

CITY OF BONITA SPRINGS  
ZONING ORDINANCE NO. 17 - 05

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST TO REZONE RESIDENTIAL SINGLE-FAMILY (RSA) AND THE WILDWOOD RESIDENTIAL PLANNED DEVELOPMENT (RPD) INTO THE NEW WILDWOOD RPD WITH UP TO 46 SINGLE-FAMILY DWELLING UNITS; REPEALING AND REPLACING ZONING ORDINANCE NO. 03-05, ON APPROXIMATELY 12 +/- ACRES; LOCATED AT KYLYNNE WAY, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, D.R. Horton has filed an application to rezone Residential Single-family (RSA) and the Wildwood Residential Planned Development (RPD) Zoning Ordinance 03-05 to an RPD for a maximum of 46 single-family dwelling units on approximately 12 +/-acres.

**WHEREAS**, the subject property is located at Kylynne Way, Bonita Springs, Florida, and is described more particularly as:

See Exhibit "A"

**WHEREAS**, a Public Hearing was advertised and heard on February 14, 2017 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case PD16-32779-BOS, who gave full consideration to the evidence available and recommended approval (7-0, with modified conditions), of the applicant's request and gave full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all interested parties. The Staff Report prepared by Community Development and submitted on February 3, 2017, and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Bonita Springs, Lee County, Florida:

**SECTION ONE: APPROVAL OF REQUEST**

City Council of Bonita Springs hereby approves the request to rezone Residential Single-family (RSA) and the former Wildwood Residential Planned Development (RPD) Zoning Ordinance 03-05 to Wildwood RPD for a maximum of 46 single-family dwelling units on approximately 12 +/-acres, subject to THE Conditions, Findings and Conclusions contained herein.

**A. CONDITIONS:**

1. The development of this project must be consistent with the Master Concept Plan entitled "Wildwood RPD," prepared by J.R. Evans Engineering, P.A. stamped received January 23, 2017, as revised date

stamped April 6, 2017 (Attachment A), except as modified by the conditions below. This development must comply with all requirements of the City of Bonita Springs Land Development Code (LDC) at time of local development order approval. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

Accessory uses and structures  
Dwelling units: single-family  
Entrance gates and gatehouses  
Essential services  
Excavation, water retention  
Fences, walls  
Home occupation  
Model home  
Real estate sales office  
Recreational facilities, On-site, personal and private  
Residential accessory uses  
Signs, in accordance with Chapter 6 Land Development Code

b. Property Development Regulations: See Attachment A

\*Lots adjacent to the eastern perimeter shall be limited to a 10' rear accessory structure setback, unless a property owner requests a 5' rear accessory structure setback and can demonstrate no adverse impacts to the approved surface water management system and/or adjacent properties.

3. Transportation Conditions.

a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the City of Bonita Springs Land Development Code may be required to obtain local development order approval.

4. Access. In support of Deviation 3, at time of local development order and as reflected on the plat, the applicant shall provide a 25' wide right-of-way easement, running parallel to the northern boundary line of the development, to the City for future connectivity, at City's own cost, with no impact fee credits to be issued. The proposed Bonita Springs Utility 15' easement will be within the City's 25' right-of-way easement. The 25' right-of-way easement will be recorded immediately before the plat of the Wildwood subdivision and will be referenced on the plat. The easement should specify that it becomes operative only if the City exercises its right

to design, permit and construct the improvements utilizing the 25' wide strip, and specify that the public has no right to use this connection until and unless the City constructs the physical improvements and accepts all maintenance obligations. Changes in open space and indigenous preserve will be granted by Community Development administratively, consistent with the MCP attached as Attachment "A", concurrent with the connective path construction.

