. ACREAGE	USACOE STATUS	STATE STATUS
621	Fallow Cropland	38.84	N	N
3101	Herbaceous, Hydric	3.00	W	W
411	Pine Flatwoods	39.31	N	N
4241A	Melaleuca, Hydric (75-100%)	1.87	W	W
621	Cypress	83.04	W	W
6219	Cypress, w/Pine	25.62	W	W
6249	Cypress, Pine, Cabbage Palm, Disturbed	10.94	W	W
8141	Primitive road	0.57	N	N
Total		203.18		

**LEGEND**

- N = Non-Wetland
- W = Wetland
- = Project limits
- - - = FLUCFCS line

ENHANCEMENT AREA (15.39 AC.)

**NOTES**

- Nomenclature and delineations as per the Florida Land Use, Cover and Forms Classifications System (FLUCFCS).
- FLUCFCS lines shown have been estimated from a 1"=200' aerial photograph and are approximate.
- Jurisdictional limits have been verified and approved by SFWMD and NRCS.

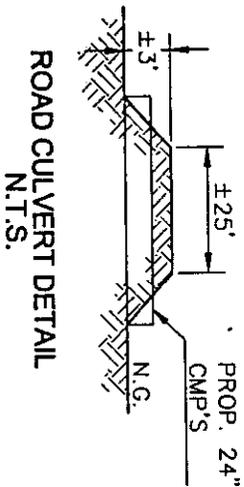
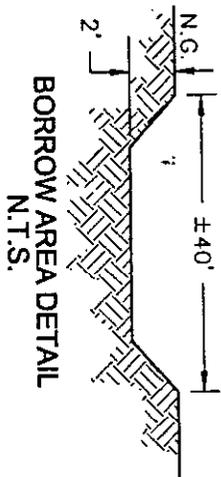
**CIRCLE "M" PARCEL  
EXISTING SITE CONDITIONS**

**JOHNSON ENGINEERING, INC.**  
ENGINEERS, SURVEYORS AND ECOLOGISTS  
2158 JOHNSON STREET, POST OFFICE BOX 1850, FORT MYERS, FLORIDA 33902-1850, PHONE (841) 334-0048

DATE MAY 2000	PROJECT NO. 20002019	FILE NO.	SCALE 1" = 600"	SHEET 2 OF 3
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SIGNED & SEALED  
*John D. Johnson*  
JUL 17 2000  
E.B. 642

Attachment 2  
Page 4 of 10

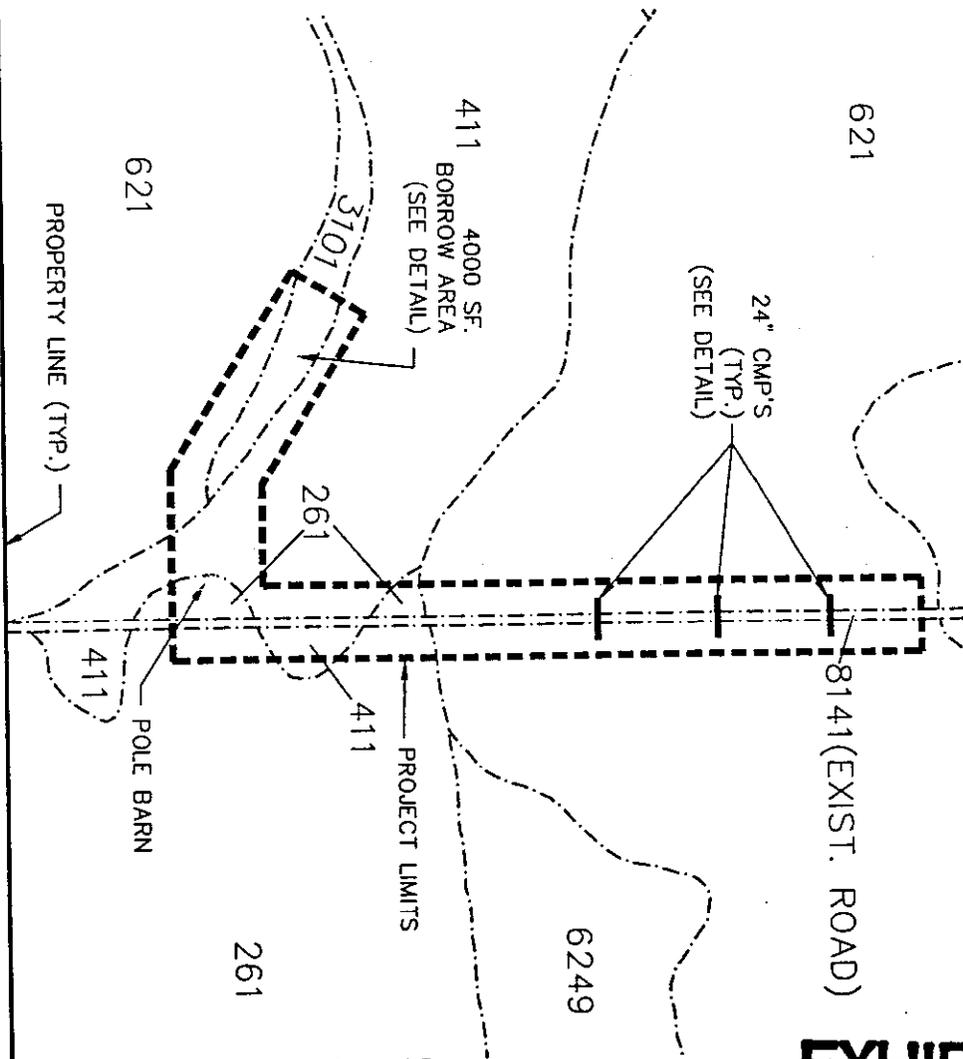


EXCAVATION AREA = ±0.09 AC., ±296 CU. YDS.

FLUCFCS CODE	DESCRIPTION	APPROX. ACREAGE PROJECT LIMITS	USACOE STATUS	STATE STATUS
261	Fallow Cropland	0.52	N	N
3101	Herbaceous, Hydric	0.43	W	W
411	Pine Flatwoods	1.03	N	N
621	Cypress	2.11	W	W
8141	Primitive road	0.39	N	N
Total		4.48		

**LEGEND**  
 N = Non-Wetland  
 W = Wetland  
 — = Project limits  
 - - - = FLUCFCS line

- NOTES**
1. Nomenclature and delineations as per the Florida Land Use, Cover and Forms Classifications System (FLUCFCS).
  2. FLUCFCS lines shown have been estimated from a 1"=200' aerial photograph and are approximate.
  3. Jurisdictional limits have been verified and approved by SPWMD and NRCS.



AND PROPOSED SUBMITTAL  
 000519 10  
 SCALE CENTER

APPLICATION NUMBER:  
 000519 10  
 CIRCLE "M" PARCEL

SIGNED & SEALED  
*Andrew D. Fisher*  
 JUL 17 2000  
 EB 612

**JOHNSON ENGINEERING, INC.**  
 ENGINEERS, SURVEYORS AND ECOLOGISTS  
 2198 JOHNSON STREET, POST OFFICE BOX 1350, EAST AURORA, FLORIDA 32002-1350, PHONE (941) 331-0046  
 DATE: MAY 2000 PROJECT NO.: 200002019 SCALE: 1" = 300' SHEET: 3 OF 3

PROJECT: CIRCLE M RANCH

PERMIT SUMMARY SHEET

APPLICATION NUMBER: 000519-10

LOCATION: LEE COUNTY, S10.11/T46S/R27E

OWNER: LEONARD L MARTIN

ENGINEER: JOHNSON ENGINEERING INC

PROJECT AREA: 19.87 ACRES DRAINAGE AREA: 4.48 ACRES

PROJECT USE: AGRICULTURAL

FACILITIES:

1. EXISTING: The Circle "M" site is a 200 +/- acre agricultural operation in eastern Lee County. The site is accessed via Tina's Lane to Wildcat Drive.

On December 02, 1999 a site inspection was performed to determine if unauthorized excavation occurred in wetlands. The inspection revealed excavation of a cow pond was performed in an area of jurisdictional wetlands. The extent of this excavation involved .09 acres. As part of enforcement action, the owner was required to pay a civil penalty through a Consent Agreement and apply for a permit to work within 19.87 acres of the agricultural operation, in addition to mitigating for the wetland impacts. The Consent Agreement was approved during the August 10, 2000 meeting of the District's Governing Board.

2. PROPOSED: This application includes excavation of a 0.09 acre pond within a jurisdictional wetland, and placement of three (3), 24" CMP's, across an existing historical north-south farm road.

Placement of culverts beneath the road will serve to reconnect flows between wetlands located on both sides of the road. Reestablishment of these flows will serve to enhance 15.39 acres of cypress wetlands previously isolated. Mitigation details related to this enhancement are outlined within the Environmental Assessment portion of this permit.

WATER QUALITY:

Adverse water quality impacts are not anticipated.

APPLICATION NUMBER: 000519-10  
LOCATION: LEE COUNTY, S10.11/T46S/R27E

ENVIRONMENTAL ASSESSMENT:

PROJECT SITE DESCRIPTION:

The project site is a 19.87 acre area located within a 203.19 acre undeveloped irregularly shaped parcel located in eastern Lee County. The project site contains .52 acres of fallow cropland, 1.03 acres of pine flatwoods, .39 acres of access road, 2.11 acres of cypress wetland and .43 acres of herbaceous wet prairie of which .09 acres are cow pond. The site also contains 15.39 acres of cypress, pine and cabbage palm wetland that represents an enhancement area. The enhancement area is part of an 81.94 acre cypress slough that extends in a generally east-west alignment through the center of the site.

As part of the enforcement action to determine potential unauthorized activities, an informal nonbinding wetland jurisdictional determination was performed on the entire property. Based on this inspection, the site contains approximately 124.47 acres of wetlands and 78.72 acres of uplands.

ENDANGERED, THREATENED & SPECIES OF SPECIAL CONCERN:

POTENTIAL SPECIES	USE TYPE	POTENTIAL OCCURANCE
HERONS	FORAGING	PREFERRED HABITAT

ENDANGERED, THREATENED & SPECIES OF SPECIAL CONCERN SUMMARY:

A variety of wading birds, some of which are species of special concern, have been observed on the project site. The on-site wetlands are expected to continue to provide foraging, nesting and roosting habitat for these species. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if in the future, endangered/threatened species or species of special concern are discovered on the site.

APPLICATION NUMBER: 000519-10  
 LOCATION: LEE COUNTY, S10,11/T46S/R27E

**WETLAND PRESERVATION AND IMPACT SUMMARY:**

A cow pond was excavated in the wet prairie portion of a cypress wetland. Excavation of the cow pond resulted in impacts to .09 acres of the wetland prior to the receipt of an Environmental Resource Permit. Fill material from the pond was utilized to construct a fill pad for an equipment barn.

**MITIGATION/MONITORING:**

In order to offset the .09 acres of wetland impact the applicant shall install 3-24" corrugated metal equalizer culvert pipes beneath the access road in the location of the large cypress slough. The pipes will be installed at the existing natural ground elevation. Available information indicates that water sheetflows from west to east within the slough. These pipes will serve to re-establish the historic flow between the east and west portions of the slough. It is anticipated that approximately 15.39 acres in the eastern portion of the slough will be enhanced as a result of the installation of the culverts.

