

**CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 03-16**

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST FOR TESONE MPD TO REZONE 513 ACRES FROM AGRICULTURE DISTRICT (AG-2), RESIDENTIAL PLANNED DEVELOPMENT (RPD), MOBILE HOME PLANNED DEVELOPMENT (MHPD), AND COMMERCIAL PLANNED DEVELOPMENT (CPD) TO MIXED USE PLANNED DEVELOPMENT (MPD); ON LAND LOCATED WEST OF I-75, EAST OF OLD US 41, NORTH OF TERRY STREET, AND EAST OF SHANGRILA LANE; BONITA SPRINGS, FLORIDA (STRAP NOS. 23-47-25-B3-00002.0040, 24-47-25-B4-00001.0000, 25-47-25-B1-00001.0000, 25-47-25-B1-00001.0030, 25-47-25-B1-00001.1000, 25-47-25-B1-00103.0000, 25-47-25-B1-00103.0010; 25-47-25-B2-00111.0000, 25-47-25-B2-00113.0000, 25-47-25-B3-00114.0000, 25-47-25-B2-00002.0010, AND 25-47-25-B2-00002.0000) ON 513 ± ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Tesone MPD has filed an application for rezoning 513 ± acres from Agriculture District (AG-2), Residential Planned Development (RPD), Mobile Home Planned Development (MHPD), and Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow for the development of a mixed Residential and Commercial project consisting of a maximum of 1,400 residential dwelling units and 90,000 square feet of gross commercial floor area. The proposed maximum building height is 45 feet.

WHEREAS, the subject property is located at 10191 Brook Ridge Lane and 24960,24944 and 24901 Paradise Road, Bonita Springs, Florida, and is described more particularly as:

"See Exhibit A"

WHEREAS, a Public Hearing was advertised and heard on April 3, 2003 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case No. DCI 2002-00024 who gave full consideration to the evidence available and recommended APPROVAL; 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 March 17, 2003 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 513 ± acres from Agriculture District (AG-2), Residential Planned Development (RPD), and

Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) with the following conditions and deviations:

Conditions

1. The development of this project must be consistent with the three-page Master Concept Plan entitled "Tesone MPD," stamped received MAR 07, 2003, except as modified by the conditions below. This development must comply with all requirements of the City of 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.

Site Development Conditions on Sheet 1 of 3 of the Master Concept Plan must also be adhered to as part of this development.

The developer must demonstrate during the local development order process compliance with the densities and intensities of the Comprehensive Plan. This will include a running total of residential units applied for within each of the land use categories of the Comprehensive Plan and the calculation of Floor Area Ratio for nonresidential uses.

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

- a. **Schedule of Uses**

RESIDENTIAL - "R"

ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., and 34-3106)

ADMINISTRATIVE OFFICES (subject to Note (1) of LDC Section 34-934)

DWELLING UNIT:

Single-family

Duplex

Two-family attached

Townhouse

Multiple-family building

Patio Home (as in Typical Lot Details shown on Page 2 of 3 of the approved Master Concept Plan)

ENTRANCE GATES AND GATEHOUSE (LDC Section 34-1741 et seq.)

ESSENTIAL SERVICES (LDC §§34-1611 et seq., and 34-1741 et seq.)

ESSENTIAL SERVICE FACILITIES (LDC §34-622(c)(13)): Group I (LDC §§34-1611 et seq., 34-1741 et seq., and 34-2141 et seq.)

EXCAVATION: Water retention (LDC §34-1651)

FENCES, WALLS (LDC §34-1741)

HOME OCCUPATION (LDC §34-1771 et seq.)

MODELS:

Model home (LDC §34-1951 et seq.)

Model unit (LDC §34-1951 et seq.)

PARKING LOT: Accessory

REAL ESTATE SALES OFFICE, (LDC §§34-1951 et seq., and 34-3021)

Real estate sales offices in residential areas are limited to sales of lots, homes or units within the development, except as may be permitted in section 34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension at the same location.

RECREATIONAL FACILITIES:

Personal (subject to Note (1) of LDC Section 34-934)

Private, On-Site (subject to Note (1) of LDC §34-934)

RESIDENTIAL ACCESSORY USES (LDC §34-622(c)(42) and §34-1171 et seq.)

SIGNS in accordance with chapter 30 and Condition 19 herein

TEMPORARY USES (LDC §34-3041 et seq.) - limited to construction/sales trailer

COMMERCIAL - "C"

ALL USES ALLOWED IN RESIDENTIAL - "R" (in this development)

ADMINISTRATIVE OFFICES (subject to Note (1) of LDC §34-934)

ANIMALS: Clinic

BANKS AND FINANCIAL ESTABLISHMENTS (LDC §34-622(c)(3)): Group I

BOATS: Boat parts store

BUSINESS SERVICES (LDC §34-622(c)(5)): Group I

CLEANING AND MAINTENANCE SERVICES (LDC §34-622(c)(7))

CLOTHING STORES, general (LDC §34-622(c)(8))

CLUBS:

Fraternal

Membership organization (LDC §34-2111)

CONSUMPTION ON PREMISES (LDC §34-1261 et seq.), outdoor seating
subject to special exception approval

CONTRACTORS AND BUILDERS (LDC §34-622(c)(9)), Group I (LDC
§§34-1352, 34-3001 et seq.)