5. Multi-use path. At time of local development order, the applicant shall provide a pedestrian/bicycle connection from its project to the City's future multi-use path to the north.
6. Environmental Conditions
  - a. LDC 3-417 (2) A tree survey for the presence of Heritage Trees is required. If Heritage Trees (live oak, South Florida slash pine, or longleaf pine with minimum 20-inch caliper dbh) are found on the property and are proposed to be removed, then a presentation to the Tree Advisory Board is required. The Tree Advisory Board will make recommendations for the preservation or mitigation of the Heritage Trees, prior to the issuance of the Development Order.
  - b. In support of Deviation 1, the applicant shall install an 8' solid wall/combination berm adjacent to the hammerhead turnaround. A 5' wide hedge shall be planted along the northern boundary of the wall and maintained at 3' in height. Additional plantings along the northern property line may be required to screen any potential headlight intrusion at time of local development order. Also at time of local development order, the applicant shall coordinate with Parks and Recreation, Public Works, Lee County Department of Transportation, and Bonita Springs Utilities as to the placement of a wall along the northerly limits of the City's 25' right-of-way.
  - c. The applicant must demonstrate compliance with Comprehensive Plan Policy 9.3.3 of the Conservation/Coastal Management Element. The applicant must provide an additional fifty (50) percent retention/detention water quality treatment over that required in section 5.2.1(a) of the Basis of Review for Environmental Resource Permits within the South Florida Water Management District.
7. Flood Regulations. The historic drainage flow from adjacent properties north and east of the site pass through the site moving from the northeast corner to culverts located in the southwest corner along Terry Street. At the time of local development order application, the applicant shall submit a detailed drainage analysis that provides for the adequate control of stormwater runoff within the property and the offsite historic drainage that

- flows onto and across the development. The final development plan shall demonstrate conveyance of all onsite and offsite stormwater having no flooding or adverse impacts on adjacent properties. The drainage analysis shall include but not limited to (1) a drainage map for all contributory areas within and into the development and (2) hydraulic calculations for the 5, 25, and 100-year design storm events in order to establish existing baseline conditions.
8. The development must comply with the sign code found in the LDC, Chapter 6.
  9. The developer will make every effort to incorporate principles for its buildings through the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) and/or Florida Green Building Coalition program, standards for commercial building structures, in site design and construction, by emphasizing use of high energy efficiency designs and use of high energy efficiency fixtures and appliances where possible. Building materials, both internal and external, will be comprised of durable and recycled materials where possible.
  10. This development must comply with all of the requirements of the LDC at the time of the local development order approval, except as may be granted by deviation approved as part of this planned development.
  11. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the City of Bonita Springs Comprehensive Plan provisions.
  12. All construction activity for this planned development is restricted to the hours of 7:00 a.m. to 6:00 p.m. (including removal of trucks and personnel) daily, except that no construction activity may take place on Sunday or on state or federal recognized legal holidays.

**B. DEVIATIONS:**

1. Deviation 1 is approved, granting relief from LDC §3-418 (D)(6) which requires a buffer of a solid wall or combination berm and solid wall not less than eight feet in height not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet when a road is located less than 125 feet from an existing residential subdivision, to allow for no buffer to the adjacent single family units to the north.

2. Deviation 2 is approved, granting relief from LDC Section 4-1892(7) which requires that mechanical equipment that is placed on an exterior concrete pad may be permitted to not encroach into the rear or side yard setbacks unless the setback is greater than 7½ feet, to allow for air conditioning and other mechanical equipment to be placed on the sides of homes subject to a maximum 3' encroachment, leaving a minimum of 2' area with no encroachment along the side of each lot.
3. Deviation 3 is approved, subject to condition 4, granting relief from LDC Section 3-297(3) which requires that where practical, any residential development of more than five acres, or any commercial or industrial development of more than ten acres, must provide two or more means of ingress or egress for the development. Additional access points may be needed for continuation of an existing street pattern, to provide access to adjoining properties, or where additional access is needed to provide alternate access for emergency services. Where feasible, these alternate access points should not be onto the same roadway.

**C. FINDINGS AND CONCLUSIONS:**

Based upon an analysis of the application and the standards for approval of planned development rezonings, Bonita Springs City Council makes the following findings and conclusions:

1. The applicant has proven entitlement to rezoning Residential Planned Development (RPD) by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations as conditioned.
2. The requested RPD zoning:
  - a. meets and exceeds all performance and locational standards set forth for the potential uses allowed by the request; and
  - b. is consistent with the densities, intensities and general uses set forth in the Bonita Springs Comprehensive Plan; and
  - c. as conditioned may be compatible with existing or planned uses in the surrounding area; and
  - d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities. However, modifications can be made to the existing infrastructure that could mitigate these impacts.

4. Urban services, as defined in the Bonita Springs Comprehensive Plan, will be available and adequate to serve the proposed land use.
5. The proposed mix of uses as conditioned are appropriate at the subject location.
6. Adequate conditions to the master concept plan and other applicable regulations will provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development can be recommended to offset the impacts.
8. The deviations recommended for approval:
  - a. enhance the objectives of the planned development; and
  - b. preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

**SECTION TWO: REPEALER**

Bonita Springs Ordinance No. 03-05, the Wildwood RPD Ordinance, is hereby repealed, declared void and without further effect. The repealed language is marked by cross-hatches to Exhibit B of this Ordinance.