**WETLAND INVENTORY**

NEW ENTIRE PRJ - CIRCLE M RANCH

ONSITE

Pre-Development		Post-Development				
	TOTAL EXISTING	PRESERVED	UNDISTURBED	IMPACTED	ENHANCED	RESTORED/ CREATED
FORESTED	15.48	0	15.39	.09	15.39	0
TOTALS	15.48	0	15.39	.09	15.39	0

UPLAND COMP: PRESERVED: N/A

ENHANCED/RESTORED: N/A

APPLICATION NUMBER: 000519-10  
LOCATION: LEE COUNTY, S10.11/T46S/R27E

**ENVIRONMENTAL SUMMARY:**

The proposed activities have been evaluated for potential secondary and cumulative impacts and to determine if the project is contrary to the public interest. Based upon the proposed project design, the District has determined that the project will not cause adverse secondary or cumulative impacts to the water resources and is not contrary to the public interest.

**APPLICABLE LAND USE:**

"OTHER" includes the wetlands used as a borrow area. The "FARM" area includes a 25' wide road and a pole barn, fallow fields and various woods. An Enhancement Area of 15.39 acres will result from this action.

	TOTAL PROJECT	PREVIOUSLY PERMITTED	THIS PHASE
TOTAL ACRES			19.87 acres
PRESERVED	15.39		15.39 acres
FARM AREA			4.39 acres
OTHER			.09 acres

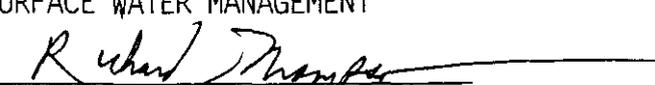
**DEPARTMENT APPROVAL:**

NATURAL RESOURCE MANAGEMENT

  
Karen M. Johnson

DATE: 8-24-2000

SURFACE WATER MANAGEMENT

  
Richard H. Thompson, V.E.

DATE: 8-21-2000

## NEW ENTIRE PRJ CIRCLE M RANCH

ONSITE

Pre-Development					Post-Development				
Env Category	Site Id	Acreage	Quality	Habitat	Presv	Undist	Imp	Enhan	Rest Cr
WETLAND	W-01	15.38	GOOD	CYPRESS	15.38	.00	.00	.00	.00
<b>Totals</b>		15.38			15.38	.00	.00	.00	.00



**DETERMINATION OF  
THE APPLICATION OF THE  
MINIMUM USE PROVISION**

CASE # MUD2001-00097

DATE RECEIVED BY ZONING DIVISION: 9/18/01

STRAP NUMBER: 11-46-27-00-00001.1740

APPLICANT: Leonard Martin

OWNER: Leonard Martin

**OWNERSHIP**

- a) DATE WARRANTY DEED OR AGREEMENT FOR DEED RECORDED IN OWNER/PURCHASER NAME: May 1999
- b) PLACE RECORDED: OR Book 3152 Page 2756

**CREATION OF PARCEL**

- a) DATE PARCEL CREATED/RECORDED: May 1999
- b) PLACE RECORDED: OR Book 3152 Page 2756
  - 1) LOT WAS CREATED/RECORDED IN PLAT BOOKS PRIOR TO December 21, 1984 AND HAS NOT BEEN ALTERED: YES\_\_ NO\_\_ N/A X
  - 2) A LEGAL DESCRIPTION OF THE LOT WAS LAWFULLY RECORDED IN O.R. BOOKS PRIOR TO DECEMBER 21, 1984: YES\_\_ NO X N/A\_\_
  - 3) LOT WAS LAWFULLY CREATED AFTER DECEMBER 21, 1984 AND IS IN COMPLIANCE WITH THE LEE PLAN: YES\_\_ NO\_\_ N/A X

**ZONING WHEN CREATED/RECORDED:** AG-2

- a) COMPLIED WITH ZONING WHEN CREATED/RECORDED: YES  NO  N/A
- b) CREATED PRIOR TO JUNE 27, 1962 AND HAS A MINIMUM OF 4,000 SQUARE FEET: YES  NO  N/A
- c) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984 AND HAS A WIDTH NOT LESS THAN 50 FEET AND HAS AN AREA NOT LESS THAN 5,000 SQUARE FEET AND RECORDED IN A PLAT BOOK: YES  NO  N/A
- d) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984, HAS A MINIMUM OF 7,500 SQUARE FEET AND RECORDED IN O.R. BOOK: YES  NO  N/A

1/20

1/10

**LAND USE CATEGORY:** Wetlands (57.84%) Density Reduction Groundwater Resource (42.16%)

- a) LOT IS CONSISTENT WITH DENSITY REQUIREMENTS: YES  NO

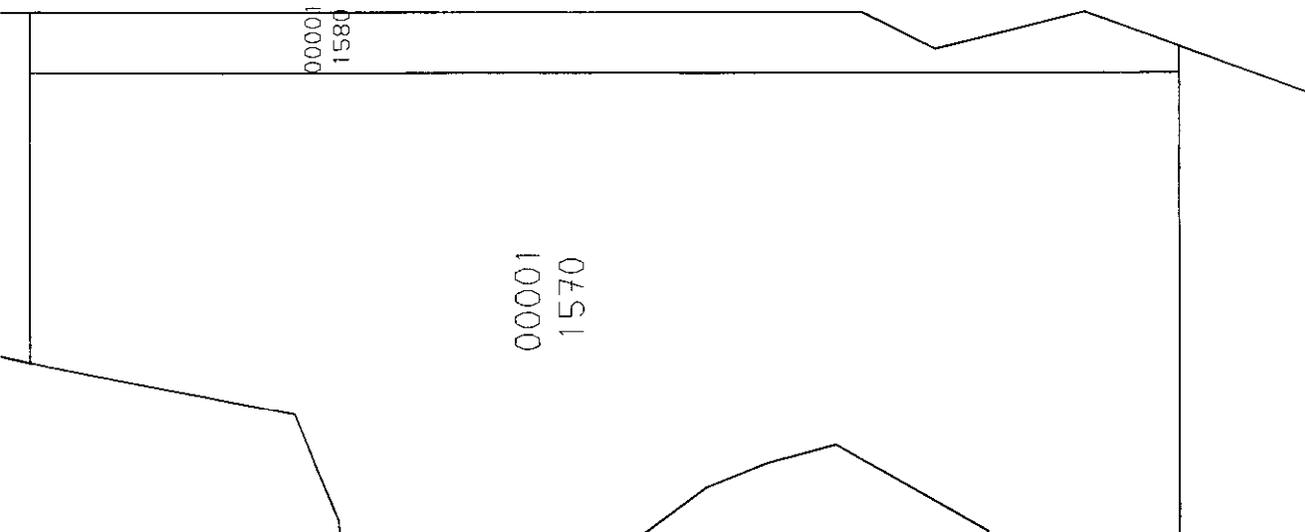
**REAPPORTIONING LOTS:** YES  NO

**RECOMMENDATION:**

THE LOT IS NOT CONSISTENT WITH THE MINIMUM USE PROVISION BASED ON THE FOLLOWING:

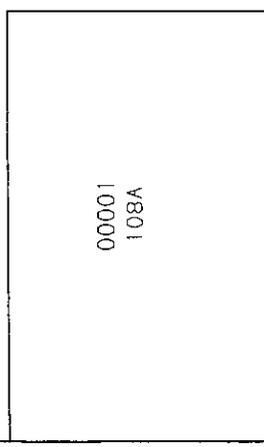
The first legally recorded conveyance of this lot as a separate parcel was OR Book 3152 Page 2756 in 1999. Prior to this the 12 acre subject property was part of a 322 acre parcel recorded in OR Book 1450 Page 150 in 1980. Since the applicant has not supplied any legally recorded conveyance of the property as a separate parcel prior to the adoption of the Lee Plan, this lot does not qualify for a single family residence under the Single Family Provision of the Lee Plan.

Split from parent tract in 1999  
 Complies with zoning requirements AG-2 12+ acres  
 Does ~~not~~ comply with density requirements



00001  
1570

00001  
1580



00001  
108A

00001  
1740

00001  
1090

MULHO

SILVER PANTHER LN

000  
10

*This parcel is for  
 Special use  
 Also owned 00001  
 off parcel 1760*

Property Appraiser Land Use Codes

PARCEL: 114627-00-00001.1740  
ACRES : 12.6999

DOR CODE: 63 GRAZING: SOIL CAPABILITY CLASS IV  
IMP CODE: 00 VACANT  
MOD CODE: 0 UN-IMPROVED  
TYP CODE: 0 DRY  
USE CODE: 9999 UNDEFINED

ACRES	% OF TOTAL	2010 LAND USE CATEGORY
-----	-----	-----
7.34537	57.8380	WETLAND
5.35453	42.1620	DENSITY REDUCTION / GROUNDWATER RESOURCE

NOTE: PERCENTAGES MAY NOT TOTAL 100% IN COASTAL AREAS

HIT ON MAP TO SELECT ANOTHER PARCEL  
-OR-  
SELECT ANY POINT FOR 2010 LAND USE

LEE COUNTY PROPERTY APPRAISER - NAME & LEGAL

STRAP: 11 46 27 00 00001 1740  
 MARTIN LEONARD L

9211 LANTHORN WAY  
 ESTERO  
 FL

33928 N/R:  
 \*\*\* VALUES \*\*\*  
 JUST: 19,200  
 ASSD: 440  
 TXBL: 440  
 BLDG: 0  
 LAND: 440  
 NCST: 0  
 PVAL:  
 SOH :

HWDWXA  
 \*\*\* EX VALUES \*\*\*  
 AG.:  
 HX.:  
 WID:  
 DIS:  
 WLY:  
 ENG:  
 WDR:  
 DIFF:

SITE: 17410 SILVER PANTHER LN 33913  

#	SALE PRICE	D.O.S.	BOOK	PAGE	TC	VI
1:	152,000	05/99	3152	2756	01	V
2:	306,600	08/80	1450	150	06	V

 NBHD CODE: 441010  
 NBHD DESC: WILDCAT FARMS

DOR...: 63 GRAZING LAND CLASS IV  
 LOC...:  
 LEGAL1: PARL LOC IN THE E 1/2 OF  
 LEGAL2: SEC DESC IN OR 3152  
 LEGAL3: PG 2756

UNIT MEAS.: AC #UNITS...: 12.00  
 1ST TAX YR: FRONTAGE: 0  
 YR SPLIT...: 1999 .: 0  
 YR CREATED: 1999 E/I NUM.:  
 ENERGY CD.: S/D VAL.:  
 ENERGY YR.: S/D CODE:  
 APRVED BY.: DSC.....:  
 TAX DIST...: ZONING...: AG-2  
 PRIOR DOR.: PEND.....:  
 PRIOR STRP: 11-46-27-00-00001.1000

PAGE:	MAINT DATE
LINE:	SITE:
	NAL.:
HIST DIST: N	MAF.:
	PAV.:



# LEE COUNTY

RECEIVED  
SEP 18 2001

## APPLICATION FOR ADMINISTRATIVE ACTION

### APPLICATION FOR:

- |  |  |
|--|--|
| <input type="checkbox"/> Administrative Variance (Sup A)             | <input type="checkbox"/> Commercial Lot Split (Sup B)                                  |
| <input type="checkbox"/> Consumption On Premises Per. (Sup C)        | <input checked="" type="checkbox"/> Mini. Use Determination (Sup D)                    |
| <input type="checkbox"/> Ordinance Interpretation (Sup E)            | <input type="checkbox"/> Relief for Desig. Hist. Res. (Sup F)                          |
| <input type="checkbox"/> Relief for Easement Encroachment (Sup G)    | <input type="checkbox"/> Adm. Amend. PUD or PD (Sup H)                                 |
| <input type="checkbox"/> Admin. Deviation from Chapter 10 (Sup I)    | <input type="checkbox"/> Placement of Model Home/Unit or Model Display Center (Sup. J) |
| <input type="checkbox"/> Dock & Shoreline structures (Sup. K)        | <input type="checkbox"/> Redevelopment District (Sup L)                                |
| <input type="checkbox"/> Final Plan Approval per Resolution: # _____ |  |

Applicant's Name: LEONARD MARTIN Phone #: 941-948-9379

Project Name: ACREAGE

STRAP Number: 11-46-27-00-00001.1740

Application Form:  Computer Generated\*  County Printed

\* By signing this application, the applicant affirms that the form has not been altered.