CULTURAL FACILITIES (LDC §34-622(c)(10))

DAY CARE CENTER, CHILD, ADULT

DEPARTMENT STORE

DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE

DRUGSTORE

EMERGENCY MEDICAL SERVICE (ambulance station)

ESSENTIAL SERVICES (LDC §§34-1611 et seq., and 34-1741 et seq.)

EXCAVATION: Water retention (LDC §34-1651)

FOOD AND BEVERAGE SERVICE, LIMITED

FOOD STORES (LDC §34-622(c)(16)): Groups I and II

GOVERNMENT MAINTENANCE FACILITY

HARDWARE STORE

HEALTH CARE FACILITIES (LDC §34-622(c)(20)): Group III

HOBBY, TOY AND GAME SHOPS (LDC §34-622(c)(21))

HOUSEHOLD AND OFFICE FURNISHINGS (LDC §34-622(c)(22)),
Groups I and II

LAUNDRY OR DRY CLEANING (LDC §34-622(c)(24)): Group I

LAWN AND GARDEN SUPPLY STORES (LDC §34-2081)
 MEDICAL OFFICE
 NONSTORE RETAILERS (LDC §34-622(c)(30)), Group I
 PACKAGE STORE (LDC §34-1261 et seq.)
 PARKING LOT: Accessory
 PERSONAL SERVICES (§34-622(c)(33)): All Groups, excluding massage parlors
 PET SERVICES
 PET SHOP
 PHARMACY
 POST OFFICE
 RECREATION, COMMERCIAL (LDC §34-622(c)(38)): Group I
 RECREATIONAL FACILITIES:
 Personal (subject to Note (1) of LDC Section 34-934)
 Private, On-Site (subject to Note (1) of LDC §34-934)
 RELIGIOUS FACILITIES (LDC §34-2051 et seq.)
 RENTAL OR LEASING ESTABLISHMENT (LDC §34-622(c)(39)): Groups I and II
 (LDC §§34-1201 et seq., 34-1352, and 34-3001 et seq.)
 REPAIR SHOPS (§34-622(c)(40)): Groups I and II
 RESTAURANTS (LDC §34-622(c)(43)): Groups I, II, and III
 SCHOOLS:
 Commercial (LDC Section 34-622(c)(45)) (LDC Section 34-2381)
 Noncommercial (LDC Section 34-2381)
 SIGNS in accordance with chapter 30 and Condition 19 herein
 SOCIAL SERVICES (LDC Section 34-622(c)(46)): Groups I and II
 SPECIALTY RETAIL SHOPS (LDC Section 34-622(c)(47)): All Groups
 STORAGE:
 Indoor only, (LDC Section 34-3001 et seq.)
 STUDIOS (LDC Section 34-622(c)(49))
 USED MERCHANDISE STORES (LDC Section 34-622(c)(54)): Group I

PRESERVE - "P"

ACCESSORY STRUCTURES - to include any building, structure, or impervious surface are including bikeways which are accessory to a use permitted by right in this category.

ESSENTIAL SERVICES

HIKING AND NATURE STUDY - including pedestrian boardwalks and hiking trails

PARKS: Group I

RECREATIONAL ACTIVITIES - to include boardwalks, paths, and passive recreation and that active recreation requiring little or no facilities, capital investment or alteration of the natural landscape

SIGNS in accordance with chapter 30 and Condition 19 herein

MIXED USE – "MU"

USES ALLOWED IN RESIDENTIAL - "R" (in this development)

ADMINISTRATIVE OFFICES (subject to Note (1) of LDC §34-934)

AGRICULTURE, temporary use only

ANIMALS: Clinic

BANKS & FINANCIAL ESTABLISHMENTS (LDC §34-622(c)(3)): Groups I and II
 BUSINESS SERVICES (LDC §34-622(c)(5)): Group I
 CARPORT, covered parking
 CAR WASH
 CLEANING AND MAINTENANCE SERVICES (LDC §34-622(c)(7))
 CLOTHING STORES, general (LDC §34-622(c)(8))
 CLUBS:
 Commercial
 Fraternal
 Membership organization (LDC §34-2111)
 CONSUMPTION ON PREMISES (LDC §34-1261 et seq.), outdoor seating
 subject to special exception approval
 CONVENIENCE FOOD AND BEVERAGE STORE
 CULTURAL FACILITIES (LDC §34-622(c)(10))
 DAY CARE CENTER, CHILD, ADULT
 DEPARTMENT STORE
 DRIVE-THROUGH FACILITY, accessory for any permitted use
 DRUGSTORE
 EMERGENCY MEDICAL SERVICE (ambulance station)
 ESSENTIAL SERVICES (LDC §§34-1611 et seq., and 34-1741 et seq.)
 EXCAVATION: Water retention (LDC §34-1651)
 FOOD AND BEVERAGE SERVICE, LIMITED
 FOOD STORES (LDC §34-622(c)(16)): Groups I and II
 GARAGE, public
 GOVERNMENT SERVICES
 HARDWARE STORE
 HEALTH CARE FACILITIES (LDC §34-622(c)(20)): Group III
 HOBBY, TOY AND GAME SHOPS (LDC §34-622(c)(21))
 INSURANCE COMPANIES
 LAUNDRY OR DRY CLEANING (LDC §34-622(c)(24)): Group I
 LAWN AND GARDEN SUPPLY STORES (LDC §34-2081)
 MUSIC STORE
 NONSTORE RETAILERS (LDC §34-622(c)(30)), All Groups
 OFFICES, medical
 PACKAGE STORE (LDC §34-1261 et seq.)
 PAINT, GLASS AND WALLPAPER STORE
 PERSONAL SERVICES (§34-622(c)(33)): All Groups, excluding massage
 parlors
 PET SERVICES
 PET SHOP
 PHARMACY
 RECREATION, COMMERCIAL (LDC §34-622(c)(38)): Groups I and II
 RECREATIONAL FACILITIES:
 Personal (subject to Note (1) of LDC Section 34-934)
 Private, On-Site (subject to Note (1) of LDC §34-934)
 Public (subject to Note (1) of LDC Section 34-934)
 RELIGIOUS FACILITIES (LDC §34-2051 et seq.)
 RENTAL OR LEASING ESTABLISHMENT (LDC §34-622(c)(39)): Groups I and II
 (LDC §§34-1201 et seq., 34-1352, and 34-3001 et seq.)