**SECTION THREE: EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days from the date of adoption.


DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 13<sup>th</sup> day of March, 2017.

AUTHENTICATION:

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 City Clerk

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 City Attorney

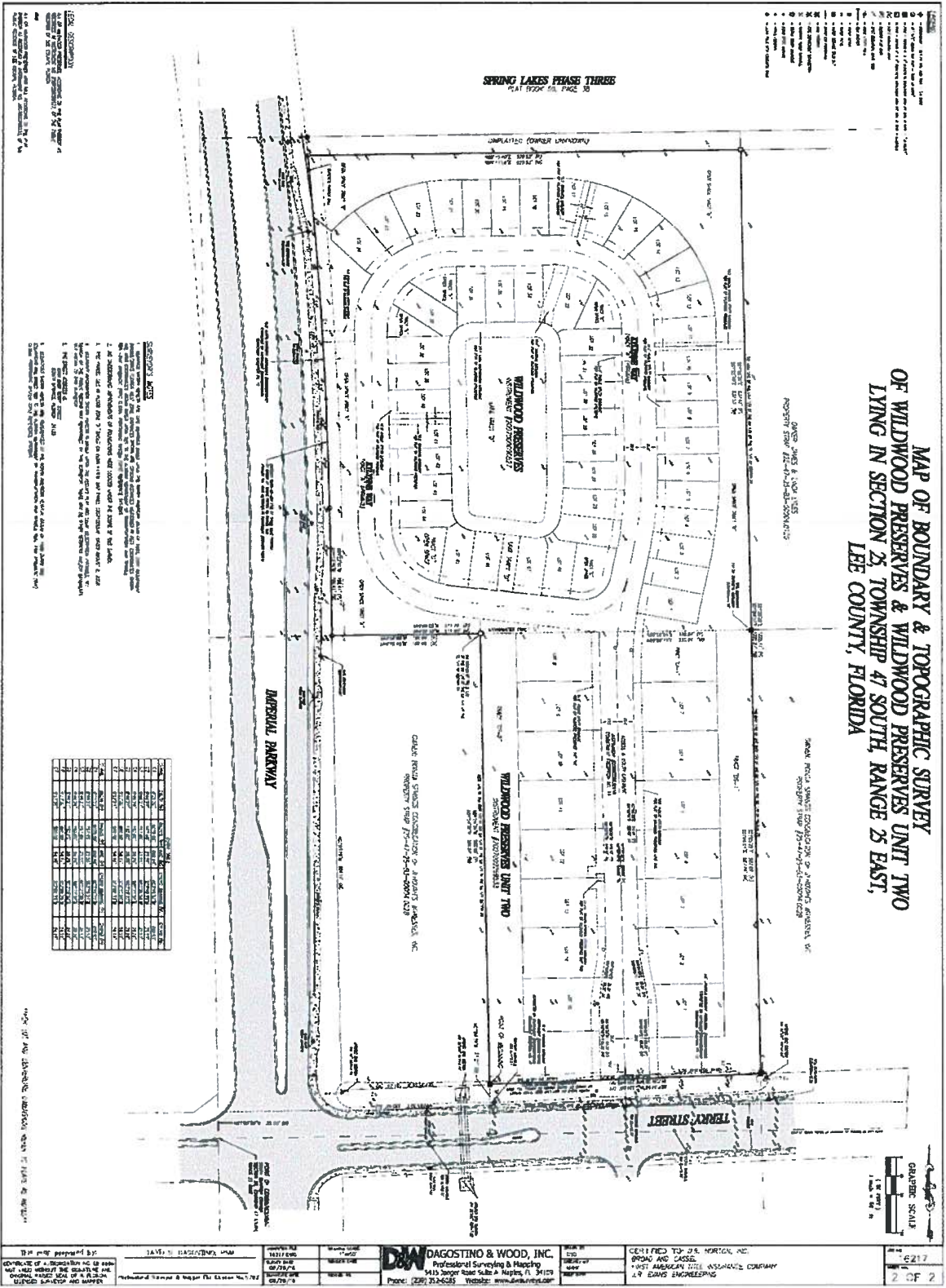
Vote: DeWitt	Aye	Quaremba	Aye
Forbes	Aye	Simmons	Aye
Gibson	Aye	Slachta	Aye
O'Flinn	Aye		