### STAFF USE ONLY

Commission District: 05 Land Use Classification: \_\_\_\_\_  
 Current Zoning: AG-2 Lee Plan Density Range: \_\_\_\_\_  
 Case Number: MUD2001-00097 Fee: \$ 135.00  
 Date of Application: 9/18/01 Date Fee Paid: 9/18/01  
 Intake by: LJT Receipt Number: \_\_\_\_\_

\* Supplements "A" through "H" & "J through L" & Final Plan Approval only \*\* Supplement "I" only

LEE COUNTY  
COMMUNITY DEVELOPMENT  
P.O. BOX 398 (1500 MONROE STREET)  
FORT MYERS, FLORIDA 33902  
PHONE (941) 479-8585

PART I - GENERAL INFORMATION

1. APPLICANT'S NAME: LEONARD MARTIN

Mailing Address:

Street: 9211 LANTHORN WAY

City: ESTERO State: FL Zip: 33928

Phone Number: Area Code: 941 Number: 948-9379 Ext. \_\_\_\_\_

Fax Number: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail address: LMARTIN@AOL.

2. Relationship of applicant to property:

- Owner
- Option holder
- Lessee
- Trustee
- Contract Purchaser
- Other (indicate) \_\_\_\_\_

If applicant is NOT the owner, submit a **Notarized Authorization Form** from the owner to the applicant.

3. AGENT'S NAME(S): (Use additional sheets if necessary): \_\_\_\_\_

Mailing Address:

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone Number: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext.: \_\_\_\_\_

Fax Number: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

4. TYPE OF REQUEST (please check one)

- Administrative Variance (requires supplement A)
- Commercial Lot Split (requires supplement B)
- Consumption On Premises (requires supplement C)
- Minimum Use Determination (requires supplement D)
- Ordinance Interpretation (requires supplement E)
- Relief for Designated Historic Resources (requires supplement F)
- Easement Encroachment (requires supplement G)
- Administrative Amendment to a PUD or Planned Development (requires supplement H)
- Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
- Placement of Model Home/Unit or Model Display Center (requires supplement J)
- Dock & Shoreline Structure (requires supplement K)
- Redevelopment District (requires supplement L)
- Final Plan Approval (no supplement)

5. NATURE OF REQUEST (please print): PERMIT to put D.E.P. APPROVED HOME ON SITE

PART II - PROPERTY INFORMATION

Is this request specific to a particular tract of land? \_\_\_\_\_ NO X YES. If the answer is yes, please complete the following:

1. Is this action being requested as a result of a violation notice? X NO \_\_\_\_\_ YES.

a. If yes, date of notice: \_\_\_\_\_

b. Specific nature of violation: \_\_\_\_\_

2. Relationship of applicant to property: X Owner \_\_\_\_\_ Other (please indicate): \_\_\_\_\_

3. Name of owner of property: LEONARD MARTIN

Mailing Address: Street: 9211 LANTHERN WAY

City: ESTERO State: FL Zip: 33928

Phone Number: Area Code: 941 Number: 948-9379 Ext.: \_\_\_\_\_

Fax Number: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

4. Legal Description: Is property description clearly shown within a platted subdivision recorded in the official Plat Books of Lee County?

X NO. Attach a legible copy of the legal description and certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code.

\_\_\_\_\_ YES. Property is identified as:

Subdivision Name: WILDCAT

Plat Book \_\_\_\_\_ Page \_\_\_\_\_ Unit 11 Block 46 Lot 27

5. STRAP NUMBER: 11-46-27-00-00001-740

6. Property Dimensions:

Area: \_\_\_\_\_ square feet or 12.4 acres.

Width along roadway: 147' feet.

Depth: 73.3' feet.

7. Property Street Address: 17410 SILVER PANTHER LANE

8. General Location Of Property: 82 TO WILDCAT, RIGHT ON TINA'S LANE, LEFT ON SILVER PANTHER.



PART III

AFFIDAVIT

I, LEONARD MARTIN, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application.

[Handwritten Signature]  
Signature of owner or owner-authorized agent

9/18/01  
Date

Leonard martin  
Typed or printed name

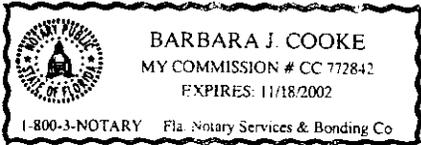
STATE OF FLORIDA)  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 18 day of September 2001, by Leonard martin, who is personally known to me or who has produced OHIO LIC PL557421 as identification.

[Handwritten Signature]  
Signature of notary public

Barbara J. Cooke  
Printed name of notary public

(SEAL)



LEE COUNTY PROPERTY APPRAISER - NAME & LEGAL

STRAP: 11 46 27 00 00001 1740  
 MARTIN LEONARD L

9211 LANTHORN WAY  
 ESTERO  
 FL

33928 N/R: A  
 \*\*\* VALUES \*\*\* \*\* EX VALUES \*\*\*  
 JUST: 19,200 AG.: 12,040  
 ASSD: 340 HX.:  
 TXBL: 340 WID:  
 BLDG: 0 DIS:  
 LAND: 340 WLY:  
 NCST: 0 ENG:  
 PVAL: WDR:  
 SOH : DIFF:

DOR...: 63 GRAZING LAND CLASS IV  
 LOC...:  
 LEGAL1: PARL LOC IN THE E 1/2 OF  
 LEGAL2: SEC DESC IN OR 3152  
 LEGAL3: PG 2756

UNIT MEAS.: AC #UNITS...: 12.00  
 1ST TAX YR: FRONTAGE: 0  
 YR SPLIT...: 1999 .: 0  
 YR CREATED: 1999 E/I NUM.:  
 ENERGY CD.: S/D VAL.:  
 ENERGY YR.: S/D CODE:  
 APRVED BY.: DSC.....:  
 TAX DIST...: ZONING...: AG-2  
 PRIOR DOR.: PEND.....:  
 PRIOR STRP: 11-46-27-00-00001.1000

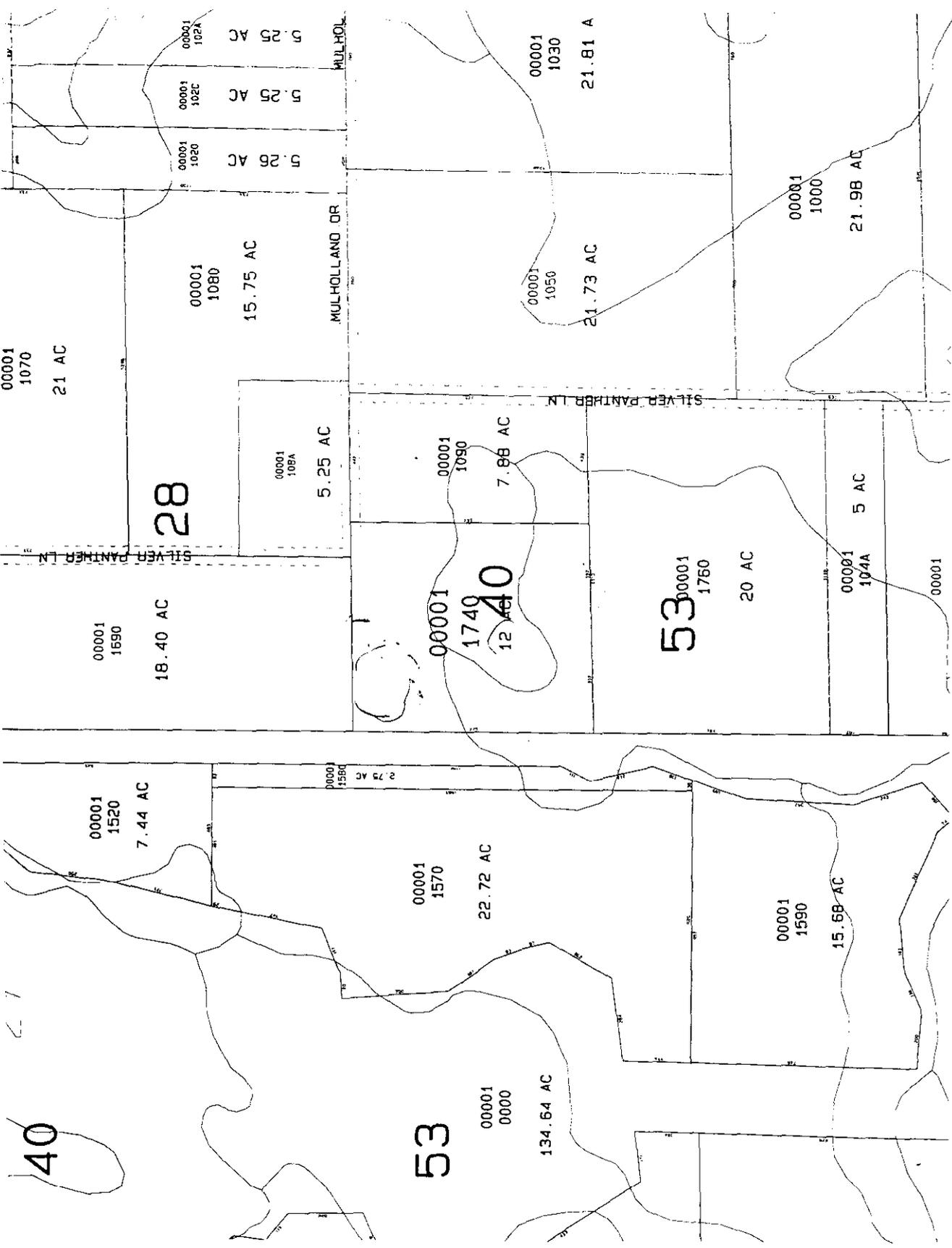
SITE: 17410 SILVER PANTHER LN 33913

#	SALE PRICE	D.O.S.	BOOK	PAGE	TC	VI
1:	152,000	05/99	3152	2756	01	V
2:	306,600	08/80	1450	150	06	V

PAGE:  
 LINE: SITE:  
 HIST DIST: N NAL.:  
 MAF.:  
 PAV.:

NBHD CODE: 441010  
 NBHD DESC: WILDCAT FARMS

1983 APR 26



00001 1070 21 AC

00001 1020 5.26 AC

00001 102C 5.25 AC

00001 102A 5.25 AC

00001 1080 15.75 AC

MULHOLLAND DR

00001 1080A 5.25 AC

00001 1090 7.98 AC

00001 1030 21.73 AC

00001 1030 21.81 A

00001 1000 21.98 AC

SILVER PANTHER LN

00001 1590 18.40 AC

28

00001 1740 12.40 AC

00001 1750 22.72 AC

00001 1760 20 AC

00001 1040 5 AC

00001 104A 5 AC

00001 104B 5 AC

00001 104C 5 AC

00001 104D 5 AC

00001 104E 5 AC

00001 104F 5 AC

00001 104G 5 AC

00001 104H 5 AC

00001 104I 5 AC

00001 104J 5 AC

00001 104K 5 AC

00001 104L 5 AC

00001 104M 5 AC

00001 104N 5 AC

00001 104O 5 AC

00001 104P 5 AC

00001 104Q 5 AC

00001 104R 5 AC

00001 104S 5 AC

00001 104T 5 AC

00001 104U 5 AC

00001 104V 5 AC

00001 104W 5 AC

00001 104X 5 AC

00001 104Y 5 AC

00001 104Z 5 AC

00001 1520 7.44 AC

00001 1580 2.75 AC

00001 1580A 2.75 AC

00001 1580B 2.75 AC

00001 1580C 2.75 AC

00001 1580D 2.75 AC

00001 1580E 2.75 AC

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00001 1580U 2.75 AC

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00001 1580W 2.75 AC

00001 1580X 2.75 AC

00001 1580Y 2.75 AC

00001 1580Z 2.75 AC

00001 1590 15.68 AC

00001 1570 134.64 AC

00001 1570 22.72 AC

40

53

53



**Property Data for Parcel 11-46-27-00-00001.1760**

[Next Lower Parcel Number] [Next Higher Parcel Number]