RESTAURANTS, Fast Food

RESTAURANTS (LDC §34-622(c)(43)): Groups I, II, and III

SCHOOLS:

Commercial (LDC Section 34-622(c)(45)) (LDC Section 34-2381)

Noncommercial (LDC Section 34-2381)

SELF-SERVICE FUEL PUMP STATION

SIGNS in accordance with chapter 30 and Condition 19 herein

SOCIAL SERVICES (LDC Section 34-622(c)(46)): Groups I and II

SPECIALTY RETAIL SHOPS (LDC Section 34-622(c)(47)): All Groups

STORAGE:

Indoor and enclosed only, (LDC Section 34-3001 et seq.)

STUDIOS (LDC Section 34-622(c)(49))

U.S. POST OFFICE AND ANNEX

VARIETY STORE

TEMPORARY USES (Construction trailer / Sales trailer)

b. Site Development Regulations

Approved regulations shall be those listed as Exhibit A to the staff report and incorporated herein as if set forth fully below.

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).

3. Commercial development on Commercial Parcel - B may not be permitted through the local development order process until the extension of Three Oaks Parkway has been completed through this project and traffic is allowed to use the road.

As part of any local development order for non-residential use on this parcel, the landscaping strip along Three Oaks Parkway, adjoining the 7-acre lake located west of Commercial Parcel - B must be no less than 30 feet wide and include no less than 10 trees with hedge per 100 lineal feet. The size and extent of plantings must be consistent with the City of Bonita Springs Land Development Code.

Any commercial development on Commercial Parcel – B must be situated so that it does not front Three Oaks Parkway and must be designed so as to create a visual buffer between the commercial development and Three Oaks Parkway. This may be achieved by a berm or by landscaping acceptable to staff at the time of local development order.

4. Prior to local development order approval, the development order plans must include an open space table tracking the development orders, which tracts require open space, and how it was provided. Commercial development is limited to thirty acres including the associated roads and surface water management areas. Residential development with single family lots less than 6,500 square, multifamily areas, and single family lots with greater than 45% lot coverage is limited to a total 40 acres including the

associated roads and surface water management areas. The required 25 acres of open space may be met on the project as a whole provided that a minimum of 10% open space is provided within each development tract.

5. A minimum of seventy-two (72) acres of wetland preserve and enhancement must be provided as delineated on the Master Concept Plan. If a boardwalk is placed in the nine (9) acre wetland adjacent to Tropic Acres Drive, it will be accessible to the public for educational and recreational purposes.
6. Prior to issuance of a certificate of compliance for any development order with single-family lots abutting a preserve, signs stating "Preserve Limits" must be installed on every other lot corner where the single-family lots abut any preserve. The development order plans must include the location and design of the signs.
7. Prior to local development order approval, the landscape plan must include a littoral planting plan in which the required littoral vegetation for each lake is clustered to create a marsh area. Twenty-five percent of the littoral plantings must be provided as native wetland trees within the marsh area. The trees must be a minimum 3-gallon container size and each tree will be equivalent to 10 littoral plants.
8. Prior to local development order approval, a copy of an informational pamphlet regarding living with alligators must be submitted for the Division of Environmental Sciences staff review and approval. The pamphlet must at a minimum provide a photo of an alligator, explain the hazards of approaching or feeding an alligator, and state that it is illegal to harass or feed an alligator. Florida Fish and Wildlife Conservation Commission brochures may be used.
9. The exact alignment of Three Oaks Parkway has not yet been established. If the exact location of the alignment (when established) only impacts the interior portion of this project, then the amendment of this planned development to accommodate this change can be approved through the administrative process, if available.

However if the changes in the alignment result in impacts to the perimeter of this project, thereby impacting adjoining properties, then amendment of this planned development must be achieved through the public hearing process.

10. Prior to issuance of the first Development Order (or any early work, clearing, filling permits) that is adjacent to or affects the onsite ditches, the developer must submit the following information for review and written approval by the City of Bonita Springs and the Lee County Natural Resources Division:
 - a. The developer must provide a HEC-RAS model for the conveyance of offsite drainage from under I-75 and around the development. The limits of the model must extend from just downstream of the Old US 41 culvert

to the upstream side of the I-75 culverts. The modeling results must demonstrate that the water surface elevations are at or below the lowest natural overbank elevation for that portion along the Rosemary Park subdivision and below the lowest proposed overbank elevations for the remaining portions and must utilize a minimum channel Mannings "n" value of 0.05.