Date filed with City Clerk: 4/11/17



**MAP OF BOUNDARY & TOPOGRAPHIC SURVEY  
OF WILDWOOD PRESERVES & WILDWOOD PRESERVES UNIT TWO  
LYING IN SECTION 25 TOWNSHIP 47 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA**

SPRING LAKES PHASE THREE  
PLAT 17720-01, PAGE 20



**NOTES:**  
1. THIS SURVEY WAS MADE BY THE SURVEYOR IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 461, F.S., AS AMENDED.  
2. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 461, F.S., AS AMENDED.  
3. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY CLERK OF LEE COUNTY, FLORIDA, AND HAS FOUND NO RECORDS OF ANY PREVIOUS SURVEYS OF THIS PROPERTY.  
4. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY CLERK OF LEE COUNTY, FLORIDA, AND HAS FOUND NO RECORDS OF ANY PREVIOUS SURVEYS OF THIS PROPERTY.

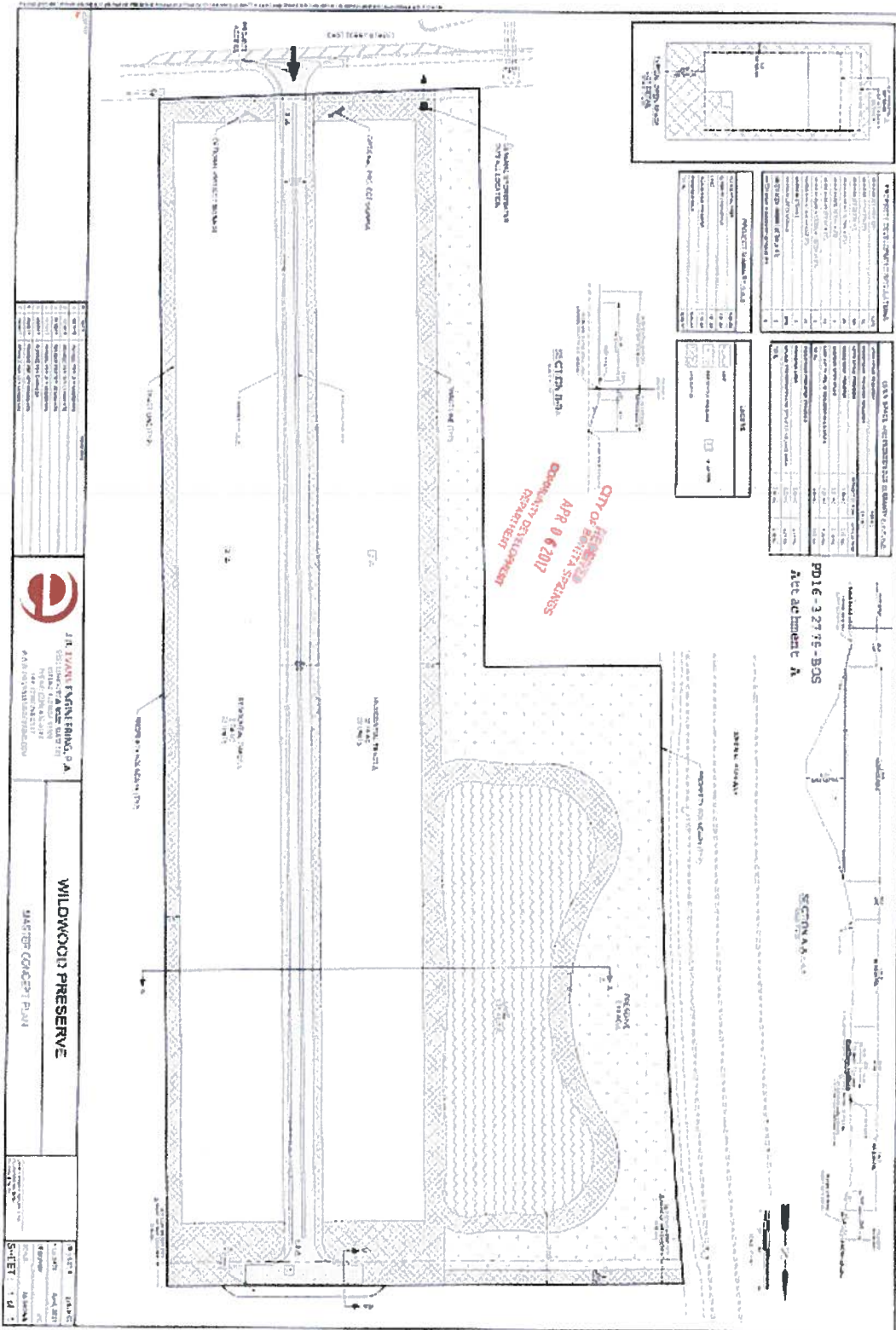
**SUBJECT'S NOTES:**  
1. THIS SURVEY WAS MADE BY THE SURVEYOR IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 461, F.S., AS AMENDED.  
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NO.	ACRES	AREA	PERCENTAGE	TOTAL
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98	1.00	1.00	100.00	1.00
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100	1.00	1.00	100.00	1.00