[Display Tax Bills on this Parcel]

Owner of Record		Legal Description		Image of Structure		
MARTIN LEONARD L 4050 TALL TIMBER RD MINERAL CITY OH 44656		PARL LOC IN THE NW 1/4 OF THE SE 1/4 AS DESC IN OR 3152 PG 2756		(Not Presently Available)		
Site Address		17660 SILVER PANTHER LN FT MYERS, FL 33913				
Taxing District			DOR Code			
067 - LEHIGH ACRES FIRE/NO LIGHT/NO DRAINAGE			63 - GRAZING LAND CLASS IV			
Property Values		Exemptions		Dimensions		
Just	20,560	Homestead	0	Measurement Units	AC	
Assessed	320	Agricultural	20,240	Number of Units	20.00	
Assessed SOH	320	Widow	0	Frontage	0	
Taxable	320	Widower	0	Depth	0	
Building	0	Disability	0	Bedrooms		
Land	320	Wholly	0	Bathrooms		
Building Extra Features	0	Energy	0	Total Sq. Ft.		
Land Extra Features	0	SOH Difference	0	Year Built		
Sales Transactions						
Sale Price	Date	OR Book/Page	Transaction Type	Vacant/Improved		
152,000	5/21/1999	3152/2756	01	V		
306,600	8/1/1980	1450/150	06	V		
Solid Waste (Garbage) Roll Data						
Solid Waste District		Roll Type	Category	Unit/Area	Tax Amount	
002 - Service Area 2 - South Fort Myers Area		R - Residential Category			0.00	
Land Lines (Land Use)						
Description		Use Code	Units			
Market Value Agricultural		9910	0.86 Acres			
Market Value Agricultural		9910	19.14 Acres			
Storm Surge Category		Flood Insurance (FIRM)				
		Rate Code	Community	Panel	Version	Date
		B	125124	0500	B	



[View Parcel Info](#)

[View 2001 TRIM Notice](#)

[View 2000 TRIM Notice](#)

[Show Building Details](#)

[Hide Aerial View](#)

[Next Lower Parcel Number](#) [Next Higher Parcel Number](#)

[New Query](#) [Parcel Queries Page](#) [Lee PA Home](#)

**LEGAL AND SKETCH**  
**SECTION II, TOWNSHIP 46 SOUTH, RANGE 27 EAST**  
**LEE COUNTY, FLORIDA**

**DESCRIPTION:**

A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 3152, PAGE 2756, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT, THE NORTH 1/4 CORNER OF SECTION II, TOWNSHIP 46 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA; RUN NORTH 88°23'19" EAST ON THE NORTH BOUNDARY OF SECTION II, 565.51 FEET TO A POINT ON THE CENTERLINE OF A 60 FOOT EASEMENT, THENCE SOUTH 00°13'05" WEST ON THE CENTERLINE OF THE 60 FOOT EASEMENT, 2201 FEET TO THE INTERSECTION OF 60. FOOT EASEMENTS, THE POINT OF BEGINNING; THENCE SOUTH 88°23'19" WEST 556.44 FEET TO THE POINT ON THE CENTERLINE OF A 60 FOOT EASEMENT, THENCE SOUTH 00°01'06" EAST 30 FEET, CONTINUE SOUTH 00°01'06" EAST 745.47 FEET, THENCE NORTH 88°23'19" EAST 674.06 FEET, THENCE NORTH 00°01'06" WEST 745.47 FEET, CONTINUE NORTH 00°01'06" WEST, 30 FEET TO A POINT ON THE CENTERLINE OF A 60 FOOT EASEMENT; THENCE SOUTH 88°23'19" WEST 117.62 FEET TO THE POINT OF BEGINNING, LESS THE NORTH 30 FEET RESERVED FOR ACCESS AND UTILITY EASEMENT.

**TOGETHER WITH**

? A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES, AS DESCRIBED IN THAT CERTAIN EASEMENT FROM WILDCAT FARMS, LTD. TO GRAND CHENIER, INC., AS RECORDED IN O.R. BOOK 1379, PAGE 477, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

*subject parcel*

*Describes  
Tracts 4+5 as  
recorded in ORC  
3152/2756*

Attachment 3  
Page 15 of 30

PREPARED BY:  
AIM ENGINEERING & SURVEYING, INC.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ROBERT TAD SIMPSON P.S.M. DATE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5566

**AIM Engineering & Surveying, Inc.**

**THIS IS NOT A SURVEY**

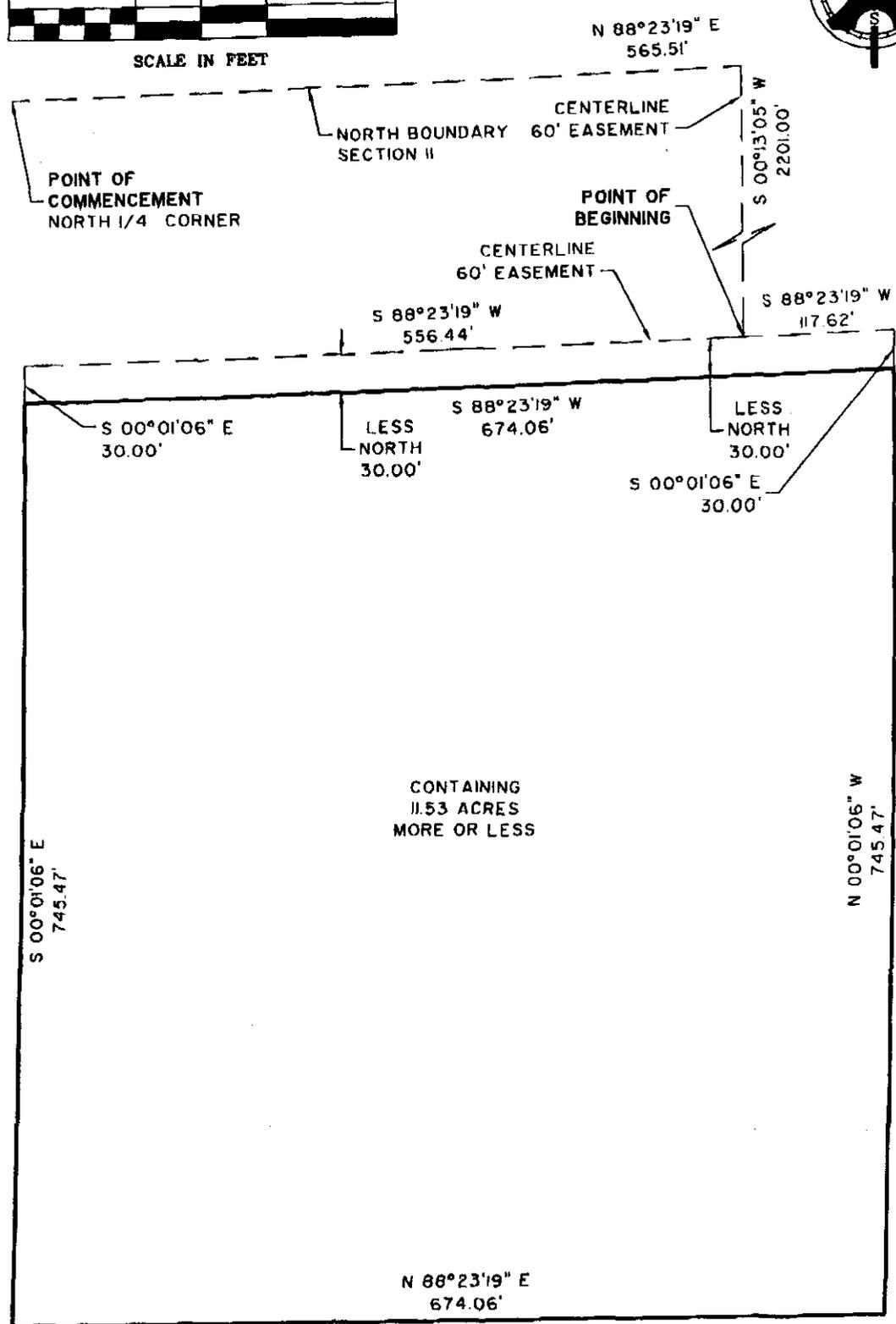
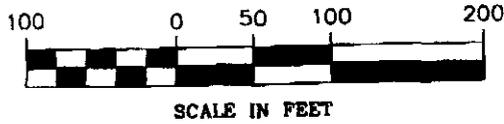
**SHEET 1 OF 2**



5500 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
941/332-4569  
FX:941/332-8734

PROJECT NUMBER: 01-8072	DESCRIPTION: SECTION 11, TOWNSHIP 46 SOUTH, RANGE 27 EAST	SKETCH AND DESCRIPTION	
DRAWN BY: LWC	CLIENT: MARTINS	FILE: 8072-LEG-A1&2	COUNTY: LEE COUNTY
DATE: 11/1/01	REG-TYP-RES 11-48S-27E		

**LEGAL AND SKETCH**  
**SECTION II, TOWNSHIP 46 SOUTH, RANGE 27 EAST**  
**LEE COUNTY, FLORIDA**



Attachment 3  
 Page 16 of 30

**AIM Engineering & Surveying, Inc.**



5300 LEE BLVD.  
 P.O. BOX 1235  
 LEHIGH ACRES  
 FLORIDA 33970  
 941/332-4569  
 FX:941/332-8734

**THIS IS NOT A SURVEY**

**SHEET 2 OF 2**

PROJECT NUMBER: 01-8072	DESCRIPTION: SECTION 11, TOWNSHIP 46 SOUTH, RANGE 27 EAST	SKETCH AND DESCRIPTION	
DRAWN BY: LWC	CLIENT: MARTINS		
DATE: 11/1/01	SEC-TWP-RGE: 11-46S-27E	FILE: 8072-LEG-A1&2	COUNTY: LEE COUNTY



1342343  
GRANT OF EASEMENT

AGREEMENT PREPARED BY:  
WILLIAM H. HARRIS, JR.  
ATTORNEY AT LAW  
P.O. BOX 150  
FORT WALKER, FLORIDA 32032

STATE OF FLORIDA )  
COUNTY OF LEE ) ss.

1450 156

THIS INDENTURE, made and entered into on this 22 day of August, 1980, by and between GRAND CHENIER, INC., a Florida corporation, Grantor, and WILDCAT FARMS, LTD., a Florida limited partnership, Grantee:

WHEREAS, the Grantor is seized in fee simple and in possession of lands lying in Section 11, Township 46 South, Range 27 East, Lee County, Florida, and that particular portion of it described below, and

WHEREAS, Grantee is seized in fee simple of a parcel of land contiguous to land of Grantors, and

WHEREAS, Grantor has agreed, in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, to grant to Grantee and all other persons claiming by, through or under Grantors, Grantee, or either of them, their predecessors in title, or their heirs, assigns, or legal representatives by virtue of any deeds of conveyance, an easement or a right-of-way over the land described below for the purposes and in the manner expressed below:

NOW THIS INDENTURE WITNESSETH:

That in pursuance of this Agreement and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, receipt of which is acknowledged, Grantor grants unto Grantee, its heirs and assigns, and to all other likely situated, as above described, and their heirs and assigns:

Full and free right and liberty for them and their tenants, servants, visitors, and licensees, in common with all persons having a like right, at all times hereafter, for all purposes connected with the use and enjoyment of the land of the Grantee and those likely situated, for whatever purposes the land, from time to time, lawfully may be used and enjoyed, to pass and re-pass, along the provided roadway or roadways more particularly described as follows:

RECORD COPY - SEE PRAG CLERK  
BY H. HARRIS, JR.