- b. The design flows for the HEC-RAS model above are those produced by considering a one-half (1/2) foot of differential head under a submerged outlet condition (downstream water surface just at/above the top of box elevation) for the culverts under I-75 and that produced from the contributing portions of the development for a 25 year/3 day storm event.
- c. Similarly, the capacity of the culvert under Old US 41 is to be determined with the same hydraulic conditions as above. For flows greater than this amount, these flows will be routed to the northerly box culvert under Old US 41 at the FPL site. In conjunction with this item, the developer agrees to construct a conveyance system to divert flow to the north box culvert to limit the surcharge of the south box culvert. As such, prior to issuance of the Certificate of Compliance for the Development Order associated with the commercial areas along Old US 41 or that other the sales center or preliminary site work, this conveyance system must be constructed and operational. The City will maintain/improve the downstream conveyance from Old US 41 to the confluence at the railroad ditch to accommodate these flows.
- d. Plan and profile drawings (1=100H/1=2V) must be provided to show the invert profile, the water surface profile, and the lowest natural (or proposed) overbank elevation profile. Also, provide scaled and dimensioned cross sections (1=20H/1=2V) whether it is in its existing condition or as improved with property line and maintenance access locations shown. Limits of cross sections must extend at least 50 feet south of the developments southerly boundary. This is for the entire length of the conveyances associated with the offsite flows from under I-75 within the Tesone project.
- e. Prior to issuance of the first Certificate of Compliance for the Development Order containing the requested profiles and drawings for the ditch relocation, the developer must provide certified "as-built" plans of the constructed conveyances.
- f. The open channel conveyances for offsite flow must have a 15 foot (minimum) access way adjacent to and contiguous with the top of bank(s) and be shown on the plans and typical section(s).
- g. The developer or its assigns must dedicate a drainage easement to the City of Bonita Springs for all conveyances of offsite drainage around or through the development from top of bank to top of bank and include the maintenance accesses. No vegetative planting other than short grasses

is allowed within the easement area. The developer agrees to a monthly maintenance/mowing and to keep all exotic/emergent plants to less than one foot of height within the easement area in perpetuity. The city attorney must review said easement during the platting process. This same language must be contained within the Property Owners Association documents (e.g.; POA, etc).

11. That portion of Rosemary Canal that extends southward of the project boundary to Old US 41 that is within the ownership/control of the developer must include and be treated as those items 1 (a-g) above.
12. Provisions must be made to connect the northerly culvert under I-75 to the conveyance within the projects' boundary and through the future or conceptual areas. Coordination with the City of Bonita Springs and/or Lee County DOT will need to address this matter in conjunction with the Three Oaks Parkway construction. (See page 9 of 16: SWMP April 2002).
13. Prior to issuance of subsequent and related development orders or amendments that include those areas designated as future or conceptual areas, the developer must submit the following information for review and written approval by the City of Bonita Springs and the Lee County Natural Resources Division:
 - a. Provide a drainage area map for the area to the northwest (Tropic Acres) of the project. Show flow paths/arrows and subbasin areas and provide the associated hydrologic and hydraulic calculations.
 - b. The conveyance of stormwater through the conceptual area(s) from Tropic Acres must be provided by the use of multiple small bore culverts (i.e.; 24" or 30" equivalent) and be installed with an invert no lower than one foot below natural grade elevation (see page 6 of 16: SWMP April 2002).
 - c. Provide certified field cross sections that the Tropic Acres ditch as depicted in typical section "Q-Q" is in fact located as indicated, and will not be inadvertently filled. (See page 11 of 16: SWMP April 2002).
14. If the Level of Service for Old US 41 exceeds the requirements of Transportation Element, Policy 1.1.3, no additional development approvals can be obtained until the LOS of Old US 41 is in compliance with this Policy.
15. 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 LDC may be required to obtain a local development order.
16. Prior to the effective date of this Zoning Ordinance, the Master Concept Plan must be revised to show the exact location of all existing easements and platted lands, whether or not those easements are recorded, and how

those easements and platted lands are incorporated into the design of the proposed development. If the applicant alleges an easement has been extinguished or plat vacated prior to such final approval of this Ordinance, then the applicant must provide the City with appropriate confirmation of unencumbered ownership in the underlying fee of the property to the satisfaction of the City Attorney. This may be accomplished by submitting a Title Opinion by an attorney qualified to render such an opinion.

17. Construction traffic, except for public utilities (BSU, FP&L, Cable, telephone, etc.), which is necessary for this development, may only gain access to the site by Old U.S. 41 or through the Three Oaks Parkway South extension when completed.
18. 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 the following recognized national holidays: New Year's, Memorial Day, July 4th, Labor Day, Thanksgiving or Christmas Day.
19. Any sign(s) located on or adjacent to the Three Oaks Parkway is limited to monument type signs meeting the criteria established for signage along the Bonita Beach Road Corridor.
20. At time of construction of the roadway westerly from Three Oaks Parkway, the road will be extended approximately three hundred feet (300') past the proposed intersection as shown on the Master Concept Plan.

