

**CITY OF BONITA SPRINGS  
ZONING ORDINANCE NO. 02-12**

**A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY HICKORY BLVD. RPD FOR REZONING LAND FROM COMMERCIAL (C-1) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD); ON LAND LOCATED AT 26325 HICKORY BLVD., BONITA SPRINGS, FLORIDA (STRAP NOS. 25-47-24-B2-00007.0000 and 25-47-24-B2-00008.0000) ON 0.88 ± ACRES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Hickory Blvd. RPD has filed an application for rezoning land from Commercial (C-1) to Residential Planned Development (RPD), to permit a maximum of 6 residential dwelling units either single-family, zero lot line, duplex, two-family attached, townhouse, or multiple family or in the alternative a private off-site recreational facility or commercial recreational facility (limited to a private club), all uses not to exceed 35 feet or two stories in height; and

**WHEREAS**, the subject property is located at 26325 Hickory Blvd., Bonita Springs, Florida, and is described more particularly as:

"See Schedule A"

**WHEREAS**, a Public Hearing was advertised and heard on August 2, 2002 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case DCI 2001-00074 who gave full consideration to the evidence available and recommended approval of the RPD but that a private off-site recreational facility should only be permitted by Special Exception at a later date; and gave full and complete consideration of the record, consisting of the Staff Recommendation, the Zoning Board, the documents on file with the City and the testimony of all interested parties. The July 17, 2002 Staff Report prepared by Lee County Development Services Division 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 rezoning of 0.68 ± acres from Commercial (C-1) to Residential Planned Development (RPD), with the following conditions:

Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "HICKORY BOULEVARD RPD, Master Concept plan," stamped received by Community Development on April 5, 2002, last revised 04-02-02, except as modified by the conditions and deviations below. This development must comply with all requirements of the Bonita Springs 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 UNIT:

- Single-family
- Duplex
- Two-family attached
- Townhouse
- Multiple-family building
- Zero lot line

ESSENTIAL SERVICES

EXCAVATION, limited to water retention

FENCES, WALLS

HOME OCCUPATION

MODELS, limited to one model home

MULTI-SLIP DOCKING FACILITIES: See Condition 8 below

RECREATIONAL FACILITIES:

- Personal
- Private, On-Site

RECREATIONAL FACILITIES, PRIVATE OFF-SITE\*, to include the following uses:

- Consumption on premises
- Food and beverage service, limited
- Outdoor seating, with consumption on premises (See Condition 11.4., below)

CLUBS, PRIVATE, limited to the same accessory uses as permitted for a private off-site recreational facility

RESIDENTIAL ACCESSORY USES

SIGNS in accordance with chapter 30

\* A private off-site recreational facility may alternatively be developed, if granted approval by Special Exception at a later date, and owned by the developer or

Homeowner's Association of the subject property for residents and guests of another development or neighborhood controlled by the developer.

b. Site Development Regulations

See Property Development Regulations attached hereto as EXHIBIT B.

3. Environmental Conditions

Prior to issuance of a Certificate of Compliance, informational manatee signs must be installed at the access to each of the boat dock facilities (i.e., three signs total).

4. Consumption on premises for outdoor seating will require special exception approval in association with a private off-site recreational facility or private club.

5. Traffic Conditions

Approval of this zoning request does not address access onto Hickory Boulevard, since the City of Bonita Springs has no jurisdiction over that roadway. The developer must pursue access permits from the Lee County Department of Transportation (LDOT).

6. The proposed development is limited to a maximum density of five (5) residential dwelling units. Should the City of Bonita Springs Comprehensive Plan be adopted to permit a higher density, the proposed development will be limited to a maximum density of six (6) residential dwelling units,

7. If a private off-site recreational facilities and/or private club is approved at a later date by Special Exception, as listed in the schedule of uses, the development must provide a Type C buffer along the north and south property lines. Reductions in this buffer may be considered and will require special exception approval.

8. Any repair or alterations to the existing multi-slip docking facilities will require a City of Bonita Springs Dock and Shoreline permit(s). No commercial usage may be permitted in conjunction with the boat docks. The boat docks may be used by the owners, members or guests (with special exception approval for off-site recreational facility) provided that for every dock that is leased by

an off-site entity, there is on-site parking provided at two (2) spaces for every three slips. For any drive or parking areas located within ten (10) feet of the property line, a buffer consisting of a solid hedge at 48 inches within two (2) years and five (5) trees per 100 linear feet will be provided.

9. 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.
10. 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) until such time that the proposed Bonita Springs Comprehensive Plan is adopted. Any future development order approval must also satisfy all other City of Bonita Springs Comprehensive Plan provisions.
11. This development must comply with all applicable requirements of the LDC at the time of local development order approval, except as may be granted by conditions or deviations approved as part of this planned development.