COMMENCING at the Northeast corner of Section 11, Township 16 South, Range 27 East, Lee County, Florida: run S.88-22-21 W. on the north boundary of Section 11-46-27 a distance of 2000 feet to an iron stake, THE POINT OF BEGINNING of the centerline of a 60 foot access and utility easement, from THE POINT OF BEGINNING run S.00-13-05 E. a distance of 2200 feet to an iron stake on the centerline of the 60 foot easement, thence N.88-22-21 E. on the centerline of the 60 foot easement, 560 feet to an iron stake on the centerline of the 60 foot easement, thence S.00-13-05 E. on the centerline of the 60 foot easement 3134.62 feet to an iron stake of the south boundary of Section 11, T 46S, R 27E, the end of this easement. ALSO: COMMENCING at the above described POINT OF BEGINNING on the north boundary of Section 11-46-27, run S.00-13-05 E. on the centerline of a 60 foot easement a distance of 2200 feet to an iron stake, THE POINT OF BEGINNING of the following described centerline of a 60 foot easement; from this POINT OF BEGINNING run S.88-22-21 W. on the centerline of a 60 foot easement a distance of 556.44 feet to an iron stake, the end of this 60 foot easement. ALSO: COMMENCING at the above described POINT OF BEGINNING on the north boundary of Section 11-46-27, run S.00-13-05 E. on the centerline of a 60 foot easement a distance of 2200 feet to an iron stake, thence N.88-22-21 E. on the centerline of a 60 foot easement, 560 feet to an iron stake, THE POINT OF BEGINNING of the following described centerline of a 60 foot easement, from this POINT OF BEGINNING run N.88-22-21 E. on the centerline of a 60 foot easement a distance of 1520 feet to an iron stake on the east boundary of Section 11-46-27, the end of this 60 foot easement.

TO HAVE AND TO HOLD the easement or right-of-way hereby granted unto Grantee, its heirs and assigns and those likely situated, in every part of it.

It is understood that the easement is given upon the express understanding and condition that it may be used by Grantor, its heirs, executors, administrators and assigns, in conjunction with the use of Grantee, its heirs and assigns and others likely situated and their heirs and assigns.

It is further understood that Grantor, its heirs, assigns and tenants, in no way will be bound to improve, maintain or construct a roadway or keep it in any repair, nor does Grantor, its heirs and assigns, assume any liability or responsibility to Grantee, its heirs and assigns, others likely situated, their heirs and assigns, or any person using the land by invitation expressed or implied, or by reason of any business conducted by Grantees, their heirs and assigns, or otherwise.

IN WITNESS WHEREOF, Grantor has set its hand and seal on the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

Nora Bosley  
Thomas C. Chase

GRAND CHENIER, INC.,  
a Florida corporation

By: [Signature]  
Charles B. Edwards,  
President

STATE OF FLORIDA }  
COUNTY OF LEE } SS:

BEFORE ME this day personally appeared CHARLES B. EDWARDS, President of GRAND CHENIER, INC., a Florida corporation, to me known to be the person described in and who executed the foregoing conveyance to WILDCAT FARMS, LTD., a Florida limited partnership, and acknowledged before me that he executed this Grant of Easement for the purposes therein expressed.

My Commission Expires:

Nora Bosley  
Notary Public

MY COMMISSION EXPIRES AUGUST 15, 1981

CLERK OF CIRCUIT COURT  
AUG 28 4 23 PM '80  
LEE COUNTY, FLORIDA  
RECORDED

1450 152

1342342

THIS INSTRUMENT PREPARED BY:  
CHARLES B. KENNEDY  
ATTORNEY AT LAW  
P. O. BOX 1184  
FORT MYERS, FLORIDA 33901

✓

GRANT OF EASEMENT

STATE OF FLORIDA )  
COUNTY OF LEE ) ss:

THIS INDENTURE, made and entered into on this the 22nd day of August, 1980, by and between WILDCAT FARMS, LTD., a Florida limited partnership, Grantor, and GRAND CHENIER, INC., a Florida Corporation, Grantee.

WHEREAS, the Grantor is seized in fee simple and in possession of lands lying in Section 2, Township 46 South, Range 27 First, Lee County, Florida, and that particular portion of it described below, and

WHEREAS, Grantee is seized in fee simple of a parcel of land contiguous to land of Grantors, and

WHEREAS, Grantor has agreed, in consideration of the sum of TEN DOLLARS (\$10.00) and OTHER GOOD AND VALUABLE CONSIDERATION, to grant to Grantee and all other persons claiming by, through or under Grantors, Grantee, or either of them, their predecessors in title, or their heirs, assigns, or legal representatives by virtue of any deeds of conveyance, an easement or a right-of-way over the land described below for the purposes and in the manner expressed below:

NOW, THIS INDENTURE WITNESSETH:

That in pursuance of this Agreement and in consideration of the sum of TEN DOLLARS (\$10.00) and OTHER GOOD AND VALUABLE CONSIDERATION, receipt of which is acknowledged, Grantor grants unto Grantee, its heirs and assigns, and to all other likely situated, as above described, and their heirs and assigns;

Full and free right and liberty for them and their tenants servants, visitors, and licensees, in common with all persons having a like right, at all times hereafter, for all purposes connected with the use and enjoyment of the land of the Grantee and those likely situated, for whatever purposes the land, from time to time, lawfully may be used and enjoyed, to pass and re-pass, along the provided roadway or roadways more particularly described as follows:

RECORDED VENDOR - SAL GRADY CLINE  
BY H. FERNSHOW, D.C.

1450 153

COMMENCING at the southeast corner of Section 2, Township 46 South, Range 27 East, Lee County, Florida; run N. 00-26-10 W. on the east boundary of Section 2, Township 46 South, Range 27 East a distance of 1123.53 feet to an iron stake, THE POINT OF BEGINNING of the following described centerline of a 60 foot easement; from THE POINT OF BEGINNING run S. 88-22-21 W. on the centerline of the 60 foot easement, 832.95 feet to an iron stake, thence S. 84-00-41 W. on the centerline of the 60 foot easement, 612.58 feet to an iron stake, thence S. 88-22-21 W. on the centerline of the 60 foot easement, 3865.53 feet to an iron stake on the west boundary of Section 2, Township 46 South, Range 27 East, the end of this 60 foot easement.

ALSO: COMMENCING at the POINT OF BEGINNING described on the east boundary of Section 2, Township 46 South, Range 27 East run S. 88-22-21 W. on the centerline of a 60 foot easement, 832.95 feet to an iron stake, thence S. 84-00-41 W. on the centerline of a 60 foot easement, 612.58 feet to an iron stake, thence S. 88-22-21 W. on the centerline of a 60 foot easement 630.42 feet to an iron stake, THE POINT OF BEGINNING of the following centerline of a 60 foot easement; from this POINT OF BEGINNING run S. 00-13-05 E. on the centerline of this 60 foot easement 1077.12 feet to an iron stake on the south boundary of Section 2, Township 46 South, Range 27 East, the end of this 60 foot easement.

TO HAVE AND TO HOLD the easement or right-of-way hereby granted unto Grantee, its heirs and assigns and those likely situated, in every part of it.

It is understood that the easement is given upon the express understanding and condition that it may be used by Grantor, its heirs, executors, administrators and assigns, in conjunction with the use of Grantee, its heirs and assigns and others likely situated and their heirs and assigns.

It is further understood that Grantor, its heirs, assigns and tenants, in no way will be bound to improve, maintain or construct a roadway or keep it in any repair, nor does Grantor, its heirs and assigns, assume any liability or responsibility to Grantee, its heirs and assigns, others likely situated, their heirs and assigns, or any person using the land by invitation expressed or implied, or by reason of any business conducted by Grantees, their heirs and assigns, or otherwise.

IN WITNESS WHEREOF, Grantor has set its hand and seal on the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

Kora Bosley  
Thomas C. Oliss

WILDCAT FARMS, LTD.,  
a Florida limited partnership

By: Clayton Zehrer  
General Partner

STATE OF FLORIDA )  
COUNTY OF LEE ) ss:

BEFORE ME, this day personally appeared \_\_\_\_\_  
Clayton Zehrer, a general partner of WILDCAT FARMS, LTD., a Florida limited partnership, to me known to be the person described in and who executed the foregoing conveyance to GRAND CHENIER, INC., a Florida corporation, and acknowledged before me that he executed this Grant of Easement for the purposes therein expressed.

Kora Bosley  
Notary Public

My commission expires:  
MY COMMISSION EXPIRES AUGUST 15, 1981

CLERK OF DISTRICT COURT  
AUG 15 1981  
COUNTY OF LEE  
FLORIDA

1450 150

The instrument was prepared by  
**Charles B. Edwards**  
of the Law Office of  
**ALLEN, KNUDSEN, SWARTZ, DeBOEST,  
PHOADS & EDWARDS, P.A.**  
P.O. Box 1480 Collier Arcade  
FORT MYERS, FLORIDA 33902

# Warranty Deed

1312311

(STATUTORY FORM SECTION 489.02 F.S.)

This Indenture, Made this 22<sup>nd</sup> day of August 19 80. Between

**WILDCAT FARMS, LTD.,** a Florida Limited Partnership,

of the County of Lee State of Florida, grantor, and

**GRAND CHEMIFER, INC.,** a Florida Corporation,

whose post office address is c/o Charles B. Edwards, Esq., P.O. Box 1480,  
Fort Myers, FL 33902

of the County of Lee State of Florida, grantee.

**Witnesseth,** That said grantor, for and in consideration of the sum of TEN and no/100-----

----- Dollars,  
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO easements, reservations and restrictions of record, and taxes for the year 1980 and all subsequent years.

SUBJECT TO an existing first mortgage in favor of Owen J. McCabe, Trustee, as recorded in Official Record Book 1021, page 1836, public records of Lee County, Florida which said mortgage the Grantee herein does NOT assume nor agree to pay.

SUBJECT TO 1/2 of all oil, gas and mineral rights which have been reserved by prior owners, but this conveyance shall include all oil, gas and mineral rights in Section 11 that are owned by the Grantor herein.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

\* "Grantor" and "grantee" are used for singular or plural, as context requires.

### In Witness Whereof,

Grantor has hereunto set grantor's hand and seal the day and year first above written.  
Signed, sealed and delivered in our presence:

WILDCAT FARMS, LTD., a Florida  
Limited Partnership

(Seal)

By: INVESTORS RESEARCH AND DEVELOPMENT  
CORPORATION, a Florida corporation,  
General Partner

(Seal)

By: Walter James Smith, President

(Seal)

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared Walter James Smith, as President of Investors Research and Development Corporation, a Florida corporation, as GENERAL PARTNER OF WILDCAT FARMS, LTD., a Florida Limited Partnership, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 22<sup>nd</sup> day of August, 19 80.

My commission expires:

Walter James Smith  
Notary Public

MY COMMISSION EXPIRES AUGUST 15, 1981

Parent Tract

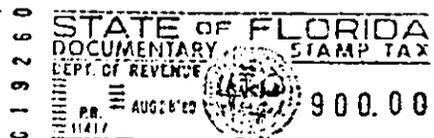
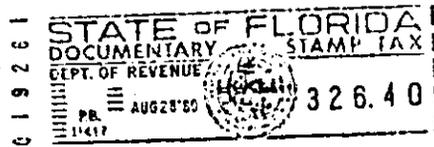
RECORD VENDOR - CAL GRID CLERK  
BY H. H. HENNINGER, D.C.