B. Deviations

Deviation 1 is approved, granting relief from LDC §10-329(e)(1)(a) which requires setbacks for lakes from rights-of-way; to allow measurement for the setbacks to be measured from edge of pavement or back of curb and allow the lake slopes to conform with the South Florida Water Management District, subject to adequate protection measures being included during the local development order process to protect wayward vehicles from entering the lake.

Deviation 2 is approved, granting relief from LDC §10-329(e)(4) which requires excavation to be sloped at 4:1 to a water depth of 4 feet below the dry season water table and 2:1 thereafter; to allow for lake slope to conform with the South Florida Water Management District.

Deviations 3 and 4 have been withdrawn by the applicant.

Deviation 5 is approved, granting relief from LDC §10-285 which requires a minimum of 125 foot spacing between driveway access to a local road; to allow connections for local streets and accessways for multiple family use only, subject to the following:

- a. The deviation applies only in those instances where the unit is served by a separate drive and garage accessing a private road or accessway. This deviation does not apply in the case of a parking lot.
- b. The speed on the street right-of-way or easement is 25 MPH or less.
- c. Visibility is in conformance with LDC Section 34-3131.
- d. If required, during the local development order process, traffic calming devices are provided.

Deviation 6 is approved, granting relief from LDC Section 10-291(c) which requires a project of this size to provide two (or more) means of ingress and egress; to allow only one means of ingress and egress, provided that adequate turnaround space is provided for emergency vehicles and a letter from the Bonita Springs Fire Control and Rescue District is provided prior to local development order approval.

Deviation 7 is approved, granting relief from LDC Section 10-296 Table 3 which requires a right-of-way width of 35 feet for a two-way closed drainage, rear lot drainage, or inverted crown; to allow a right-of-way to coincide with the back of curb, subject to the condition that the design continues to provide for adequate easements for public utilities and that there is a 27 foot front setback measured from any buildings to the edge of pavement.

Deviations 8, 9, and 10 have been withdrawn by the applicant.

Deviation 11 is approved, granting relief from LDC Section 34-2015(2)(c) which regulates stacked parking for multiple family units; to allow stacked parking for multi-family units that have a specific garage or driveway appurtenant to it, subject to the condition that adequate site visibility is provided to vehicles/drivers entering or leaving each driveway and such stacking does not block any pedestrian or bikeways.

Findings and Conclusions:

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

- 1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
- 2. The requested zoning, as conditioned, is compatible with existing or planned uses in the surrounding area.

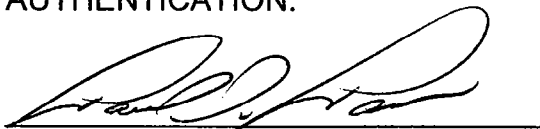
3. Approval of the request is not expected to place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Comprehensive Plan, are available and adequate to serve the proposed land use.
5. The proposed mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations 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.
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: EFFECTIVE DATE

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

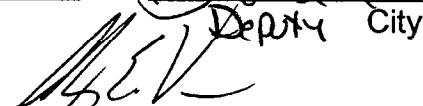
DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 27th day of May, 2003.

AUTHENTICATION:


Mayor


Deputy City Clerk

APPROVED AS TO FORM:


City Attorney

Vote:

Arend	AYE	Piper	ABSENT
Edsall	AYE	Wagner	ABSENT
Nelson	AYE	Warfield	ABSENT
Pass	AYE		

Date filed with City Clerk: 5/28/03

**LEGAL DESCRIPTION
TESONE MPD ZONING BOUNDARY
INCLUDING RIGHTS-OF-WAY
TO BE VACATED
BONITA SPRINGS, FLORIDA**

All those portions of Sections 23, 24, 25 and 26, Township 47 south, Range 25 east, Lee County, Florida, being more particularly described as follows:

Parcel 1

BEGIN at the southwest corner of Lot 14, according to the plat of Helfenstein Estate, as recorded in Plat Book 8, page 40 of the Public Records of Lee County, Florida; thence, S89°02'06"W, 25.00 feet to the center of the aforementioned Section 26; thence, along the westerly line of a 30 foot wide road right-way as shown on the plat of Rosemary Park No. 2, as recorded in Plat Book 6, page 30 of the aforementioned Public Records, S01°22'23"E, 464.73 feet to an intersection with the easterly right-of-way line of Old US 41 (Tamiami Trail) as depicted on Florida Department of Transportation right-of-way map section No. 1201-203 dated November 15, 1955; thence, along said easterly right-of-way line and along the arc of a non-tangent circular curve concave Southwesterly, having for its elements a radius of 1,692.02 feet, a central angle of 17°28'02", a chord distance of 513.84 feet, a chord bearing of N26°14'03"W, an arc distance of 515.83 feet; thence, along the south line of the northwest one-quarter of the aforementioned Section 26, N89°01'20"E, 7.61 feet; thence, along a line running perpendicular with said south line of the northwest one-quarter, N00°58'40"W, 25.00 feet to a point lying on the easterly right-of-way line of Old US 41 (Tamiami Trail) as depicted on Florida Department of Transportation right-of-way map section No. 1201-203 dated November 15, 1955; thence, along said easterly right-of-way line for the following five (5) courses:

1. N45°38'43"W, 155.07 feet;
2. along the arc of a non-tangent circular curve concave Southwesterly, having for its elements a radius of 1,692.02 feet, a central angle of 04°50'40", a chord distance of 143.02 feet, a chord bearing of N43°07'03"W, an arc distance of 143.06 feet;
3. N45°32'23"W, 389.45 feet;
4. S44°31'30"W, 5.00 feet;
5. N45°32'23"W, 587.89 feet;

thence, along the northerly line of Lot 3, according to the aforementioned plat of Helfenstein Estate, N44°31'22"E, 1,489.76 feet to a point lying on the westerly line of a fifty-foot road right-of-way as shown on said plat of Helfenstein Estate; thence, along a line running perpendicular with said westerly right of way line N88°35'03"E, 25.00 feet to the centerline of said fifty foot right-of-way; thence, along the centerline of said fifty foot road right-of-way N01°24'57"W, 1034.87 feet to an intersection with the north line of the northeast one-quarter of the aforementioned Section 26; thence, along said north line of the northeast one-quarter of Section 26, N82°52'51"E, ~~2,775.96 feet~~ 25.12 feet to an intersection with the easterly line of a fifty-foot road right-of-way way as shown on said plat of Helfenstein Estate; thence, continue along the north line of the northeast one-quarter of the aforementioned Section 26, N82°52'51"E, 2,775.96 feet to the northeast corner of said Section 26; thence, along the westerly line of the southwest one-quarter of the aforementioned Section 24, N01°15'53"W, 2,426.50 feet to the west one-quarter corner of said Section 24; thence, along the south line of the northeast one-quarter of the aforementioned Section 23, S85°50'32"W, 1,378.87 feet; thence, along the west line of the southeast one-quarter of the northeast one-quarter of said Section 23, N01°39'38"W, 312.45 feet; thence, along the north line of the south one-half of the south one-half of the southeast one-quarter of the northeast one-quarter,

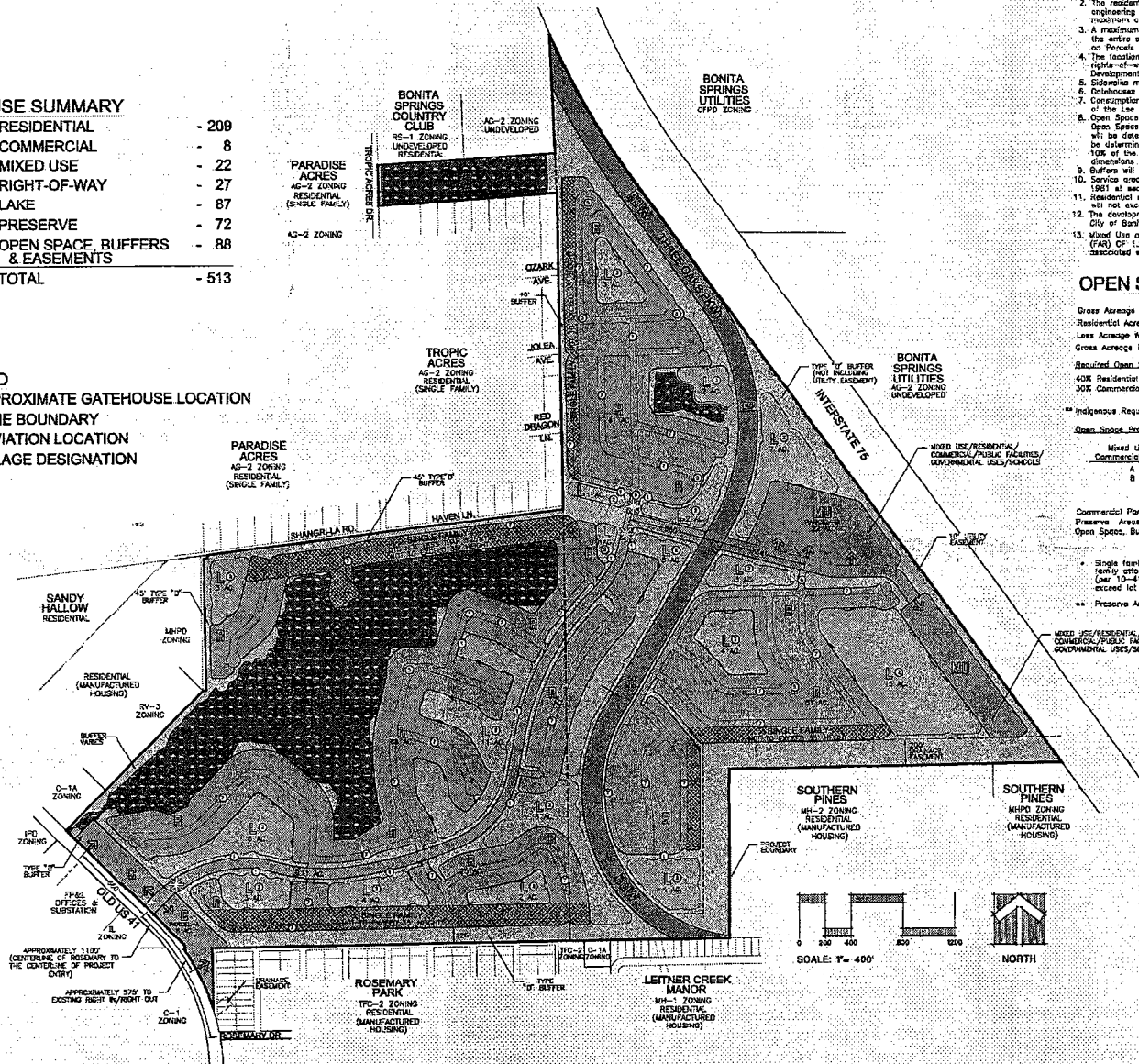
Naples Fort Myers Sarasota Bradenton Tampa Tallahassee