THIS SURVEY WAS MADE BY THE SURVEYOR IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 461, F.S., AS AMENDED.



# Attachment A – Revised MCP



**Exhibit B**  
**Repealed Conditions – Ordinance No. 03-05**

Conditions

1. ~~The development of this project must be consistent with the one page Master Concept Plan entitled "Master Concept Plan Wildwoods," stamped received September 30, 2002, dated 09/02, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.~~

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

a. ~~Schedule of Uses~~

~~Accessory uses and structures  
Dwelling units: single family  
Entrance gates and gatehouses  
Essential services  
Excavation, water retention  
Fences, walls  
Home occupation  
Model home  
Real estate sales office  
Recreational facilities, personal and private  
Residential accessory uses  
Signs~~

b. ~~Site Development Regulations~~

~~Minimum lot width: 60 feet  
Minimum lot depth: 110 feet  
Minimum lot area: 6,600 feet  
Minimum setbacks:  
Street: 20 feet  
Side yard: 5 feet  
Rear yard: 20 feet  
Water body: 25 feet  
Maximum lot coverage: 40 percent~~

3. ~~Buildings will not exceed 35 feet in height.~~

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

5. ~~Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Comp Plan provisions.~~

- ~~6. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.~~
- ~~7. Agriculture is not a permitted use in the approved Schedule of Uses for this property. All existing agricultural uses must cease upon approval of the requested rezoning.~~
- ~~8. Gopher Tortoise Management: Prior to the issuance of a Vegetation Removal Permit:
  - ~~a. All exotic vegetation, debris and trash must be removed by hand from the upland preserve; and~~
  - ~~b. A resurvey for gopher tortoise burrows must be conducted. All burrows located must be flagged for field verification; and~~
  - ~~c. A copy of the gopher tortoise incidental take permit and receipt of payment must be submitted to the Division of Environmental Sciences staff; and~~
  - ~~d. A coco plum hedge (24-inch, 3-gallon container planted 3-foot on-center) must be installed along the western property boundary. The hedge must be allowed to grow in a natural manner.~~
  - ~~e. A Vegetation Removal Permit must be obtained prior to the installation of the gopher tortoise temporary fencing or excavation of tortoise burrows; and~~
  - ~~f. All active and inactive gopher tortoise burrows outside of the preserve must be excavated to confirm the presence or absence of gopher tortoise and commensal species. Any tortoises and commensal species must be moved to the onsite upland preserve; and~~
  - ~~g. Valley gutters must be used for the roadway to prevent gopher tortoises from being trapped in the road after construction is completed; and~~
  - ~~h. Prior to issuance of a Certificate of Compliance for the infrastructure, a coco plum hedge (24-inch, 3-gallon container size; planted 3-foot on-center) must be installed along the preserve where it abuts the roadway. The hedge must be maintained at a minimum 3-foot height.~~~~
- ~~9. No blasting is permitted on this site.~~
- ~~10. Prior to the issuance of any development orders for the subject property, an access agreement for the lots to the south upon which access is to be gained for the subject property must be in place.~~
- ~~11. If future road improvements or alignment impact the subject property resulting in a need to redesign the project, this may be achieved through an administrative amendment process. The project must remain consistent with the City of Bonita Springs plan through any amendment.~~

~~B. Deviations~~

~~Deviation 1 is approved, granting relief from LDC Section 10-416(d)(6) which requires a solid wall or combination berm and solid wall not less than eight feet in height, when in this case, roads are located less than 125 feet from an existing residential subdivision, subject to the conditions attached to the gopher tortoise preserve area.~~