1450.151

EXHIBIT "A"

A portion of Section 11, Township 46 South, Range 27 East, lying in Lee County, Florida, more particularly described as follows:

COMMENCING at the Northeast corner of Section 11, Township 46 South, Range 27 East, Lee County, Florida, THE POINT OF BEGINNING; thence S. 88-22-21 W. on the north boundary of Section 11, a distance of 2646.81 feet to a concrete monument, the North 1/4 corner of Section 11, thence S.00-01-43 E. on the west boundary of the East 1/2 of section 11, a distance of 5325.67 feet to a concrete monument, the south 1/4 corner of section 11, thence N. 88-45-28 E. on the south boundary of section 11, a distance of 2623.00 feet, the southeast corner of section 11, thence N. 00-13-05 E. on the east boundary of section 11, a distance of 5343.98 feet to the northeast corner of section 11, THE POINT OF BEGINNING. CONTAINING 322.70 acres.



FILED  
AUG 27 1980  
LEE COUNTY  
08, No. 12

Parent Tract



Corporate Warranty Deed

This instrument, made this 21st day of May A.D. 1999, by and between Grand Charter, Inc., a Florida Corporation whose post office address is: P.O. Box 249 Naples, Florida 34106 and Leonard E. Martin whose post office address is: 4050 T&S Timber Road Mineral City, OH 44656 Granites' Tax Id #: Grand Charter, Inc., a Florida Corporation whose post office address is: 1705 Colonial Boulevard, Suite A-2 Fort Myers, Florida 33907

Witnesseth, that the said Grantor, for and in consideration of the sum of ( Ten & NO/100 Dollars, to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Lee State of Florida, to wit: See Exhibit attached hereto and by this reference made a part hereof.

And the said Grantor does hereby warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Grand Charter, Inc., a Florida Corporation  
By: Charles B. Edwards, its President  
The foregoing instrument was acknowledged before me this 17th day of May, 1999, by Charles B. Edwards, President of Grand Charter, Inc. a corporation existing under the laws of the State of Florida. He/She is personally known to me or has produced as identification, on behalf of the corporation.

Signed and Sealed in Our Presence:  
Name: ASHTON SOLL  
Name: MARIE WINKLE  
(Corporate Seal)

OFFICIAL NOTARY SEAL  
ASHTON SOLL  
COMMISSION NUMBER CC614568  
NOTARY PUBLIC  
My Commission Expires FEB. 16, 2001

PREPARED BY: Belinda Bramlett  
RECORD & RETURN TO:  
The Services of Southwest Florida, Inc.  
1705 Colonial Boulevard, Suite A-2  
Fort Myers, Florida 33907

1264001

Exhibit

① COMMENCING at the S.E. Corner of Section 11, Township 46 South, Range 27 East, Lee County, Florida, run South 88° 45' 28" West on the South Line of Section 11, 1520.03 feet to a steel pin on the centerline of a 60 foot easement, thence North 00° 13' 05" East 1260.94 feet to a steel pin, THE POINT OF BEGINNING; continue North 00° 13' 05" East 603.47 feet to a steel pin, thence North 28° 23' 19" East 1520 feet to a steel pin thence South 00° 13' 05" West 630.47 feet to a steel pin, thence South 88° 23' 19" West 1520 feet to a steel pin, THE POINT OF BEGINNING, LESS the West 30 feet reserved for access and utility easement. *20+00*

② Commencing at the Southeast corner of Section 11, Township 46 South, Range 27 East, Lee County, Florida, run South 88° 45' 28" West on the South Line of Section 11, 1520.03 feet to a steel pin on the centerline of a 60 foot easement, thence North 00° 13' 05" East 630.47 feet to a steel pin, THE POINT OF BEGINNING; continue North 00° 13' 05" East 630.47 feet to a steel pin on the centerline of a 60 easement, thence North 88° 23' 19" East, 1520 feet to a steel pin, thence South 00° 13' 05" West 630.47 feet to a steel pin, thence South 88° 23' 19" West, 1520 feet to a steel pin, THE POINT OF BEGINNING, LESS the west 30 feet reserved for access and utility easement. *20+00*

③ Commencing at a concrete monument, the South 1/4 corner of Section 11, Township 46 South, Range 27 East, Lee County, Florida; run North 88° 45' 28" East on the South boundary of Section 11, 1072.97 feet to an iron pipe, continue North 88° 45' 28" East 30 feet to a point on the center of a 60 foot easement, thence North 00° 13' 05" East on the center of the 60 foot easement 1575.08 feet to a point on the center of the 60 foot easement, THE POINT OF BEGINNING; continue North 00° 13' 05" East 784.07 feet to a point on the center of the 60 foot easement, thence South 88° 23' 19" West 30 feet to an iron pipe, continue South 88° 23' 19" West 1082.75 feet to an iron pipe, thence South 00° 01' 06" East 784.07 feet to an iron pipe, thence North 88° 45' 28" East 1079.49 feet to an iron pipe, continue North 88° 45' 28" East 30 feet to a point on the center of the 60 foot easement. THE POINT OF BEGINNING; LESS the east 30 feet for easement. *20+00*

④ Commencing at a concrete monument, the North 1/4 corner of Section 11, Township 46 South, Range 27 East, Lee County, Florida; run North 88° 23' 19" East on the North boundary of Section 11, 565.51 feet to a point on the centerline of a 60 foot easement, thence South 00° 13' 05" West on the centerline of the 60 foot easement, 2201 feet to the intersection of 60 foot easements, THE POINT OF BEGINNING; thence South 88° 23' 19" West 219.41 feet to a point on the centerline of a 60 foot easement, thence South 00° 01' 06" East 30 feet to an iron pipe, continue South 00° 01' 06" East 745.47 feet to an iron pipe, thence North 88° 23' 19" East 337.03 feet to an iron pipe, thence North 00° 10' 06" West 745.47 feet to an iron pipe, continue North 00° 01' 06" West 30 feet to a point on the centerline of a 60 foot easement, thence South 88° 23' 19" West 117.62 feet to THE POINT OF BEGINNING, LESS the North 30 feet reserved for access and utility easement. *Blank*

File No: 99-5053

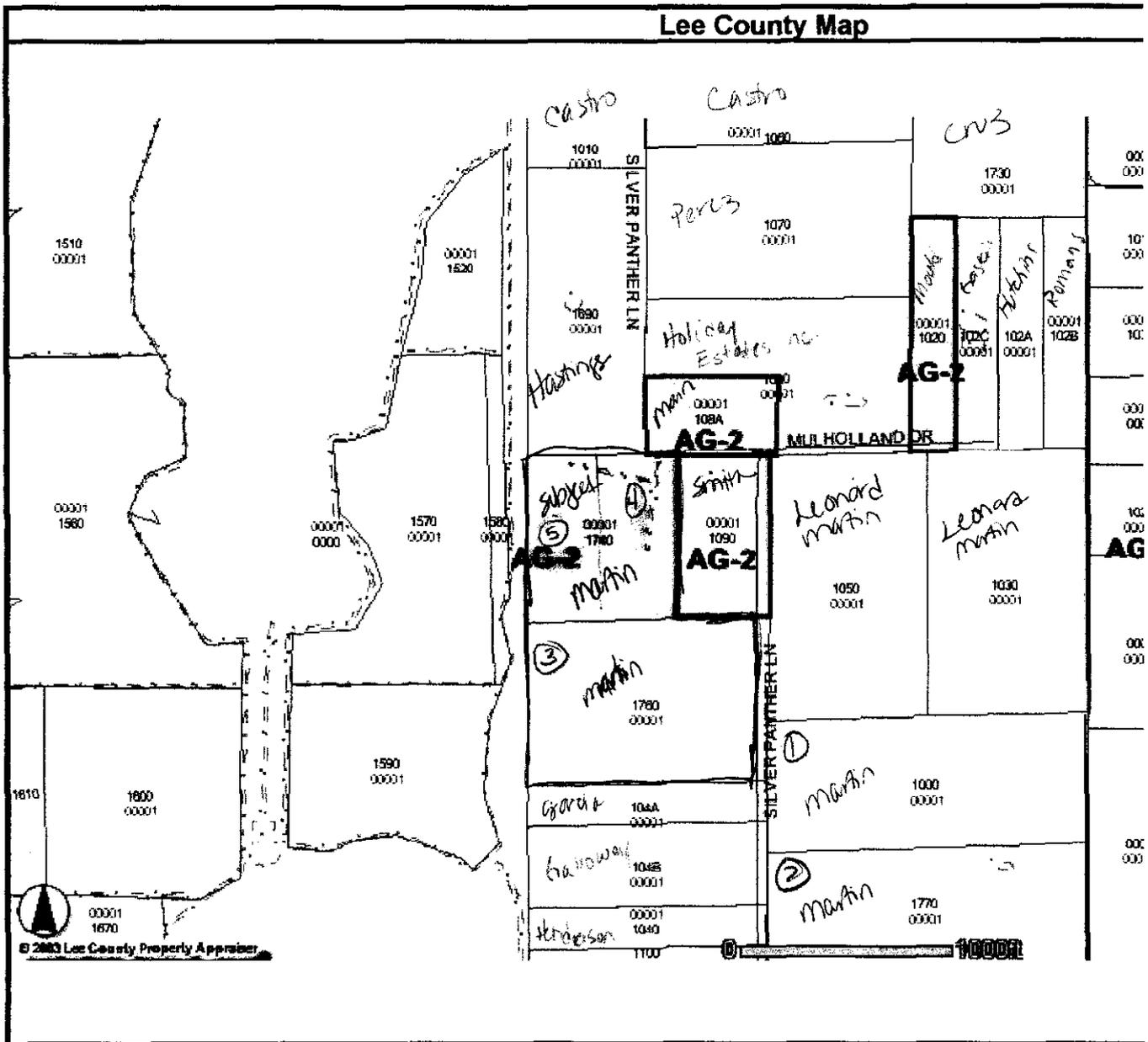
Exhibit

(6)

Commencing at a concrete monument, the North 1/4 corner of Section 11, Township 46 South, Range 27 East, Lee County, Florida; run North 88° 23' 19" East on the North boundary of Section 11, 565.51 feet to a point on the centerline of a 60 foot easement thence South 00° 13' 05" West on the centerline of the 60 foot easement, 2201 feet to a point on the intersection of 60 foot easement, thence South 88° 23' 19" West 218.41 feet to THE POINT OF BEGINNING; continue South 88° 23' 19" West 337.03 feet to a point on the centerline of a 60 foot easement, thence South 00° 01' 06" East 30 feet to an iron pipe, continue South 00° 01' 06" East 745.47 feet to an iron pipe, thence North 88° 23' 19" East 337.03 feet to an iron pipe, thence North 00° 01' 06" West 745.47 feet to an iron pipe, continue North 00° 01' 06" West 30 feet to THE POINT OF BEGINNING; LESS the North 30 feet reserved for access and utility easement.

SUBJECT TO one-half (1/2) of all oil, gas, and mineral rights which have been reserved by prior owners, but this conveyance shall include all oil, gas and mineral rights that are owned by the Grantor herein. TOGETHER WITH a non-exclusive easement for ingress, egress and utilities, as described in that certain easement from WILDCAT FARMS, LTD. to GRAND CHENIER, INC., as recorded in O.R. Book 1379, Page 477, Public Records of Lee County, Florida

File No: 99-5053



① parcels in 2003 recorded @ 3152/2750

Corporate Warranty Deed

10.12.99  
4/21/99

This Indenture, made this 13th day of May  
A.D. 19 99 Between

Grand Chenier, Inc., a Florida Corp.

whose post office address is: P.O. Box 249  
Naples, FL 34106

a corporation existing under the laws of the  
State of Florida, Grantor and

Ann R. Hastings

whose post office address is: 3501 Stirling Road  
Fort Lauderdale, Florida 33312  
Grantees' Tax Id # :

Grantee,

Documentary Tax Pd. \$ 424.90  
Intangible Tax Pd  
CHARLIE GREEN, CLERK, LEE COUNTY  
By Betty Cruz Deputy Clerk

4638022

OR3120 P61860

RECORDED BY  
BETTY CRUZ, D.C.