**B. Deviations**

Deviation No. 1 is approved, granting relief from Section 34-2194(c)(3)b., of the City of Bonita Springs Land Development Code, which requires a 5 foot setback for non-roofed structures from a seawalled natural body of water; to allow a zero (0) foot setback, as shown in the proposed Property Development Regulations Table labeled EXHIBIT B.

Deviation No. 2 is denied, requesting relief from Section 10-285(a), of the City of Bonita Springs Land Development Code which requires the connection separation of accessways with arterial facilities to have a minimum centerline separation of 660 feet; to allow for a separation of 50 feet between single family drives and 100 feet between parking lot entrances on Hickory Boulevard. This issue will be resolved at time of local development order.

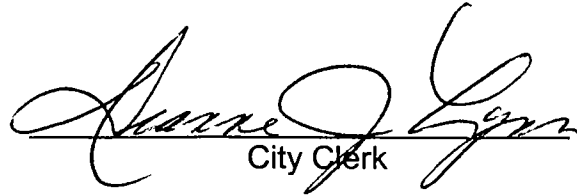
**SECTION TWO: EFFECTIVE DATE**

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

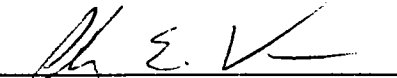
**DULY PASSED AND ENACTED** by the Council of the City of Bonita Springs, Lee County, Florida, this 23<sup>rd</sup> day of September, 2002.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

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

APPROVED AS TO FORM: \_\_\_\_\_

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

Vote:

Arend	Abstain	Piper	Aye
Edsall	Aye	Wagner	Absent
Nelson	Abstain	Warfield	Aye
Pass	Aye		

Date filed with City Clerk: 9-25-02

EXHIBIT "A"  
DCI2001-00074  
PAGE 1 OF 1

DCI2001-00074

PROPERTY DESCRIPTION

PARCEL IN SECTION 25, TOWNSHIP 47 SOUTH, RANGE 24 EAST, LITTLE HICKORY ISLAND, LEE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 47 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, LYING BETWEEN HICKORY BOULEVARD AND AN ARM OF ESTERO BAY, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEASTERLY CORNER OF LOT EIGHT (8), BLOCK "J", BONITA BEACH SUBDIVISION, PLAT BOOK 8, PAGE 65, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.58°32'00"E. AND PERPENDICULAR TO SAID BOULEVARD FOR 100.00 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID BOULEVARD AND THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE N.31°28'00"W. ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR 200.63 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF PARCEL TWO AS DESCRIBED BY DEED RECORDED IN OFFICIAL RECORD BOOK 2027, PAGE 1259, SAID PUBLIC RECORDS; THENCE N58°32'00"E. ON SAID NORTHWESTERLY LINE FOR 167.98 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY FACE OF A CONCRETE SEAWALL; THENCE ON THE FACE OF SAID SEAWALL THE FOLLOWING COURSES AND DISTANCES:

S.30°05'17"W. FOR 8.57 FEET;  
S.20°59'20"W. FOR 7.64 FEET;  
S.04°48'56"W. FOR 8.49 FEET;  
S.07°23'52"E. FOR 6.54 FEET;  
S.19°03'45"E. FOR 7.77 FEET;  
S.25°59'36"E. FOR 35.83 FEET;  
S.25°44'55"E. FOR 33.32 FEET;  
N.57°40'47"E. FOR 2.05 FEET;  
S.45°07'59"E. FOR 25.92 FEET;  
S.43°48'16"E. FOR 25.28 FEET;  
S.42°29'18"E. FOR 25.49 FEET;  
S.44°03'38"E. FOR 12.77 FEET;  
S.38°34'30"E. FOR 8.83 FEET;  
N.61°07'57"E. FOR 0.71 FEET;  
S.36°28'17"E. FOR 6.19 FEET

TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF LANDS AS DESCRIBED BY DEED IN OFFICIAL RECORD BOOK 2059, PAGE 4173, SAID PUBLIC RECORDS; THENCE S.58°24'16"W. ALONG SAID SOUTHEASTERLY LINE FOR 161.86 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.68 ACRES, MORE OR LESS, ACCORDING TO THE BOUNDARY SURVEY PREPARED BY FRANCES YERDON, JOHNSON ENGINEERING, DATED JANUARY 28, 2002.