LAND USE SUMMARY

	RESIDENTIAL	- 209
	COMMERCIAL	- 8
	MIXED USE	- 22
	RIGHT-OF-WAY	- 27
	LAKE	- 87
	PRESERVE	- 72
	OPEN SPACE, BUFFERS & EASEMENTS	- 88
	TOTAL	- 513

LEGEND

- APPROXIMATE GATEHOUSE LOCATION
- ZONE BOUNDARY
- DEVIATION LOCATION
- VILLAGE DESIGNATION



SITE DEVELOPMENT CONDITIONS

- A maximum of 1,400 dwelling units are permitted within the Towne MPD Community.
- The residential unit mix is preliminary and subject to change due to marketing and engineering considerations. In no event, will the residential units be allowed to exceed a maximum of 1,400 dwelling units.
- A maximum of 90,000 square feet of retail and office space is permitted on the entire site with no more than 50,000 square feet of retail to be developed on parcels designated as "C" and "MU".
- The location, size and configuration of residential, commercial, buffers, lakes and rights-of-way may vary to accommodate SPWMD permitting and Lee County Development Order conditions.
- Sidewalks may be required within the rights-of-way easements.
- Detachments are to be located at various locations pursuant to LDC 34-1749.
- Consumption-on-premises may be allowed if utilized in compliance with Section 34-1264 of the Lee County Land Development Code.
- Open Space will be provided in compliance with LDC Section 34-414(c)(2). Refer to the Open Space Table. General open space location(s) within the individual commercial lots will be determined at time of development. Fulfillment of open space requirements shall be determined based on the entire GPD project. No commercial lot will provide less than 10% of the required open space on site. All open space shall comply with minimum dimensions as required by the Land Development Code.
- Buffers will be provided consistent with LDC Section 10-415.
- Service areas will be consistent with LDC Division 25 Off-Street Loading (Section 34-1961 et seq.).
- Residential structures located within 50 feet along the perimeter of the property boundary will not exceed 35 feet in height.
- The development will meet the buffering standards as provided in Section 10-416(d) of the City of Bonita Springs Land Development Code.
- Mixed Use areas: Non-residential uses shall be limited to a maximum floor area ratio (FAR) of 1.2. Non-residential uses does not include typical ancillary recreational uses associated with residential.

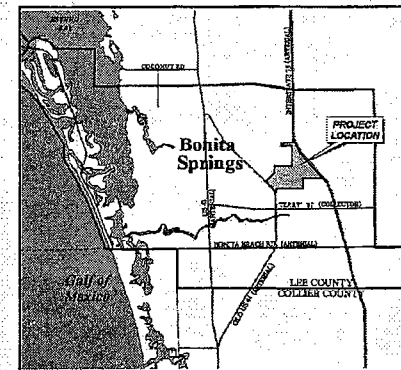
OPEN SPACE TABLE

	ACRES
Gross Acreage	513
Residential Acreage	209
Less Acreage Within "R"	187
Gross Acreage For Open Space Calculations	42
Required Open Space	
40% Residential Open Space Required by LDC (40% of 42)	16.8
20% Commercial Open Space Required by LDC (20% of 30)	9.0
Indigenous Required by LDC	25.8
Open Space Provided	12.8

Mixed Use & Commercial Parcels	Acres	Open Space	Percentages
A	3	0.8	10%
B	27	2.2	10%
		3.0	
Commercial Parcels			
Preserve Areas (100%)		3	7%
Open Space, Buffers & Easements		58	16%

- Single family detached on lots over 6500 sq. ft., duplexes on lots over 7500 sq. ft. and two (2) family attached lots over 3,750 square feet are exempt from open space requirements (per 10-414 (a) Open Space Requirement Table). 60% of single family units are projected to exceed lot size requirements.
- Preserve Area to satisfy indigenous requirements.

APPROVED
Master Concept Plan
Site Plan 20-03-0024 Page 1 of 3
Subject to conditions in Ordinance 20-03-706
Case # 20-2002-00024
CITY OF BONITA SPRINGS



LOCATION MAP

Notes:
1. All other land use conditions as specified within this document.
2. All other land use conditions as specified within this document.
3. All other land use conditions as specified within this document.
4. All other land use conditions as specified within this document.
5. All other land use conditions as specified within this document.
6. All other land use conditions as specified within this document.
7. All other land use conditions as specified within this document.
8. All other land use conditions as specified within this document.
9. All other land use conditions as specified within this document.
10. All other land use conditions as specified within this document.

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TESONE MPD
EXHIBIT M-F
MASTER CONCEPT PLAN
PREPARED FOR: CENTEX HOMES

PRINTED

MAR 8 6 2003
Wilson Miller, Inc.
4572 Colonial Boulevard
Fort Myers, Florida 33912

Reviewed by: [Signature]
SEC 143 TWP 47S RGE 25E
Designed by: [Signature]
Drawn by: DWP/SES
Checked by: SJO/ETS
Approved by: [Signature]
Date: 5/30/02
Scale: 1"=400'
P/N: 03867-000-001 20000
File #: D-3687-15

Sheet 1 of 3

**TESONE MPD PROPERTY
DEVELOPMENT REGULATIONS**

COMMERCIAL

MIXED USE - "MU"
MIXED USE/RESIDENTIAL/ COMMERCIAL

[illegible]

Mixed Use "MU" Matrix

[illegible]

SINGLE-FAMILY DETACHED

N.T.S.

10' REAR SETBACK

10' MINIMUM

20' FRONT SETBACK

5' SIDE SETBACK

12' FRONT SETBACK WITH SIDE ENTRY

RIGHT OF WAY & BACK OF CURB

PATIO HOME

N.T.S.

40' MINIMUM

10' REAR SETBACK

20' FRONT SETBACK

5' SIDE SETBACK

12' FRONT SETBACK WITH SIDE ENTRY

RIGHT OF WAY & BACK OF CURB

TWO FAMILY ATTACHED

N.T.S.

10' REAR SETBACK

MINIMUM .001

5' SIDE SETBACK

20' FRONT SETBACK

12' FRONT SETBACK WITH SIDE ENTRY

RIGHT OF WAY & BACK OF CURB

SIDE ENTRY UNIT

N.T.S.

12' FRONT SETBACK WITH SIDE ENTRY

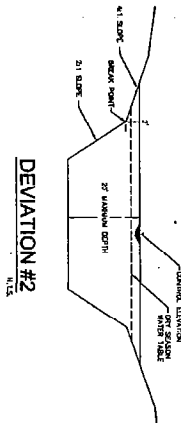
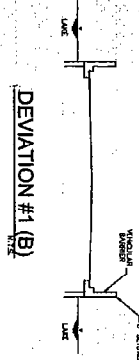
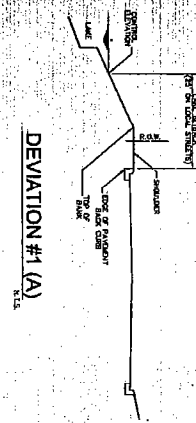
RIGHT OF WAY & BACK OF CURB

Scoring:	7-97
Score:	N.T.S.
PN:	05097-000-001 Z00000
File #:	D-3697-13

TESONE MPD

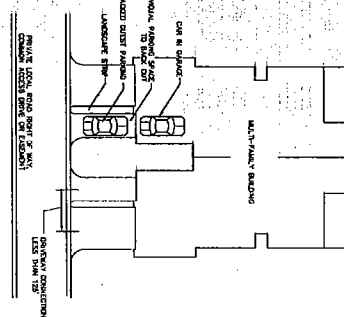
LIST OF DEVIATIONS

1. Deviation from LDC Section 10-329(a)(6), to show that setbacks from right-of-way are as follows:
 - a) Setbacks for excavations will be measured from edge of pavement or back of curb to edge of water control elevation.
 - b) Where adequate setbacks for the protection of exposed utilities are provided, a 0 foot setback from back of curb to edge of water control elevation will be provided.
2. Deviation from LDC Section 10-329(a)(4) which requires excavations to be sloped at four horizontal to one vertical to a water depth of four feet below the dry station water table and two horizontal to one vertical thereafter to allow for lake slope to conform with SFWD criteria. This deviation does not pertain to businesses.
3. Withdrawn
4. Withdrawn
5. Deviation from LDC Section 10-325 which requires a minimum of 125 foot spacing between driveway easements to a local road to allow two connections for local streets, and easements at a spacing less than 125 feet for multi-family only.
6. Deviation from LDC Section 10-321 (3) which requires, where practical, any residential development of at least 10 acres to provide two (2) or more means of ingress and egress to allow only one mean of ingress and egress.
7. Deviation from LDC Section 10-328(a), Table 3 (Specifications for Privately Maintained Streets) which requires a right-of-way width of 35 feet for a two-way divided driveway, near lot driveway, or fronted driveway, to allow a right-of-way width to coincide with the back of curb for local private roads.
8. Withdrawn
9. Withdrawn
10. Withdrawn
11. Deviation from LDC Section 34-2015(2)(c) to allow stacked parking on multi-family units that have a specific garage or driveway opportunity to it.

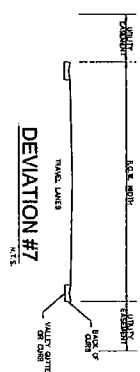


DEVIATION #3
WITHDRAWN

DEVIATION #4
WITHDRAWN



DEVIATION #6 - NO ILLUSTRATION



DEVIATION #8
WITHDRAWN

DEVIATION #9
WITHDRAWN

DEVIATION #10
WITHDRAWN

APPROVED
Master Control Plan
20-0304-Reg 3-4-2
Subject to conditions in Ordinance 20-0304
Case # DCA2002-10024
GIVE BACKS APPROVED

REF 2002-00024

TESONE MPD
EXHIBIT N-F
DEVIATION SKETCHES
PREPARED FOR: CENTEX HOMES

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