Witnesseth, that the said Grantor, for and in consideration of the sum of ( Ten & NO/100 )  
Dollars, to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and  
sold to the said Grantee forever, the following described land, situate, lying and being in the County of  
Lee State of Florida, to wit:

See Exhibit attached hereto and by this reference made a part  
hereof.

Parcel Identification Number: 11-36-27-00-00001.1000

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful  
claims of all persons whomsoever.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly  
authorized officer and caused its corporate seal to be affixed the day and year first above written.

Grand Chenier, Inc.,  
a Florida Corp.

By: [Signature]  
Charles B. Edwards  
Its President

Signed and Sealed in Our Presence:  
(TWO SEPARATE WITNESSES REQUIRED)

[Signature]  
[Signature]  
[Signature]

(Corporate Seal)

State of Florida  
County of Lee

The foregoing instrument was acknowledged before me this 13th day of May, 19 99, by  
Charles B. Edwards, President  
of Grand Chenier, Inc., a Florida Corp.

a corporation existing under the laws of the State of Florida, on behalf of the corporation.  
He/She is personally known to me or has produced as identification.

PREPARED BY: Belinda Bramlett  
RECORD & RETURN TO:  
Title Services of Southwest Florida, Inc.  
1705 Colonial Boulevard, Suite A-2  
Fort Myers, Florida 33907

[Signature]  
Print Name: ASTRID SOLL  
Notary Public  
My Commission Expires:  
DECEMBER 16, 2001  
ASTRID SOLL  
COMMISSION NUMBER  
CC648588  
MY COMMISSION EXPIRES  
FEB. 16, 2001

CWD-1  
5/93

Exhibit

Commencing at a concrete monument, the North 1/4 corner of Section 11, Township 46 South, Range 27 East, Lee County, Florida; run North 88° 23' 19" East on the North boundary of section 11, 565.51 feet to a point on the centerline of a 60 foot easement, thence South 00° 13' 05" West on the centerline of a 60 foot easement, 1705.20 feet to a point on the centerline of a 60 foot easement, THE POINT OF BEGINNING; continue South 00° 13' 05" West 494.80 feet to a point, thence South 88° 23' 19" West 30 feet to an iron pipe, continue South 88° 23' 19" West 526.44 feet to an iron pipe, thence North 00° 01' 06" West 494.80 feet to an iron pipe, thence North 88° 23' 19" East 528.50 feet to an iron pipe, continue North 88° 23' 19" East 30 feet to THE POINT OF BEGINNING on the centerline of a 60 foot easement. LESS the South and LESS the East 30 feet reserved for access and utility easements.

Martin #1

OR3120 Pg 1861

16.3 acres

Commencing at a concrete monument, the North 1/4 corner Section 11, Township 46 South, Range 27 East, Lee County, Florida; run North 88° 23' 19" East on the North boundary of Section 11, 565.51 feet to a point on the centerline of a 60 foot easement, thence South 00° 13' 05" West on the centerline of the 60 foot easement, 1277.90 feet to the POINT OF BEGINNING; continue South 00° 13' 05" West on the centerline of the 60 foot easement, 428.30 feet to a point, thence South 88° 23' 19" West 30 feet to an iron pipe, continue South 88° 23' 19" West 528.50 feet to an iron pipe, thence North 00° 01' 06" West for 428.30 feet to an iron pipe, thence North 88° 23' 19" East 530.25 feet to an iron pipe, continue North 88° 23' 19" East 30 feet to THE POINT OF BEGINNING on the centerline of a 60 foot easement, LESS the East 30 feet reserved for access and utility easement.

Martin #2

5.5 acres

Commencing at a concrete monument, the North 1/4 corner of Section 11, Township 46 South, Range 27 East, Lee County, Florida run North 88° 23' 19" East on the North boundary of Section 11, 565.51 feet to a point on the centerline of a 60 foot easement, thence South 00° 13' 05" West on the centerline of a 60 foot easement, 849.94 feet to THE POINT OF BEGINNING; continue South 00° 13' 05" West 426.96 feet to a point, thence South 88° 23' 19" West 30 feet to an iron pipe, continue South 88° 23' 19" West 530.25 feet to an iron pipe, thence North 00° 01' 06" West 426.96 feet to an iron pipe, thence North 88° 23' 19" East 532.00 feet to an iron pipe, continue North 88° 23' 19" East 30 feet to THE POINT OF BEGINNING. LESS the East 30 feet reserved for access and utility easement.

5.5 acres

Subject to one-half (1/2) of all oil, gas, and mineral rights which have been reserved by prior owners, but this conveyance shall include all oil, gas and mineral rights that are owned by the Grantor herein. TOGETHER WITH a non-exclusive easement for ingress, egress and utilities as described in that certain easement from WILDCAT FARMS, LTD to GRAND CHENIER, INC. as recorded in O.R. Book 1379, Page 477, Public Records of Lee County, Florida.

CHARLIE GREEN, CLERK  
LEE COUNTY, FL  
1999 MAY 20 AM 8:50

total 16.3 acres

File No: 99-5042



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 335-2236  
Facsimile (239) 335-2606

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

September 30, 2004

**FILE COPY**

Leonard Martin  
P.O. Box 237  
New Philadelphia, OH 44663

Re: MUD2001-00097 Appeal  
17410 Silver Panther Lane

Dear Mr. Martin:

I apologize for neglecting to contact you sooner. We last met in July 2003 concerning the appeal of a minimum use determination for a 12 acre parcel identified as 17410 Silver Panther Lane. As a result of this meeting, our office attempted to obtain a determination as to how the 76 acre parcel, comprised of strap numbers 11-46-27-00-00001.1740, 11-46-27-00-00001.1000, 11-46-27-00-00001.1770 and 11-46-27-00-00001.1760, could be developed in accordance with the Lee Plan. This determination was to be based upon the number of upland and wetland acres encompassing the 76 acres identified by the documentation applicable to the Circle "M" parcel.

Our office made several unsuccessful attempts to obtain the knowledgeable assistance of the local environmental staff with regard to providing insight as to the developable area. Without the input of an environmental specialist, our office believes that you are entitled to construct three units on the 76 acres. One unit on strap numbers 11-46-27-00-00001.1740 and 11-46-27-00-00001.1760 totaling 32 acres; one unit on strap number 11-46-27-00-00001.1770 totaling 21.98 acres; and one unit on strap number 11-46-27-00-00001.1000 totaling 21.98 acres. The three units are based upon a conservative estimate and review of the percentage of land located within the Wetlands and Density Reduction Groundwater Resource land use categories.

This informal determination is being provided as a courtesy and in an attempt to settle the appeal of MUD2001-00097 concerning the 12 acre parcel located at 17410 Silver Panther Lane. Accordingly, please let me know if you would like to continue forward with the appeal of this minimum use determination.

S:\LU\DP\Letter\MUD2001-00097.Martin.ltr.wpd

Leonard Martin  
September 30, 2004  
Page 2

Re: MUD2001-00097 Appeal  
17401 Silver Panther Lane

Should you have any questions concerning the above, please do not hesitate to contact me.

Thanking you again for your patience with respect to this matter, I am

Very truly yours,



Dawn E. Perry-Lehnert  
Assistant County Attorney

DPL:tlb

cc: Timothy Jones, Chief Assistant County Attorney  
Peter Blackwell, Planner, DCD



5. No provision is made to redevelop property containing damaged structures for a more intense use or at a density higher than the original lawful density except where such higher density is permitted under current regulations.

(Added by Ordinance No. 94-30, Relocated and Amended by Ordinance No. 00-22, Amended by Ordinance No. 03-04)

## **b. Administrative Interpretations of the Plan**

---

Persons or entities whose interests are directly affected by the Lee Plan have the right to an administrative interpretation of the plan as it affects their specific interest. Such an interpretation, under the procedures and standards set forth below, will remain in effect and thereafter be binding upon the county only as to the legally described property and any plan of development upon which the interpretation was based. If the plan of development is proposed to be, or is changed, through any action of any owner or developer of the property, then the administrative interpretation is no longer binding on the county. Actions that will render a previous interpretation no longer binding include any of the following: significant changes in parcel or platted lot(s) configuration; changes to land uses; decreases in the amount of open space or preserved land; increases in density or intensity of use; increases in the size or acreage of the property; or any other change that makes the plan of development less consistent with the current Lee Plan. (Note: combing lands consistent with XIII.b.B.4.b.(4) is allowed.) A determination of whether or not a plan of development has been, or would be changed sufficiently to render the previous interpretation no longer binding on the county will be made on a case by case basis by the Administrative Designee using the above-described criteria.

Administrative interpretations are intended to expedite and reduce disputes over interpretations of the Lee Plan, resolve certain map or boundary disputes, avoid unnecessary litigation, ensure consistency in plan interpretation, and provide predictability in interpreting the plan. All such administrative interpretations, once rendered, are subject to challenge under the provisions of Section 163.3215, Florida Statutes.

Anyone seeking an administrative interpretation must submit an application with requested information and will have the burden of demonstrating compliance with the standards set forth below.

(Amended by Ordinance No. 00-22)

### **A. Subject Matter of Administrative Interpretations**

Administrative interpretations will be provided only as to the matters set forth below. In no event will administrative interpretations hereunder involve questions of the consistency of development or land use regulations with the Lee Plan. Administrative interpretations will be limited to:

1. County Attorney's Office:

- a. Whether the single-family residence provision as hereinafter defined applies and the applicant desires a written opinion for future use, or a concurrent building permit application has not been approved under 2.a. below.

2. County Administrator (or his designee):

- a. Whether the single-family residence provision as hereinafter defined applies and the applicant is also applying for a building permit. If said permit application is not approved, a separate

application for the single-family residence provision may be submitted to the County Attorney's Office for final review and, if applicable, written denial.

b. Whether an area has been (or should have been) designated Wetlands on the basis of a clear factual error. A field check will be made prior to the issuance of such an interpretation.

c. Clarification of land use map boundaries as to a specific parcel of property.

(Amended by Ordinance No. 94-30, 00-22)

## **B. Standards for Administrative Interpretations**

Administrative interpretations of the Lee Plan will be determined under the following standards:

1. Interpretations which would be confiscatory, arbitrary, capricious, unreasonable, or which would deny all economically viable use of property will be avoided;
2. Interpretations should be consistent with background data, other policies, and objectives of the plan as a whole;
3. Interpretations should, to the extent practical, be consistent with comparable prior interpretations;
4. Single-Family Residence Provision:

### **a. Applicability**

Notwithstanding any other provision of this plan, any entity owning property or entering or participating in a contract for purchase agreement of property, which property is not in compliance with the density requirements of the Lee Plan, will be allowed to construct one single-family residence on said property PROVIDED THAT:

#### **(1) Date Created:**

- (a) the lot or parcel must have been created and recorded in the official Plat Books of Lee County prior to the effective date of the Lee Plan (December 21, 1984), and the configuration of said lot has not been altered; OR
- (b) a legal description of the lot or parcel was lawfully recorded in the Official Record books of the Clerk of Circuit Court prior to December 21, 1984; OR
- (c) the lot was lawfully created after December 21, 1984, and the lot area was created in compliance with the Lee Plan as it existed at that time.