TOGETHER WITH:

THAT MODIFIED SOVEREIGNTY SUBMERGED LANDS LEASE NO. 360011155, RECORDED IN OFFICIAL RECORDS BOOK 3134, PAGES 1379-87, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Applicant's Legal Checked

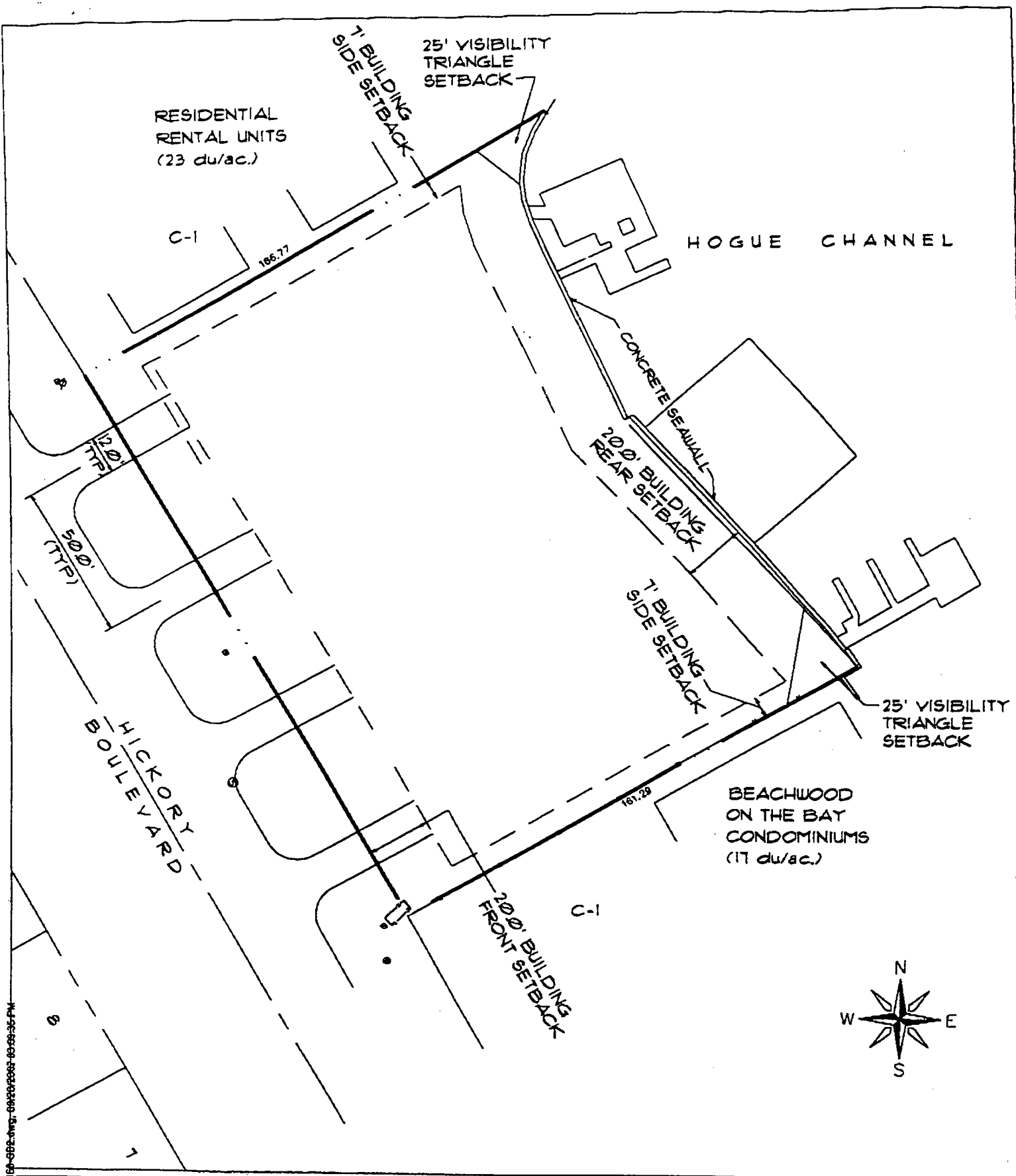
by Jm 7/19/02



PROPERTY DEVELOPMENT REGULATIONS									
LAND USE	Minimum Lot Area sq. ft./unit	Minimum Lot Width	Minimum Lot Depth	Maximum Lot Coverage	Setbacks (ft)			Maximum Height (ft.)	Stories
					Road	Side	Water		
RESIDENTIAL									
Single-family	6,500	50	135	45%	2025	7	20 25	35	3 2
Zero Lot Line	6,500	50	135	45%	2025	0/10	20 25	35	3 2
Townhouse and/or Two-family attached	3,750	37.5	135	45%	2025	0/7	20 25	35	3 2
Duplex	7,500	60	135	45%	2025	10	20 25	35	3 2
Multiple-family	10,000	100	135	45%	2025	10	20 25	35	3 2
PRIVATE OFF-SITE RECREATIONAL FACILITY									
Recreational Facility, Private Off-site, and Private Club	20,000	100	135	45%	2025	40 15	20 25	35	2
ACCESSORY STRUCTURES **									
Non-roofed: pools, decks, screen enclosures, and gazebos	N/A	N/A	N/A	N/A	20	5	0 * 5	N/A	N/A
Docks, fishing piers, walkways, boat ramps	N/A	N/A	N/A	N/A	20	5	0 *	N/A	N/A

\* Modified by approved deviations per building \*\* Roofed accessory structures must be in compliance with the LDC





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