#### **(2) Minimum Lot Requirements: In addition to meeting the requirements set forth above, the lot or parcel must:**

- (a) have a minimum of 4,000 square feet in area if it was created prior to June 27, 1962;  
OR

- (b) have a width of not less than 50 feet and an area of not less than 5,000 square feet if part of a subdivision recorded in the official Plat Books of Lee County after June 27, 1962, and prior to December 21, 1984; OR
  - (c) have a minimum of 7,500 square feet in area if it was created on or after June 27, 1962, and prior to December 21, 1984, if not part of a subdivision recorded in the official Plat Books of Lee County; OR
  - (d) have been in conformance with the zoning regulations in effect at the time the lot or parcel was recorded if it was created after December 21, 1984; OR
  - (e) have been approved as part of a Planned Unit Development or Planned Development.
- (3) Access and Drainage: In addition to meeting the requirements set forth above:
- (a) the road that the lot or parcel fronts on must have been constructed and the lot must be served by drainage swales or equivalent drainage measures. The road must have, at a minimum, a graded surface of shell, marl, gravel base rock, or other compacted fill material, suitable for year-round use; OR
  - (b) the lot or parcel must be located within a subdivision which was approved under Chapter 177, Florida Statutes, as long as the subdivision improvements have been made or security for their completion has been posted by the subdivider.

If the lot or parcel cannot meet the requirement of access and drainage, this requirement will not apply to the extent that it may result in an unconstitutional taking of land without due process.

- (4) Interchange, Airport Commerce, and Industrial Development land use categories: In addition to the requirements set forth above, a residential use must be the only reasonable use of the lot or parcel. The existence of a reasonable commercial or industrial use will be determined by reference to all of the applicable facts and circumstances, including, but not limited to, the nature of the surrounding uses, the adequacy of the lot size (pursuant to Chapter 34 of the Land Development Code) for commercial or industrial uses, and whether adequate infrastructure exists or can reasonably be provided to serve a commercial or industrial use at the location in question.

**b. Construction Regulations**

Subsequent to a property owner establishing the right to build a single-family residence on a lot through the procedures set forth in this plan, the following policies will prevail:

- (1) The residential structure must be in compliance with all applicable health, safety, and welfare regulations, as those regulations exist at the time the application for construction of the residence is submitted.
- (2) Lots or parcels which qualify for the right to construct a residence and which contain wetlands will be subject to special provisions of the Wetlands Protection Ordinance.

- (3) If two or more contiguous lots or parcels have each qualified for the right to build a single-family residence, the property owner is permitted and encouraged to reapportion properties if the result of the reapportionment is a lot or lots which come closer to meeting the property development regulation standards for the zoning district in which it is located and as long as no property becomes non-conforming or increases in its non-conformity as a result of the reapportionment and as long as the density will not increase.
- (4) If a lot or parcel has qualified for the right to construct a single-family residence, nothing herein will be interpreted as prohibiting the combining of said lot or parcel with other contiguous property provided the density will not increase.
- (5) If two or more contiguous properties have each qualified for the right to construct a single-family residence and if the lots or parcels are located in a zoning district which permits duplex or two-family dwellings, the property owner(s) may combine the lots to build a single duplex or two-family building in lieu of constructing two single-family residences.

c. Transferability

This right will run with the land and be available to any subsequent owner if the property which qualifies for the single-family provision is transferred in its entirety. (Amended by Ordinance No. 00-22)

**C. Procedure for Administrative Interpretations**

The following procedures will apply in obtaining administrative interpretations:

1. Except as provided in 3. below, anyone seeking an administrative interpretation of the plan will submit an application, on an appropriate form provided by the county, with all requested information to the Zoning and Development Review Division (single-family residence provision) or the Planning Division (all other applications), or to their successor agencies.
2. The person authorized by Section A.1. or 2. above will review such information and issue an administrative interpretation in writing within sixty (60) days after submittal of the application and all requested information to the appropriate division. The interpretation will contain findings and reasons for the interpretation rendered.
3. If the request for a single-family residence provision or Wetlands determination is in conjunction with an application for a building permit, development order, or planned development rezoning, a separate application will not be required. The interpretation will be noted on the building permit, development order, or planned development rezoning approval, or will be contained in the reasons for denial where applicable.
4. An administrative interpretation may be appealed to the Board of County Commissioners by filing a written request within fifteen (15) days after the administrative interpretation has been made. In reviewing such an appeal, the Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied to the facts presented and the standards set forth in the plan for such administrative interpretation. No additional evidence will be considered by the Board. The Board of County Commissioners will conduct such appellate review at a public meeting.

5. The Board of County Commissioners will consider the appeal at a hearing to be held within thirty (30) days after the date of the written request for appeal. A decision overruling the written interpretation will be in writing and will be rendered by the Board within thirty (30) days after the date of the hearing. Alternatively, the Board may adopt the administrative interpretation being appealed.
6. Where appropriate and necessary all administrative interpretations rendered by the designated persons (or upon appeal, approved by the Board of County Commissioners) will be incorporated into the Plan during the next amendment cycle. (Amended by Ordinance No. 94-30, 00-22)

### **c. Legislative Interpretations of the Plan**

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In order to apply the plan consistently and fairly, it will be necessary from time to time to interpret provisions in the plan in a manner which insures that the legislative intent of the Board of County Commissioners which adopted the plan be understood and applied by subsequent boards, county employees, private property owners, and all other persons whose rights or work are affected by the plan. When the plan is interpreted, it should be done in accordance with generally accepted rules of statutory construction, based upon sound legal advice, and compiled in writing in a document which should be a companion to the plan itself. These goals will be accomplished by the procedures which are set forth below:

#### **A. COMPREHENSIVE PLAN ANNOTATIONS COMMITTEE.**

The Director of Community Development, the Planning Director, and the County Attorney will together be empowered to sit as the Comprehensive Plan Annotations Committee. In each instance, these persons may designate one or more subordinates to serve in their place, but only one vote may be cast by or on behalf of each of the aforementioned officials. The purpose of the committee is to make written recommendations to the Local Planning Agency in response to requests for interpretations of specific provisions in the plan. If the committee cannot recommend an interpretation unanimously, then both a majority and minority recommendation will be made to the Local Planning Agency. Similarly, if the committee cannot reach a majority position with respect to an interpretation, then each official will submit a separate recommendation to the Local Planning Agency. In accomplishing its work, the committee will operate as follows:

##### **1. Organization**

The committee will meet regularly at such times and places as it may choose. Its meetings will be either private or open to the public, or a combination thereof, as the committee chooses. The committee will have total discretion in this matter. No public notices of its meetings will be required. It may invite to its meetings such persons as it believes will best assist it in its work. It is intended that the committee will function in an informal workshop atmosphere, with emphasis to be placed on the timely production of concise, written recommendations to the Local Planning Agency in response to requests for interpretations of specific provisions in the plan. The County Attorney will be responsible for reducing the recommendations of the committee in writing, unless he is in the minority, in which case the Planning Director will be responsible for reducing the majority recommendation to writing. In every case, the Planning Director will be responsible

- j) In order to minimize the adverse impacts that construction may have on wildlife, natural environmental values, and water quality, the developer will institute appropriate measures such as full compaction of any fill material placed around newly installed structures.
- k) Any future individual development on the Property will be subject to Development of Regional Impact (DRI) review once it reaches the 80% threshold, i.e., at 800 units such development will be presumed to be a DRI. If two or more individual projects will be developed on the Property, this 80% threshold will be applicable to each, and not applied in a cumulative fashion unless subject to the aggregation criteria in Rule 9J-2, Fla. Admin. Code. (Added by Ordinance No. 97-17, Amended by Ordinance No. 98-09, 00-22)

**POLICY 1.4.2:** The Outer Islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers. They are not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, and as such can anticipate a continued level of public services below that of other land use categories. The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. Maximum density is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 98-09)

**POLICY 1.4.3:** The Rural Community Preserves are established following special studies of Lee County's intact rural communities. Within these areas, special design approaches are to be used to maintain the existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and sign standards, and retention of historic rural uses. These areas are not to be programmed to receive urban-type capital improvements. Lands within this category are not intended to be converted to any Future Urban Areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Additional goals, objectives, policies, and standards for these areas may be included in this plan based on the special studies (see for example, Goal 17). Maximum density is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 91-19, 94-30)

**POLICY 1.4.4:** Open Lands are upland areas that are located north of Rural and/or sparsely developed areas in Township 43 South. These areas are extremely remote from public services and are characterized by agricultural and low-density residential uses. Commercial and industrial uses are permitted in this category in accordance with the standards in the Rural category. The maximum density in this category is one dwelling unit per ten acres (1 du/10 acres); except that a maximum density of one dwelling unit per five acres (1 du/5 acres) is permitted if the planned development process is used to prevent adverse impacts on environmentally sensitive lands (as defined in Policy 77.1.1.4). (Added by Ordinance No. 94-30)

**POLICY 1.4.5:** The Density Reduction/Groundwater Resource (DR/GR) areas include upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, publicly-owned gun range facilities, private recreation facilities, and residential uses at a

maximum density of one dwelling unit per ten acres (1 du/10 acres). Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.

Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 16. No Private recreational facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan. (Amended by Ordinance No. 91-19, 94-30, 99-16, 02-02)

**POLICY 1.4.6:** The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the FLUM. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields. 2020 lands designated as conservation are also subject to more stringent use provisions of the 2020 Program or the 2020 ordinances. (Added by Ordinance No. 98-09, Amended by Ordinance No. 02-02)

**OBJECTIVE 1.5: WETLANDS.** Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Amended by Ordinance No. 94-30)

**POLICY 1.5.1:** Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 84 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)

**POLICY 1.5.2:** When the exact location of Wetlands boundaries is in question, Chapter XIII of this plan provides an administrative process, including a field check, to precisely define the boundary. (Amended by Ordinance No. 94-30)

**POLICY 1.5.3:** Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the FLUM to distinguish them from non-conservation wetlands. (Added by Ordinance No. 98-09)

**POLICY 4.1.2:** Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

**GOAL 5: RESIDENTIAL LAND USES.** To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2020 in attractive and safe neighborhoods with a variety of price ranges and housing types. (Amended by Ordinance No. 94-30)

**OBJECTIVE 5.1:** To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2020 in attractive and safe neighborhoods with a variety of price ranges and housing types. (Amended by Ordinance No. 94-30)

**POLICY 5.1.1:** Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments. (Amended by Ordinance No. 00-22)

**POLICY 5.1.2:** Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

**POLICY 5.1.3:** During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)

**POLICY 5.1.4:** During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)

**POLICY 5.1.5:** Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)

**POLICY 5.1.6:** Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Amended by Ordinance No. 94-30)

**POLICY 5.1.7:** Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways



must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 5.1.8:** Provide for adequate locations of low- and moderate-income housing through the rezoning process, the provision of public facilities and services, and the elimination of unnecessary administrative and legal barriers.

**POLICY 5.1.9:** Consider by 1996 the provision of incentives and requirements for the reassembly, redesign, and replatting of vacant platted residential lots that are not suitable for timely, safe, and efficient development; and re-evaluate the effects of the single-family residence provision and the privately funded infrastructure overlay on the county's ability to provide incentives for reassembly, redesign, and replatting. (Amended by Ordinance No. 94-30)

\* **POLICY 5.1.10:** A single-family home may be constructed on a bona fide previously subdivided lot regardless of the maximum densities specified in Table 1(a) if such lot complies with the specific rules in Chapter XIII of this plan.

**POLICY 5.1.11:** In those instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan will be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that: (Amended by Ordinance No. 92-35, 00-22)

1. The Planned Development zoning is utilized; and
2. No density is allocated to lands designated as Non-Urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and
3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and
4. The resultant Planned Development affords further protection to environmentally sensitive lands if they exist on the property.

**GOAL 6: COMMERCIAL LAND USES.** To permit orderly and well-planned commercial development at appropriate locations within the county. (Amended by Ordinance No. 94-30)

**OBJECTIVE 6.1:** All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. (Amended by Ordinance No. 94-30)

**POLICY 6.1.1:** All applications for commercial development will be reviewed and evaluated as to: